

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2144

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (legislative day, JANUARY 25), 1994

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To provide for the transfer of excess land to the Government  
of Guam, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Guam Excess Lands  
5 Act”.

6       **SEC. 2. TRANSFER.**

7       (a) IN GENERAL.—The Administrator of General  
8 Services shall, subject to section 3, transfer all right, title,  
9 and interest of the United States in and to the parcels  
10 of land described in subsection (b) (together with any im-  
11 provements thereon) to the Government of Guam for pub-  
12 lic benefit use, by quitclaim deed and without reimburse-

1 ment. Such transfers shall take place after a determina-  
 2 tion by the head of the Federal agency controlling a parcel  
 3 that the parcel is excess to the needs of such agency.

4 (b) DESCRIPTION OF PARCELS TO BE TRANS-  
 5 FERRED.—Unless a parcel of land described in this sub-  
 6 section has been disposed of under other authority on or  
 7 before the date of the enactment of this Act or is trans-  
 8 ferred for further Federal utilization as a result of the  
 9 screening required by section 3(a), the parcels of land re-  
 10 quired to be transferred under subsection (a) shall consist  
 11 of the following:

**Navy Parcels**

|  |           |
|--|-----------|
| South Finegayan .....                  | 445 acres |
| Nimitz Hill Parcels and 1 and 2B ..... | 208 acres |
| NAVMAG Parcel 1 .....                  | 144 acres |
| Apra Harbor Parcel 7 .....             | 73 acres  |
| Apra Harbor Parcel 8 .....             | 6 acres   |
| Apra Harbor Parcel 6 .....             | 47 acres  |
| Apra Harbor Parcel 9 .....             | 41 acres  |
| Apra Harbor Parcel 2 .....             | 30 acres  |
| Apra Harbor Parcel 1 .....             | 6 acres   |
| Asan Annex .....                       | 17 acres  |
| NAVCAMS Beach .....                    | 14 acres  |
| ACEORP Msui Tunnel .....               | 4 acres   |
| Agat Parcel 3 .....                    | 5 acres   |

**Air Force Parcels**

|   |           |
|---|-----------|
| Andersen South (portion of Anderson Admin. Annex) ..... | 395 acres |
| Camp Edusa (Family Housing Annex 1) .....               | 103 acres |
| Harmon Communication Annex No. 1 .....                  | 862 acres |
| Harmon Housing Annex No. 4 .....                        | 396 acres |
| Harmon POL Storage Annex No. 2 .....                    | 35 acres  |
| Harmon VOR Annex .....                                  | 308 acres |
| Harmon POL Storage Annex No. 1 .....                    | 14 acres  |
| Andersen Radio Beacon Annex .....                       | 23 acres  |

**Federal Aviation Administration Parcel**

|                                    |          |
|------------------------------------|----------|
| Talofoto “HH” Homer Facility ..... | 37 acres |
|------------------------------------|----------|

12 (c) LEGAL DESCRIPTIONS.—The exact acreages and  
 13 legal descriptions of all parcels of land to be transferred

1 under this Act shall be determined by surveys which are  
2 satisfactory to the head of the controlling Federal agency  
3 referred to in subsection (a). The cost of such surveys,  
4 together with all direct and indirect costs related to any  
5 conveyance under this section, shall be borne by such con-  
6 trolling Federal agency.

7 **SEC. 3. TERMS AND CONDITIONS.**

8 (a) FURTHER FEDERAL UTILIZATION SCREENING.—  
9 Parcels of land determined to be excess property pursuant  
10 to section 2 shall be screened for further Federal utiliza-  
11 tion in accordance with the Federal Property and Admin-  
12 istrative Services Act of 1949 (40 U.S.C. 471 et seq.) and  
13 such screening will be completed within 45 days after the  
14 date on which they are determined to be excess.

15 (b) APPRAISALS.—The Administrator shall promptly  
16 appraise those parcels that are not needed for further Fed-  
17 eral utilization to determine their estimated fair market  
18 value. The head of the Federal agency which controls such  
19 parcels shall cooperate with the Administrator in carrying  
20 out appraisals under this section. The Administrator shall  
21 submit a copy of the appraisals to the committees of the  
22 Congress specified in subsection (d). The cost of such ap-  
23 praisals shall be paid for under section 204(b) of the Fed-  
24 eral Property and Administrative Services Act of 1949 (40  
25 U.S.C. 485(b)).

1       (c) LAND USE PLAN.—The parcels of land to be  
2 transferred under this Act shall be eligible for transfer  
3 after the Government of Guam enacts legislation which es-  
4 tablishes a detailed plan for the public benefit use (includ-  
5 ing, but not limited to, housing, schools, hospitals, librar-  
6 ies, child care centers, parks and recreation, conservation,  
7 economic development, public health, and public safety) of  
8 such parcels and the Governor of Guam submits such plan  
9 to the committees of the Congress specified in subsection  
10 (d).

11       (d) SUBMISSIONS.—The appraisals and land use plan  
12 required to be submitted to the committees of the Con-  
13 gress under subsections (b) and (c) shall be submitted to  
14 the Committee on Natural Resources, the Committee on  
15 Armed Services, the Committee on Government Oper-  
16 ations and the Committee on Merchant Marine and Fish-  
17 eries of the House of Representatives and the Committee  
18 on Energy and Natural Resources, the Committee on  
19 Armed Services, and the Committee on Governmental Af-  
20 fairs of the Senate.

21       (e) REVIEW BY COMMITTEES.—Parcels of land may  
22 not be transferred under this Act until 180 days after the  
23 submission to the committees of the Congress specified in  
24 subsection (d) of—

1           (1) the appraisals provided for in subsection  
2           (b), and

3           (2) the land use plan provided for in subsection  
4           (c).

5           (f) GOVERNMENT OF GUAM LANDS WITHIN THE  
6 WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.—  
7 Parcels of land may not be transferred under this Act  
8 until after the Government of Guam enters into a coopera-  
9 tive agreement with the Secretary of the Interior, acting  
10 through the Director of the National Park Service, which  
11 grants to the Secretary, at no cost, the administrative ju-  
12 risdiction over all undeveloped lands within the boundary  
13 of the War in the Pacific National Historical Park, except  
14 those lands at Adelup Point, which are owned by the Gov-  
15 ernment of Guam. The lands covered by such cooperative  
16 agreement shall be managed in accordance with the gen-  
17 eral management plan of the park and in the same manner  
18 as lands within the park that are owned by the United  
19 States.

20 **SEC. 4. OBJECTS AFFECTING NAVIGABLE AIRSPACE.**

21           The conveyance document for any land transferred  
22 under this Act located within 6 nautical miles of an airport  
23 shall contain a provision that requires a determination of  
24 no hazard to air navigation to be obtained from the Fed-  
25 eral Aviation Administration in accordance with applicable

1 regulations governing objects affecting navigable airspace  
2 or under the authority of the Federal Aviation Act of 1958  
3 (Public Law 85–726, as amended) in order for construc-  
4 tion or alteration on the property to be permitted.

5 **SEC. 5. SEVERE CONTAMINATION.**

6 Notwithstanding any other provision of this Act, the  
7 Administrator of General Services, in his discretion, may  
8 choose not to transfer any parcel under this Act on which  
9 there is severe contamination, the remedy of which would  
10 require the United States to incur extraordinary costs.

11 **SEC. 6. APPLICATION OF FEDERAL AND TERRITORIAL**  
12 **LAWS.**

13 All Federal and territorial environmental laws and  
14 regulations shall apply to the parcels transferred pursuant  
15 to this Act during and after the transfer of such parcels.

Passed the House of Representatives January 26,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*