

**AMENDMENT TO H.R. 4310, AS REPORTED  
OFFERED BY MR. PIERLUISI OF PUERTO RICO**

At the end of subtitle B of title III, add the following new section:

1 **SEC. 3\_\_\_. SENSE OF CONGRESS REGARDING DECON-**  
2 **TAMINATION OF FORMER BOMBARDMENT**  
3 **AREA ON ISLAND OF CULEBRA, PUERTO**  
4 **RICO.**

5 (a) FINDINGS.—The Congress finds the following—

6 (1) Section 2815 of the Ike Skelton National  
7 Defense Authorization Act for Fiscal Year 2011  
8 (Public Law 111–383; 124 Stat. 4464) requires the  
9 Secretary of Defense within 270 days of receiving a  
10 request from the government of Puerto Rico, to con-  
11 duct a study assessing the presence of unexploded  
12 ordnance, and any threat to public health, public  
13 safety and the environment posed by such  
14 unexploded ordnance, in the portion of the former  
15 bombardment area on the island of Culebra, Puerto  
16 Rico, that was transferred to the government of  
17 Puerto Rico by quitclaim deed on August 11, 1982.

1           (2) On April 25, 2011, the Governor of Puerto  
2 Rico formally requested by letter that the Secretary  
3 of Defense commence this study.

4           (3) On May 25, 2011, the Deputy Under Sec-  
5 retary of Defense for Installations and Environment  
6 acknowledged receipt of the Governor's letter on be-  
7 half of the Secretary of Defense, and affirmed that  
8 the Department of Defense would conduct the study  
9 in accordance with such section 2815 and provide  
10 the final report to Congress no later than 270 days  
11 from the date of the Governor's letter.

12           (4) January 20, 2012, marked the date 270  
13 days after the Governor's letter of April 25, 2011.

14           (5) Section 204(c) of the Military Construction  
15 Authorization Act, 1974 (Public Law 93-166; 87  
16 Stat. 668) stated that "the present bombardment  
17 area on the island of Culebra shall not be utilized  
18 for any purpose that would require decontamination  
19 at the expense of the United States." The Depart-  
20 ment of Defense has interpreted this provision to  
21 constitute a permanent prohibition on the use of  
22 Federal funds in the area of Culebra referenced in  
23 such section to pay for decontamination and removal  
24 of unexploded ordnance, although it may be war-

1       ranted to protect public health, public safety, and  
2       the environment.

3       (b) SENSE OF CONGRESS.—It is the sense of Con-  
4       gress that—

5           (1) the Secretary of Defense should expedi-  
6       tiously submit to the Committees on Armed Services  
7       of the Senate and House of Representatives the final  
8       report prepared in accordance with section 2815 of  
9       the Ike Skelton National Defense Authorization Act  
10      for Fiscal Year 2011 (Public Law 111–383; 124  
11      Stat. 4464);

12          (2) if that report indicates that decontamina-  
13      tion and removal of unexploded ordnance in the por-  
14      tion of the former bombardment area on Culebra  
15      that was transferred to the government of Puerto  
16      Rico by quitclaim deed on August 11, 1982, could  
17      be conducted at reasonable cost to the Federal Gov-  
18      ernment, it is appropriate for Congress to amend  
19      section 204(c) of the Military Construction Author-  
20      ization Act, 1974 (Public Law 93–166; 87 Stat.  
21      668) to authorize such decontamination and removal  
22      of unexploded ordnance; and

23          (3) any removal of unexploded ordnance should  
24      be accomplished pursuant to the normal  
25      prioritization process established by the Department

1 of Defense under the Military Munitions Response  
2 Program within the Defense Environmental Restora-  
3 tion Program.

