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TITLE XV NAVY ACTIVITIES ON THE ISLAND OF VIEQUES NAVAL ACTIVITY PUERTO
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TITLE XV--NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO

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SEC. 1501. ASSISTANCE FOR ECONOMIC GROWTH ON VIEQUES.

(a) **Authorization of Appropriations:** There is authorized to be appropriated to the Secretary of Defense for fiscal year 2000, \$40,000,000 to be used to provide economic assistance for the people and communities of the island of Vieques, Puerto Rico, in accordance with the terms and conditions of the Vieques supplemental appropriation.

(b) **Transfer Authority:** The Secretary of Defense may transfer amounts of authorizations made available to the Department of Defense in subsection (a) to any agency or office of the United States Government in order to implement the projects for which the Vieques supplemental appropriation is made available. The transfer authority under this section is in addition to any transfer authority provided in Public Law 106-65 or any other Act.

(c) **Notice to Congress:** The advance notice required by the Vieques supplemental appropriation of each proposed transfer shall also be submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(d) **Definition:** In this section, the term 'Vieques supplemental appropriation' means the paragraph under the heading 'Operation and Maintenance, Defense-Wide' in chapter 1 of title I of the Emergency Supplemental Act, 2000 (division B of Public Law 106-246; 114 Stat. 525).

SEC. 1502. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) **Conveyance Required:**

(1) **Property to be conveyed:** The Secretary of the Navy shall convey, without consideration, to the Municipality of Vieques, Puerto Rico, all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support Detachment located on the western end of the island of Vieques, Puerto Rico, except for--

(A) the property that is exempt from conveyance under section 1506;

(B) the property that is required to be transferred to the Secretary of the Interior under section 1508(a); and

(C) any property that is conveyed pursuant to section 1508(b).

(2) **Time for conveyance:** The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than May 1, 2001.

(b) **Description of Property:** The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under section 1508, shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a) including the legal description of any easements, rights of way, and other interests that are retained pursuant to section 1506.

(c) **Environmental Restoration:**

(1) **Objective of conveyance:** An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of the island of Vieques.

(2) **Conveyance despite response need:** If the Secretary of the Navy, by May 1, 2001, is unable to provide the covenant required by subparagraph (A)(ii)(I) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. Upon completion of such response actions, the Secretary shall execute and deliver to the transferee the warranty referred to in subparagraph (C)(iii) of such section. The completion of the response actions shall not be delayed on account of the conveyance.

(3) **Continued navy responsibility:** Consistent with existing Navy and legal requirements, the Secretary of the Navy shall remain responsible for the environmental condition of the property, and neither the Commonwealth of Puerto Rico nor the Municipality of Vieques shall be responsible for such condition existing at the time of the conveyance.

(4) **Savings clause:** All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(d) **Control of Conveyed Property:** The government of the Municipality of Vieques, acting through the elected

officials of that government, shall have the power to administer, manage, and control the property conveyed under subsection (a) in any manner determined by the government of the Municipality of Vieques as being most advantageous to the majority of the residents of the island of Vieques (consistent with the laws of the United States).

(e) Indemnification:

(1) **Entities and persons covered; extent:** (A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury 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 (after the conveyance is made under subsection (a)) of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico).

(ii) The Municipality of Vieques, Puerto Rico, and any other political subdivision of the Commonwealth of Puerto Rico that acquires such ownership or control (including any officer, agent, or employee of that Municipality or other political subdivision).

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) **Conditions on indemnification:** No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification--

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) **Responsibilities of secretary of defense:** (A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) **Accrual of action:** For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) **Relationship to other laws:** Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) **Definitions:** In this subsection, the terms 'hazardous substance', 'release', and 'pollutant or contaminant' have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

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SEC. 1503. DETERMINATION REGARDING CONTINUATION OF NAVY TRAINING.

(a) Referendum:

(1) **Requirement:** Except as provided in paragraph (2), the President shall provide for a referendum to be conducted on the island of Vieques, Puerto Rico, to determine by a majority of the votes cast in the referendum by the Vieques electorate whether the people of Vieques approve or disapprove of the continuation of the conduct of live-fire

training, and any other types of training, by the Armed Forces at the Navy's training sites on the island under the conditions described in subsection (d).

(2) **Exception:** If the Chief of Naval Operations and the Commandant of the Marine Corps jointly submit to the congressional defense committees, after the date of the enactment of this Act and before the date set forth in subsection (c), their certification that the Vieques Naval Training Range is no longer needed for training by the Navy and the Marine Corps, then the requirement for a referendum under paragraph (1) shall cease to be effective on the date on which the certification is submitted.

(b) **Prohibition of Other Propositions:** In the referendum under this section, no proposition or option may be presented as an alternative to the propositions of approval and of disapproval of the continuation of the conduct of training as described in subsection (a)(1).

(c) **Time for Referendum:** The referendum required under this section shall be held on May 1, 2001, or within 270 days before such date or 270 days after such date. The Secretary of the Navy shall publicize the date set for the referendum 90 days before that date.

(d) **Required Training Conditions:** For the purposes of the referendum under this section, the conditions for the continuation of the conduct of training are those that are proposed by the Secretary of the Navy and publicized on the island of Vieques in connection with, and for a reasonable period in advance of, the referendum. The conditions shall include the following:

(1) **Live-fire training:** A condition that the training may include live-fire training.

(2) **Maximum annual days of use:** A condition that the training may be conducted on not more than 90 days each year.

(e) **Proclamation of Outcome:** Promptly after the referendum is completed under this section, the President shall determine, and issue a proclamation declaring, the outcome of the referendum. The President's determination shall be final, and the outcome of the referendum (as so determined) shall be binding.

(f) **Vieques Electorate Defined:**

(1) **Registered voters:** In this section, the term 'Vieques electorate', with respect to a referendum under this section, means the residents of the island of Vieques, Puerto Rico, who, on both dates specified in paragraph (2), are registered to vote in a general election held for casting ballots for the election of the Resident Commissioner of the Commonwealth of Puerto Rico.

(2) **Registration dates:** The dates referred to in paragraph (1) are as follows:

(A) November 7, 2000.

(B) The date that is 180 days before the date of the referendum under this section.

SEC. 1504. ACTIONS IF TRAINING IS APPROVED.

(a) **Condition for Effectiveness:** This section shall take effect on the date on which the President issues a proclamation under subsection (e) of section 1503 declaring that the

continuation of the conduct of training (including live-fire training) by the Armed Forces at the Navy's training sites on the island of Vieques, Puerto Rico, under the conditions described in subsection (d) of such section, has been approved in the referendum conducted under such section.

(b) **Authorization of Appropriations for Additional Economic Assistance:** There is authorized to be appropriated to the President \$50,000,000 to provide economic assistance for the people and communities of the island of Vieques. This authorization of appropriations is in addition to the amount authorized to be appropriated to provide economic assistance under section 1501.

(c) **Training Range To Remain Open:** The Vieques Naval Training Range shall remain available for the use of the Armed Forces, including for live-fire training.

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SEC. 1505. REQUIREMENTS IF TRAINING IS NOT APPROVED OR MANDATE FOR REFERENDUM IS VITIATED.

(a) **Conditions for Effectiveness:** This section shall take effect on the date on which either of the following occurs:

(1) The President issues a proclamation under subsection (e) of section 1503 declaring that the continuation of the conduct of training (including live-fire training) by the Armed Forces at the Navy's training sites on the island of Vieques, Puerto Rico, under the conditions described in subsection (d) of such section, has not been approved in the referendum conducted under such section.

(2) The requirement for a referendum under section 1503 ceases to be effective pursuant to subsection (a)(2) of such section.

(b) **Actions Required of Secretary of Defense:**

(1) **Termination of operation:** Not later than May 1, 2003, the Secretary of Defense shall--

- (A) terminate all Navy and Marine Corps training operations on the island of Vieques; and
- (B) terminate all Navy and Marine Corps operations at Naval Station Roosevelt Roads, Puerto Rico, that are related exclusively to the use of the training range on the island of Vieques by the Navy and the Marine Corps.
- (2) **Relocation of units:** The Secretary of Defense may relocate the units of the Armed Forces (other than those of the reserve components) and activities of the Department of Defense (including nonappropriated fund activities) at Fort Buchanan, Puerto Rico, to Naval Station Roosevelt Roads, Puerto Rico, to ensure maximum utilization of capacity.
- (3) **Closure of installations and facilities:** The Secretary of Defense shall close the Department of Defense installations and facilities on the island of Vieques, other than properties exempt from conveyance and transfer under section 1506.
- (c) **Actions Required of Secretary of the Navy:** The Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior--
- (1) the Live Impact Area on the island of Vieques;
- (2) all Department of Defense real properties on the eastern side of the island that are identified as conservation zones; and
- (3) all other Department of Defense real properties on the eastern side of the island.
- (d) **Actions Required of Secretary of the Interior:**
- (1) **Retention and administration:** The Secretary of the Interior shall retain, and may not dispose of any of, the properties transferred under paragraphs (2) and (3) of subsection (c) and shall administer such properties as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) pending the enactment of a law that addresses the disposition of such properties.
- (2) **Responsibility for Live Impact Area:** Upon a termination of Navy and Marine Corps training operations on the island of Vieques under subsection (b)(1), the Secretary of the Interior shall assume responsibility for the administration of the Live Impact Area, administer that area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), and deny public access to the area.
- (3) **Live Impact Area Defined:** In this section, the term 'Live Impact Area' means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.
- (e) **GAO Review:**
- (1) **Requirement for review:** The Comptroller General shall review the requirement for the continued use of Fort Buchanan, Puerto Rico, by active Army forces and shall submit to the congressional defense committees a report containing--
- (A) the findings resulting from the review; and
- (B) recommendations regarding the closure of Fort Buchanan and the consolidation of units of the Armed Forces to Naval Station Roosevelt Roads, Puerto Rico.
- (2) **Time for submittal of report:** The Comptroller General shall submit the report under paragraph (1) not later than one year after the date on which the referendum under section 1503 is conducted or one year after the date on which a certification is submitted to the congressional defense committees under subsection (a)(2) of such section, as the case may be.
- SEC. 1506. CERTAIN PROPERTIES EXEMPT FROM CONVEYANCE OR TRANSFER.**
- (a) **Exempt Property:** The Department of Defense properties and property interests described in subsection (b) may not be conveyed or transferred out of the Department of Defense under this title.
- (b) **Properties Described:** The exemption under subsection (a) applies to the following Department of Defense properties and property interests on the island of Vieques, Puerto Rico:
- (1) **ROTHR site:** The site for relocatable over-the-horizon radar.
- (2) **Telecommunications sites:** The Mount Pirata telecommunications sites.
- (3) **Associated interests:** Any easements, rights-of-way, and other interests in property that the Secretary of the Navy determines necessary for--
- (A) ensuring access to the properties referred to in paragraphs (1) and (2);
- (B) providing utilities for such properties;
- (C) ensuring the security of such properties; and
- (D) ensuring effective maintenance and operations on such properties.
- (4) **Remediation activities:** Any easements, rights-of-way, and other interests in property that the Secretary of the Navy determines necessary for protecting human health and the environment in the discharge of the Secretary's responsibilities for environmental remediation under section 1502(c), until such time as these responsibilities are completed.

SEC. 1507. MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN.

(a) **In General:** Except as provided in subsection (b), no acquisition, construction, conversion, rehabilitation, extension, or improvement of any facility at Fort Buchanan, Puerto Rico, may be initiated or continued on or after the date of the enactment of this Act.

(b) **Exceptions:** The prohibition in subsection (a) does not apply to the following:

- (1) Actions necessary to maintain the existing facilities (including utilities) at Fort Buchanan.
- (2) The construction of reserve component and nonappropriated fund facilities authorized before the date of the enactment of this Act.

(c) **Termination:** This section shall cease to be effective upon the issuance of a proclamation described in section 1504(a) or the enactment of a law, after the date of the enactment of this Act, that authorizes any acquisition, construction, conversion, rehabilitation, extension, or improvement of any facility at Fort Buchanan, Puerto Rico.

SEC. 1508. TRANSFER AND MANAGEMENT OF CONSERVATION ZONES.

(a) **Transfer to Secretary of the Interior:**

(1) **Transfer required:** Except as provided in section 1506, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior all Department of Defense real properties on the western end of the Vieques Island, consisting of a total of approximately 3,100 acres, that are designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy.

(2) **Time for transfer:** The Secretary of the Navy shall complete the transfer required by paragraph (1) not later than May 1, 2001.

(b) **Conveyance to Conservation Trust:**

(1) **Conveyance required:** Except as provided in section 1506 and subject to paragraph (2), the Secretary of the Navy shall convey, without consideration, to the Puerto Rico Conservation Trust the additional Conservation Zones, consisting of a total of approximately 800 acres, identified in Alternative 1 in the Draft Environmental Assessment for the proposed transfer of Naval Ammunition Support Detachment property, Vieques, Puerto Rico, prepared by the Department of the Navy, as described in the Federal Register of August 28, 2000 (65 Fed. Reg. 52100).

(2) **Time for conveyance:** The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than May 1, 2001, except that paragraph (1) shall apply only to those portions of the lands described in such paragraph that the Commonwealth of Puerto Rico, the Secretary of the Interior, and the Puerto Rico Conservation Trust mutually agree, before that date, to--

(A) include in the cooperative agreement under subsection (d)(1); and

(B) manage under standards consistent with the standards in subsection (c) applicable to the lands transferred under subsection (a).

(c) **Administration of Properties as Wildlife Refuges:** The Secretary of the Interior shall administer as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) the Conservation Zones transferred to the Secretary under subsection (a).

(d) **Cooperative Agreement:**

(1) **Required; parties:** The Secretary of the Interior shall manage the Conservation Zones transferred under subsection (a) pursuant to a cooperative agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(2) **Inclusion of adjacent areas:** Areas adjacent to the Conservation Zones transferred under subsection (a) shall be considered for inclusion under the cooperative agreement. Subject to the mutual agreement of the Commonwealth of Puerto Rico, the Secretary of the Interior, and the Puerto Rico Conservation Trust, such adjacent areas may be included under the cooperative agreement, except that the total acreage so included under this paragraph may not exceed 800 acres. This determination of inclusion of lands shall be incorporated into the cooperative agreement process as set forth in paragraph (4).

(3) **Sea grass area:** The Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy, shall be included in the cooperative agreement to be protected under the laws of the United States and the laws of the Commonwealth of Puerto Rico.

(4) **Management purposes:** All lands covered by the cooperative agreement shall be managed to protect and preserve the natural resources of the lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the cooperative agreement, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) **Completion and Implementation:** The cooperative agreement shall be completed not later than May 1, 2001. The Secretary of the Interior shall implement the terms and conditions of the cooperative agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

SEC. 2102. FAMILY HOUSING.

(a) **Construction and Acquisition:** Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	75 Units	\$24,000,000
Arizona	Fort Huachuca	110 Units	\$16,224,000
California	Fort Irwin	24 Units	\$4,700,000
Hawaii	Schofield Barracks	72 Units	\$15,500,000
Kentucky	Fort Campbell	184 Units	\$27,800,000
Maryland	Fort Detrick	48 Units	\$5,600,000
Missouri	Fort Leonard Wood	24 Units	\$4,150,000
North Carolina	Fort Bragg	160 Units	\$22,000,000
South Carolina	Fort Jackson	1 Unit	\$250,000
Texas	Fort Bliss	64 Units	\$10,200,000
Virginia	Fort Lee	52 Units	\$8,600,000
Korea	Camp Humphreys	60 Units	\$21,800,000
Puerto Rico	Fort Buchanan	31 Units	\$5,000,000
Total:			\$165,824,000

(b) **Planning and Design:** Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$6,542,000.