

**AMENDMENT TO H.R. 7900**  
**OFFERED BY MR. KAHELE OF HAWAII**

At the appropriate place in title XXVIII, insert the following:

1 **SEC. 28** \_\_\_\_ . **MĀKUA MILITARY RESERVATION.**

2 (a) STUDY OF THE COST TO MAKE THE MĀKUA  
3 MILITARY RESERVATION SUITABLE FOR HUMAN HABI-  
4 TATION.—

5 (1) STUDY REQUIRED.—The Secretary of De-  
6 fense, in collaboration with the State of Hawaii,  
7 shall conduct a study to—

8 (A) map out land hazards including—

9 (i) unexploded ordnance; and

10 (ii) other contaminants;

11 (B) determine an appropriate schedule,  
12 consistent with community standards, for the  
13 removal of such land hazards; and

14 (C) provide a cost estimate for the land re-  
15 mediation and restoration activities required to  
16 make the Mākua Military Reservation suitable  
17 for agriculture, residential use, and human hab-  
18 itation.

1 (2) REPORT REQUIRED.—Not later than one  
2 year after the date of the enactment of this Act, the  
3 Secretary, in collaboration with the State of Hawaii,  
4 shall submit to the Committees on Armed Services  
5 of the Senate and House of Representatives a report  
6 that contains the results of such study.

7 (b) CONVEYANCE OF THE MĀKUA MILITARY RES-  
8 ERVATION TO THE STATE OF HAWAII.—

9 (1) CONVEYANCE.—The United States, through  
10 the Secretary of Defense, shall convey and return,  
11 without consideration, to the State of Hawaii, all  
12 right, title, and interest of the United States in and  
13 to that parcel of property known as the Mākuā Mili-  
14 tary Reservation located in Oahu, Hawaii.

15 (2) DEADLINE.—Notwithstanding section  
16 120(h)(3)(A)(ii)(I) of the Comprehensive Environ-  
17 mental Response, Compensation, and Liability Act  
18 of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I)), the Sec-  
19 retary shall carry out the conveyance under para-  
20 graph (1) not later than 180 days after the date of  
21 the enactment of this Act.

22 (3) DESCRIPTION OF PROPERTY.—The exact  
23 acreage and legal description of the parcel of prop-  
24 erty to be conveyed under this section shall be deter-

1 mined by a survey that is satisfactory to the State  
2 of Hawaii after consultation with the Secretary.

3 (4) REPORT ON CONVEYANCE.—Not later than  
4 180 days after the conveyance under this section,  
5 and annually thereafter, the Secretary shall submit  
6 to the Committees on Armed Services of the Senate  
7 and House of Representatives a report on the com-  
8 pliance with the provisions of this section.

9 (c) MĀKUA MILITARY RESERVATION CONVEYANCE,  
10 REMEDIATION, AND ENVIRONMENTAL RESTORATION  
11 TRUST FUND.—

12 (1) ESTABLISHMENT OF TRUST FUND.—There  
13 is established in the Treasury of the United States  
14 a trust fund that shall be known as the “Mākua  
15 Military Reservation Conveyance, Remediation, and  
16 Environmental Restoration Trust Fund” (in this  
17 section referred to as the “Fund”), consisting of  
18 such sums as may be appropriated or credited to the  
19 Fund as provided in this section.

20 (2) TRANSFER TO THE FUND.—

21 (A) APPROPRIATIONS.—There are author-  
22 ized to be appropriated to the Fund such sums  
23 as may be necessary—

24 (i) to make the Mākua Military Res-  
25 ervation suitable for agriculture, residential

1 use, and human habitation, including any  
2 remedial actions under the Comprehensive  
3 Environmental Response, Compensation,  
4 and Liability Act of 1980 (42 U.S.C. 9620  
5 et seq.); and

6 (ii) to carry out this section.

7 (B) INVESTMENT YIELD.—There shall be  
8 deposited into the Fund any returns yielded  
9 from the investment of the sums appropriated  
10 to the Fund under subparagraph (A).

11 (3) EXPENDITURES FROM THE FUND.—  
12 Amounts in the Fund shall be made available pursu-  
13 ant to the terms of the Memorandum of Under-  
14 standing under paragraph (4).

15 (4) MEMORANDUM OF UNDERSTANDING.—

16 (A) IN GENERAL.—Not later than 180  
17 days after the date of the enactment of this  
18 Act, the Secretary of the Army, acting through  
19 the Chief of Engineers, shall enter into a  
20 Memorandum of Understanding with the State  
21 of Hawaii that shall govern—

22 (i) the study required under sub-  
23 section (a);

24 (ii) the conveyance required under  
25 subsection (b);

1 (iii) the timing, planning, method-  
2 ology, and implementation for the removal  
3 of—

4 (I) unexploded ordnance; and

5 (II) other contaminants; and

6 (iv) the use of the sums appropriated  
7 to the Fund under paragraph (2).

8 (B) CONSULTATION.—In carrying out sub-  
9 paragraph (A), with respect to the terms and  
10 conditions included in the Memorandum of Un-  
11 derstanding pursuant to clause (iii) of such sub-  
12 paragraph, the Secretary of the Army shall con-  
13 sult with Native Hawaiian organizations.

14 (C) ACCESS TO SITE.—Nothing in the  
15 Memorandum of Understanding may restrict  
16 access to the Mākua Military Reservation pur-  
17 suant to paragraph 13 of the settlement agree-  
18 ment and stipulated order of the United States  
19 District Court for the District of Hawaii exe-  
20 cuted on October 4, 2001 (Civil No. 00–00813  
21 SOM–LEK).

22 (d) DEFINITIONS.—In this section:

23 (1) The term “appropriate congressional com-  
24 mittees” means the Committees on Armed Services  
25 of the Senate and House of Representatives.

1 (2) The term “Native Hawaiian organization”  
2 has the meaning given such term—

3 (A) in section 6207 of the Native Hawai-  
4 ian Education Act (20 U.S.C. 7517); or

5 (B) in section 300314 of title 54, United  
6 States Code.

7 (3) The term “other contaminants” includes—

8 (A) improved conventional munitions;

9 (B) munitions waste;

10 (C) medical waste; and

11 (D) other hazardous materials introduced  
12 to the Mākua Military Reservation by the Sec-  
13 retary of Defense.

