

**Calendar No. 168**

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1125**

**A BILL**

To authorize appropriations for fiscal year 1996 for  
military construction, and for other purposes.

AUGUST 7 (legislative day, JULY 10), 1995

Read twice and placed on the calendar

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### IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, JULY 10), 1995

Mr. THURMOND, from the Committee on Armed Services, reported the  
following original bill; which was read twice and placed on the calendar

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## A BILL

To authorize appropriations for fiscal year 1996 for military  
construction, 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 “Military Construction  
5        Authorization Act for Fiscal Year 1996”.

6        **SEC. 2. TABLE OF CONTENTS.**

7        The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Revision of fiscal year 1995 authorization of appropriations to clarify availability of funds for Large Anechoic Chamber, Patuxent River Naval Warfare Center, Maryland.
- Sec. 2206. Authority to carry out land acquisition project, Norfolk Naval Base, Virginia.
- Sec. 2207. Acquisition of land, Henderson Hall, Arlington, Virginia.

**TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

**TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Military housing private investment.
- Sec. 2403. Improvements to military family housing units.
- Sec. 2404. Energy conservation projects.
- Sec. 2405. Authorization of appropriations, Defense Agencies.
- Sec. 2406. Modification of authority to carry out fiscal year 1995 projects.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
INFRASTRUCTURE**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
- Sec. 2602. Reduction in amount authorized to be appropriated for fiscal year 1994 Air National Guard projects.

**TITLE XXVII—EXPIRATION AND EXTENSION OF  
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1993 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1992 projects.
- Sec. 2704. Effective date.

## TITLE XXVIII—GENERAL PROVISIONS

### Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Special threshold for unspecified minor construction projects to correct life, health, or safety deficiencies.
- Sec. 2802. Clarification of scope of unspecified minor construction authority.
- Sec. 2803. Temporary waiver of net floor area limitation for family housing acquired in lieu of construction.
- Sec. 2804. Reestablishment of authority to waive net floor area limitation on acquisition by purchase of certain military family housing.
- Sec. 2805. Temporary waiver of limitations on space by pay grade for military family housing units.
- Sec. 2806. Increase in number of family housing units subject to foreign country maximum lease amount.
- Sec. 2807. Expansion of authority for limited partnerships for development of military family housing.
- Sec. 2808. Clarification of scope of report requirement on cost increases under contracts for military family housing construction.
- Sec. 2809. Authority to convey damaged or deteriorated military family housing.
- Sec. 2810. Energy and water conservation savings for the Department of Defense.
- Sec. 2811. Alternative authority for construction and improvement of military housing.
- Sec. 2812. Permanent authority to enter into leases of land for special operations activities.
- Sec. 2813. Authority to use funds for certain educational purposes.

### Subtitle B—Defense Base Closure and Realignment

- Sec. 2821. In-kind consideration for leases at installations to be closed or realigned.
- Sec. 2822. Clarification of authority regarding contracts for community services at installations being closed.
- Sec. 2823. Clarification of funding for environmental restoration at installations approved for closure or realignment in 1995.
- Sec. 2824. Authority to lease property requiring environmental remediation at installations approved for closure.

### Subtitle C—Land Conveyances

- Sec. 2831. Land acquisition or exchange, Shaw Air Force Base, South Carolina.
- Sec. 2832. Authority for Port Authority of State of Mississippi to use certain Navy property in Gulfport, Mississippi.
- Sec. 2833. Conveyance of resource recovery facility, Fort Dix, New Jersey.
- Sec. 2834. Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia.
- Sec. 2835. Conveyance of water treatment plant, Fort Pickett, Virginia.
- Sec. 2836. Conveyance of electric power distribution system, Fort Irwin, California.
- Sec. 2837. Land exchange, Fort Lewis, Washington.

**Subtitle D—Transfer of Jurisdiction and Establishment of  
Midewin National Tallgrass Prairie**

- Sec. 2851. Short title.  
 Sec. 2852. Definitions.  
 Sec. 2853. Establishment of Midewin National Tallgrass Prairie.  
 Sec. 2854. Transfer of management responsibilities and jurisdiction over Arsenal.  
 Sec. 2855. Disposal for industrial parks, a county landfill, and a national veterans cemetery and to the Administrator of General Services.  
 Sec. 2856. Continuation of responsibility and liability of the Secretary of the Army for environmental cleanup.  
 Sec. 2857. Degree of environmental cleanup.

**Subtitle E—Other Matters**

- Sec. 2861. Department of Defense laboratory revitalization demonstration program.  
 Sec. 2862. Prohibition on joint civil aviation use of Miramar Naval Air Station, California.  
 Sec. 2863. Report on agreement relating to conveyance of land, Fort Belvoir, Virginia.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2 For purposes of this Act, the term “congressional de-  
 3 fense committees” means—

- 4 (1) the Committee on Armed Services and the  
 5 Committee on Appropriations of the Senate; and  
 6 (2) the Committee on National Security and the  
 7 Committee on Appropriations of the House of Rep-  
 8 resentatives.

**9 TITLE XXI—ARMY**

**10 SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND  
 11 ACQUISITION PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts  
 13 appropriated pursuant to the authorization of appropria-  
 14 tions in section 2104(a)(1), the Secretary of the Army  
 15 may acquire real property and carry out military construc-

1 tion projects for the installations and locations inside the  
 2 United States, and in the amounts, set forth in the follow-  
 3 ing table:

**Army: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Fort Huachuca .....	\$16,000,000
California .....	Fort Irwin .....	\$15,500,000
	Presidio of San Francisco .....	\$3,000,000
Colorado .....	Fort Carson .....	\$10,850,000
District of Columbia .....	Fort McNair .....	\$13,500,000
	Walter Reed Army Medical Center ...	\$4,300,000
Georgia .....	Fort Benning .....	\$37,900,000
	Fort Gordon .....	\$5,750,000
	Fort Stewart .....	\$8,400,000
Hawaii .....	Schofield Barracks .....	\$35,000,000
Kansas .....	Fort Riley .....	\$15,300,000
Kentucky .....	Fort Knox .....	\$5,600,000
New York .....	Watervliet Arsenal .....	\$680,000
North Carolina .....	Fort Bragg .....	\$29,700,000
Oklahoma .....	Fort Sill .....	\$6,300,000
South Carolina .....	Naval Weapons Station, Charleston .	\$25,700,000
	Fort Jackson .....	\$32,000,000
Texas .....	Fort Hood .....	\$32,500,000
	Fort Bliss .....	\$48,000,000
Virginia .....	Fort Eustis .....	\$16,400,000
Washington .....	Fort Lewis .....	\$32,100,000
CONUS Classified .....	Classified Location .....	\$1,900,000

4 (b) OUTSIDE THE UNITED STATES.—Using amount  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2104(a)(2), the Secretary of the Army  
 7 may acquire real property and carry out military construc-  
 8 tion projects for the installations and locations outside of  
 9 the United States, and in the amounts, set forth in the  
 10 following table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Korea .....	Camp Casey .....	\$4,150,000
	Camp Hovey .....	\$13,500,000
	Camp Pelham .....	\$5,600,000
	Camp Stanley .....	\$6,800,000
Overseas Classified .....	Classified Location .....	\$48,000,000
Worldwide .....	Host Nation Support .....	\$20,000,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
 3 amounts appropriated pursuant to the authorization of ap-  
 4 propriations in section 2104(a)(5)(A), the Secretary of the  
 5 Army may construct or acquire family housing units (in-  
 6 cluding land acquisition) at the installations, for the pur-  
 7 poses, and in the amounts set forth in the following table:

**Army: Family Housing**

State	Installations	Purpose	Amount
Alaska .....	Fort Wainwright .....	Whole neighbor- hood revital- ization.	\$7,300,000
New Mexico .....	White Sands Missile Range.	Whole neighbor- hood revital- ization.	\$3,400,000
New York .....	United States Military Academy, West Point.	119 Units .....	\$16,500,000
Washington .....	Fort Lewis .....	84 Units .....	\$10,800,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-  
 9 priated pursuant to the authorization of appropriations in  
 10 section 2104(a)(5)(A), the Secretary of the Army may  
 11 carry out architectural and engineering services and con-  
 12 struction design activities with respect to the construction  
 13 or improvement of family housing units in an amount not  
 14 to exceed \$2,340,000.

15 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 16 **UNITS.**

17 Subject to section 2825 of title 10, United States  
 18 Code, and using amounts appropriated pursuant to the  
 19 authorization of appropriations in sections 2104(a)(5)(A),  
 20 the Secretary of the Army may improve existing military

1 family housing units in an amount not to exceed  
2 \$26,212,000.

3 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

4 (a) IN GENERAL.—Funds are hereby authorized to  
5 be appropriated for fiscal years beginning after September  
6 30, 1995, for military construction, land acquisition, and  
7 military family housing functions of the Department of the  
8 Army in the total amount of \$2,019,358,000 as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2101(a),  
11 \$396,380,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2101(b),  
14 \$98,050,000.

15 (3) For unspecified minor construction projects  
16 authorized by section 2805 of title 10, United States  
17 Code, \$9,000,000.

18 (4) For architectural and engineering service  
19 and construction design under section 2807 of title  
20 10, United States Code, \$36,194,000.

21 (5) For military family housing functions:

22 (A) For construction and acquisition, plan-  
23 ning and design, and improvement of military  
24 family housing and facilities, \$66,552,000.

1 (B) For support of military family housing  
2 (including the functions described in section  
3 2833 of title 10, United States Code),  
4 \$1,337,596,000.

5 (6) For the Homeowners Assistance Program  
6 as authorized by section 2832 of title 10, United  
7 States Code, \$75,586,000, to remain available until  
8 expended.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
10 PROJECTS.—Notwithstanding the cost variations author-  
11 ized by section 2853 of title 10, United States Code, and  
12 any other cost variation authorized by law, the total cost  
13 of all projects carried out under section 2101 of this Act  
14 may not exceed the total amount authorized to be appro-  
15 priated under paragraphs (1) and (2) of subsection (a).

## 16 **TITLE XXII—NAVY**

### 17 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 18 **ACQUISITION PROJECTS**

19 (a) INSIDE THE UNITED STATES.—Using amounts  
20 appropriated pursuant to the authorization of appropria-  
21 tions in section 2204(a)(1), the Secretary of the Navy may  
22 acquire real property and carry out military construction  
23 projects for the installations and locations inside the  
24 United States, and in the amounts, set forth in the follow-  
25 ing table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Camp Pendleton Marine Corps Base	\$27,584,000
	China Lake Naval Air Warfare Center Weapons Division.	\$3,700,000
	Lemoore Naval Air Station .....	\$7,600,000
	North Island Naval Air Station .....	\$99,150,000
	Point Mugu Naval Air Warfare Center Weapons Division.	\$1,300,000
	San Diego Naval Command, Control, and Ocean Surveillance Center.	\$3,170,000
	San Diego Naval Station .....	\$19,960,000
	Twentynine Palms Marine Corps Air-Ground Combat Center.	\$2,490,000
Florida .....	Eglin Air Force Base, Naval School Explosive Ordnance Disposal.	\$16,150,000
	Pensacola Naval Technical Training Center, Corry Station.	\$2,565,000
Georgia .....	Kings Bay Strategic Weapons Facility, Atlantic.	\$2,450,000
Hawaii .....	Honolulu Naval Computer and Telecommunications Area, Master Station Eastern Pacific.	\$1,980,000
	Pearl Harbor Intelligence Center Pacific.	\$2,200,000
	Pearl Harbor Naval Submarine Base	\$22,500,000
Illinois .....	Great Lakes Naval Training Center	\$12,440,000
Maryland .....	United States Naval Academy .....	\$3,600,000
New Jersey .....	Lakehurst Naval Air Warfare Center Aircraft Division.	\$1,700,000
North Carolina .....	Camp LeJeune Marine Corps Base ..	\$59,300,000
	Cherry Point Marine Corps Air Station.	\$11,430,000
South Carolina .....	New River Marine Corps Air Station	\$14,650,000
	Beaufort Marine Corps Air Station ..	\$15,000,000
Virginia .....	Henderson Hall, Arlington .....	\$1,900,000
	Norfolk Naval Station .....	\$10,580,000
	Portsmouth Naval Hospital .....	\$9,500,000
	Quantico Marine Corps Combat Development Command.	\$3,500,000
	Williamsburg Fleet and Industrial Supply Center.	\$8,390,000
Washington .....	Yorktown Naval Weapons Station ....	\$1,300,000
	Bremerton Puget Sound Naval Shipyard.	\$9,470,000
	Keyport Naval Undersea Warfare Center Division.	\$5,300,000
West Virginia .....	Naval Security Group Detachment, Sugar Grove.	\$7,200,000
CONUS Classified .....	Classified location .....	\$1,200,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2204(a)(2), the Secretary of the Navy may  
 4 acquire real property and carry out military construction  
 5 projects for the installations and locations outside the  
 6 United States, and in the amounts, set forth in the follow-  
 7 ing table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Guam .....	Guam Navy Public Works Center ....	\$16,180,000
	Naval Computer and Telecommuni- cations Area, Master Station Western Pacific.	\$2,250,000
Italy .....	Naples Naval Support Activity .....	\$24,950,000
	Sigonella Naval Air Station .....	\$12,170,000
Puerto Rico .....	Roosevelt Roads Naval Station .....	\$11,500,000
	Sabana Seca Naval Security Group Activity.	\$2,200,000

8 **SEC. 2202. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using  
 10 amounts appropriated pursuant to the authorization of ap-  
 11 propriations in section 2204(a)(6)(A), the Secretary of the  
 12 Navy may construct or acquire family housing units (in-  
 13 cluding land acquisition) at the installations, for the pur-  
 14 poses, and in the amounts set forth in the following table:

**Navy: Family Housing**

State/Country	Installation	Purpose	Amount
California .....	Camp Pendleton Ma- rine Corps Base.	69 units .....	\$10,000,000
	Camp Pendleton Ma- rine Corps Base.	Community Center.	\$1,438,000
	Camp Pendleton Ma- rine Corps Base.	Housing Office	\$707,000
	Lemoore Naval Air Station.	240 units .....	\$34,900,000
	Point Mugu Pacific Missile Test Center.	Housing Office	\$1,020,000
	San Diego Public Works Center.	346 units .....	\$49,310,000

**Navy: Family Housing**—Continued

<b>State/Country</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
Hawaii .....	Oahu Naval Complex ...	252 units .....	\$48,400,000
Maryland .....	Patuxent River Naval Air Test Center.	Warehouse .....	\$890,000
	United States Naval Academy.	Housing Office	\$800,000
North Carolina .....	Cherry Point Marine Corps Air Station.	Community Center.	\$1,003,000
Pennsylvania .....	Mechanicsburg Navy Ships Parts Control Center.	Housing Office	\$300,000
Puerto Rico .....	Roosevelt Roads Naval Station.	Housing Office	\$710,000
Virginia .....	Dahlgren Naval Sur- face Warfare Center.	Housing Office	\$520,000
	Norfolk Public Works Center.	320 units .....	\$42,500,000
	Norfolk Public Works Center.	Housing Office	\$1,390,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriation in  
3 section 2204(a)(6)(A), the Secretary of the Navy may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of military family housing units in an  
7 amount not to exceed \$24,390,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2204(a)(6)(A),  
13 the Secretary of the Navy may improve existing military  
14 family housing units in an amount not to exceed  
15 \$259,489,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (A) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal years beginning after September  
4 30, 1995, for military construction, land acquisition, and  
5 military family housing functions of the Department of the  
6 Navy in the total amount of \$2,058,579,000 as follows:

7 (1) For military construction projects inside the  
8 United States authorized by section 2201(a),  
9 \$389,259,000.

10 (2) For military construction projects outside  
11 the United States authorized by section 2201(b),  
12 \$69,250,000.

13 (3) For the military construction project at  
14 Newport Naval War College, Rhode Island, author-  
15 ized by section 2201(a) of the Military Construction  
16 Authorization Act for Fiscal Year 1995 (division B  
17 of Public Law 103–337; 108 Stat. 3031),  
18 \$18,000,000.

19 (4) For unspecified minor construction projects  
20 authorized by section 2805 of title 10, United States  
21 Code, \$7,200,000.

22 (5) For architectural and engineering services  
23 and construction design under section 2807 of title  
24 10, United States Code, \$48,774,000.

25 (6) For military family housing functions:

1 (A) For construction and acquisition, plan-  
2 ning and design, and improvement of military  
3 family housing and facilities, \$477,767,000.

4 (B) For support of military housing (in-  
5 cluding functions described in section 2833 of  
6 title 10, United States Code), \$1,048,329,000.

7 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
8 PROJECTS.—Notwithstanding the cost variations author-  
9 ized by section 2853 of title 10, United States Code, and  
10 any other cost variation authorized by law, the total cost  
11 of all projects carried out under section 2201 of this Act  
12 may not exceed the total amount authorized to be appro-  
13 priated under paragraphs (1) and (2) of subsection (a).

14 **SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION**  
15 **OF APPROPRIATIONS TO CLARIFY AVAIL-**  
16 **ABILITY OF FUNDS FOR LARGE ANECHOIC**  
17 **CHAMBER, PATUXENT RIVER NAVAL WAR-**  
18 **FARE CENTER, MARYLAND.**

19 Section 2204(a) of the Military Construction Author-  
20 ization Act for Fiscal Year 1995 (division B of Public Law  
21 103–337; 108 Stat. 3033) is amended—

22 (1) in the matter preceding paragraph (1), by  
23 striking out “\$1,591,824,000” and inserting in lieu  
24 thereof “\$1,601,824,000” and

1 (2) in paragraph (1), by striking out  
 2 “\$309,070,000” and inserting in lieu thereof  
 3 “\$319,070,000”.

4 **SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION**  
 5 **PROJECT, NORFOLK NAVAL BASE, VIRGINIA.**

6 (a) AUTHORIZATION.—The table in section 2201(a)  
 7 of the Military Construction Authorization Act for Fiscal  
 8 Year 1993 (division B of Public Law 102–484; 106 Stat.  
 9 2589) is amended—

10 (1) in the item relating to Damneck, Fleet  
 11 Combat Training Center, Virginia, by striking out  
 12 “\$19,427,000” in the amount column and inserting  
 13 in lieu thereof “\$14,927,000”; and

14 (2) by inserting after the item relating to Nor-  
 15 folk, Naval Air Station, Virginia, the following new  
 16 item:

	Norfolk, Naval Base .....	\$4,500,000
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17 (b) EXTENSION OF PROJECT AUTHORIZATION.—  
 18 Notwithstanding section 2701(a) of the Military Construc-  
 19 tion Authorization Act for Fiscal Year 1993 (106 Stat.  
 20 2602), the authorization for the project for Norfolk Naval  
 21 Base, Virginia, as provided in section 2201(a) of that Act,  
 22 as amended by subsection (a), shall remain in effect until  
 23 October 1, 1996, or the date of the enactment of an Act

1 authorizing funds for military construction for fiscal year  
2 1997, whichever is later.

3 **SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, AR-**  
4 **LINGTON, VIRGINIA.**

5 (a) AUTHORITY TO ACQUIRE.—Using funds available  
6 under section 2201(a), the Secretary of the Navy may ac-  
7 quire all right, title, and interest of any party in and to  
8 a parcel of real property, including an abandoned mau-  
9 soleum, consisting of approximately 0.75 acres and located  
10 in Arlington, Virginia, the site of Henderson Hall.

11 (b) DEMOLITION OF MAUSOLEUM.—Using funds  
12 available under section 2201(a), the Secretary may—

13 (1) demolish the mausoleum located on the par-  
14 cel acquired under subsection (a); and

15 (2) provide for the removal and disposition in  
16 an appropriate manner of the remains contained in  
17 the mausoleum.

18 (c) AUTHORITY TO DESIGN PUBLIC WORKS FACIL-  
19 ITY.—Using funds available under section 2201(a), the  
20 Secretary may obtain architectural and engineering serv-  
21 ices and construction design for a warehouse and office  
22 facility for the Marine Corps to be constructed on the  
23 property acquired under subsection (a).

24 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
25 and legal description of the real property authorized to

1 be acquired under subsection (a) shall be determined by  
 2 a survey that is satisfactory to the Secretary. The cost  
 3 of the survey shall be borne by the Secretary.

4 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
 5 Secretary may require such additional terms and condi-  
 6 tions in connection with the acquisition under subsection  
 7 (a) as the Secretary considers appropriate to protect the  
 8 interests of the United States.

## 9 **TITLE XXIII—AIR FORCE**

### 10 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 11 **LAND ACQUISITION PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts  
 13 appropriated pursuant to the authorization of appropria-  
 14 tions in section 2304(a)(1), the Secretary of the Air Force  
 15 may acquire real property and carry out military construc-  
 16 tion projects for the installations and locations inside the  
 17 United States, and in the amounts, set forth in the follow-  
 18 ing table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Maxwell Air Force Base .....	\$3,700,000
Alaska .....	Eielson Air Force Base .....	\$3,850,000
	Elmendorf Air Force Base .....	\$9,100,000
	Tin City Long Range Radar Site .....	\$2,500,000
Arizona .....	Davis Monthan Air Force Base .....	\$4,800,000
	Luke Air Force Base .....	\$5,200,000
Arkansas .....	Little Rock Air Force Base .....	\$2,500,000
California .....	Beale Air Force Base .....	\$7,500,000
	Edwards Air Force Base .....	\$33,800,000
	Travis Air Force Base .....	\$26,700,000
	Vandenberg Air Force Base .....	\$6,000,000
Colorado .....	Buckley Air National Guard Base ....	\$5,500,000
	Peterson Air Force Base .....	\$4,390,000
	United States Air Force Academy ....	\$9,150,000
Delaware .....	Dover Air Force Base .....	\$5,500,000
District of Columbia .....	Bolling Air Force Base .....	\$12,100,000

**Air Force: Inside the United States**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Florida .....	Cape Canaveral Air Force Station ...	\$1,600,000
	Eglin Air Force Base .....	\$14,500,000
	Tyndall Air Force Base .....	\$1,200,000
Georgia .....	Moody Air Force Base .....	\$25,190,000
	Robins Air Force Base .....	\$17,900,000
Hawaii .....	Hickam Air Force Base .....	\$10,700,000
Idaho .....	Mountain Home Air Force Base .....	\$18,650,000
Illinois .....	Scott Air Force Base .....	\$12,700,000
Kansas .....	McConnell Air Force Base .....	\$9,450,000
Louisiana .....	Barksdale Air Force Base .....	\$2,500,000
Maryland .....	Andrews Air Force Base .....	\$12,886,000
Mississippi .....	Columbus Air Force Base .....	\$1,150,000
	Keesler Air Force Base .....	\$6,500,000
Missouri .....	Whiteman Air Force Base .....	\$24,600,000
Nevada .....	Nellis Air Force Base .....	\$20,050,000
New Jersey .....	McGuire Air Force Base .....	\$9,200,000
New Mexico .....	Cannon Air Force Base .....	\$10,420,000
	Kirtland Air Force Base .....	\$9,156,000
North Carolina .....	Pope Air Force Base .....	\$8,250,000
	Seymour Johnson Air Force Base ...	\$830,000
North Dakota .....	Grand Forks Air Force Base .....	\$14,800,000
	Minot Air Force Base .....	\$1,550,000
Ohio .....	Wright-Patterson Air Force Base ...	\$4,100,000
Oklahoma .....	Altus Air Force Base .....	\$4,800,000
	Tinker Air Force Base .....	\$16,500,000
South Carolina .....	Charleston Air Force Base .....	\$12,500,000
	Shaw Air Force Base .....	\$1,300,000
Tennessee .....	Arnold Air Force Base .....	\$5,000,000
Texas .....	Dyess Air Force Base .....	\$5,400,000
	Kelly Air Force Base .....	\$3,244,000
	Laughlin Air Force Base .....	\$1,400,000
	Randolph Air Force Base .....	\$3,100,000
	Reese Air Force Base .....	\$1,200,000
	Sheppard Air Force Base .....	\$1,500,000
Utah .....	Hill Air Force Base .....	\$8,900,000
Virginia .....	Langley Air Force Base .....	\$1,000,000
Washington .....	Fairchild Air Force Base .....	\$7,500,000
	McChord Air Force Base .....	\$9,900,000
Wyoming .....	F.E. Warren Air Force Base .....	\$9,000,000
CONUS Classified .....	Classified Location .....	\$700,000

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the follow-  
7 ing table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Spangdahlem Air Base .....	\$8,300,000
	Vogelweh Annex .....	\$2,600,000
Greece .....	Araxos Radio Relay Site .....	\$1,950,000
Italy .....	Aviano Air Base .....	\$2,350,000
	Ghedi Radio Relay Site .....	\$1,450,000
Turkey .....	Ankara Air Station .....	\$7,000,000
	Incirlik Air Base .....	\$4,500,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$1,820,000
	Royal Air Force Mildenhall .....	\$2,250,000
Outside the United States ....	Classified Location—Outside the United States.	\$17,100,000

**1 SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2304(a)(5)(A), the Secretary of the  
5 Air Force may construct or acquire family housing units  
6 (including land acquisition) at the installations, for the  
7 purposes, and in the amounts set forth in the following  
8 table:

**Air Force: Family Housing**

State/Country	Installation	Purpose	Amount
Alaska .....	Elmendorf Air Force Base.	Housing Office/Maintenance Facility.	\$3,000,000
Arizona .....	Davis Monthan Air Force Base.	80 units .....	\$9,498,000
Arkansas .....	Little Rock Air Force Base.	Replace 1 General Officer Quarters.	\$210,000
California .....	Beale Air Force Base ..	Family Housing Office.	\$842,000
	Edwards Air Force Base.	67 units .....	\$11,350,000
	Vandenberg Air Force Base.	Family Housing Office.	\$900,000
	Vandenberg Air Force Base.	143 units .....	\$20,200,000
Colorado .....	Peterson Air Force Base.	Family Housing Office.	\$570,000
District of Columbia ....	Bolling Air Force Base	32 units .....	\$4,100,000
Florida .....	Eglin Air Force Base ..	Family Housing Office.	\$500,000
	Eglin Auxiliary Field 9	Family Housing Office/Maintenance Facility.	\$880,000

**Air Force: Family Housing**—Continued

<b>State/Country</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
	MacDill Air Force Base	Family Housing Office.	\$646,000
	Patrick Air Force Base	70 units .....	\$7,947,000
	Tyndall Air Force Base	52 units .....	\$5,500,000
Georgia .....	Moody Air Force Base	2 Officer and 1 General Officer Quarters.	\$513,000
	Robins Air Force Base	83 units .....	\$9,800,000
Idaho .....	Mountain Home Air Force Base.	Housing Management Facility.	\$844,000
Kansas .....	McConnell Air Force Base.	39 units .....	\$5,193,000
Louisiana .....	Barksdale Air Force Base.	62 units .....	\$10,299,000
Massachusetts .....	Hanscom Air Force Base.	32 units .....	\$5,200,000
Mississippi .....	Keesler Air Force Base	98 units .....	\$9,300,000
Missouri .....	Whiteman Air Force Base.	72 units .....	\$9,948,000
Nevada .....	Nellis Air Force Base ..	6 units .....	\$1,357,000
New Mexico .....	Holloman Air Force Base.	1 General Officer Quarters.	\$225,000
	Kirtland Air Force Base.	105 units .....	\$11,000,000
North Carolina .....	Pope Air Force Base ...	104 units .....	\$9,984,000
	Seymour Johnson Air Force Base.	1 General Officer Quarters.	\$204,000
Ohio .....	Wright-Patterson Air Force Base.	66 units .....	\$5,900,000
South Carolina .....	Shaw Air Force Base ..	Housing Maintenance Facility.	\$715,000
Texas .....	Dyess Air Force Base .	Housing Maintenance Facility.	\$580,000
	Lackland Air Force Base.	67 units .....	\$6,200,000
	Sheppard Air Force Base.	Family Housing Office.	\$500,000
	Sheppard Air Force Base.	Housing Maintenance Facility.	\$600,000
Washington .....	McChord Air Force Base.	50 units .....	\$9,504,000
Guam .....	Andersen Air Force Base.	Family Housing Office.	\$1,700,000
Turkey .....	Incirlik Air Base .....	150 units .....	\$10,146,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(a)(5)(A), the Secretary of the Air Force may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction

1 or improvement of military family housing units in an  
2 amount not to exceed \$9,039,000.

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2304(a)(5)(A),  
8 the Secretary of the Air Force may improve existing mili-  
9 tary family housing units in an amount not to exceed  
10 \$97,071,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
12 **FORCE.**

13 (a) IN GENERAL.—Funds are hereby authorized to  
14 be appropriated for fiscal years beginning after September  
15 30, 1995, for military construction, land acquisition, and  
16 military family housing functions of the Department of the  
17 Air Force in the total amount of \$1,697,704,000 as fol-  
18 lows:

19 (1) For military construction projects inside the  
20 United States authorized by section 2301(a),  
21 \$473,116,000.

22 (2) For military construction projects outside  
23 the United States authorized by section 2301(b),  
24 \$49,450,000.

1           (3) For unspecified minor construction projects  
2 authorized by section 2805 of title 10, United States  
3 Code, \$9,030,000.

4           (4) For architectural and engineering services  
5 and construction design under section 2807 of title  
6 10, United States Code, \$34,980,000.

7           (5) For military housing functions:

8                 (A) For construction and acquisition, plan-  
9 ning and design, and improvement of military  
10 family housing and facilities, \$281,965,000.

11                 (B) For support of military family housing  
12 (including the functions described in section  
13 2833 of title 10, United States Code),  
14 \$849,213,000.

15           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
16 PROJECTS.—Notwithstanding the cost variations author-  
17 ized by section 2853 of title 10, United States Code, and  
18 any other cost variation authorized by law, the total cost  
19 of all projects carried out under section 2301 of this Act  
20 may not exceed the total amount authorized to be appro-  
21 priated under paragraphs (1) and (2) of subsection (a).

**TITLE XXIV—DEFENSE  
AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

Agency	Installation Or Location	Amount
Ballistic Missile Defense Organization:	Fort Bliss, Texas .....	\$13,600,000
Defense Finance & Accounting Service:	Columbus Center, Ohio .....	\$72,403,000
Defense Intelligence Agency:	Bolling Air Force Base, District of Columbia .....	\$1,743,000
Defense Logistics Agency:	Defense Distribution Anniston, Alabama .....	\$3,550,000
	Defense Distribution Stockton, California .....	\$15,000,000
	Defense Fuel Supply Center, Point Mugu, California .....	\$750,000
	Defense Fuel Supply Center, Dover Air Force Base, Delaware .....	\$15,554,000
	Defense Fuel Supply Center, Eglin Air Force Base, Florida .....	\$2,400,000
	Defense Fuel Supply Center, Barksdale Air Force Base, Louisiana .....	\$13,100,000
	Defense Fuel Supply Center, McGuire Air Force Base, New Jersey .....	\$12,000,000
	Defense Distribution Depot, New Cumberland, Pennsylvania .....	\$4,600,000
	Defense Distribution Depot, Norfolk, Virginia .....	\$10,400,000
Defense Mapping Agency:	Defense Mapping Agency Aerospace Center, Missouri .....	\$40,300,000
Defense Medical Facility Office:	Luke Air Force Base, Arizona .....	\$8,100,000

**Defense Agencies: Inside the United States**—Continued

<b>Agency</b>	<b>Installation Or Location</b>	<b>Amount</b>
	Fort Irwin, California .....	\$6,900,000
	Marine Corps Base, Camp Pendleton, California .....	\$1,700,000
	Vandenberg Air Force Base, California .....	\$5,700,000
	Dover Air Force Base, Delaware .....	\$4,400,000
	Fort Benning, Georgia .....	\$5,600,000
	Barksdale Air Force Base, Louisiana .....	\$4,100,000
	Bethesda Naval Hospital, Maryland .....	\$1,300,000
	Walter Reed Army Institute of Research, Maryland .....	\$1,550,000
	Fort Hood, Texas .....	\$5,500,000
	Lackland Air Force Base, Texas .....	\$6,100,000
	Reese Air Force Base, Texas .....	\$1,000,000
	Northwest Naval Security Group Activity, Virginia .....	\$4,300,000
National Security Agency:	Fort Meade, Maryland .....	\$18,733,000
Office of the Secretary of Defense:	Classified Location Inside the United States .....	\$11,500,000
Department of Defense Dependents Schools:	Maxwell Air Force Base, Alabama ...	\$5,479,000
	Fort Benning, Georgia .....	\$1,116,000
	Fort Jackson, South Carolina .....	\$576,000
Special Operations Command:	Marine Corps Air Station, Camp Pendleton, California .....	\$5,200,000
	Eglin Air Force Base, Florida .....	\$2,400,000
	Eglin Auxiliary Field 9, Florida .....	\$14,150,000
	Fort Bragg, North Carolina .....	\$2,600,000
	Olmstead Field, Harrisburg International Airport, Pennsylvania .....	\$1,643,000
	Damneck, Virginia .....	\$4,500,000
	Naval Amphibious Base, Little Creek, Virginia .....	\$6,100,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to section 2405(a)(2), the Sec-  
3 retary of Defense may acquire real property and carry out  
4 military construction projects for the installations and lo-  
5 cations outside the United States, and in the amounts, set  
6 forth in the following table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or Location</b>	<b>Amount</b>
Defense Logistics Agency:	Defense Fuel Support Point, Roosevelt Roads, Puerto Rico .....	\$6,200,000
	Defense Fuel Supply Center, Rota, Spain .....	\$7,400,000
Defense Medical Facility Office:	Naval Support Activity, Naples, Italy	\$5,000,000
Department of Defense Dependents Schools:	Ramstein Air Force Base, Germany	\$19,205,000
	Naval Air Station, Sigonella, Italy ...	\$7,595,000
National Security Agency:	Menwith Hill Station, United Kingdom .....	\$677,000
	Special Operations Command:	Naval Station, Guam .....

**1 SEC. 2402. MILITARY HOUSING PRIVATE INVESTMENT.**

2 (a) AVAILABILITY OF FUNDS FOR INVESTMENT.—Of  
3 the amount authorized to be appropriated pursuant to section  
4 2405(a)(11)(A) of this Act, \$22,000,000 shall be  
5 available for crediting to the Department of Defense  
6 Housing Improvement Fund established by section 2883  
7 of title 10, United States Code (as added by section 2811  
8 of this Act).

9 (b) USE OF FUNDS.—Notwithstanding section  
10 2883(c)(2) of title 10, United States Code (as so added),  
11 the Secretary of Defense may use funds credited to the  
12 Department of Defense Housing Improvement Fund  
13 under subsection (a) to carry out any activities authorized  
14 by subchapter IV of chapter 169 of such title (as so  
15 added).

1 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriation in section 2405(a)(11)(A),  
6 the Secretary of Defense may improve existing military  
7 family housing units in an amount not to exceed  
8 \$3,772,000.

9 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

10 Using amounts appropriated pursuant to the author-  
11 ization of appropriations in section 2405(a)(9), the Sec-  
12 retary of Defense may carry out energy conservation  
13 projects under section 2865 of title 10, United States  
14 Code.

15 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DE-**  
16 **FENSE AGENCIES.**

17 (a) IN GENERAL.—Funds are hereby authorized to  
18 be appropriated for fiscal years beginning after September  
19 30, 1995, for military construction, land acquisition, and  
20 military family housing functions of the Department of  
21 Defense (other than the military departments), in the total  
22 amount of \$4,565,533,000 as follows:

23 (1) For military construction projects inside the  
24 United States authorized by section 2401(a),  
25 \$300,644,000.

1           (2) For military construction projects outside  
2 the United States authorized by section 2401(b),  
3 \$54,877,000.

4           (3) For military construction projects at Ports-  
5 mouth Naval Hospital, Virginia, authorized by sec-  
6 tion 2401(a) of the Military Construction Authoriza-  
7 tion Act for Fiscal Years 1990 and 1991 (division  
8 B of Public Law 101-189; 103 Stat. 1640),  
9 \$47,950,000.

10          (4) For military construction projects at  
11 Elmendorf Air Force Base, Alaska, hospital replace-  
12 ment, authorized by section 2401(a) of the Military  
13 Construction Authorization Act for Fiscal Year 1993  
14 (division B of Public Law 102-484; 106 Stat.  
15 2599), \$28,100,000.

16          (5) For military construction projects at Walter  
17 Reed Army Institute of Research, Maryland, author-  
18 ized by section 2401(a) of the Military Construction  
19 Authorization Act for Fiscal Year 1993 (division B  
20 of Public Law 102-484; 106 Stat. 2599),  
21 \$27,000,000.

22          (6) For unspecified minor construction projects  
23 under section 2805 of title 10, United States Code,  
24 \$23,007,000.

1           (7) For contingency construction projects of the  
2 Secretary of Defense under section 2804 of title 10,  
3 United States Code, \$11,037,000.

4           (8) For architectural and engineering services  
5 and construction design under section 2807 of title  
6 10, United States Code, \$68,837,000.

7           (9) For energy conservation projects authorized  
8 by section 2404, \$50,000,000.

9           (10) For base closure and realignment activities  
10 as authorized by the Defense Base Closure and Re-  
11 alignment Act of 1990 (part A of title XXIX of  
12 Public Law 101-510; 10 U.S.C. 2687 note),  
13 \$3,897,892,000.

14           (11) For military family housing functions:

15               (A) For construction and acquisition and  
16 improvement of military family housing and fa-  
17 cilities, \$25,772,000.

18               (B) For support of military housing (in-  
19 cluding functions described in section 2833 of  
20 title 10, United States Code), \$30,467,000, of  
21 which not more than \$24,874,000 may be obli-  
22 gated or expended for the leasing of military  
23 family housing units worldwide.

24           (b) LIMITATION OF TOTAL COST OF CONSTRUCTION  
25 PROJECTS.—Notwithstanding the cost variation author-

1 ized by section 2853 of title 10, United States Code, and  
2 any other cost variations authorized by law, the total cost  
3 of all projects carried out under section 2401 of this Act  
4 may not exceed—

5 (1) the total amount authorized to be appro-  
6 priated under paragraphs (1) and (2) of subsection  
7 (a); and

8 (2) \$35,003,000 (the balance of the amount au-  
9 thorized under section 2401(a) for the construction  
10 of the Defense Finance and Accounting Service, Co-  
11 lumbus Center, Ohio).

12 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**  
13 **FISCAL YEAR 1995 PROJECTS.**

14 The table in section 2401 of the Military Construc-  
15 tion Authorization Act for Fiscal Year 1995 (division B  
16 of the Public Law 103-337; 108 Stat. 3040) is amend-  
17 ed—

18 (1) in the item relating to Pine Bluff Arsenal,  
19 Arkansas, by striking out “\$3,000,000” in the  
20 amount column and inserting in lieu thereof  
21 “\$97,000,000”; and

22 (2) in the item relating to Umatilla Army  
23 Depot, Oregon, by striking out “\$12,000,000” in  
24 the amount column and inserting in lieu thereof  
25 “\$179,000,000”.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION IN-**  
3 **FRAStructure**

4 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
5 **ACQUISITION PROJECTS.**

6 The Secretary of Defense may make contributions for  
7 the North Atlantic Treaty Organization Infrastructure  
8 Program as provided in section 2806 of title 10, United  
9 States Code, in an amount not to exceed the sum of the  
10 amount authorized to be appropriated for this purpose in  
11 section 2502 and the amount collected from the North At-  
12 lantic Treaty Organization as a result of construction pre-  
13 viously financed by the United States.

14 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal years beginning after September 30, 1995, for con-  
17 tributions by the Secretary of Defense under section 2806  
18 of title 10, United States Code, for the share of the United  
19 States of the cost of projects for the North Atlantic Treaty  
20 Organization Infrastructure Program, as authorized by  
21 section 2501, in the amount of \$179,000,000.

1           **TITLE XXVI—GUARD AND**  
2           **RESERVE FORCES FACILITIES**

3   **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
4                           **TION AND LAND ACQUISITION PROJECTS.**

5           There are authorized to be appropriated for fiscal  
6 years beginning after September 30, 1995, for the costs  
7 of acquisition, architectural and engineering services, and  
8 construction of facilities for the Guard and Reserve  
9 Forces, and for contributions therefore, under chapter 133  
10 of title 10, United State Code (including the cost of acqui-  
11 sition of land for those facilities), the following amounts:

12           (1) For the Department of the Army—

13                   (A) for the Army National Guard of the  
14                   United States, \$85,353,000; and

15                   (B) for the Army Reserve, \$44,613,000.

16           (2) For the Department of the Navy, for the  
17           Naval and Marine Corps Reserve, \$7,920,000.

18           (3) For the Department of the Air Force—

19                   (A) for the Air National Guard of the  
20                   United States, \$132,953,000; and

21                   (B) for the Air Force Reserve,  
22                   \$31,982,000.

1 **SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE AP-**  
2 **PROPRIATED FOR FISCAL YEAR 1994 AIR NA-**  
3 **TIONAL GUARD PROJECTS.**

4 Section 2601(3)(A) of the Military Construction Au-  
5 thorization Act for Fiscal Year 1994 (division B of Public  
6 Law 103-160; 107 Stat. 1878) is amended by striking  
7 out “\$236,341,000” and inserting in lieu thereof  
8 “\$229,641,000”.

9 **TITLE XXVII—EXPIRATION AND**  
10 **EXTENSION OF AUTHORIZA-**  
11 **TIONS**

12 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
13 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
14 **LAW.**

15 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
16 YEARS.—Except as provided in subsection (b), all author-  
17 izations contained in titles XXI through XXVI for military  
18 construction projects, land acquisition, family housing  
19 projects and facilities, and contributions to the North At-  
20 lantic Treaty Organization Infrastructure program (and  
21 authorizations of appropriations therefore) shall expire on  
22 the later of—

23 (1) October 1, 1998; or

24 (2) the date of the enactment of an Act author-  
25 izing funds for military construction for fiscal year  
26 1999.

1 (b) EXCEPTION.—Subsection (a) shall not apply to  
2 authorizations for military construction projects, land ac-  
3 quisition, family housing projects and facilities, and con-  
4 tributions to the North Atlantic Treaty Organization In-  
5 frastructure program (and authorizations of appropria-  
6 tions therefor), for which appropriated funds have been  
7 obligated before the later of—

8 (1) October 1, 1998; or

9 (2) the date of the enactment of an Act author-  
10 izing funds for fiscal year 1999 for military con-  
11 struction projects, land acquisition, family housing  
12 projects and facilities, or contributions to the North  
13 Atlantic Treaty Organization Infrastructure pro-  
14 gram.

15 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
16 **FISCAL YEAR 1993 PROJECTS.**

17 (a) EXTENSIONS.—Notwithstanding section 2701 of  
18 the Military Construction Authorization Act for Fiscal  
19 Year 1993 (division B of Public Law 102–484; 106 Stat.  
20 2602), authorizations for the projects set forth in the ta-  
21 bles in subsection (b), as provided in section 2101, 2102,  
22 2103, or 2106 of that Act, shall remain in effect until  
23 October 1, 1996, or the date of the enactment of an Act  
24 authorizing funds for military construction for fiscal year  
25 1997, whichever is later.

- 1 (b) TABLES.—The tables referred to in subsection (a)  
 2 are as follows:

**Army: Extension of 1993 Project Authorizations**

State	Installation or Location	Project	Amount
Arkansas .....	Pine Bluff Arsenal .....	Ammunition Demilitarization Support Facility.	\$15,000,000
Hawaii .....	Schofield Barracks .....	Add/Alter Sewage Treatment Plant.	\$17,500,000
Virginia .....	Fort Picket .....	Family Housing (26 units).	\$2,300,000

**Navy: Extension of 1993 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Camp Pendleton Marine Corps Base.	Sewage Treatment Plant Modifications.	\$19,740,000
Maryland .....	Patuxent River Naval Warfare Center.	Large Anechoic Chamber, Phase I.	\$60,990,000
Mississippi .....	Meridian Naval Air Station.	Child Development Center.	\$1,100,000

**Air Force: Extension of 1993 Project Authorizations**

State	Installation or Location	Project	Amount
Arkansas .....	Little Rock Air Force Base.	Fire Training Facility.	\$710,000
District of Columbia ...	Bolling Air Force Base	Civil Engineer Complex.	\$9,400,000
Mississippi .....	Keesler Air Force Base	Alter Student Dormitory.	\$3,100,000
Nebraska .....	Offut Air Force Base ..	Fire Training Facility.	\$840,000
North Carolina .....	Pope Air Force Base ...	Construct Bridge Road and Utilities.	\$4,000,000
	Pope Air Force Base ...	Munitions Storage Complex.	\$4,300,000
South Carolina .....	Shaw Air Force Base ..	Fire Training Facility.	\$680,000
Virginia .....	Langley Air Force Base.	Base Engineer Complex.	\$5,300,000
Guam .....	Andersen Air Base .....	Landfill .....	\$10,000,000
Portugal .....	Lajes Field .....	Water Wells .....	\$865,000
	Lajes Field .....	Fire Training Facility.	\$950,000

**Army Reserve: Extension of 1993 Project Authorizations**

State	Installation or Location	Project	Amount
West Virginia .....	Bluefield .....	United States Army Reserve Center.	\$1,921,000
	Clarksburg .....	United States Army Reserve Center.	\$5,358,000
	Grantville .....	United States Army Reserve Center.	\$2,785,000
	Jane Lew .....	United States Army Reserve Center.	\$1,566,000
	Lewisburg .....	United States Army Reserve Center.	\$1,631,000
	Weirton .....	United States Army Reserve Center.	\$3,481,000

**Army National Guard: Extension of 1993 Project Authorizations**

State	Installation or Location	Project	Amount
Alabama .....	Tuscaloosa .....	Armory .....	\$2,273,000
	Union Springs .....	Armory .....	\$813,000
New Jersey .....	Ford Dix .....	State Headquarters.	\$4,750,000
Oregon .....	La Grande .....	Organizational Maintenance Shop.	\$1,220,000
	La Grande .....	Armory Addition.	\$3,049,000
Rhode Island .....	North Kingston .....	Add/Alter Armory.	\$3,330,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1992 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 1992 (division B of Public Law 102–190; 105 Stat.  
6 1535), authorizations for the projects set forth in the ta-  
7 bles in subsection (b), as provided in section 2101 or 2601  
8 of that Act, and extended by section 2702 of the Military  
9 Construction Authorization Act for Fiscal Year 1995 (di-  
10 vision B of Public Law 103–337; 108 Stat. 3047), shall

1 remain in effect until October 1, 1996, or the date of the  
 2 enactment of an Act authorizing funds for military con-  
 3 struction for fiscal year 1997, whichever is later.

4 (b) TABLES.—The tables referred to in subsection (a)  
 5 are as follows:

**Army: Extension of 1992 Project Authorizations**

State	Installation or Location	Project	Amount
Oregon .....	Umatilla Army Depot ..	Ammunition Demilitarization Support Facility.	\$3,600,000
	Umatilla Army Depot ..	Ammunition Demilitarization Utilities.	\$7,500,000

**Army National Guard: Extension of 1992 Project Authorization**

State	Installation or Location	Project	Amount
Ohio .....	Toledo .....	Armory .....	\$3,183,000

**Army Reserve: Extension of 1992 Project Authorization**

State	Installation or Location	Project	Amount
Tennessee .....	Jackson .....	Joint Training Facility.	\$1,537,000

6 **SEC. 2704. EFFECTIVE DATE.**

7 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
 8 shall take effect on the later of—

9 (1) October 1, 1995; or

10 (2) the date of the enactment of this Act.

1           **TITLE XXVIII—GENERAL**  
2                           **PROVISIONS**  
3   **Subtitle A—Military Construction**  
4   **Program and Military Family**  
5   **Housing Changes**

6   **SEC. 2801. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR**  
7                           **CONSTRUCTION PROJECTS TO CORRECT**  
8                           **LIFE, HEALTH, OR SAFETY DEFICIENCIES.**

9           (a) SPECIAL THRESHOLD.—Section 2805 of title 10,  
10 United States Code, is amended—

11                 (1) in subsection (a)(1), by adding at the end  
12                 the following new sentence: “However, if the military  
13                 construction project is intended solely to correct a  
14                 life-, health-, or safety-threatening deficiency, a  
15                 minor military construction project may have an ap-  
16                 proved cost equal to or less than \$3,000,000.”; and

17                 (2) in subsection (c)(1), by striking out “not  
18                 more than \$300,000.” and inserting in lieu thereof  
19                 “not more than—

20                         “(A) \$1,000,000, in the case of an unspecified  
21                         military construction project intended solely to cor-  
22                         rect a life-, health-, or safety-threatening deficiency;  
23                         or

24                         “(B) \$300,000, in the case of other unspecified  
25                         military construction projects.”.

1 (b) TECHNICAL AMENDMENT.—Section 2861(b)(6)  
2 of such title is amended by striking out “section  
3 2805(a)(2)” and inserting in lieu thereof “section  
4 2805(a)(1)”.

5 **SEC. 2802. CLARIFICATION OF SCOPE OF UNSPECIFIED**  
6 **MINOR CONSTRUCTION AUTHORITY.**

7 Section 2805(a)(1) of title 10, United States Code,  
8 as amended by section 2801 of this Act, is further amend-  
9 ed by striking out “(1) that is for a single undertaking  
10 at a military installation, and (2)” in the second sentence.

11 **SEC. 2803. TEMPORARY WAIVER OF NET FLOOR AREA LIM-**  
12 **ITATION FOR FAMILY HOUSING ACQUIRED IN**  
13 **LIEU OF CONSTRUCTION.**

14 Section 2824(c) of title 10, United States Code, is  
15 amended by adding at the end the following sentence:  
16 “The limitation set forth in the preceding sentence does  
17 not apply to family housing units acquired under this sec-  
18 tion during the 5-year period beginning on the date of the  
19 enactment of the National Defense Authorization Act for  
20 Fiscal Year 1996.”.

1 **SEC. 2804. REESTABLISHMENT OF AUTHORITY TO WAIVE**  
2 **NET FLOOR AREA LIMITATION ON ACQUISI-**  
3 **TION BY PURCHASE OF CERTAIN MILITARY**  
4 **FAMILY HOUSING.**

5 (a) REESTABLISHMENT.—Section 2826(e) of title 10,  
6 United States Code, is amended by striking out the second  
7 sentence.

8 (b) APPLICABILITY.—The Secretary concerned may  
9 exercise the authority provided in section 2826(e) of title  
10 10, United States Code, as amended by subsection (a),  
11 on or after the date of the enactment of this Act.

12 (c) DEFINITION.—In this section, the term “Sec-  
13 retary concerned” has the meaning given such term in sec-  
14 tion 101(a)(9) of title 10, United States Code, and in-  
15 cludes the meaning given such term in section 2801(b)(3)  
16 of such title.

17 **SEC. 2805. TEMPORARY WAIVER OF LIMITATIONS ON SPACE**  
18 **BY PAY GRADE FOR MILITARY FAMILY HOUS-**  
19 **ING UNITS.**

20 Section 2826 of title 10, United States Code, as  
21 amended by section 2804 of this Act, is further amended  
22 by adding at the end the following:

23 “(i)(1) This section does not apply to the construc-  
24 tion, acquisition, or improvement of military family hous-  
25 ing units during the 5-year period beginning on October  
26 1, 1995.

1       “(2) The total number of military family housing  
2 units constructed, acquired, or improved during any fiscal  
3 year in the period referred to in paragraph (1) shall be  
4 the total number of such units authorized by law for that  
5 fiscal year.”.

6 **SEC. 2806. INCREASE IN NUMBER OF FAMILY HOUSING**  
7                   **UNITS SUBJECT TO FOREIGN COUNTRY MAXI-**  
8                   **MUM LEASE AMOUNT.**

9       (a) INCREASE IN NUMBER.—(1) Paragraph (1) of  
10 section 2828(e) of title 10, United States Code, is amend-  
11 ed by striking out “300 units” in the first sentence and  
12 inserting in lieu thereof “450 units”.

13       (2) Paragraph (2) of such section is amended by  
14 striking out “300 units” and inserting in lieu thereof “450  
15 units”.

16       (b) WAIVER FOR UNITS FOR INCUMBENTS OF SPE-  
17 CIAL POSITIONS AND OTHER PERSONNEL.—Paragraph  
18 (1) of such section is further amended by striking out  
19 “220 such units” in the second sentence and inserting in  
20 lieu thereof “350 such units”.

21 **SEC. 2807. EXPANSION OF AUTHORITY FOR LIMITED PART-**  
22                   **NEERSHIPS FOR DEVELOPMENT OF MILITARY**  
23                   **FAMILY HOUSING.**

24       (a) PARTICIPATION OF OTHER MILITARY DEPART-  
25 MENTS.—(1) Subsection (a)(1) of section 2837 of title 10,

1 United States Code, is amended by striking out “of the  
2 naval service” and inserting in lieu thereof “of the Army,  
3 Navy, Air Force, and Marine Corps”.

4 (2) Subsection (b)(1) of such section is amended by  
5 striking out “of the naval service” and inserting in lieu  
6 thereof “of the military department under the jurisdiction  
7 of such Secretary”.

8 (b) ADMINISTRATION.—(1) Such subsection (a)(1) is  
9 further amended by striking out “the Secretary of the  
10 Navy” in the first sentence and inserting in lieu thereof  
11 “the Secretary of a military department”.

12 (2) Subsection (c)(2) of such section is amended by  
13 striking out “the Secretary shall” in the first sentence and  
14 inserting in lieu thereof “the Secretary of the military de-  
15 partment concerned shall”.

16 (3) Subsection (f) of such section is amended by  
17 striking out “the Secretary carries out” and inserting in  
18 lieu thereof “the Secretary of a military department car-  
19 ries out”.

20 (4) Subsection (g) of such section is amended by  
21 striking out “Secretary,” and inserting in lieu thereof  
22 “Secretary of a military department,”.

23 (c) ACCOUNT.—Subsection (d) of such section is  
24 amended to read as follows:

1       “(d) ACCOUNT.—(1) There is hereby established on  
2 the books of the Treasury an account to be known as the  
3 ‘Defense Housing Investment Account’.

4       “(2) There shall be deposited into the account—

5           “(A) such funds as may be authorized for and  
6 appropriated to the account;

7           “(B) any proceeds received by the Secretary of  
8 a military department from the repayment of invest-  
9 ments or profits on investments of the Secretary  
10 under subsection (a); and

11           “(C) any unobligated balances which remain in  
12 the Navy Housing Investment Account as of the  
13 date of the enactment of the National Defense Au-  
14 thorization Act for Fiscal Year 1996.

15       “(3) From such amounts as is provided in advance  
16 in appropriation Acts, funds in the account shall be avail-  
17 able to the Secretaries of the military departments in  
18 amounts determined by the Secretary of Defense for con-  
19 tracts, investments, and expenses necessary for the imple-  
20 mentation of this section.

21       “(4) The Secretary of a military department may not  
22 enter into a contract in connection with a limited partner-  
23 ship under subsection (a) or a collateral incentive agree-  
24 ment under subsection (b) unless a sufficient amount of  
25 the unobligated balance of the funds in the account is

1 available to the Secretary, as of the time the contract is  
2 entered into, to satisfy the total obligations to be incurred  
3 by the United States under the contract.”.

4 (d) TERMINATION OF NAVY HOUSING INVESTMENT  
5 BOARD.—Such section is further amended—

6 (1) by striking out subsection (e); and

7 (2) in subsection (h)—

8 (A) by striking out “(1)”; and

9 (B) by striking out paragraph (2).

10 (e) EXTENSION OF AUTHORITY.—Subsection (h) of  
11 such section, as amended by subsection (d) of this section,  
12 is further amended by striking out “September 30, 1999”  
13 and inserting in lieu thereof “September 30, 2000”.

14 (f) CONFORMING AMENDMENT.—Subsection (g) of  
15 such section is further amended by striking out “NAVY”  
16 in the subsection caption.

17 **SEC. 2808. CLARIFICATION OF SCOPE OF REPORT RE-**  
18 **QUIREMENT ON COST INCREASES UNDER**  
19 **CONTRACTS FOR MILITARY FAMILY HOUSING**  
20 **CONSTRUCTION.**

21 Subsection (d) of section 2853 of title 10, United  
22 States Code, is amended to read as follows:

23 “(d) The limitation on cost increases in subsection  
24 (a) does not apply to—

1           “(1) the settlement of a contractor claim under  
2 a contract; or

3           “(2) a within-scope modification to a contract,  
4 but only if—

5                 “(A) the increase in cost is approved by  
6 the Secretary concerned; and

7                 “(B) the Secretary concerned promptly  
8 submits written notification of the facts relating  
9 to the proposed increase in cost to the appro-  
10 priate committees of Congress.”.

11 **SEC. 2809. AUTHORITY TO CONVEY DAMAGED OR DETERIO-**  
12 **RATED MILITARY FAMILY HOUSING.**

13           (a) AUTHORITY.—(1) Subchapter III of chapter 169  
14 of title 10, United States Code, is amended by inserting  
15 after section 2854 the following new section:

16 **“§2854a. Conveyance of damaged or deteriorated**  
17 **military family housing; use of proceeds**

18           “(a) AUTHORITY TO CONVEY.—(1) Subject to para-  
19 graph (3), the Secretary concerned may convey any family  
20 housing facility, including family housing facilities located  
21 in the United States and family housing facilities located  
22 outside the United States, that, due to damage or deterio-  
23 ration, is in a condition that is uneconomical to repair.  
24 Any conveyance of a family housing facility under this sec-

1 tion may include a conveyance of the real property associ-  
2 ated with the facility conveyed.

3 “(2) The authority of this section does not apply to  
4 family housing facilities located at military installations  
5 approved for closure under a base closure law or family  
6 housing facilities located at installation outside the United  
7 States at which the Secretary of Defense terminates oper-  
8 ations.

9 “(3) The aggregate total value of the family housing  
10 facilities conveyed by the Department of Defense under  
11 the authority in this subsection in any fiscal year may not  
12 exceed \$5,000,000.

13 “(4) For purposes of this subsection, a family hous-  
14 ing facility is in a condition that is uneconomical to repair  
15 if the cost of the necessary repairs for the facility would  
16 exceed the amount equal to 70 percent of the cost of con-  
17 structing a family housing facility to replace such facility.

18 “(b) CONSIDERATION.—(1) As consideration for the  
19 conveyance of a family housing facility under subsection  
20 (a), the person to whom the facility is conveyed shall pay  
21 the United States an amount equal to the fair market  
22 value of the facility conveyed, including any real property  
23 conveyed along with the facility.

24 “(2) The Secretary concerned shall determine the fair  
25 market value of any family housing facility and associated

1 real property that is conveyed under subsection (a). Such  
2 determinations shall be final.

3 “(c) NOTICE AND WAIT REQUIREMENTS.—The Sec-  
4 retary concerned may not enter into an agreement to con-  
5 vey a family housing facility under this section until—

6 “(1) the Secretary submits to the appropriate  
7 committees of Congress, in writing, a justification  
8 for the conveyance under the agreement, including—

9 “(A) an estimate of the consideration to be  
10 provided the United States under the agree-  
11 ment;

12 “(B) an estimate of the cost of repairing  
13 the family housing facility to be conveyed; and

14 “(C) an estimate of the cost of replacing  
15 the family housing facility to be conveyed; and

16 “(2) a period of 21 calendar days has elapsed  
17 after the date on which the justification is received  
18 by the committees.

19 “(d) INAPPLICABILITY OF CERTAIN PROPERTY DIS-  
20 POSAL LAWS.—The following provisions of law do not  
21 apply to the conveyance of a family housing facility under  
22 this section:

23 “(1) The provisions of the Federal Property  
24 and Administrative Services Act of 1949 (40 U.S.C.  
25 471 et seq.).

1           “(2) The provisions of the Stewart B. McKin-  
2           ney Homeless Assistance Act (42 U.S.C. 11301 et  
3           seq.).

4           “(e) USE OF PROCEEDS.—(1) The proceeds of any  
5           conveyance of a family housing facility under this section  
6           shall be credited to the Department of Defense Military  
7           Housing Improvement Fund established under section  
8           2883 of this title and available for the purposes described  
9           in paragraph (2).

10          “(2) The proceeds of a conveyance of a family hous-  
11          ing facility under this section may be used for the follow-  
12          ing purposes:

13               “(A) To construct family housing units to re-  
14               place the family housing facility conveyed under this  
15               section, but only to the extent that the number of  
16               units constructed with such proceeds does not exceed  
17               the number of units of military family housing of the  
18               facility conveyed.

19               “(B) To repair or restore existing military fam-  
20               ily housing.

21               “(C) To reimburse the Secretary concerned for  
22               the costs incurred by the Secretary in conveying the  
23               family housing facility.

24          “(3) Notwithstanding section 2883(c) of this title,  
25          proceeds in the account under this subsection shall be

1 available under paragraph (1) for purposes described in  
2 paragraph (2) without any further appropriation.

3 “(f) DESCRIPTION OF PROPERTY.—The exact acre-  
4 age and legal description of any family housing facility  
5 conveyed under this section, including any real property  
6 associated with such facility, shall be determined by such  
7 means as the Secretary concerned considers satisfactory,  
8 including by survey in the case of real property.

9 “(g) ADDITIONAL TERMS AND CONDITIONS.—The  
10 Secretary concerned may require such additional terms  
11 and conditions in connection with the conveyance of family  
12 housing facilities under this section as the Secretary con-  
13 siders appropriate to protect the interests of the United  
14 States.”.

15 (2) The table of sections at the beginning of such sub-  
16 chapter is amended by inserting after the item relating  
17 to section 2854 the following new item:

“Sec. 2854a. Conveyance of damaged or deteriorated military family housing;  
use of proceeds.”.

18 (b) CONFORMING AMENDMENT.—Section 204(h) of  
19 the Federal Property and Administrative Services Act  
20 1949 (40 U.S.C. 485(h)) is amended—

21 (1) by redesignating paragraph (4) as para-  
22 graph (5); and

23 (2) by inserting after paragraph (3) the follow-  
24 ing new paragraph (4):

1 “(4) This subsection does not apply to family housing  
2 facilities covered by section 2854a of title 10, United  
3 States Code.”.

4 **SEC. 2810. ENERGY AND WATER CONSERVATION SAVINGS**  
5 **FOR THE DEPARTMENT OF DEFENSE.**

6 (a) INCLUSION OF WATER EFFICIENT MAINTENANCE  
7 IN ENERGY PERFORMANCE PLAN.—Paragraph (3) of sec-  
8 tion 2865(a) of title 10, United States Code, is amended  
9 by striking out “energy efficient maintenance” and insert-  
10 ing in lieu thereof “energy efficient maintenance or water  
11 efficient maintenance”.

12 (b) SCOPE OF TERM.—Paragraph (4) of such section  
13 is amended—

14 (1) in the matter preceding subparagraph (A),  
15 by striking out “‘energy efficient maintenance’” and  
16 inserting in lieu thereof “‘energy efficient mainte-  
17 nance or water efficient maintenance’”;

18 (2) in subparagraph (A), by striking out “sys-  
19 tems or industrial processes,” in the matter preced-  
20 ing clause (i) and inserting in lieu thereof “systems,  
21 industrial processes, or water efficiency applica-  
22 tions,”; and

23 (3) in subparagraph (B), by inserting “or water  
24 cost savings” before the period at the end.

1 **SEC. 2811. ALTERNATIVE AUTHORITY FOR CONSTRUCTION**  
 2 **AND IMPROVEMENT OF MILITARY HOUSING.**

3 (a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND  
 4 IMPROVE MILITARY HOUSING.—(1) Chapter 169 of title  
 5 10, United States Code, is amended by adding at the end  
 6 the following:

7 “SUBCHAPTER IV—ALTERNATIVE AUTHORITY  
 8 FOR ACQUISITION AND IMPROVEMENT OF  
 9 MILITARY HOUSING

“Sec.

“2871. Definitions.

“2872. General authority.

“2873. Direct loans and loan guarantees.

“2874. Leasing of housing to be constructed.

“2875. Investments in nongovernmental entities.

“2876. Rental guarantees.

“2877. Differential lease payments.

“2878. Conveyance or lease of existing property and facilities.

“2879. Interim leases.

“2880. Unit size and type.

“2881. Support facilities.

“2882. Assignment of members of the armed forces to housing units.

“2883. Department of Defense Housing Improvement Fund.

“2884. Reports.

“2885. Expiration of authority.

10 **“§ 2871. Definitions**

11 “In this subchapter:

12 “(1) The term ‘base closure law’ means the fol-  
 13 lowing:

14 “(A) Section 2687 of this title.

15 “(B) Title II of the Defense Authorization  
 16 Amendments and Base Closure and Realign-  
 17 ment Act (Public Law 100–526; 10 U.S.C.  
 18 2687 note).

1           “(C) The Defense Base Closure and Re-  
2           alignment Act of 1990 (part A of title XXIX of  
3           Public Law 101–510; 10 U.S.C. 2687 note).

4           “(2) The term ‘Secretary concerned’ includes  
5           the Secretary of Defense.

6           “(3) The term ‘support facilities’ means facili-  
7           ties relating to military housing units, including  
8           child care centers, day care centers, community cen-  
9           ters, housing offices, maintenance complexes, dining  
10          facilities, unit offices, fitness centers, parks, and  
11          other similar facilities for the support of military  
12          housing.

13   **“§ 2872. General authority**

14          “In addition to any other authority provided under  
15          this chapter for the acquisition, construction, or improve-  
16          ment of military family housing or military unaccom-  
17          panied housing, the Secretary concerned may exercise any  
18          authority or any combination of authorities provided  
19          under this subchapter in order to provide for the acquisi-  
20          tion, construction, improvement, or rehabilitation by pri-  
21          vate persons of the following:

22                 “(1) Family housing units on or near military  
23                 installations within the United States and its terri-  
24                 tories and possessions.

1           “(2) Unaccompanied housing units on or near  
2           such military installations.

3   **“§ 2873. Direct loans and loan guarantees**

4           “(a) DIRECT LOANS.—(1) Subject to subsection (c),  
5   the Secretary concerned may make direct loans to persons  
6   in the private sector in order to provide funds to such per-  
7   sons for the acquisition, construction, improvement, or re-  
8   habilitation of housing units that the Secretary determines  
9   are suitable for use as military family housing or as mili-  
10   tary unaccompanied housing.

11          “(2) The Secretary concerned shall establish such  
12   terms and conditions with respect to loans made under  
13   this subsection as the Secretary considers appropriate to  
14   protect the interests of the United States, including the  
15   period and frequency for repayment of such loans and the  
16   obligations of the obligors on such loans upon default.

17          “(b) LOAN GUARANTEES.—(1) Subject to subsection  
18   (c), the Secretary concerned may guarantee a loan made  
19   to any person in the private sector if the proceeds of the  
20   loan are to be used by the person to acquire, construct,  
21   improve, or rehabilitate housing units that the Secretary  
22   determines are suitable for use as military family housing  
23   or as military unaccompanied housing.

1       “(2) The amount of a guarantee on a loan that may  
2 be provided under paragraph (1) may not exceed the  
3 amount equal to the lesser of—

4               “(A) the amount equal to 80 percent of the  
5 value of the project; or

6               “(B) the amount of the outstanding principal of  
7 the loan.

8       “(3) The Secretary concerned shall establish such  
9 terms and conditions with respect to guarantees of loans  
10 under this subsection as the Secretary considers appro-  
11 priate to protect the interests of the United States, includ-  
12 ing the rights and obligations of obligors of such loans  
13 and the rights and obligations of the United States with  
14 respect to such guarantees.

15       “(c) LIMITATION ON DIRECT LOAN AND GUARANTEE  
16 AUTHORITY.—Direct loans and loan guarantees may be  
17 made under this section only to the extent that appropria-  
18 tions of budget authority to cover their cost (as defined  
19 in section 502(5) of the Federal Credit Reform Act of  
20 1990 (2 U.S.C. 661a(5)) are made in advance, or author-  
21 ity is otherwise provided in appropriations Acts. If such  
22 appropriation or other authority is provided, there may be  
23 established a financing account (as defined in section  
24 502(7) of such Act (2 U.S.C. 661a(7)) which shall be  
25 available for the disbursement of direct loans or payment

1 of claims for payment on loan guarantees under this sec-  
2 tion and for all other cash flows to and from the Govern-  
3 ment as a result of direct loans and guarantees made  
4 under this section.

5 **“§ 2874. Leasing of housing to be constructed**

6 “(a) BUILD AND LEASE AUTHORIZED.—The Sec-  
7 retary concerned may enter into contracts for the lease  
8 of family housing units or unaccompanied housing units  
9 to be constructed, improved, or rehabilitated under this  
10 subchapter.

11 “(b) LEASE TERMS.—A contract under this section  
12 may be for any period that the Secretary concerned deter-  
13 mines appropriate.

14 **“§ 2875. Investments in nongovernmental entities**

15 “(a) INVESTMENTS AUTHORIZED.—The Secretary  
16 concerned may make investments in nongovernmental en-  
17 tities carrying out projects for the acquisition, construc-  
18 tion, improvement, or rehabilitation of housing units suit-  
19 able for use as military family housing or as military unac-  
20 companied housing.

21 “(b) FORMS OF INVESTMENT.—An investment under  
22 this section may take the form of a direct investment by  
23 the United States, an acquisition of a limited partnership  
24 interest by the United States, a purchase of stock or other  
25 equity instruments by the United States, a purchase of

1 bonds or other debt instruments by the United States, or  
2 any combination of such forms of investment.

3 “(c) LIMITATION ON VALUE OF INVESTMENT.—(1)

4 The cash amount of an investment under this section in  
5 a nongovernmental entity may not exceed an amount equal  
6 to 35 percent of the capital cost (as determined by the  
7 Secretary concerned) of the project or projects that the  
8 entity proposes to carry out under this section with the  
9 investment.

10 “(2) If the Secretary concerned conveys land or facili-  
11 ties to a nongovernmental entity as all or part of an invest-  
12 ment in the entity under this section, the total value of  
13 the investment by the Secretary under this section may  
14 not exceed an amount equal to 45 percent of the capital  
15 cost (as determined by the Secretary) of the project or  
16 projects that the entity proposes to carry out under this  
17 section with the investment.

18 “(3) In this subsection, the term ‘capital cost’, with  
19 respect to a project for the acquisition, construction, im-  
20 provement, or rehabilitation of housing, means the total  
21 amount of the costs included in the basis of the housing  
22 for Federal income tax purposes.

23 “(d) COLLATERAL INCENTIVE AGREEMENTS.—The  
24 Secretary concerned may enter into collateral incentive  
25 agreements with nongovernmental entities in which the

1 Secretary makes an investment under this section to en-  
2 sure that a suitable preference will be afforded members  
3 of the armed forces in the lease or purchase, as the case  
4 may be, of a reasonable number of the housing units cov-  
5 ered by the investment.

6 **“§ 2876. Rental guarantees**

7 “The Secretary concerned may enter into agreements  
8 with private persons that acquire, construct, improve, or  
9 rehabilitate family housing units or unaccompanied hous-  
10 ing units under this subchapter in order to assure—

11 “(1) the occupancy of such units at levels speci-  
12 fied in the agreements; or

13 “(2) rental income derived from rental of such  
14 units at levels specified in the agreements.

15 **“§ 2877. Differential lease payments**

16 “The Secretary concerned, pursuant to an agreement  
17 entered into by the Secretary and a private lessor of family  
18 housing or unaccompanied housing to members of the  
19 armed forces, may pay the lessor an amount in addition  
20 to the rental payments for the housing made by the mem-  
21 bers as the Secretary determines appropriate to encourage  
22 the lessor to make the housing available to members of  
23 the armed forces as family housing or as unaccompanied  
24 housing.

1 **“§ 2878. Conveyance or lease of existing property and**  
2 **facilities**

3 “(a) CONVEYANCE OR LEASE AUTHORIZED.—The  
4 Secretary concerned may convey or lease property or facili-  
5 ties (including support facilities) to private persons for  
6 purposes of using the proceeds of such conveyance or lease  
7 to carry out activities under this subchapter.

8 “(b) INAPPLICABILITY TO PROPERTY AT INSTALLA-  
9 TION APPROVED FOR CLOSURE.—The authority of this  
10 section does not apply to property or facilities located on  
11 or near a military installation approved for closure under  
12 a base closure law.

13 “(c) TERMS AND CONDITIONS.—(1) The conveyance  
14 or lease of property or facilities under this section shall  
15 be for such consideration and upon such terms and condi-  
16 tions as the Secretary concerned considers appropriate for  
17 the purposes of this subchapter and to protect the inter-  
18 ests of the United States.

19 “(2) As part or all of the consideration for a convey-  
20 ance or lease under this section, the purchaser or lessor  
21 (as the case may be) may enter into an agreement with  
22 the Secretary to ensure that a suitable preference will be  
23 afforded members of the armed forces in the lease or sub-  
24 lease of a reasonable number of the housing units covered  
25 by the conveyance or lease, as the case may be, or in the

1 lease of other suitable housing units made available by the  
2 purchaser or lessee.

3 “(d) INAPPLICABILITY OF CERTAIN PROPERTY MAN-  
4 AGEMENT LAWS.—The conveyance or lease of property or  
5 facilities under this section shall not be subject to the fol-  
6 lowing provisions of law:

7 “(1) Section 2667 of this title.

8 “(2) The Federal Property and Administrative  
9 Services Act of 1949 (40 U.S.C. 471 et seq.).

10 “(3) Section 321 of the Act of June 30, 1932  
11 (commonly known as the Economy Act) (47 Stat.  
12 412, chapter 314; 40 U.S.C. 303b).

13 “(4) The Stewart B. McKinney Homeless As-  
14 sistance Act (42 U.S.C. 11301 et seq.).

15 **“§ 2879. Interim leases**

16 “Pending completion of a project to acquire, con-  
17 struct, improve, or rehabilitate family housing units or un-  
18 accompanied housing units under this subchapter, the Sec-  
19 retary concerned may provide for the interim lease of such  
20 units of the project as are complete. The term of a lease  
21 under this section may not extend beyond the date of the  
22 completion of the project concerned.

23 **“§ 2880. Unit size and type**

24 “(a) CONFORMITY WITH SIMILAR HOUSING UNITS IN  
25 LOCALE.—The Secretary concerned shall ensure that the

1 room patterns and floor areas of family housing units and  
2 unaccompanied housing units acquired, constructed, im-  
3 proved, or rehabilitated under this subchapter are gen-  
4 erally comparable to the room patterns and floor areas of  
5 similar housing units in the locality concerned.

6 “(b) INAPPLICABILITY OF LIMITATIONS ON SPACE  
7 BY PAY GRADE.—(1) Section 2826 of this title does not  
8 apply to family housing units acquired, constructed, im-  
9 proved, or rehabilitated under this subchapter.

10 “(2) The regulations prescribed under section 2856  
11 of this title do not apply to unaccompanied housing units  
12 acquired, constructed, improved, or rehabilitated under  
13 this subchapter.

14 **“§ 2881. Support facilities**

15 “Any project for the acquisition, construction, im-  
16 provement, or rehabilitation of family housing units or un-  
17 accompanied housing units under this subchapter may in-  
18 clude the acquisition, construction, or improvement of sup-  
19 port facilities for the housing units concerned.

20 **“§ 2882. Assignment of members of the armed forces**  
21 **to housing units**

22 “(a) IN GENERAL.—The Secretary concerned may  
23 assign members of the armed forces to housing units ac-  
24 quired, constructed, improved, or rehabilitated under this  
25 subchapter.

1       “(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTI-  
2 TLEMENT TO HOUSING ALLOWANCES.—(1) Except as  
3 provided in paragraph (2), housing referred to in sub-  
4 section (a) shall be considered as quarters of the United  
5 States or a housing facility under the jurisdiction of a uni-  
6 formed service for purposes of section 403(b) of title 37.

7       “(2) A member of the armed forces who is assigned  
8 in accordance with subsection (a) to a housing unit not  
9 owned or leased by the United States shall be entitled to  
10 a basic allowance for quarters under section 403 of title  
11 37 and, if in a high housing cost area, a variable housing  
12 allowance under section 403a of that title.

13       “(c) LEASE PAYMENTS THROUGH PAY ALLOT-  
14 MENTS.—The Secretary concerned may require members  
15 of the armed forces who lease housing in housing units  
16 acquired, constructed, improved, or rehabilitated under  
17 this subchapter to make lease payments for such housing  
18 pursuant to allotments of the pay of such members under  
19 section 701 of title 37.

20 **“§ 2883. Department of Defense Housing Improve-**  
21 **ment Fund**

22       “(a) ESTABLISHMENT.—There is hereby established  
23 on the books of the Treasury an account to be known as  
24 the Department of Defense Housing Improvement Fund

1 (in this section referred to as the ‘Fund’). The Secretary  
2 of Defense shall administer the Fund as a single account.

3 “(b) CREDITS TO FUND.—There shall be credited to  
4 the Fund the following:

5 “(1) Funds appropriated to the Fund.

6 “(2) Any funds that the Secretary of Defense  
7 may, to the extent provided in appropriations Acts,  
8 transfer to the Fund from funds appropriated to the  
9 Department of Defense for family housing, except  
10 that such funds may be transferred only after the  
11 Secretary of Defense transmits written notice of,  
12 and justification for, such transfer to the appro-  
13 priate committees of Congress.

14 “(3) Any funds that the Secretary of Defense  
15 may, to the extent provided in appropriations Acts,  
16 transfer to the Fund from funds appropriated to the  
17 Department of Defense for military unaccompanied  
18 housing or for the operation and maintenance of  
19 military unaccompanied housing, except that such  
20 funds may be transferred only after the Secretary of  
21 Defense transmits written notice of, and justification  
22 for, such transfer to the appropriate committees of  
23 Congress.

24 “(4) Proceeds from the conveyance or lease of  
25 property or facilities under section 2878 of this title.

1           “(5) Income from any activities under this sub-  
2           chapter, including interest on loans made under sec-  
3           tion 2873 of this title, income and gains realized  
4           from investments under section 2875 of this title,  
5           and any return of capital invested as part of such  
6           investments.

7           “(c) USE OF FUNDS.—(1) To the extent provided in  
8           appropriations Acts and except as provided in paragraphs  
9           (2) and (3), the Secretary of Defense may use amounts  
10          in the Fund to carry out activities under this subchapter  
11          (including activities required in connection with the plan-  
12          ning, execution, and administration of contracts or agree-  
13          ments entered into under the authority of this subchapter)  
14          and may transfer funds to the Secretaries of the military  
15          departments to permit such Secretaries to carry out such  
16          activities.

17          “(2)(A) Funds in the fund that are derived from ap-  
18          propriations or transfers of funds for military family hous-  
19          ing, or from income from activities under this subchapter  
20          with respect to such housing, may be used in accordance  
21          with paragraph (1) only to carry out activities under this  
22          subchapter with respect to military family housing.

23          “(B) Funds in the fund that are derived from appro-  
24          priations or transfers of funds for military unaccompanied  
25          housing, or from income from activities under this sub-

1 chapter with respect to such housing, may be used in ac-  
2 cordance with paragraph (1) only to carry out activities  
3 under this subchapter with respect to military unaccom-  
4 panied housing.

5 “(3) The Secretary may not enter into a contract or  
6 agreement to carry out activities under this subchapter  
7 unless the Fund contains sufficient amounts, as of the  
8 time the contract or agreement is entered into, to satisfy  
9 the total obligations to be incurred by the United States  
10 under the contract or agreement.

11 “(d) LIMITATION ON AMOUNT OF BUDGET AUTHOR-  
12 ITY.—The total value in budget authority of all contracts,  
13 agreements, and investments undertaken using the au-  
14 thorities provided in this subchapter shall not exceed  
15 \$1,000,000,000.

16 **“§ 2884. Reports**

17 “(a) PROJECT REPORTS.—The Secretary of Defense  
18 shall transmit to the appropriate committees of Congress  
19 a report on each contract or agreement for a project for  
20 the acquisition, construction, improvement, or rehabilita-  
21 tion of family housing units or unaccompanied housing  
22 units that the Secretary proposes to solicit under this sub-  
23 chapter. The report shall describe the project and the in-  
24 tended method of participation of the United States in the

1 project and provide a justification of such method of par-  
2 ticipation.

3 “(b) ANNUAL REPORTS.—The Secretary of Defense  
4 shall include each year in the materials that the Secretary  
5 submits to Congress in support of the budget submitted  
6 by the President pursuant to section 1105 of title 31 the  
7 following:

8 “(1) A report on the expenditures and receipts  
9 during the preceding fiscal year from the Depart-  
10 ment of Defense Housing Improvement Fund estab-  
11 lished under section 2883 of this title.

12 “(2) A methodology for evaluating the extent  
13 and effectiveness of the use of the authorities under  
14 this subchapter during such preceding fiscal year.

15 “(3) A description of the objectives of the De-  
16 partment of Defense for providing military family  
17 housing and military unaccompanied housing for  
18 members of the armed forces.

19 **“§ 2885. Expiration of authority**

20 “The authority to enter into a transaction under this  
21 subchapter shall expire 5 years after the date of the enact-  
22 ment of the National Defense Authorization Act for Fiscal  
23 Year 1996.”.

1           (2) The table of subchapters at the beginning of such  
2 chapter is amended by inserting after the item relating  
3 to subchapter III the following new item:

“IV. Alternative Authority for Acquisition and Improvement of Military  
Housing ..... 2870”.

4           (b) FINAL REPORT.—Not later than March 1, 2000,  
5 the Secretary of Defense shall submit to the congressional  
6 defense committees a report on the use by the Secretary  
7 of Defense and the Secretaries of the military departments  
8 of the authorities provided by subchapter IV of chapter  
9 169 of title 10, United States Code, as added by sub-  
10 section (a). The report shall assess the effectiveness of  
11 such authority in providing for the construction and im-  
12 provement of military family housing and military unac-  
13 companied housing.

14           (c) CROSS REFERENCE AMENDMENT.—(1) Chapter  
15 169 of title 10, United States Code, is further amended  
16 by inserting after section 2822 the following new section:

17 **“§ 2822a. Additional authority relating to military**  
18 **housing**

19           “For additional authority regarding the acquisition,  
20 construction, or improvement of military family housing  
21 and military unaccompanied housing, see subchapter IV  
22 of this chapter.”.

1           (2) The table of sections at the beginning of sub-  
2 chapter II of such chapter is amended by inserting after  
3 the item relating to section 2822 the following new item:

“2822a. Additional authority relating to military housing.”.

4 **SEC. 2812. PERMANENT AUTHORITY TO ENTER INTO**  
5 **LEASES OF LAND FOR SPECIAL OPERATIONS**  
6 **ACTIVITIES.**

7           (a) PERMANENT AUTHORITY.—Section 2680 of title  
8 10, United States Code, is amended by striking out sub-  
9 section (d).

10          (b) REPORTING REQUIREMENT.—Such section is fur-  
11 ther amended by adding at the end the following new sub-  
12 section (d):

13          “(d) REPORTS.—Not later than March 1 of each  
14 year, the Secretary of Defense shall submit to the Com-  
15 mittee on the Armed Services of the Senate and the Com-  
16 mittee on National Security of the House of Representa-  
17 tives a report that—

18               “(1) identifies each leasehold interest acquired  
19 during the previous fiscal year under subsection (a);  
20 and

21               “(2) contains a discussion of each project for  
22 the construction or modification of facilities carried  
23 out pursuant to subsection (c) during such fiscal  
24 year.”.

1 **SEC. 2813. AUTHORITY TO USE FUNDS FOR CERTAIN EDU-**  
2 **CATIONAL PURPOSES.**

3 Section 2008 of title 10, United States Code, is  
4 amended by striking out “section 10” and all that follows  
5 through the period at the end and inserting in lieu thereof  
6 “construction, as defined in section 8013(3) of the Ele-  
7 mentary and Secondary Education Act of 1965 (20 U.S.C.  
8 7713(3)), or to carry out section 8008 of such Act (20  
9 U.S.C. 7708), relating to impact aid.”.

10 **Subtitle B—Defense Base Closure**  
11 **and Realignment**

12 **SEC. 2821. IN-KIND CONSIDERATION FOR LEASES AT IN-**  
13 **STALLATIONS TO BE CLOSED OR REALIGNED.**

14 Section 2667(f) of title 10, United States Code, is  
15 amended by adding at the end the following:

16 “(4) The Secretary concerned may accept under sub-  
17 section (b)(5) services of a lessee for an entire installation  
18 to be closed or realigned under a base closure law, or for  
19 any part of such installation, without regard to the re-  
20 quirement in subsection (b)(5) that a substantial part of  
21 the installation be leased.”.

22 **SEC. 2822. CLARIFICATION OF AUTHORITY REGARDING**  
23 **CONTRACTS FOR COMMUNITY SERVICES AT**  
24 **INSTALLATIONS BEING CLOSED.**

25 (a) 1988 LAW.—Section 204(b)(8)(A) of the Defense  
26 Authorization Amendments and Base Closure and Re-

1 alignment Act (Public Law 100–526; 10 U.S.C. 2687  
2 note) is amended—

3 (1) by striking out “may contract” and insert-  
4 ing in lieu thereof “may enter into agreements (in-  
5 cluding contracts, cooperative agreements, or other  
6 arrangements)”; and

7 (2) by adding at the end the following new sen-  
8 tence: “An agreement under the authority in the  
9 preceding sentence may provide for the reimburse-  
10 ment of the local government concerned by the Sec-  
11 retary for the cost of any services provided under  
12 the agreement by that government.”.

13 (b) 1990 LAW.—Section 2905(b)(8)(A) of the De-  
14 fense Base Closure and Realignment Act of 1990 (part  
15 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
16 note) is amended—

17 (1) by striking out “may contract” and insert-  
18 ing in lieu thereof “may enter into agreements (in-  
19 cluding contracts, cooperative agreements, or other  
20 arrangements)”; and

21 (2) by adding at the end the following new sen-  
22 tence: “An agreement under the authority in the  
23 preceding sentence may provide for the reimburse-  
24 ment of the local government concerned by the Sec-

1       retary for the cost of any services provided under  
2       the agreement by that government.”.

3   **SEC. 2823. CLARIFICATION OF FUNDING FOR ENVIRON-**  
4                   **MENTAL RESTORATION AT INSTALLATIONS**  
5                   **APPROVED FOR CLOSURE OR REALIGNMENT**  
6                   **IN 1995.**

7       Subsection (e) of section 2906 of the Defense Base  
8   Closure and Realignment Act of 1990 (part A of title  
9   XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is  
10   amended to read as follows:

11       “(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
12   ENVIRONMENTAL RESTORATION PROJECTS.—(1) Except  
13   for funds deposited into the Account under subsection (a),  
14   and except as provided in paragraph (2), funds appro-  
15   priated to the Department of Defense may not be used  
16   for purposes described in section 2905(a)(1)(C). The pro-  
17   hibition in this subsection shall expire upon the termi-  
18   nation of the Secretary’s authority to carry out a closure  
19   or realignment under this part.

20       “(2) Funds in the Defense Environmental Restora-  
21   tion Account established under section 2703(a) of title 10,  
22   United States Code, may be used in fiscal year 1996 for  
23   environmental restoration at installations approved for  
24   closure or realignment under this part in 1995.”.

1 **SEC. 2824. AUTHORITY TO LEASE PROPERTY REQUIRING**  
2 **ENVIRONMENTAL REMEDIATION AT INSTAL-**  
3 **LATIONS APPROVED FOR CLOSURE.**

4 Section 120(h)(3) of the Comprehensive Environ-  
5 mental Response Compensation and Liability Act of 1980  
6 (42 U.S.C. 9620(h)(3)) is amended in the matter following  
7 subparagraph (C)—

8 (1) by striking out the first sentence; and

9 (2) by adding at the end, flush to the para-  
10 graph margin, the following:

11 “The requirements of subparagraph (B) shall not  
12 apply in any case in which the person or entity to  
13 whom the real property is transferred is a poten-  
14 tially responsible party with respect to such prop-  
15 erty.

16 “The requirements of subparagraph (B) shall not  
17 apply to the lease of real property located at an in-  
18 stallation approved for closure under a base closure  
19 law if the lessee has agreed to purchase the property  
20 and the Administrator determines that the property  
21 is suitable for lease and that there are adequate as-  
22 surances that the United States will take all reme-  
23 dial action referred to in such subparagraph that  
24 has not yet been taken.”.

## 1           **Subtitle C—Land Conveyances**

### 2   **SEC. 2831. LAND ACQUISITION OR EXCHANGE, SHAW AIR** 3                           **FORCE BASE, SOUTH CAROLINA.**

4           (a) LAND ACQUISITION.—The Secretary of the Air  
5 Force may, by means of an exchange of property, accept-  
6 ance as a gift, or other means that does not require the  
7 use of appropriated funds, acquire all right, title, and in-  
8 terest in and to a parcel of real property (together with  
9 any improvements thereon) consisting of approximately  
10 1,100 acres that is located adjacent to the eastern end  
11 of Shaw Air Force Base, South Carolina, and extends to  
12 Stamey Livestock Road in Sumter County, South Caro-  
13 lina.

14           (b) ACQUISITION THROUGH EXCHANGE OF  
15 LANDS.—For purposes of acquiring the real property de-  
16 scribed in subsection (a) by means of an exchange of  
17 lands, the Secretary may convey all right, title, and inter-  
18 est of the United States in and to a parcel of real property  
19 in the possession of the Air Force if—

20                   (1) the Secretary determines that the land ex-  
21 change is in the best interests of the Air Force; and

22                   (2) the fair market value of the Air Force par-  
23 cel to be conveyed does not exceed the fair market  
24 value of the parcel to be acquired.

1           (c) REVERSION OF GIFT CONVEYANCE.—If the Sec-  
2 retary acquires the real property described in subsection  
3 (a) by way of gift, the Secretary may accept in the deed  
4 of conveyance terms or conditions requiring that the land  
5 be reconveyed to the donor, or the donor’s heirs, if Shaw  
6 Air Force Base ceases operations and is closed.

7           (d) DETERMINATIONS OF FAIR MARKET VALUE.—  
8 The Secretary shall determine the fair market value of the  
9 parcels of real property to be acquired pursuant to sub-  
10 section (a) or acquired and conveyed pursuant to sub-  
11 section (b). Such determinations shall be final.

12          (e) DESCRIPTIONS OF PROPERTY.—The exact acre-  
13 age and legal descriptions of the parcels of real property  
14 to be acquired pursuant to subsection (a) or acquired and  
15 conveyed pursuant to subsection (b) shall be determined  
16 by surveys that are satisfactory to the Secretary.

17          (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
18 retary may require such additional terms and conditions  
19 in connection with the acquisition under subsection (a) or  
20 the acquisition and conveyance under subsection (b) as the  
21 Secretary considers appropriate to protect the interests of  
22 the United States.

1 **SEC. 2832. AUTHORITY FOR PORT AUTHORITY OF STATE OF**  
2 **MISSISSIPPI TO USE CERTAIN NAVY PROP-**  
3 **ERTY IN GULFPORT, MISSISSIPPI.**

4 (a) JOINT USE AGREEMENT AUTHORIZED.—The  
5 Secretary of the Navy may enter into an agreement with  
6 the Port Authority of the State of Mississippi (in this sec-  
7 tion referred to as the “Port Authority”), under which the  
8 Port Authority may use up to 50 acres of real property  
9 and associated facilities located at the Naval Construction  
10 Battalion Center, Gulfport, Mississippi (in this section re-  
11 ferred to as the “Center”).

12 (b) TERM OF AGREEMENT.—The agreement author-  
13 ized under subsection (a) may be for an initial period of  
14 not more than 15 years. Under the agreement, the Sec-  
15 retary shall provide the Port Authority with an option to  
16 extend the agreement for 3 additional periods of 5 years  
17 each and for such additional periods as the Secretary and  
18 the Port Authority mutually agree.

19 (c) RESTRICTIONS ON USE.—The agreement author-  
20 ized under subsection (a) shall require the Port Author-  
21 ity—

22 (1) to suspend operations at the Center in the  
23 event that Navy contingency operations are con-  
24 ducted at the Center; and

1           (2) to use the property covered by the agree-  
2           ment in a manner consistent with the Navy oper-  
3           ations at the Center.

4           (d) CONSIDERATION.—(1) As consideration for the  
5           use of the property covered by the agreement under sub-  
6           section (a), the Port Authority shall pay to the Navy an  
7           amount equal to the fair market rental value of the prop-  
8           erty, as determined by the Secretary taking into consider-  
9           ation the nature and extent of the Port Authority’s use  
10          of the property.

11          (2) The Secretary may include a provision in the  
12          agreement requiring the Port Authority—

13                (A) to pay the Navy an amount (as determined  
14                by the Secretary) to cover the costs of replacing at  
15                the Center any facilities vacated by the Navy on ac-  
16                count of the agreement or to construct suitable re-  
17                placement facilities for the Navy; and

18                (B) to pay the Navy an amount (as determined  
19                by the Secretary) for the costs of relocating Navy  
20                operations from the vacated facilities to the replace-  
21                ment facilities.

22          (e) CONGRESSIONAL NOTIFICATION.—The Secretary  
23          may not enter into the agreement authorized by subsection  
24          (a) until the end of the 21-day period beginning on the  
25          date on which the Secretary submits to Congress a report

1 containing an explanation of the terms of the proposed  
2 agreement and a description of the consideration that the  
3 Secretary expects to receive under the agreement.

4 (f) USE OF PAYMENT.—(1) The Secretary may use  
5 amounts received under subsection (d)(1) to pay for gen-  
6 eral supervision, administration, and overhead expenses  
7 and for improvement, maintenance, repair, construction,  
8 or restoration of facilities at the Center or of the roads  
9 and railways serving the Center.

10 (2) The Secretary may use amounts received under  
11 subsection (d)(2) to pay for constructing new facilities, or  
12 making modifications to existing facilities, that are nec-  
13 essary to replace facilities vacated by the Navy on account  
14 of the agreement under subsection (a) and for relocating  
15 operations of the Navy from the vacated facilities to re-  
16 placement facilities.

17 (g) CONSTRUCTION BY PORT AUTHORITY.—The Sec-  
18 retary may authorize the Port Authority to demolish exist-  
19 ing facilities located on the property covered by the agree-  
20 ment under subsection (a) and, consistent with the restric-  
21 tion provided under subsection (c)(2), construct new facili-  
22 ties on the property for the joint use of the Port Authority  
23 and the Navy.

24 (h) ADDITIONAL TERMS AND CONDITIONS.—The  
25 Secretary may require such additional terms and condi-

1 tions in connection with the agreement authorized under  
2 subsection (a) as the Secretary considers appropriate to  
3 protect the interests of the United States.

4 **SEC. 2833. CONVEYANCE OF RESOURCE RECOVERY FACIL-**  
5 **ITY, FORT DIX, NEW JERSEY.**

6 (a) **AUTHORITY TO CONVEY.**—The Secretary of the  
7 Army may convey to Burlington County, New Jersey (in  
8 this section referred to as the “County”), without consid-  
9 eration, all right, title, and interest of the United States  
10 in and to a parcel of real property at Fort Dix, New Jer-  
11 sey, consisting of approximately two acres and containing  
12 a resource recovery facility known as the Fort Dix re-  
13 source recovery facility.

14 (b) **RELATED EASEMENTS.**—The Secretary may  
15 grant to the County any easement that is necessary for  
16 access to and operation of the resource recovery facility  
17 conveyed under subsection (a).

18 (c) **REQUIREMENT RELATING TO CONVEYANCE.**—  
19 The Secretary may not carry out the conveyance of the  
20 resource recovery facility authorized in subsection (a) un-  
21 less the County agrees to accept the facility in its existing  
22 condition at the time of conveyance.

23 (d) **CONDITIONS ON CONVEYANCE.**—The conveyance  
24 of the resource recovery facility authorized by subsection  
25 (a) is subject to the following conditions:

1           (1) That the County provide refuse service and  
2           steam service to Fort Dix, New Jersey, at the rate  
3           mutually agreed upon by the Secretary and the  
4           County and approved by the appropriate Federal or  
5           State regulatory authority.

6           (2) That the County comply with all applicable  
7           environmental laws and regulations (including any  
8           permit or license requirements) relating to the re-  
9           source recovery facility.

10          (3) That, consistent with its ownership of the  
11          resource recovery facility conveyed, the County as-  
12          sume full responsibility for operation, maintenance,  
13          and repair of the facility and for compliance of the  
14          facility with all applicable regulatory requirements.

15          (4) That the County not commence any expan-  
16          sion of the resource recovery facility without ap-  
17          proval of such expansion by the Secretary.

18          (e) DESCRIPTION OF THE PROPERTY.—The exact  
19          legal description of the real property to be conveyed under  
20          subsection (a), including the resource recovery facility con-  
21          veyed therewith, and any easements granted under sub-  
22          section (b), shall be determined by a survey and by other  
23          means satisfactory to the Secretary. The cost of any sur-  
24          vey or other services performed at the direction of the Sec-

1 retary under the authority in the preceding sentence shall  
2 be borne by the County.

3 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
4 retary may require such additional terms and conditions  
5 in connection with the conveyance under subsection (a)  
6 and the grant of any easement under subsection (b) as  
7 the Secretary considers appropriate to protect the inter-  
8 ests of the United States.

9 **SEC. 2834. CONVEYANCE OF WATER AND WASTEWATER**  
10 **TREATMENT PLANTS, FORT GORDON, GEOR-**  
11 **GIA.**

12 (a) AUTHORITY TO CONVEY.—The Secretary of the  
13 Army may convey to the City of Augusta, Georgia (in this  
14 section referred to as the “City”), without consideration,  
15 all right, title, and interest of the United States in and  
16 to two parcels of real property located at Fort Gordon,  
17 Georgia, consisting of approximately seven acres each. The  
18 parcels are improved with a water filtration plant, a water  
19 distribution system with storage tanks, a sewage treat-  
20 ment plant, and a sewage collection system.

21 (b) RELATED EASEMENTS.—The Secretary may  
22 grant to the City any easement that is necessary for access  
23 to the real property conveyed under subsection (a) and op-  
24 eration of the conveyed facilities.

1 (c) REQUIREMENT RELATING TO CONVEYANCE.—

2 The Secretary may not carry out the conveyance of the  
3 water and wastewater treatment plants and water and  
4 wastewater distribution and collection systems authorized  
5 in subsection (a) unless the City agrees to accept the  
6 plants and systems in their existing condition at the time  
7 of conveyance.

8 (d) CONDITIONS ON CONVEYANCE.—The conveyance  
9 authorized by subsection (a) is subject to the following  
10 conditions:

11 (1) That the City provide water and sewer serv-  
12 ice to Fort Gordon, Georgia, at a rate mutually  
13 agreed upon by the Secretary and the City and ap-  
14 proved by the appropriate Federal or State regu-  
15 latory authority.

16 (2) That the City comply with all applicable en-  
17 vironmental laws and regulations (including any per-  
18 mit or license requirements) relating to the water  
19 and wastewater treatment plants and water and  
20 wastewater distribution and collection systems con-  
21 veyed under that subsection.

22 (3) That, consistent with its ownership of the  
23 water and wastewater treatment plants and water  
24 and wastewater distribution and collection systems  
25 conveyed, the City assume full responsibility for op-

1       eration, maintenance, and repair of the plants and  
2       water and systems conveyed under that subsection  
3       and for compliance of the plants and systems with  
4       all applicable regulatory requirements.

5           (4) That the City not commence any expansion  
6       of the water or wastewater treatment plant or water  
7       or wastewater distribution or collection system con-  
8       veyed under that subsection without approval of  
9       such expansion by the Secretary.

10       (e) DESCRIPTION OF PROPERTY.—The exact legal  
11       description of the real property to be conveyed under sub-  
12       section (a), including the water and wastewater treatment  
13       plants and water and wastewater distribution and collec-  
14       tion systems conveyed therewith, and of any easements  
15       granted under subsection (b), shall be determined by a  
16       survey and by other means satisfactory to the Secretary.  
17       The cost of any survey or other services performed at the  
18       direction of the Secretary under the authority in the pre-  
19       ceding sentence shall be borne by the City.

20       (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
21       retary may require such additional terms and conditions  
22       in connection with the conveyance under subsection (a)  
23       and the grant of any easement under subsection (b) as  
24       the Secretary considers appropriate to protect the inter-  
25       ests of the United States.

1 **SEC. 2835. CONVEYANCE OF WATER TREATMENT PLANT,**  
2 **FORT PICKETT, VIRGINIA.**

3 (a) **AUTHORITY TO CONVEY.**—(1) The Secretary of  
4 the Army may convey to the Town of Blackstone, Virginia  
5 (in this section referred to as the “Town”), without con-  
6 sideration, all right, title, and interest of the United States  
7 in and to the property described in paragraph (2).

8 (2) The property referred to in paragraph (1) is the  
9 following property located at Fort Pickett, Virginia:

10 (A) A parcel of real property consisting of ap-  
11 proximately 10 acres, including a reservoir and im-  
12 provements thereon, the site of the Fort Pickett  
13 water treatment plant.

14 (B) Any equipment, fixtures, structures, or  
15 other improvements (including any water trans-  
16 mission lines, water distribution and service lines,  
17 fire hydrants, water pumping stations, and other im-  
18 provements) not located on the parcel described in  
19 subparagraph (A) that are jointly identified by the  
20 Secretary and the Town as owned and utilized by  
21 the Federal Government in order to provide water to  
22 and distribute water at Fort Pickett.

23 (b) **RELATED EASEMENTS.**—The Secretary may  
24 grant to the Town the following easements relating to the  
25 conveyance of the property authorized by subsection (a):

1           (1) Such easements, if any, as the Secretary  
2           and the Town jointly determine are necessary in  
3           order to provide access to the water distribution sys-  
4           tem referred to in paragraph (2) of such subsection  
5           for maintenance, safety, and other purposes.

6           (2) Such easements, if any, as the Secretary  
7           and the Town jointly determine are necessary in  
8           order to provide access to the finished water lines  
9           from the system to the Town.

10          (3) Such rights of way appurtenant, if any, as  
11          the Secretary and the Town jointly determine are  
12          necessary in order to satisfy requirements imposed  
13          by any Federal, State, or municipal agency relating  
14          to the maintenance of a buffer zone around the  
15          water distribution system.

16          (c) WATER RIGHTS.—The Secretary shall grant to  
17          the Town as part of the conveyance under subsection (a)  
18          all right, title, and interest of the United States in and  
19          to any water of the Nottoway River, Virginia, that is con-  
20          nected with the reservoir referred to in paragraph (2)(A)  
21          of such subsection.

22          (d) REQUIREMENTS RELATING TO CONVEYANCE.—  
23          (1) The Secretary may not carry out the conveyance of  
24          the water distribution system authorized under subsection

1 (a) unless the Town agrees to accept the system in its  
2 existing condition at the time of the conveyance.

3 (2) The Secretary shall complete any environmental  
4 removal or remediation required under the Comprehensive  
5 Environmental Response, Compensation, and Liability Act  
6 of 1980 (42 U.S.C. 9601 et seq.) with respect to the sys-  
7 tem to be conveyed under this section before carrying out  
8 the conveyance.

9 (e) CONDITIONS.—The conveyance authorized in sub-  
10 section (a) shall be subject to the following conditions:

11 (1) That the Town reserve for provision to Fort  
12 Pickett, and provide to Fort Pickett on demand, not  
13 less than 1,500,000 million gallons per day of treat-  
14 ed water from the water distribution system.

15 (2) That the Town provide water to and distrib-  
16 ute water at Fort Pickett at a rate that is no less  
17 favorable than the rate that the Town would charge  
18 a public or private entity similar to Fort Pickett for  
19 the provision and distribution of water.

20 (3) That the Town maintain and operate the  
21 water distribution system in compliance with all ap-  
22 plicable Federal and State environmental laws and  
23 regulations (including any permit and license re-  
24 quirements).

1 (f) DESCRIPTION OF PROPERTY.—The exact legal de-  
2 scription of the property to be conveyed under subsection  
3 (a), of any easements granted under subsection (b), and  
4 of any water rights granted under subsection (c) shall be  
5 determined by a survey and other means satisfactory to  
6 the Secretary. The cost of any survey or other services  
7 performed at the direction of the Secretary under the au-  
8 thority in the preceding sentence shall be borne by the  
9 Town.

10 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
11 Secretary may require such additional terms and condi-  
12 tions in connection with the conveyance authorized under  
13 subsection (a), the easements granted under subsection  
14 (b), and the water rights granted under subsection (c) that  
15 the Secretary considers appropriate to protect the inter-  
16 ests of the United States.

17 **SEC. 2836. CONVEYANCE OF ELECTRIC POWER DISTRIBU-**  
18 **TION SYSTEM, FORT IRWIN, CALIFORNIA.**

19 (a) AUTHORITY TO CONVEY.—(1) The Secretary of  
20 the Army may convey to the Southern California Edison  
21 Company, California (in this section referred to as the  
22 “Company”), without consideration, all right, title, and in-  
23 terest of the United States in and to the electric power  
24 distribution system described in subsection (b).

1           (2) The Secretary may not convey any real property  
2 under the authority in paragraph (1).

3           (b) COVERED SYSTEM.—The electric power distribu-  
4 tion system referred to in subsection (a) is the electric  
5 power distribution system located at Fort Irwin, Califor-  
6 nia, and includes the equipment, fixtures, structures, and  
7 other improvements (including approximately 115 miles of  
8 electrical distribution lines, poles, switches, reclosers,  
9 transformers, regulators, switchgears, and service lines)  
10 that the Federal Government utilizes to provide electric  
11 power at Fort Irwin.

12          (c) RELATED EASEMENTS.—The Secretary may  
13 grant to the Company any easement that is necessary for  
14 access to and operation of the electric power distribution  
15 system conveyed under subsection (a).

16          (d) REQUIREMENT RELATING TO CONVEYANCE.—  
17 The Secretary may not carry out the conveyance of the  
18 electric power distribution system authorized in subsection  
19 (a) unless the Company agrees to accept that system in  
20 its existing condition at the time of the conveyance.

21          (e) CONDITIONS ON CONVEYANCE.—The conveyance  
22 authorized by subsection (a) is subject to the following  
23 conditions:

24                 (1) That the Company provide electric power to  
25 Fort Irwin, California, at a rate mutually agreed

1 upon by the Secretary and the Company and ap-  
2 proved by the appropriate Federal or State regu-  
3 latory authority.

4 (2) That the Company comply with all applica-  
5 ble environmental laws and regulations (including  
6 any permit or license requirements) relating to the  
7 electric power distribution system.

8 (3) That, consistent with its ownership of the  
9 electric power distribution system conveyed, the  
10 Company assume full responsibility for operation,  
11 maintenance, and repair of the system and for com-  
12 pliance of the system with all applicable regulatory  
13 requirements.

14 (4) That the Company not commence any ex-  
15 pansion of the electric power distribution system  
16 without approval of such expansion by the Secretary.

17 (f) DESCRIPTION OF PROPERTY.—The exact legal de-  
18 scription of the electric power distribution system to be  
19 conveyed pursuant to subsection (a), including any ease-  
20 ment granted under subsection (b), shall be determined  
21 by a survey and by other means satisfactory to the Sec-  
22 retary. The cost of any survey or other services performed  
23 at the direction of the Secretary pursuant to the authority  
24 in the preceding sentence shall be borne by the Company.

1 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
2 Secretary may require such additional terms and condi-  
3 tions in connection with the conveyance under subsection  
4 (a) and the grant of any easement under subsection (b)  
5 as the Secretary considers appropriate to protect the inter-  
6 ests of the United States.

7 **SEC. 2837. LAND EXCHANGE, FORT LEWIS, WASHINGTON.**

8 (a) IN GENERAL.—(1) The Secretary of the Army  
9 may convey to the Weyerhaeuser Real Estate Company,  
10 Washington (in this section referred to as the “Com-  
11 pany”), all right, title, and interest of the United States  
12 in and to the parcels of real property described in para-  
13 graph (2).

14 (2) The authority in paragraph (1) applies to the fol-  
15 lowing parcels of real property located on the Fort Lewis  
16 Military Reservation, Washington:

17 (A) An unimproved portion of Tract 1000 (for-  
18 merly being in the DuPont-Steilacoom Road), con-  
19 sisting of approximately 1.23 acres.

20 (B) Tract 26E, consisting of approximately  
21 0.03 acres.

22 (b) CONSIDERATION.—As consideration for the con-  
23 veyance authorized by subsection (a), the Company  
24 shall—

1           (1) convey (or acquire and then convey) to the  
2 United States all right, title, and interest in and to  
3 a parcel of real property consisting of approximately  
4 0.39 acres, together with improvements thereon, lo-  
5 cated within the boundaries of Fort Lewis Military  
6 Reservation;

7           (2) construct an access road from Pendleton  
8 Street to the DuPont Recreation Area and a walk-  
9 way path through DuPont Recreation Area;

10          (3) construct as improvements to the recreation  
11 area a parking lot, storm drains, perimeter fencing,  
12 restroom facilities, and initial grading of the DuPont  
13 baseball fields; and

14          (4) provide such other consideration as may be  
15 necessary (as determined by the Secretary) to ensure  
16 that the fair market value of the consideration pro-  
17 vided by the Company under this subsection is not  
18 less than the fair market value of the parcels of real  
19 property conveyed under subsection (a).

20          (c) DETERMINATIONS OF FAIR MARKET VALUE.—  
21 The determinations of the Secretary regarding the fair  
22 market value of the real property to be conveyed pursuant  
23 to subsections (a) and (b), and of any other consideration  
24 provided by the Company under subsection (b), shall be  
25 final.

1 (d) TREATMENT OF OTHER INTERESTS IN PARCELS  
2 TO BE CONVEYED.—The Secretary may enter into an  
3 agreement with the appropriate officials of Pierce County,  
4 Washington, which provides for—

5 (1) Pierce County to release the existing rever-  
6 sionary interest of Pierce County in the parcels of  
7 real property to be conveyed by the United States  
8 under subsection (a); and

9 (2) the United States, in exchange for the re-  
10 lease, to convey or grant to Pierce County an inter-  
11 est in the parcel of real property conveyed to the  
12 United States under subsection (b)(1) that is similar  
13 in effect (as to that parcel) to the reversionary inter-  
14 est released by Pierce County under paragraph (1).

15 (e) DESCRIPTION OF PROPERTY.—The exact acre-  
16 ages and legal descriptions of the parcels of real property  
17 to be conveyed under subsections (a) and (b) shall be de-  
18 termined by surveys satisfactory to the Secretary. The cost  
19 of such surveys shall be borne by the Company.

20 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
21 retary may require any additional terms and conditions  
22 in connection with the conveyances under this section that  
23 the Secretary considers appropriate to protect the interest  
24 of the United States.

1 **Subtitle D—Transfer of Jurisdic-**  
2 **tion and Establishment of**  
3 **Midewin National Tallgrass**  
4 **Prairie**

5 **SEC. 2851. SHORT TITLE.**

6 This subtitle may be cited as the “Illinois Land Con-  
7 servation Act of 1995”.

8 **SEC. 2852. DEFINITIONS.**

9 As used in this subtitle:

10 (1) The term “Administrator” means the Ad-  
11 ministrator of the Environmental Protection Agency.

12 (2) The term “agricultural purposes” means,  
13 with respect to land, the use of land for row crops,  
14 pasture, hay, or grazing.

15 (3) The term “Arsenal” means the Joliet Army  
16 Ammunition Plant located in the State of Illinois.

17 (4) The term “Arsenal Land Use Concept” re-  
18 fers to the proposals that were developed and unani-  
19 mously approved on April 8, 1994, by the Joliet Ar-  
20 senal Citizen Planning Commission.

21 (5) The term “CERCLA” means the Com-  
22 prehensive Environmental Response, Compensation,  
23 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

24 (6) The term “Defense Environmental Restora-  
25 tion Program” means the Defense Environmental

1 Restoration Program established under section 2701  
2 of title 10, United States Code.

3 (7) The term “environmental law” means all  
4 applicable Federal, State, and local laws, regula-  
5 tions, and requirements related to the protection of  
6 human health, natural and cultural resources, or the  
7 environment, including—

8 (A) CERCLA;

9 (B) the Solid Waste Disposal Act (42  
10 U.S.C. 6901 et seq.);

11 (C) the Federal Water Pollution Control  
12 Act (commonly known as the “Clean Water  
13 Act”; 33 U.S.C. 1251 et seq.);

14 (D) the Clean Air Act (42 U.S.C. 7401 et  
15 seq.);

16 (E) the Federal Insecticide, Fungicide, and  
17 Rodenticide Act (7 U.S.C. 136 et seq.);

18 (F) the Toxic Substances Control Act (15  
19 U.S.C. 2601 et seq.); and

20 (G) title XIV of the Public Health Service  
21 Act (commonly known as the “Safe Drinking  
22 Water Act”) (42 U.S.C. 300f et seq.).

23 (8) The term “hazardous substance” has the  
24 meaning given the term in section 101(14) of  
25 CERCLA (42 U.S.C. 9601(14)).

1           (9) The term “MNP” means the Midewin Na-  
2           tional Tallgrass Prairie established under section  
3           2853 and managed as part of the National Forest  
4           System.

5           (10) The term “national cemetery” means a  
6           cemetery that is part of the National Cemetery Sys-  
7           tem under chapter 24 of title 38, United States  
8           Code.

9           (11) The term “person” has the meaning given  
10          the term in section 101(21) of CERCLA (42 U.S.C.  
11          9601(21)).

12          (12) The term “pollutant or contaminant” has  
13          the meaning given the term in section 101(33) of  
14          CERCLA (42 U.S.C. 9601(33)).

15          (13) The term “release” has the meaning given  
16          the term in section 101(22) of CERCLA (42 U.S.C.  
17          9601(22)).

18          (14) The term “response” has the meaning  
19          given the term in section 101(25) of CERCLA (42  
20          U.S.C. 9601(25)).

21          (15) The term “Secretary” means the Secretary  
22          of Agriculture.

1 **SEC. 2853. ESTABLISHMENT OF MIDEWIN NATIONAL**  
2 **TALLGRASS PRAIRIE.**

3 (a) ESTABLISHMENT.—On the date of the initial  
4 transfer of jurisdiction of portions of the Arsenal to the  
5 Secretary under section 2854(a)(1), the Secretary shall es-  
6 tablish the MNP described in subsection (b).

7 (b) DESCRIPTION.—The MNP shall consist of all por-  
8 tions of the Arsenal transferred to the Secretary under  
9 this subtitle.

10 (c) ADMINISTRATION.—The Secretary shall manage  
11 the MNP as a part of the National Forest System in ac-  
12 cordance with this subtitle and the laws, rules, and regula-  
13 tions pertaining to the National Forests, except that the  
14 Bankhead-Jones Farm Tenant Act (7 U.S.C. 1000 et  
15 seq.) shall not apply to the MNP.

16 (d) LAND ACQUISITION FUNDS.—Notwithstanding  
17 section 7 of the Land and Water Conservation Fund Act  
18 of 1965 (16 U.S.C. 4601–9), money appropriated from the  
19 land and water conservation fund established under sec-  
20 tion 2 of that Act (16 U.S.C. 4601–5) may be used for  
21 acquisition of lands and interests in land for inclusion in  
22 the MNP.

23 (e) LAND AND RESOURCE MANAGEMENT PLAN.—  
24 The Secretary shall develop a land and resource manage-  
25 ment plan for the MNP, after consulting with the Illinois  
26 Department of Conservation and local governments adja-

1 cent to the MNP and providing an opportunity for public  
2 comment.

3 (f) PRE-PLAN MANAGEMENT.—In order to expedite  
4 the administration and public use of the MNP, the Sec-  
5 retary may, prior to the development of a land and re-  
6 source management plan for the MNP under subsection  
7 (e), manage the MNP for the purposes described in sub-  
8 section (g).

9 (g) PURPOSES OF MNP.—In establishing the MNP,  
10 the Secretary shall—

11 (1) conserve and enhance populations and habi-  
12 tats of fish, wildlife, and plants, including popu-  
13 lations of grassland birds, raptors, passerines, and  
14 marsh and water birds;

15 (2) restore and enhance, where practicable,  
16 habitats for species listed as threatened or endan-  
17 gered, or proposed to be listed, under section 4 of  
18 the Endangered Species Act of 1973 (16 U.S.C.  
19 1533);

20 (3) provide fish- and wildlife-oriented public  
21 uses at levels compatible with the conservation, en-  
22 hancement, and restoration of native wildlife and  
23 plants and the habitats of native wildlife and plants;

24 (4) provide opportunities for scientific research;

1           (5) provide opportunities for environmental and  
2 land use education;

3           (6) manage the land and water resources of the  
4 MNP in a manner that will conserve and enhance  
5 the natural diversity of native fish, wildlife, and  
6 plants;

7           (7) conserve and enhance the quality of aquatic  
8 habitat; and

9           (8) provide for public recreation insofar as the  
10 recreation is compatible with paragraphs (1) through  
11 (7).

12       (h) PROHIBITION AGAINST THE CONSTRUCTION OF  
13 NEW THROUGH ROADS.—(1) Subject to paragraph (2),  
14 no new construction of a highway, public road, or part  
15 of the interstate system, whether Federal, State, or local,  
16 shall be permitted through or across any portion of the  
17 MNP.

18       (2) This subsection does not preclude—

19           (A) construction and maintenance of roads for  
20 use within the MNP;

21           (B) the granting of authorizations for utility  
22 rights-of-way under applicable Federal, State, or  
23 local law;

1           (C) necessary access by the Secretary of the  
2       Army for purposes of restoration and cleanup as  
3       provided in this subtitle;

4           (D) such other access as is necessary.

5           (i) AGRICULTURAL LEASES AND SPECIAL USE AU-  
6       THORIZATIONS.—(1) If, at the time of transfer of jurisdic-  
7       tion under section 2854(a), there exists a lease issued by  
8       the Secretary of the Army, Secretary of Defense, or an  
9       employee of the Secretary of the Army or the Secretary  
10      of Defense, for agricultural purposes on the land trans-  
11      ferred, the Secretary, on the transfer of jurisdiction, shall  
12      issue a special use authorization. Subject to paragraph  
13      (3), the terms of the special use authorization shall be  
14      identical in substance to the lease, including terms pre-  
15      scribing the expiration date and any payments owed to  
16      the United States. On issuance of the special use author-  
17      ization, the lease shall become void.

18           (2) The Secretary may issue a special use authoriza-  
19      tion to a person for use of the MNP for agricultural pur-  
20      poses. The special use authorization shall require payment  
21      of a rental fee, in advance, that is based on the fair market  
22      value of the use allowed. Fair market value shall be deter-  
23      mined by appraisal or a competitive bidding process. Sub-  
24      ject to paragraph (3), the special use authorization shall

1 include such terms and conditions as the Secretary consid-  
2 ers appropriate.

3 (3) No special use authorization shall be issued under  
4 this subsection that has a term extending beyond the date  
5 that is 20 years after the date of enactment of this Act,  
6 unless the special use authorization is issued primarily for  
7 purposes related to—

8 (A) erosion control;

9 (B) provision for food and habitat for fish and  
10 wildlife; or

11 (C) resource management activities consistent  
12 with the purposes of the MNP.

13 (j) TREATMENT OF RENTAL FEES.—Funds received  
14 under a special use authorization issued under subsection  
15 (i) shall be subject to distribution to the State of Illinois  
16 and affected counties in accordance with the Act of May  
17 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) and  
18 section 13 of the Act of March 1, 1911 (36 Stat. 963,  
19 chapter 186; 16 U.S.C. 500). All funds not distributed  
20 under such Acts shall be credited to an MNP Rental Fee  
21 Account, to be maintained by the Secretary of the Treas-  
22 ury. Amounts in the Account shall remain available until  
23 expended, without fiscal year limitation. The Secretary  
24 may use funds in the Account to carry out prairie-im-  
25 provement work. Any funds in the account that the Sec-

1 retary determines to be in excess of the cost of doing prai-  
2 rie-improvement work shall be transferred, on the deter-  
3 mination, to miscellaneous receipts, Forest Service Fund,  
4 as a National Forest receipt for the fiscal year in which  
5 the transfer is made.

6 (k) USER FEES.—The Secretary may charge reason-  
7 able fees for the admission, occupancy, and use of the  
8 MNP and may prescribe a fee schedule providing for a  
9 reduction or a waiver of fees for a person engaged in an  
10 activity authorized by the Secretary, including volunteer  
11 services, research, or education. The Secretary shall per-  
12 mit admission, occupancy, and use of the MNP at no  
13 charge for a person possessing a valid Golden Eagle Pass-  
14 port or Golden Age Passport.

15 (l) SALVAGE OF IMPROVEMENTS.—The Secretary  
16 may sell for salvage value any facility or improvement that  
17 is transferred to the Secretary under this subtitle.

18 (m) TREATMENT OF USER FEES AND SALVAGE RE-  
19 CEIPTS.—Funds collected under subsections (k) and (l)  
20 shall be credited to a Midewin National Tallgrass Prairie  
21 Restoration Fund, to be maintained by the Secretary of  
22 the Treasury. Amounts in the Fund shall remain available,  
23 subject to appropriation, without fiscal year limitation.  
24 The Secretary may use amounts in the Fund for restora-  
25 tion and administration of the MNP, including construc-

1 tion of a visitor and education center, restoration of  
2 ecosystems, construction of recreational facilities (such as  
3 trails), construction of administrative offices, and oper-  
4 ation and maintenance of the MNP.

5 (n) COOPERATION WITH STATES, LOCAL GOVERN-  
6 MENTS, AND OTHER ENTITIES.—In the management of  
7 the MNP, the Secretary shall, to the extent practicable,  
8 cooperate with affected appropriate Federal, State, and  
9 local governmental agencies, private organizations, and  
10 corporations. The cooperation may include entering a co-  
11 operative agreement or exercising authority under the Co-  
12 operative Forestry Assistance Act of 1978 (16 U.S.C.  
13 2101 et seq.) or the Forest and Rangeland Renewable Re-  
14 sources Research Act of 1978 (16 U.S.C. 1641 et seq.).  
15 The purpose of the cooperation may include public edu-  
16 cation, land and resource protection, or cooperative man-  
17 agement among government, corporate, and private land-  
18 owners in a manner that is consistent with this subtitle.

19 **SEC. 2854. TRANSFER OF MANAGEMENT RESPONSIBILITIES**  
20 **AND JURISDICTION OVER ARSENAL.**

21 (a) PHASED TRANSFER OF JURISDICTION.—(1) Not  
22 later than 180 days after the date of the enactment of  
23 this Act, the Secretary of the Army may transfer to the  
24 Secretary of Agriculture those portions of the Arsenal  
25 property identified for transfer to the Secretary of Agri-

1 culture under subsection (c), and may transfer to the Sec-  
2 retary of Veterans Affairs those portions identified for  
3 transfer to the Secretary of Veterans Affairs under section  
4 2855(a). In the case of the Arsenal property to be trans-  
5 ferred to the Secretary of Agriculture, the Secretary of  
6 the Army shall transfer to the Secretary of Agriculture  
7 only those portions for which the Secretary of the Army  
8 and the Administrator concur in finding that no further  
9 action is required under any environmental law and that  
10 have been eliminated from the areas to be further studied  
11 pursuant to the Defense Environmental Restoration Pro-  
12 gram for the Arsenal. Not later than 120 days after the  
13 date of the enactment of this Act, the Secretary of the  
14 Army and the Administrator shall provide to the Sec-  
15 retary—

16 (A) all documentation that exists on the date  
17 the documentation is provided that supports the  
18 finding; and

19 (B) all information that exists on the date the  
20 information is provided that relates to the environ-  
21 mental conditions of the portions of the Arsenal to  
22 be transferred to the Secretary under this para-  
23 graph.

24 (2)(A) The Secretary of the Army may transfer to  
25 the Secretary of Agriculture any portion of the property

1 generally identified in subsection (c) and not transferred  
2 pursuant to paragraph (1) when the Secretary of the  
3 Army and the Administrator concur in finding that no fur-  
4 ther action is required at that portion of property under  
5 any environmental law and that the portion has been  
6 eliminated from the areas to be further studied pursuant  
7 to the Defense Environmental Restoration Program for  
8 the Arsenal.

9 (B) Not later than 60 days before a transfer under  
10 this paragraph, the Secretary of the Army and the Admin-  
11 istrator shall provide to the Secretary—

12 (i) all documentation that exists on the date the  
13 documentation is provided that supports the finding;  
14 and

15 (ii) all information that exists on the date the  
16 information is provided that relates to the environ-  
17 mental conditions of the portions of the Arsenal to  
18 be transferred to the Secretary under this para-  
19 graph.

20 (C) Transfer of jurisdiction under this paragraph  
21 may be accomplished on a parcel-by-parcel basis.

22 (b) TRANSFER WITHOUT REIMBURSEMENT.—The  
23 Secretary of the Army may transfer the area constituting  
24 the MNP to the Secretary without reimbursement.

1 (c) IDENTIFICATION OF PORTIONS FOR TRANSFER  
2 FOR MNP.—The lands to be transferred to the Secretary  
3 under subsection (a) shall be identified in an agreement  
4 between the Secretary of the Army and the Secretary. All  
5 the real property and improvements comprising the Arse-  
6 nal, except for lands and facilities described in subsection  
7 (g) or designated for transfer or disposal to parties other  
8 than the Secretary under section 2855, shall be trans-  
9 ferred to the Secretary.

10 (d) SECURITY MEASURES.—The Secretary, the Sec-  
11 retary of the Army, and the Secretary of Veterans Affairs,  
12 shall each provide and maintain physical and other secu-  
13 rity measures on such portion of the Arsenal as is under  
14 the administrative jurisdiction of the respective Secretary.  
15 The security measures (which may include fences and nat-  
16 ural barriers) shall include measures to prevent members  
17 of the public from gaining unauthorized access to such  
18 portions of the Arsenal as are under the administrative  
19 jurisdiction of each respective Secretary and that may en-  
20 danger health or safety.

21 (e) COOPERATIVE AGREEMENTS.—The Secretary,  
22 the Secretary of the Army, and the Administrator individ-  
23 ually and collectively may enter into a cooperative agree-  
24 ment or a memoranda of understanding among each other,  
25 with another affected Federal agency, State or local gov-

1 ernment, private organization, or corporation to carry out  
2 the purposes described in section 2853(g).

3 (f) INTERIM ACTIVITIES OF THE SECRETARY.—Prior  
4 to transfer and subject to such reasonable terms and con-  
5 ditions as the Secretary of the Army may prescribe, the  
6 Secretary may enter on the Arsenal property for purposes  
7 related to planning, resource inventory, fish and wildlife  
8 habitat manipulation (which may include prescribed burn-  
9 ing), and other such activities consistent with the purposes  
10 for which the MNP is established.

11 (g) PROPERTY USED FOR ENVIRONMENTAL CLEAN-  
12 UP.—(1) The Secretary of the Army shall retain jurisdic-  
13 tion, authority, and control over real property at the Arse-  
14 nal that is used for—

15 (A) water treatment;

16 (B) the treatment, storage, or disposal of a haz-  
17 ardous substance, pollutant or contaminant, hazard-  
18 ous material, or petroleum product or a derivative of  
19 the product;

20 (C) purposes related to a response at the Arse-  
21 nal; and

22 (D) actions required at the Arsenal under an  
23 environmental law to remediate contamination or  
24 conditions of noncompliance with an environmental  
25 law.

1           (2) In the case of a conflict between management of  
2 the property by the Secretary and a response or other ac-  
3 tion required under an environmental law, or necessary  
4 to remediate a petroleum product or a derivative of the  
5 product, the response or other action shall take priority.

6           (3)(A) All costs of necessary surveys for the transfer  
7 of jurisdiction of a property to a Federal agency under  
8 this subtitle shall be borne by the agency to which the  
9 property is transferred.

10          (B) The Secretary of the Army shall bear the costs  
11 of any surveys necessary for the transfer of land to a non-  
12 Federal agency under section 2855.

13 **SEC. 2855. DISPOSAL FOR INDUSTRIAL PARKS, A COUNTY**  
14                                   **LANDFILL, AND A NATIONAL VETERANS CEM-**  
15                                   **ETERY AND TO THE ADMINISTRATOR OF**  
16                                   **GENERAL SERVICES.**

17          (a) NATIONAL VETERANS CEMETERY.—The Sec-  
18 retary of the Army may convey to the Department of Vet-  
19 erans Affairs, without compensation, an area of real prop-  
20 erty to be used for a national cemetery, as authorized  
21 under section 2337 of the Military Construction Author-  
22 ization Act, 1988 and 1989 (division B of Public Law  
23 100–180; 101 Stat. 1225), consisting of approximately  
24 910 acres, the approximate legal description of which in-  
25 cludes part of sections 30 and 31 Jackson Township, T.

1 34 N. R. 10 E., and including part of sections 25 and  
2 36 Channahon Township, T. 34 N. R. 9 E., Will County,  
3 Illinois, as depicted on the Arsenal Land Use Concept.

4 (b) COUNTY OF WILL LANDFILL.—(1) Subject to  
5 paragraphs (2) through (6), the Secretary of the Army  
6 may convey an area of real property to Will County, Illi-  
7 nois, without compensation, to be used for a landfill by  
8 the County, consisting of approximately 425 acres of the  
9 Arsenal, the approximate legal description of which in-  
10 cludes part of sections 8 and 17, Florence Township, T.  
11 33 N. R. 10 E., Will County, Illinois, as depicted in the  
12 Arsenal Land Use Concept.

13 (2) Additional acreage shall be added to the landfill  
14 described in paragraph (1) as is necessary to reasonably  
15 accommodate needs for the disposal of refuse and other  
16 materials from the restoration and cleanup of the Arsenal  
17 property.

18 (3) Use of the landfill described in paragraph (1) or  
19 additional acreage under paragraph (2) by any agency of  
20 the Federal Government shall be at no cost to the Federal  
21 Government.

22 (4) The Secretary of the Army may require such ad-  
23 ditional terms and conditions in connection with a convey-  
24 ance under this subsection as the Secretary of the Army

1 considers appropriate to protect the interests of the Unit-  
2 ed States.

3 (5) Any conveyance of real property under this sub-  
4 section shall contain a reversionary interest that provides  
5 that the property shall revert to the Secretary of Agri-  
6 culture for inclusion in the MNP if the property is not  
7 operated as a landfill.

8 (6) Liability for environmental conditions at or relat-  
9 ed to the landfill described in paragraph (1) resulting from  
10 activities occurring at the landfill after the date of enact-  
11 ment of this Act and before a revision under paragraph  
12 (5) shall be borne by Will County.

13 (c) VILLAGE OF ELWOOD INDUSTRIAL PARK.—The  
14 Secretary of the Army may convey an area of real property  
15 to the Village of Elwood, Illinois, to be used for an indus-  
16 trial park, consisting of approximately 1,900 acres of the  
17 Arsenal, the approximate legal description of which in-  
18 cludes part of section 30, Jackson Township, T. 34 N.  
19 R. 10 E., and sections or part of sections 24, 25, 26, 35,  
20 and 36 Channahon Township, T. 34 N. R. 9 E., Will  
21 County, Illinois, as depicted on the Arsenal Land Use  
22 Concept. The conveyance shall be at fair market value,  
23 as determined in accordance with Federal appraisal stand-  
24 ards and procedures. Any funds received by the Village  
25 of Elwood from the sale or other transfer of the property,

1 or portions of the property, less any costs expended for  
2 improvements on the property, shall be remitted to the  
3 Secretary of the Army.

4 (d) CITY OF WILMINGTON INDUSTRIAL PARK.—The  
5 Secretary of the Army may convey an area of real property  
6 to the City of Wilmington, Illinois, to be used for an indus-  
7 trial park, consisting of approximately 1,100 acres of the  
8 Arsenal, the approximate legal description of which in-  
9 cludes part of sections 16, 17, and 18 Florence Township,  
10 T. 33 N. R. 10 E., Will County, Illinois, as depicted on  
11 the Arsenal Land Use Concept. The conveyance shall be  
12 at fair market value, as determined in accordance with  
13 Federal appraisal standards and procedures. Any funds  
14 received by the City of Wilmington from the sale or other  
15 transfer of the property, or portions of the property, less  
16 any costs expended for improvements on the property,  
17 shall be remitted to the Secretary of the Army.

18 (e) OPTIONAL ADDITIONAL AREAS.—(1) Not later  
19 than 180 days after the construction and installation of  
20 any remedial design approved by the Administrator and  
21 required for any lands described in paragraph (2), the Ad-  
22 ministrator shall provide to the Secretary all information  
23 existing on the date the information is provided regarding  
24 the implementation of the remedy, including information  
25 regarding the effectiveness of the remedy. Not later than

1 180 days after the Administrator provides the information  
2 to the Secretary, the Secretary of the Army shall offer  
3 the Secretary the option of accepting a conveyance of the  
4 areas described in paragraph (2), without reimbursement,  
5 to be added to the MNP subject to the terms and condi-  
6 tions, including the limitations on liability, contained in  
7 this subtitle. If the Secretary declines the offer, the prop-  
8 erty may be disposed of as the Secretary of the Army  
9 would ordinarily dispose of the property under applicable  
10 provisions of law. The conveyance of property under this  
11 paragraph may be accomplished on a parcel-by-parcel  
12 basis.

13 (2)(A) The areas on the Arsenal Land Use Concept  
14 that may be conveyed under paragraph (1) are—

- 15 (i) manufacturing area, study area 1, southern  
16 ash pile;
- 17 (ii) study area 2, explosive burning ground;
- 18 (iii) study area 3, flashing-grounds;
- 19 (iv) study area 4, lead azide area;
- 20 (v) study area 10, toluene tank farms;
- 21 (vi) study area 11, landfill;
- 22 (vii) study area 12, sellite manufacturing area;
- 23 (viii) study area 14, former pond area;
- 24 (ix) study area 15, sewage treatment plant;

- 1 (x) study area L1, load assemble packing area,  
2 group 61;
- 3 (xi) study area L2, explosive burning ground;
- 4 (xii) study area L3, demolition area;
- 5 (xiii) study area L4, landfill area;
- 6 (xiv) study area L5, salvage yard;
- 7 (xv) study area L7, group 1;
- 8 (xvi) study area L8, group 2;
- 9 (xvii) study area L9, group 3;
- 10 (xviii) study area L10, group 3A;
- 11 (xix) study area L12, Doyle Lake;
- 12 (xx) study area L14, group 4;
- 13 (xxi) study area L15, group 5;
- 14 (xxii) study area L18, group 8;
- 15 (xxiii) study area L19, group 9;
- 16 (xxiv) study area L20, group 20;
- 17 (xxv) study area L22, group 25;
- 18 (xxvi) study area L23, group 27;
- 19 (xxvii) study area L25, group 62;
- 20 (xxviii) study area L31, extraction pits;
- 21 (xxix) study area L33, PVC area;
- 22 (xxx) study area L34, former burning area; and
- 23 (xxxi) study area L35, fill area.

24 (B) The areas referred to in subparagraph (A) shall  
25 include all associated inventoried buildings and structures

1 as identified in the Joliet Army Ammunition Plant  
2 Plantwide Building and Structures Report and the con-  
3 taminant study sites for both the manufacturing and load  
4 assembly and packing sides of the Joliet Arsenal as shown  
5 in the Dames and Moore Final Report, Phase 2 Remedial  
6 Investigation Manufacturing (MFG) Area Joliet Army  
7 Ammunition Plant Joliet, Illinois (May 30, 1993. Contract  
8 No. DAAA15-90-D-0015 task order No. 6 prepared for:  
9 United States Army Environmental Center).

10 (C) Notwithstanding subparagraphs (A) and (B), the  
11 landfill and national cemetery described in paragraphs (3)  
12 and (4) shall not be subject to paragraph (1).

13 **SEC. 2856. CONTINUATION OF RESPONSIBILITY AND LI-**  
14 **ABILITY OF THE SECRETARY OF THE ARMY**  
15 **FOR ENVIRONMENTAL CLEANUP.**

16 (a) **RESPONSIBILITY.**—The Secretary of the Army  
17 shall retain the responsibility to complete any remedial,  
18 response, or other restoration actions required under any  
19 environmental law in order to carry out a transfer of prop-  
20 erty under section 2854 before carrying out the transfer  
21 of the property under that section.

22 (b) **LIABILITY FOR ARSENAL.**—(1) The Secretary of  
23 the Army shall retain any obligation or other liability at  
24 the Arsenal that the Secretary had under CERCLA and  
25 other environmental laws. Following transfer of a portion

1 of the Arsenal under this subtitle, the Secretary of the  
2 Army shall be accorded any easement or access to the  
3 property that may be reasonably required to carry out the  
4 obligation or satisfy the liability.

5 (2) The Secretary of Agriculture shall not be respon-  
6 sible for the cost of any remedial, response, or other res-  
7 toration action required under any environmental law for  
8 a matter that is related directly or indirectly to an activity  
9 of the Secretary of the Army, or a party acting under the  
10 authority of the Secretary of the Army, in connection with  
11 the Defense Environmental Restoration Program, at or re-  
12 lated to the Arsenal, including—

13 (A) the costs or performance of responses re-  
14 quired under CERCLA;

15 (B) the costs, penalties, or fines related to non-  
16 compliance with an environmental law at or related  
17 to the Arsenal or related to the presence, release, or  
18 threat of release of a, hazardous substance, pollutant  
19 or contaminant, hazardous waste, or hazardous ma-  
20 terial of any kind at or related to the Arsenal, in-  
21 cluding contamination resulting from migration of a  
22 hazardous substance, pollutant or contaminant, a  
23 hazardous material, or a petroleum product or a de-  
24 rivative of the product disposed during an activity of  
25 the Secretary of the Army; and

1           (C) the costs of an action necessary to remedy  
2           noncompliance or another problem specified in sub-  
3           paragraph (B).

4           (c) PAYMENT OF RESPONSE COSTS.—A Federal  
5           agency that had or has operations at the Arsenal resulting  
6           in the release or threatened release of a hazardous sub-  
7           stance or pollutant or contaminant shall pay the cost of  
8           a related response and shall pay the costs of a related ac-  
9           tion to remediate petroleum products or the derivatives of  
10          the products, including motor oil and aviation fuel.

11          (d) CONSULTATION.—The Secretary shall consult  
12          with the Secretary of the Army with respect to the man-  
13          agement by the Secretary of real property included in the  
14          MNP subject to a response or other action at the Arsenal  
15          being carried out by or under the authority of the Sec-  
16          retary of the Army under any environmental law. The Sec-  
17          retary shall consult with the Secretary of the Army prior  
18          to undertaking an activity on the MNP that may disturb  
19          the property to ensure that the activity shall not exacer-  
20          bate contamination problems or interfere with perform-  
21          ance by the Secretary of the Army of a response at the  
22          property.

1 **SEC. 2857. DEGREE OF ENVIRONMENTAL CLEANUP.**

2 (a) IN GENERAL.—Nothing in this subtitle shall re-  
3 strict or lessen the degree of cleanup at the Arsenal re-  
4 quired to be carried out under any environmental law.

5 (b) RESPONSE.—The establishment of the MNP shall  
6 not restrict or lessen in any way a response or degree of  
7 cleanup required under CERCLA or other environmental  
8 law, or a response required under any environmental law  
9 to remediate petroleum products or the derivatives of the  
10 products, including motor oil and aviation fuel, required  
11 to be carried out by the Secretary of the Army at the Arse-  
12 nal or surrounding areas.

13 (c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any  
14 contract for sale, deed, or other transfer of real property  
15 under section 2855 shall be carried out in compliance with  
16 section 120(h) of the CERCLA (42 U.S.C. 9620(h)) and  
17 other environmental laws.

18 **Subtitle E—Other Matters**

19 **SEC. 2861. DEPARTMENT OF DEFENSE LABORATORY REVI-**  
20 **TALIZATION DEMONSTRATION PROGRAM.**

21 (a) PROGRAM REQUIRED.—The Secretary of Defense  
22 shall carry out a program for the revitalization of Depart-  
23 ment of Defense laboratories to be known as the “Depart-  
24 ment of Defense Laboratory Revitalization Demonstration  
25 Program”. Under the program the Secretary may carry  
26 out minor military construction projects in accordance

1 with subsection (b) and other applicable law to improve  
2 Department of Defense laboratories covered by the pro-  
3 gram.

4 (b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO  
5 MINOR CONSTRUCTION PROJECTS.—For purpose of any  
6 military construction project carried out under the pro-  
7 gram—

8 (1) the amount provided in the second sentence  
9 of subsection (a)(1) of section 2805 of title 10, Unit-  
10 ed States Code (as amended by section 2801 of this  
11 Act), shall be deemed to be \$3,000,000;

12 (2) the amount provided in subsection (b)(1) of  
13 such section shall be deemed to be \$1,500,000; and

14 (3) the amount provided in subsection (c)(1)(B)  
15 of such section, as so amended, shall be deemed to  
16 be \$1,000,000.

17 (c) PROGRAM REQUIREMENTS.—(1) Not later than  
18 30 days before commencing the program, the Secretary  
19 shall—

20 (A) designate the Department of Defense lab-  
21 oratories at which construction may be carried out  
22 under the program; and

23 (B) establish procedures for the review and ap-  
24 proval of requests from such laboratories to carry  
25 out such construction.

1       (2) The laboratories designated under paragraph  
2 (1)(A) may not include Department of Defense labora-  
3 tories that are contractor owned.

4       (3) The Secretary shall notify Congress of the labora-  
5 tories designated under paragraph (1)(A).

6       (d) REPORT.—Not later than September 30, 1998,  
7 the Secretary shall submit to Congress a report on the  
8 program. The report shall include the Secretary’s conclu-  
9 sions and recommendations regarding the desirability of  
10 extending the authority set forth in subsection (b) to cover  
11 all Department of Defense laboratories.

12       (e) EXCLUSIVITY OF PROGRAM.—Nothing in this sec-  
13 tion may be construed to limit any other authority pro-  
14 vided by law for any military construction project at a De-  
15 partment of Defense laboratory covered by the program.

16       (f) DEFINITIONS.—In this section:

17           (1) The term “laboratory” includes—

18               (A) a research, engineering, and develop-  
19               ment center;

20               (B) a test and evaluation activity owned,  
21               funded, and operated by the Federal Govern-  
22               ment through the Department of Defense; and

23               (C) a supporting facility of a laboratory.

24           (2) The term “supporting facility”, with respect  
25           to a laboratory, means any building or structure

1 that is used in support of research, development,  
2 test, and evaluation at the laboratory.

3 (g) EXPIRATION OF AUTHORITY.—The Secretary  
4 may not commence a construction project under the pro-  
5 gram after September 30, 1999.

6 **SEC. 2862. PROHIBITION ON JOINT CIVIL AVIATION USE OF**  
7 **MIRAMAR NAVAL AIR STATION, CALIFORNIA.**

8 The Secretary of the Navy may not enter into any  
9 agreement that provides for or permits civil aircraft to use  
10 regularly Miramar Naval Air Station, California.

11 **SEC. 2863. REPORT ON AGREEMENT RELATING TO CONVEY-**  
12 **ANCE OF LAND, FORT BELVOIR, VIRGINIA.**

13 Not later than 60 days after the date of the enact-  
14 ment of this Act, the Secretary of the Army shall submit  
15 to the Committee on Armed Services of the Senate and  
16 the Committee on National Security of the House of Rep-  
17 resentatives a report on the status of negotiations for the  
18 agreement required under subsection (b) of section 2821  
19 of the Military Construction Authorization Act for Fiscal  
20 Years 1990 and 1991 (division B of Public Law 101–189;  
21 103 Stat. 1658) in connection with the land conveyance  
22 authorized under subsection (a) of that section. The report  
23 shall assess the likelihood that the negotiations will lead  
24 to an agreement and describe the alternative uses, if any,

- 1 for the land referred to in such subsection (a) that have
- 2 been identified by the Secretary.

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