

**AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. OSE OF CALIFORNIA**

At the end of part III of subtitle D of title XXVIII
(page 399, after line 7), insert the following new section:

1 **SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RA-**
2 **DIATION CENTER, CALIFORNIA.**

3 (a) CONVEYANCE AUTHORIZED.—Consistent with ap-
4 plicable laws, including section 120 of the Comprehensive
5 Environmental Response, Compensation, and Liability Act
6 of 1980 (42 U.S.C. 9620), the Secretary of the Air Force
7 may convey, without consideration, to the Regents of the
8 University of California, acting on behalf of the University
9 of California, Davis (in this section referred to as the “Re-
10 gents”), all right, title, and interest of the United States
11 in and to the parcel of real property, including improve-
12 ments thereon, consisting of the McClellan Nuclear Radi-
13 ation Center, California.

14 (b) INSPECTION OF PROPERTY.—The Secretary
15 shall, at an appropriate time before the conveyance au-
16 thorized by subsection (a), permit the Regents access to
17 the property to be conveyed for purposes of such investiga-
18 tion of the McClellan Nuclear Radiation Center and the
19 atomic reactor located at the Center as the Regents con-
20 sider appropriate.

1 (c) HOLD HARMLESS.—(1)(A) The Secretary may
2 not make the conveyance authorized by subsection (a) un-
3 less the Regents agree to indemnify and hold harmless the
4 United States for and against the following:

5 (i) Any and all costs associated with the decon-
6 tamination and decommissioning of the atomic reac-
7 tor at the McClellan Nuclear Radiation Center
8 under requirements that are imposed by the Nuclear
9 Regulatory Commission or any other appropriate
10 Federal or State regulatory agency.

11 (ii) Any and all injury, damage, or other liabil-
12 ity arising from the operation of the atomic reactor
13 after its conveyance under this section.

14 (B) The Secretary may pay the Regents an amount
15 not exceed \$17,593,000 as consideration for the agree-
16 ment under subparagraph (A). Notwithstanding sub-
17 section (b) of section 2906 of the Defense Base Closure
18 and Realignment Act of 1990 (part A of title XXIX of
19 Public Law 101–510; 10 U.S.C. 2687 note), the Secretary
20 may use amounts appropriated pursuant to the authoriza-
21 tion of appropriation in section 2405(a)(7) to make the
22 payment under this subparagraph.

23 (2) Notwithstanding the agreement under paragraph
24 (1), the Secretary may, as part of the conveyance author-
25 ized by subsection (a), enter into an agreement with the

1 Regents under which agreement the United States shall
2 indemnify and hold harmless the University of California
3 for and against any injury, damage, or other liability in
4 connection with the operation of the atomic reactor at the
5 McClellan Nuclear Radiation Center after its conveyance
6 under this section that arises from a defect in the atomic
7 reactor that could not have been discovered in the course
8 of the inspection carried out under subsection (b).

9 (d) CONTINUING OPERATION OF REACTOR.—Until
10 such time as the property authorized to be conveyed by
11 subsection (a) is conveyed by deed, the Secretary shall
12 take appropriate actions, including the allocation of per-
13 sonnel, funds, and other resources, to ensure the continu-
14 ing operation of the atomic reactor located at the McClel-
15 lan Nuclear Radiation Center in accordance with applica-
16 ble requirements of the Nuclear Regulatory Commission
17 and otherwise in accordance with law.

18 (e) DESCRIPTION OF PROPERTY.—The exact acreage
19 and legal description of the real property to be conveyed
20 under subsection (a) shall be determined by a survey satis-
21 factory to the Secretary. The cost of the survey shall be
22 borne by the Secretary.

23 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
24 retary may require such additional terms and conditions
25 in connection with the conveyance under subsection (a) as

1 the Secretary considers appropriate to protect the inter-
2 ests of the United States.