

whose injury or death gave rise to the action was a United States citizen at the time the conduct causing such injury or death occurred;

“(B) the court shall decline to hear a claim under this paragraph if the claimant has not exhausted adequate and available remedies in the places in which the conduct giving rise to the claim occurred; and

“(C) STATUTE OF LIMITATIONS.—An action under this paragraph shall not be maintained unless the cause of action is brought within 18 months after the date of enactment of this paragraph.

For purposes of paragraph (7), the term ‘act of genocide’ means conduct that would be a violation of section 1091 of title 18 if committed in the United States.”.

**SEC. 2. EXCEPTION TO IMMUNITY FROM ATTACHMENT.**

(a) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(1) by striking the period at the end of paragraph (6) and inserting in lieu thereof “, or”; and

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

“(7) the judgment relates to a claim for which the foreign state is not immune by virtue of section 1605(a)(7) of this chapter, regardless of whether the property is or was involved in the act upon which the claim is based.”.

(b) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(1) by striking “or (5)” and inserting in lieu thereof “(5), or (7)”; and

(2) by striking “used for the activity” and inserting in lieu thereof “involved in the act”.

**SEC. 3. APPLICABILITY.**

The amendments made by this Act shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: “A bill to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture, extrajudicial killing, or genocide occurring in that state.”.

A motion to reconsider the votes whereby the bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

122.32 FCC AUTHORIZATION

On motion of Mr. MARKEY, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 4522) to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

When said bill was considered and read twice.

Mr. MARKEY submitted the following amendment in the nature of a substitute which was then agreed to:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Communications Commission Authorization Act of 1994”.

**SEC. 2. EXTENSION OF AUTHORITY.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated for the administration of this Act by the Commission \$186,000,000 for fiscal year 1995, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1995. Of the sum appropriated in each fiscal year under this section, a portion, in an amount determined under section 9(b), shall be derived from fees authorized by section 9.”.

(b) TRAVEL AND REIMBURSEMENT PROGRAM.—Subsection (g) of section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(1) by striking paragraph (2), and

(2) by redesignating paragraph (3) as (2).

(c) COMMUNICATIONS SUPPORT FROM OLDER AMERICANS.—Section 6(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) as amended by striking “fiscal years 1992 and 1993” and inserting “fiscal year 1995”.

(d) HAWAII MONITORING STATION.—Section 9(a) of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3024) is amended by striking “1991, 1992, 1993, and 1994” and inserting “1995.”.

**SEC. 3. APPLICATION FEES.**

(a) SCHEDULE OF APPLICATION FEES FOR PCS.—The schedule of application fees in section 8(g) of such Act is amended by adding, at the end of the portion under the heading “COMMON CARRIER SERVICES”, the following new item:

“23. Personal communications services	
“a. Initial or new application .....	230
“b. Amendment to pending application.	35
“c. Application for assignment or transfer of control.	230
“d. Application for renewal of license.	35
“e. request for special temporary authority.	200
“f. Notification of completion of construction.	35
“g. Request to combine service areas.	50”.

(b) VANITY CALL SIGNS.—

(1) LIFETIME LICENSE FEES.—

(A) AMENDMENT.—The schedule of application fees in section 8(g) of such Act is further amended by adding, at the end of the portion under the heading “PRIVATE RADIO SERVICES”, the following new item:

“11. Amateur vanity call signs .... 150.00”.

(B) TREATMENT OF RECEIPTS.—Moneys received from fees established under the amendment made by this subsection shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Commission.

(2) TERMINATION OF ANNUAL REGULATORY FEES.—The schedule of regulatory fees in section 9(g) of such Act (47 U.S.C. 159(g)) is amended by striking the following item from the fees applicable to the Private Radio Bureau:

“Amateur vanity call-signs ..... 7”.

(c) DESCRIPTION OF APPLICATIONS FUNCTIONS.—Section 8(b) of such Act is amended by adding at the end the following new paragraph:

“(3) Any fees established under this section shall be assessed and collected to recover the costs of performing application activities, including all executive and legal costs incurred by the Commission in the discharge of these activities.”.

**SEC. 4. REGULATORY FEES.**

(a) EXECUTIVE AND LEGAL COSTS.—Section 9(a)(1) of the Communications Act of 1934 (47 U.S.C. 159(a)(1)) is amended by inserting before the period at the end the following: “, and all executive and legal costs incurred by the Commission in the discharge of these functions”.

(b) ESTABLISHMENT AND ADJUSTMENT.—Section 9(b) of such Act is amended—

(1) in paragraph (4)(B), by striking “90 days” and inserting “45 days”; and

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

“(5) EFFECTIVE DATE OF ADJUSTMENTS.—The Commission may continue to collect fees at the prior year’s rate until the effective date of any fee adjustment or amendment of that fee under this section.”

(c) REGULATORY FEES FOR SATELLITE TV OPERATIONS.—The schedule of regulatory fees in section 9(g) of such Act is amended, in the fees applicable to the mass media bureau, by inserting after each of the items pertaining to construction permits in the fees applicable to VHF commercial TV the following new item:

“Terrestrial television satellite operations ..... 500”.

(d) GOVERNMENTAL ENTITIES USE FOR COMMON CARRIER PURPOSES.—Section 9(h) of such Act is amended by adding at the end the following new sentence: “The exceptions provided by this subsection for governmental entities shall not be applicable to any services that are provided on a commercial basis in competition with another carrier.”.

(e) INFORMATION REQUIRED IN CONNECTION WITH ADJUSTMENT OF REGULATORY FEES.—Title I of such Act is amended—

(1) in section 9, by striking subsection (i); and

(2) by inserting after section 9 the following new section:

**“SEC. 10. ACCOUNTING SYSTEM AND ADJUSTMENT INFORMATION.**

“(a) ACCOUNTING SYSTEM REQUIRED.—The Commission shall develop accounting systems of the purposes of making any adjustments authorized by sections 8 and 9. The Commission shall annually prepare and submit to the Congress an analysis of such systems and shall annually afford interested persons the opportunity to submit comments concerning the allocation of the costs of performing the functions described in section 8(b)(3) and 9(a)(1).

“(b) INFORMATION REQUIRED IN CONNECTION WITH ADJUSTMENT OF APPLICATION AND REGULATORY FEES.—

“(1) SCHEDULE OF REQUESTED AMOUNTS.—No later than May 1 of each calendar year, the Commission shall prepare and transmit to the Committees of Congress responsible for the Commission’s authorization and appropriations a detailed schedule of the amounts requested by the President’s budget to be appropriated for the ensuing fiscal year for the activities described in sections 8(b)(3) and 9(a)(1), allocated by bureaus, divisions, and offices of the Commission.

“(2) EXPLANATORY STATEMENT.—If the Commission anticipates increases in the application fees or regulatory fees applicable to any applicant, licensee, or unit subject to payment of fees, the Commission shall submit to the Congress by May 1 of such calendar year a statement explaining the relationship between any such increases and either (A) increases in the amounts requested to be appropriated for Commission activities in connection with such applicants, licensees, or units subject to payment of fees, or (B) additional activities to be performed with respect to such applicants, licensees, or units.

“(3) DEFINITION.—For purposes of this subsection, the term ‘amount requested by the

President's budget' shall include any adjustments to such requests that are made by May 1 of such calendar year. If any such adjustment is made after May 1, the Commission shall provide such Committees with updated schedules and statements containing the information required by this subsection within 10 days after the date of any such adjustment."

#### SEC. 5. INSPECTION OF SHIP RADIO STATIONS.

(a) CONTRACTING OUT INSPECTIONS.—Section 4(f)(3) of the Communications Act of 1934 (47 U.S.C. 154(f)(3)) is amended by adding at the end the following: "Notwithstanding the preceding provisions of this paragraph, the Commission may designate an entity to make the inspections referred to in this paragraph instead of using engineers in charge, radio engineers, or other field employees."

(b) ANNUAL INSPECTION REQUIRED.—Section 362(b) of the Communications Act of 1934 (47 U.S.C. 360(b)) is amended—

(1) by striking "as may" in the third sentence and inserting "as the Commission determines to", and

(2) by striking "thereby" in the fourth sentence and all that follows and inserting the following: "thereby—

"(1) waive the annual inspection required under this section for a period of up to 90 days for the sole purpose of enabling a vessel to complete its voyage and proceed to a port in the United States where an inspection can be held, or

"(2) waive the annual inspection required under this section for a vessel that is in compliance with the radio provisions of the Safety Convention and that is operating solely in waters beyond the jurisdiction of the United States, but the inspection shall be performed within 30 days after the vessel's return to the United States."

(c) CONFORMING AMENDMENT.—Section 385 of the Communications Act of 1934 (47 U.S.C. 385) is amended—

(1) by inserting "or an entity designated by the Commission" after "Commission", and

(2) by striking out "as may" and inserting "as the Commission determines to".

#### SEC. 6. EXPEDITED ITFS PROCESSING.

Section 5(c)(1) of the Communications Act of 1934 (47 U.S.C. 155(c)(1)) is amended by striking the last sentence and inserting the following: "Except for cases involving the authorization of service in the Instructional Television Fixed Service, or as otherwise provided in this Act, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of title 5, United States Code, of any hearing to which such section applies."

#### SEC. 7. TARIFF REJECTION AUTHORITY.

SECTION 203(d) of the Communications Act of 1934 (47 U.S.C. 203(d)) is amended by inserting after the first sentence the following new sentences: "The Commission may, after affording interested parties an opportunity to comment, reject a proposed tariff filing in whole or in part, if the filing or any part thereof is patently unlawful. In evaluating whether a proposed tariff filing is patently unlawful, the Commission may consider additional information filed by the carrier or any interested party and shall presume the facts alleged by the carrier to be true."

#### SEC. 8. REFUND AUTHORITY.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section: "SEC. 230. REFUND AUTHORITY.

"In addition to any other provision of this Act under which the Commission may order refunds, the Commission may require by order the refund of such portion of any

charge by any carrier or carriers as results from a violation of sections 220 (a), (b), or (d) or 221 (c) or (d) or of any of the rules promulgated pursuant to such sections or pursuant to sections 215, 218, or 219. Such refunds shall be ordered only to the extent that the Commission or a court finds that such violation resulted in unlawful charges and shall be made to such persons or classes of persons as the Commission determines reasonably represent the persons from whom amounts were improperly received by reason of such violation. No refunds shall be required under this section unless—

"(1) the Commission issues an order advising the carrier of its potential refund liability and provides the carrier with an opportunity to file written comments as to why refunds should not be required; and

"(2) such order is issued not later than 5 years after the date the charge was paid.

In the case of a continuing violation, a violation shall be considered to occur on each date that the violation is repeated."

#### SEC. 9. LICENSING OF AVIATION, MARITIME, AND PERSONAL RADIO SERVICES BY RULE.

Section 307(e) of the Communications Act of 1934 (47 U.S.C. 307(e)) is amended to read as follows:

"(e)(1) Notwithstanding any license requirement established in this Act, if the Commission determines that such authorization serves the public interest, convenience, and necessity, the Commission may by rule authorize the operation of radio stations without individual licenses in the following radio services: (A) the personal radio services; (B) the aviation radio service for aircraft stations operated on domestic flights when such aircraft are not otherwise required to carry a radio station; and (C) the maritime radio service for ship stations navigated on domestic voyages when such ships are not otherwise required to carry a radio station.

"(2) Any radio station operator who is authorized by the Commission to operate without an individual license shall comply with all other provisions of this Act and with rules prescribed by the commission under this Act.

"(3) For purposes of this subsection, the terms 'personal radio services', 'aircraft station', and 'ship station' shall have the meanings given them by the Commission by rule, except that the term 'personal radio services' shall not include the amateur service."

#### SEC. 10. AUCTION TECHNICAL AMENDMENTS.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

"(1) by inserting "are authorized to remain available until expended and" after "Such offsetting collections" in the second sentence of subparagraph (B), and

"(2) by adding at the end thereof the following:

"(C) REVENUES ON DEPOSIT.—The Commission is authorized, based on the competitive bidding methodology selected, to provide for the deposit of monies for bids in an interest-bearing account until such time as the Commission accepts a deposit from the high bidder. All interest earned on bid monies received from the winning bidder shall be deposited into the general fund of the Treasury. All interest earned on bid monies deposited from unsuccessful bidders shall be paid to those bidders, less any applicable fees and penalties."

#### SEC. 11. FORFEITURES FOR VIOLATIONS IMPERILING SAFETY OF LIFE.

(a) ADMINISTRATIVE SANCTIONS.—Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(8) failure to comply with any requirement of this Act or the Commission's rule that imperils the safety of life."

(b) FORFEITURES.—Section 503(b)(1) of such Act (47 U.S.C. 503(b)(1)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting "; or"; and

(3) by adding after subparagraph (D) the following new subparagraph:

"(E) failed to comply with any requirement of this Act or the Commission's rule that imperils the safety of life;"

#### SEC. 12. USE OF EXPERTS AND CONSULTANTS.

Section 4(f)(1) of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end thereof the following: "The Commission may also procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily rate equivalent to the maximum rate payable for senior-level positions under section 5276 of title 5, United States Code."

#### SEC. 13. STATUTE OF LIMITATIONS FOR FORFEITURE PROCEEDINGS AGAINST COMMON CARRIERS.

Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "and is not a common carrier" after "title III of this Act" in subparagraph (B);

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following new subparagraph:

"(B) such person is a common carrier and the required notice of apparent liability is issued more than 5 years after the date the violation charged occurred; or"

#### SEC. 14. UTILIZATION OF FM BAND FOR ASSISTIVE DEVICES FOR HEARING IMPAIRED INDIVIDUALS.

Within 6 months after the date of enactment of this Act, the Federal Communications Commission shall report to the Congress on the existing and future use of the FM band to facilitate the use of auditory assistive devices for individuals with hearing impairments. In preparing such report, the Commission shall consider—

(1) the potential for utilizing FM band auditory assistive devices to comply with the Americans with Disabilities Act;

(2) the impact on such compliance of the vulnerability of such devices to harmful interference from radio licensees; and

(3) alternative frequency allocations that could facilitate such compliance.

#### SEC. 15. TECHNICAL AMENDMENT.

Section 302(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) is amended—

(1) in subparagraph (A), by striking "allocated to the domestic cellular radio telecommunications service" and inserting "utilized to provide commercial mobile service (as defined in section 332(d))"; and

(2) in subparagraph (C), by striking "cellular" and inserting "commercial mobile service".

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

### 122.33 STRATEGIC PETROLEUM RESERVE MANAGEMENT

On motion of Mr. SHARP, by unanimous consent, the bill of the Senate (S. 2466) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

### 122.34 MIDEWIN NATIONAL TALL GRASS PRAIRIE

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture, the Committee on Armed Services, and the Committee on Energy and Commerce were discharged from further consideration of the bill (H.R. 4946) to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

When said bill was considered and read twice.

Mr. DE LA GARZA submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1994".

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Transfer of management responsibilities and jurisdiction over the Arsenal.
- Sec. 4. Continuation of responsibility and liability of the Secretary of the Army for environmental cleanup.
- Sec. 5. Establishment of the Midewin National Tallgrass Prairie.
- Sec. 6. Disposal of certain real property at the Arsenal for a national veterans cemetery and a county landfill and to the Administrator of General Services.
- Sec. 7. Degree of environmental cleanup.

#### SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water

Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(7) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 5 and managed as a part of the National Forest System.

(8) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(9) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) The term "response action" has the meaning given such term by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

#### SEC. 3. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER THE ARSENAL.

(a) PRINCIPLES OF TRANSFER.—

(1) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

(2) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the MNP shall be transferred, without reimbursement, to the Secretary of Agriculture.

(3) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with section 5 establishing the MNP.

(4) SECURITY MEASURES.—The Secretary of the Army, the Secretary of Agriculture, and the Secretary of Veterans Affairs, shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(5) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the MNP is established.

(b) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the MNP is established.

(c) PHASED TRANSFER OF JURISDICTION.—Jurisdiction over lands comprising the Arsenal shall be transferred as follows:

(1) INITIAL TRANSFER.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d) and to the Secretary of Veterans Affairs pursuant to section 6(a)(2). In the case of the Arsenal property to be transferred to the Secretary of Agriculture, the Secretary of the Army shall transfer to the Secretary of Agriculture only those portions for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this paragraph.

(2) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer in accordance with section 6(b) to the Secretary of Agriculture any portion of the property generally identified in subsection (d) and not transferred pursuant to paragraph (1) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this paragraph, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this paragraph may be accomplished on a parcel-by-parcel basis. This paragraph, paragraph (1), and their requirements shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 4.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred under subsection (c) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 6.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

- (A) water treatment;
- (B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;
- (C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consist-