

108TH CONGRESS  
2D SESSION

# S. 2402

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## AN ACT

To authorize appropriations for fiscal year 2005 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 2005”.

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#### **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 Armed Services 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-  
16 tion projects for the installations and locations inside the  
17 United States, and in the amounts, set forth in the fol-  
18 lowing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alabama .....	Anniston Army Depot .....	\$23,690,000
	Fort Rucker .....	\$16,500,000
Alaska .....	Fort Richardson .....	\$24,300,000
	Fort Wainwright .....	\$92,459,000
Arizona .....	Fort Huachuca .....	\$18,000,000
California .....	Fort Irwin .....	\$38,100,000
	Sierra Army Depot .....	\$13,600,000
Colorado .....	Fort Carson .....	\$63,158,000
Georgia .....	Fort Benning .....	\$71,777,000
	Fort Gillem .....	\$5,800,000
	Fort McPherson .....	\$4,900,000
	Fort Stewart/Hunter Army Air Field .....	\$65,495,000
Hawaii .....	Helemano Military Reservation ...	\$75,300,000
	Hickam Air Field .....	\$11,200,000
	Pohakuloa Training Area .....	\$40,000,000
	Schofield Barracks .....	\$162,792,000
	Wheeler Army Air Field .....	\$24,000,000
Kansas .....	Fort Riley .....	\$59,550,000
Kentucky .....	Fort Campbell .....	\$92,000,000
	Fort Knox .....	\$75,750,000
Louisiana .....	Fort Polk .....	\$70,953,000
Maryland .....	Aberdeen Proving Ground .....	\$13,000,000
Missouri .....	Fort Leonard Wood .....	\$28,150,000
New Mexico .....	White Sands Missile Range .....	\$33,000,000
New York .....	Fort Drum .....	\$7,950,000
	Fort Hamilton .....	\$7,600,000
	Military Entrance Processing Station, Buffalo.	\$6,200,000
	United States Military Academy, West Point.	\$60,000,000
	Fort Bragg .....	\$101,687,000
North Carolina .....	Fort Sill .....	\$14,400,000
Oklahoma .....	Letterkenny Depot .....	\$11,400,000
Pennsylvania .....	Fort Bliss .....	\$20,100,000
	Fort Hood .....	\$78,088,000
	Fort Sam Houston .....	\$11,400,000
Virginia .....	Fort A.P. Hill .....	\$14,775,000
	Fort Myer .....	\$49,526,000
Washington .....	Fort Lewis .....	\$57,200,000
	Total .....	\$1,563,800,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
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 fol-  
7 lowing table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
Germany .....	Grafenwoehr .....	\$77,200,000
Italy .....	Livorno .....	\$26,000,000
Korea .....	Camp Humphreys .....	\$12,000,000
	Total .....	\$115,200,000

**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 and supporting facilities) at the  
7 installations or locations, for the purposes, and in the  
8 amounts set forth in the following table:

**Army: Family Housing**

<b>State or Country</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
Alaska .....	Fort Richardson .....	92 Units .....	\$42,000,000
	Fort Wainwright .....	246 Units ...	\$124,000,000
Arizona .....	Fort Huachuca .....	205 Units ...	\$41,000,000
	Yuma Proving Grounds ....	55 Units .....	\$14,900,000
Kansas .....	Fort Riley .....	126 Units ...	\$33,000,000
New Mexico .....	White Sands Missile Range	156 Units ...	\$31,000,000
Oklahoma .....	Fort Sill .....	247 Units ...	\$47,000,000
Virginia .....	Fort Lee .....	218 Units ...	\$46,000,000
	Fort Monroe .....	68 Units .....	\$16,000,000
		Total ...	\$394,900,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-  
10 priated pursuant to the authorization of appropriations in  
11 section 2104(a)(5)(A), the Secretary of the Army may  
12 carry out architectural and engineering services and con-  
13 struction design activities with respect to the construction  
14 or improvement of family housing units in an amount not  
15 to exceed \$29,209,000.

1 **SEC. 2103. 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 appropriations in section 2104(a)(5)(A),  
6 the Secretary of the Army may improve existing military  
7 family housing units in an amount not to exceed  
8 \$211,990,000.

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

10 (a) IN GENERAL.—Funds are hereby authorized to  
11 be appropriated for fiscal years beginning after September  
12 30, 2004, for military construction, land acquisition, and  
13 military family housing functions of the Department of the  
14 Army in the total amount of \$3,507,891,000, as follows:

15 (1) For military construction projects inside the  
16 United States authorized by section 2101(a),  
17 \$1,534,500,000.

18 (2) For military construction projects outside  
19 the United States authorized by section 2101(b),  
20 \$115,200,000.

21 (3) For unspecified minor military construction  
22 projects authorized by section 2805 of title 10,  
23 United States Code, \$20,000,000.

24 (4) For architectural and engineering services  
25 and construction design under section 2807 of title  
26 10, United States Code, \$154,335,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-  
3 ning and design, and improvement of military  
4 family housing and facilities, \$636,099,000.

5 (B) For support of military family housing  
6 (including the functions described in section  
7 2833 of title 10, United States Code),  
8 \$928,907,000.

9 (6) For the construction of phase 3 of a bar-  
10 racks complex renewal, Capron Road, Schofield Bar-  
11 racks, Hawaii, authorized by section 2101(a) of the  
12 Military Construction Authorization Act for Fiscal  
13 Year 2003 (division B of Public Law 107–314; 116  
14 Stat. 2681), \$48,000,000.

15 (7) For the construction of phase 3 of a main-  
16 tenance complex at Fort Sill, Oklahoma, authorized  
17 by section 2101(a) of the Military Construction Au-  
18 thorization Act for Fiscal Year 2003 (division B of  
19 Public Law 107–314; 116 Stat. 2681), as amended  
20 by section 2106 of this Act, \$13,100,000.

21 (8) For the construction of phase 2 of a bar-  
22 racks complex, 5th and 16th Street, at Fort Stew-  
23 art/Hunter Army Air Field, Georgia, authorized by  
24 section 2101(a) of the Military Construction Author-  
25 ization Act for Fiscal Year 2004 (division B of Pub-



1       lic Law 108–136; 117 Stat. 1697), as amended by  
2       section 2105 of this Act, \$32,950,000.

3           (9) For the construction of phase 2 of the  
4       Lewis and Clark instructional facility, at Fort Leav-  
5       enworth, Kansas, authorized by section 2101(a) of  
6       the Military Construction Authorization Act for Fis-  
7       cal Year 2004 (division B of Public Law 108–136;  
8       117 Stat. 1697), \$44,000,000.

9           (10) For the construction of phase 2 of a bar-  
10      racks complex at Wheeler Sack Army Air Field,  
11      Fort Drum, New York, authorized by section  
12      2101(a) of the Military Construction Authorization  
13      Act for Fiscal Year 2004 (division B of Public Law  
14      108–136; 117 Stat. 1697), as amended by section  
15      2105 of this Act, \$48,000,000.

16          (11) For the construction of phase 2 of a bar-  
17      racks complex, Bastogne Drive, at Fort Bragg,  
18      North Carolina, authorized by section 2101(a) of the  
19      Military Construction Authorization Act for Fiscal  
20      Year 2004 (division B of Public Law 108–136; 117  
21      Stat. 1697), \$48,000,000.

22      (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
23      PROJECTS.—Notwithstanding the cost variations author-  
24      ized by section 2853 of title 10, United States Code, and  
25      any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2101 of this Act  
2 may not exceed—

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

6 (2) \$41,000,000 (the balance of the amount au-  
7 thORIZED under section 2101(a) for an upgrade to  
8 Drum Road at the Helemano Military Reservation,  
9 Hawaii);

10 (3) \$25,000,000 (the balance of the amount au-  
11 thORIZED under section 2101(a) to construct a vehicle  
12 maintenance facility at Schofield Barracks, Hawaii);

13 (4) \$25,000,000 (the balance of the amount au-  
14 thORIZED under section 2101(a) for construction of a  
15 barracks complex, 42nd Street and Indiana Avenue,  
16 at Fort Campbell, Kentucky);

17 (5) \$22,000,000 (the balance of the amount au-  
18 thORIZED under section 2101(a) for the construction  
19 of a basic combat training complex at Fort Knox,  
20 Kentucky);

21 (6) \$31,000,000 (the balance of the amount au-  
22 thORIZED under section 2101(a) for construction of a  
23 barracks complex, Blackjack Street, Fort Bragg,  
24 North Carolina); and

1           (7) \$25,500,000 (the balance of the amount au-  
 2           thorized under section 2101(a) for construction of a  
 3           library and learning center at the United States  
 4           Military Academy, New York).

5 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 6                                   **CERTAIN FISCAL YEAR 2004 PROJECTS.**

7           The table in section 2101(a) of the Military Construc-  
 8           tion Authorization Act for Fiscal Year 2004 (division B  
 9           of Public Law 108–136; 117 Stat. 1697) is amended—

10           (1) in the item relating to Fort Stewart, Geor-  
 11           gia, by striking “\$113,500,000” in the amount col-  
 12           umn and inserting “\$114,450,000”;

13           (2) in the item relating to Fort Drum, New  
 14           York, by striking “\$130,700,000” in the amount  
 15           column and inserting “\$135,700,000”; and

16           (3) by striking the amount identified as the  
 17           total in the amount column and inserting  
 18           “\$1,043,150,000”.

19 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 20                                   **CERTAIN FISCAL YEAR 2003 PROJECT.**

21           The table in section 2101(a) of the Military Construc-  
 22           tion Authorization Act for Fiscal Year 2003 (division B  
 23           of Public Law 107–314; 116 Stat. 2681), as amended by  
 24           section 2105(a)(2) of the Military Construction Authoriza-

tion Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1701), is further amended—

(1) in the item relating to Fort Sill, Oklahoma, by striking “\$39,652,000” in the amount column and inserting “\$40,752,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$1,157,267,000”.

## TITLE XXII—NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy 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:

**Navy: Inside the United States**

State	Installation or location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$26,670,000
California .....	Marine Corps Base, Camp Pendleton ....	\$38,455,000
	Naval Air Facility, El Centro .....	\$54,331,000
	Recruit Depot, San Diego .....	\$8,110,000
	Naval Submarine Base, New London ....	\$50,302,000
Connecticut .....	Naval Observatory, Washington .....	\$3,239,000
District of Columbia .....	Eglin Air Force Base .....	\$2,060,000
Florida .....	Naval Station, Mayport .....	\$6,200,000
	Strategic Weapons Facility Atlantic, Kings Bay .....	\$16,000,000
Illinois .....	Naval Training Station, Great Lakes ....	\$74,781,000
Maine .....	Naval Air Station, Brunswick .....	\$4,690,000
	Portsmouth Naval Station .....	\$7,860,000
Maryland .....	Naval Surface Warfare Center, Indian Head .....	\$13,900,000

**Navy: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Mississippi .....	Naval Construction Battalion Center, Gulfport .....	\$4,350,000
Nevada .....	Naval Air Station, Fallon .....	\$4,980,000
North Carolina .....	Marine Corps Air Station, New River ....	\$35,140,000
	Marine Corps Base, Camp Lejeune .....	\$13,420,000
	Washington County .....	\$136,900,000
Rhode Island .....	Naval Station Newport .....	\$9,080,000
South Carolina .....	Naval Weapons Station, Charleston .....	\$18,140,000
Virginia .....	Camp Elmore Marine Corps Detach- ment.	\$13,500,000
	Marine Corps Base, Quantico .....	\$46,270,000
	Naval Air Station, Oceana .....	\$2,770,000
	Naval Amphibious Base, Little Creek ....	\$2,850,000
	Naval Station, Norfolk .....	\$4,330,000
	Naval Weapons Station, Yorktown .....	\$9,870,000
	Naval Shipyard Puget Sound, Brem- erton.	\$20,305,000
Washington .....	Naval Station, Bremerton .....	\$74,125,000
	Strategic Weapons Facility Pacific, Ban- gor .....	\$131,090,000
	Total .....	\$833,718,000

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 locations outside the United States, and  
6 in the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
Diego Garcia .....	Naval Support Facility, Diego Garcia .....	\$17,500,000
Guam .....	Naval Station, Guam .....	\$33,200,000
Italy .....	Sigonella .....	\$22,550,000
	Total .....	\$73,250,000

7 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
8 propriated pursuant to the authorization of appropriations  
9 in section 2204(a)(3), the Secretary of the Navy may ac-  
10 quire real property and carry out military construction

1 projects for the installations or locations, and in the  
 2 amount, set forth in the following table:

**Navy: Unspecified Worldwide**

Location	Installation or location	Amount
Worldwide Unspecified ...	Unspecified Worldwide .....	\$52,658,000
	Total .....	\$52,658,000

3 **SEC. 2202. FAMILY HOUSING.**

4 Using amounts appropriated pursuant to the author-  
 5 ization of appropriations in section 2204(a)(6)(A), the  
 6 Secretary of the Navy may construct or acquire family  
 7 housing units (including land acquisition and supporting  
 8 facilities) at the installations or locations, for the pur-  
 9 poses, and in the amounts set forth in the following table:

**Navy: Family Housing**

State	Installation or Location	Purpose	Amount
North Carolina .....	Marine Corps Air Station, Cherry Point .....	198 Units ....	\$27,002,000
		Total ....	\$27,002,000

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States  
 13 Code, and using amounts appropriated pursuant to the  
 14 authorization of appropriations in section 2204(a)(6)(A),  
 15 the Secretary of the Navy may improve existing military  
 16 family housing units in an amount not to exceed  
 17 \$112,105,000.

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, 2004, for military construction, land acquisition, and  
5 military family housing functions of the Department of the  
6 Navy in the total amount of \$1,843,716,000, as follows:

7 (1) For military construction projects inside the  
8 United States authorized by section 2201(a),  
9 \$694,338,000.

10 (2) For military construction projects outside  
11 the United States authorized by section 2201(b),  
12 \$73,250,000.

13 (3) For military construction projects at un-  
14 specified worldwide locations authorized by section  
15 2201(c), \$18,560,000.

16 (4) For unspecified minor military construction  
17 projects authorized by section 2805 of title 10,  
18 United States Code, \$12,000,000.

19 (5) For architectural and engineering services  
20 and construction design under section 2807 of title  
21 10, United States Code, \$87,067,000.

22 (6) For military family housing functions:

23 (A) For construction and acquisition, plan-  
24 ning and design, and improvement of military  
25 family housing and facilities, \$139,107,000.

1 (B) For support of military family housing  
2 (including functions described in section 2833  
3 of title 10, United States Code), \$704,504,000.

4 (7) For the construction of phase 2 of the ter-  
5 tiary sewage treatment plant at Marine Corps Base,  
6 Camp Pendleton, California, authorized by section  
7 2201(a) of the Military Construction Authorization  
8 Act for Fiscal Year 2004 (division B of Public Law  
9 108–136; 117 Stat. 1703), \$25,690,000.

10 (8) For the construction of phase 2 of the gen-  
11 eral purpose berthing pier at Naval Weapons Sta-  
12 tion, Earle, New Jersey, authorized by section  
13 2201(a) of the Military Construction Authorization  
14 Act for Fiscal Year 2004, \$49,200,000.

15 (9) For the construction of phase 2 of pier 11  
16 replacement at Naval Station, Norfolk, Virginia, au-  
17 thorized by section 2201(a) of the Military Construc-  
18 tion Authorization Act for Fiscal Year 2004,  
19 \$40,000,000.

20 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
21 PROJECTS.—Notwithstanding the cost variations author-  
22 ized by section 2853 of title 10, United States Code, and  
23 any other cost variation authorized by law, the total cost  
24 of all projects carried out under section 2201 of this Act  
25 may not exceed—



1           (1) the total amount authorized to be appro-  
2           priated under paragraphs (1), (2), and (3) of sub-  
3           section (a);

4           (2) \$21,000,000 (the balance of the amount au-  
5           thorized under section 2201(a) for the replacement  
6           of an aircraft parking apron and hangar at Naval  
7           Air Facility El Centro, California);

8           (3) \$70,000,000 (the balance of the amount au-  
9           thorized under section 2201(a) to acquire land inter-  
10          ests for an outlying landing field in Washington  
11          County, North Carolina);

12          (4) \$95,320,000 (the balance of the amount au-  
13          thorized under section 2201(a) for construction of a  
14          limited area production and storage complex at the  
15          Strategic Weapons Facility Pacific, Bangor, Wash-  
16          ington); and

17          (5) \$40,000,000 (the balance of the amount au-  
18          thorized under section 2201(a) for the construction  
19          of a bachelor enlisted quarters at Naval Station  
20          Bremerton, Washington).

21 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
22 **CERTAIN FISCAL YEAR 2004 PROJECTS.**

23          The table in section 2201(a) of the Military Construc-  
24          tion Authorization Act for Fiscal Year 2004 (division B  
25          of Public Law 108–136; 117 Stat. 1703) is amended—

1 (1) in the item relating to Various Locations,  
 2 CONUS, by striking “\$56,360,000” in the amount  
 3 column and inserting “\$61,510,000”; and

4 (2) by striking the amount identified as the  
 5 total in the amount column and inserting  
 6 “\$1,341,022,000”.

## 7 **TITLE XXIII—AIR FORCE**

### 8 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 9 **LAND ACQUISITION PROJECTS.**

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

**Air Force: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alaska .....	Elmendorf Air Force Base .....	\$54,057,000
Arizona .....	Davis-Monthan Air Force Base .....	\$10,029,000
	Luke Air Force Base .....	\$10,000,000
Arkansas .....	Little Rock Air Force Base .....	\$5,031,000
California .....	Beale Air Force Base .....	\$10,186,000
	Edwards Air Force Base .....	\$9,965,000
	Travis Air Force Base .....	\$15,244,000
Colorado .....	Buckley Air Force Base .....	\$12,247,000
Delaware .....	Dover Air Force Base .....	\$9,500,000
Florida .....	Patrick Air Force Base .....	\$8,800,000
Georgia .....	Moody Air Force Base .....	\$9,600,000
	Robins Air Force Base .....	\$15,000,000
Hawaii .....	Hickam Air Force Base .....	\$34,400,000
	Maui Site .....	\$7,500,000
Louisiana .....	Barksdale Air Force Base .....	\$13,800,000
Maryland .....	Andrews Air Force Base .....	\$17,100,000
Mississippi .....	Columbus Air Force Base .....	\$7,700,000
Montana .....	Malmstrom Air Force Base .....	\$5,600,000
Nebraska .....	Offutt Air Force Base .....	\$6,721,000
New Mexico .....	Cannon Air Force Base .....	\$9,500,000
North Carolina .....	Pope Air Force Base .....	\$15,150,000

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

State	Installation or location	Amount
North Dakota .....	Minot Air Force Base .....	\$9,900,000
Ohio .....	Wright-Patterson Air Force Base ....	\$9,200,000
Oklahoma .....	Altus Air Force Base .....	\$10,500,000
	Tinker Air Force Base .....	\$8,000,000
South Carolina .....	Shaw Air Force Base .....	\$3,300,000
South Dakota .....	Ellsworth Air Force Base .....	\$11,800,000
Tennessee .....	Arnold Air Force Base .....	\$22,000,000
Texas .....	Dyess Air Force Base .....	\$11,000,000
	Lackland Air Force Base .....	\$2,596,000
	Sheppard Air Force Base .....	\$50,284,000
Utah .....	Hill Air Force Base .....	\$20,813,000
Wyoming .....	F.E. Warren Air Force Base .....	\$5,500,000
	Total .....	\$452,023,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(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 fol-  
7 lowing table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Germany .....	Ramstein Air Base .....	\$25,404,000
Greenland .....	Thule Air Base .....	\$19,800,000
Guam .....	Andersen Air Base .....	\$19,593,000
Italy .....	Aviano Air Base .....	\$6,760,000
Korea .....	Kunsan Air Base .....	\$37,100,000
	Osan Air Base .....	\$18,600,000
Portugal .....	Lajes Field, Azores .....	\$5,689,000
United Kingdom .....	Royal Air Force, Lakenheath .....	\$5,500,000
	Total .....	\$138,446,000

8 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
9 propriated pursuant to the authorization of appropriations  
10 in section 2304(3), the Secretary of the Air Force may  
11 acquire real property and carry out military construction

1 projects for the installations and locations, and in the  
 2 amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or location	Amount
Worldwide Classified .....	Worldwide Unspecified Classified .....	\$28,794,000
Worldwide Unspecified .....	Worldwide Unspecified .....	\$26,121,000
	Total .....	\$54,915,000

3 **SEC. 2302. FAMILY HOUSING.**

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

**Air Force: Family Housing**

State	Installation or location	Purpose	Amount
Arizona .....	Davis-Monthan Air Force Base .....	250 Units ...	\$48,500,000
California .....	Edwards Air Force Base ... Vandenberg Air Force Base.	218 Units ... 120 Units ...	\$41,202,000 \$30,906,000
Florida .....	MaeDill Air Force Base ... MaeDill Air Force Base ...	61 Units .....	\$21,723,000
		Housing Maintenance Fa- cility.	\$1,250,000
Idaho .....	Mountain Home Air Force Base .....	147 Units ...	\$39,333,000
Mississippi .....	Columbus Air Force Base	Family Housing Manage- ment Fa- cility.	\$711,000
Missouri .....	Whiteman Air Force Base	160 Units ...	\$37,087,000
Montana .....	Malmstrom Air Force Base	115 Units ...	\$29,910,000
North Carolina .....	Seymour Johnson Air Force Base .....	167 Units ...	\$32,693,000
North Dakota .....	Grand Forks Air Force Base .....	90 Units .....	\$26,169,000
	Minot Air Force Base .....	142 Units ...	\$37,087,000
South Carolina .....	Charleston Air Force Base	Fire Station	\$1,976,000
South Dakota .....	Ellsworth Air Force Base	75 Units .....	\$21,482,000
Texas .....	Dyess Air Force Base .....	127 Units ...	\$28,664,000

**Air Force: Family Housing**—Continued

State	Installation or location	Purpose	Amount
Germany .....	Goodfellow Air Force Base	127 Units ....	\$20,604,000
Italy .....	Ramstein Air Base .....	144 Units ....	\$57,691,000
	Aviano Air Base .....	Family Housing Office.	\$2,542,000
Korea .....	Osan Air Base .....	117 Units ....	\$46,834,000
United Kingdom .....	Royal Air Force, Lakenheath.	154 Units ....	\$43,976,000
		Total ....	\$570,340,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(6)(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  
6 or improvement of military family housing units in an  
7 amount not to exceed \$38,266,000.

8 **SEC. 2303. 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 2304(6)(A), the  
13 Secretary of the Air Force may improve existing military  
14 family housing units in an amount not to exceed  
15 \$238,353,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
17 **FORCE.**

18 (a) **AUTHORIZATION OF APPROPRIATION.**—Funds  
19 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2004, for military con-  
2 struction, land acquisition, and military family housing  
3 functions of the Department of the Air Force in the total  
4 amount of \$2,485,542,000, as follows:

5 (1) For military construction projects inside the  
6 United States authorized by section 2301(a),  
7 \$452,023,000.

8 (2) For military construction projects outside  
9 the United States authorized by section 2301(b),  
10 \$138,446,000.

11 (3) For military construction projects at un-  
12 specified worldwide locations authorized by section  
13 2301(c), \$54,915,000.

14 (4) For unspecified minor construction projects  
15 authorized by section 2805 of title 10, United States  
16 Code, \$13,000,000.

17 (5) For architectural and engineering services  
18 and construction design under section 2807 of title  
19 10, United States Code, \$124,085,000.

20 (6) For military housing functions:

21 (A) For construction and acquisition, plan-  
22 ning and design, and improvement of military  
23 family housing and facilities, \$846,959,000.

1 (B) For support of military family housing  
 2 (including functions described in section 2833  
 3 of title 10, United States Code), \$856,114,000.

4 (b) OFFSET FOR CERTAIN MILITARY CONSTRUCTION  
 5 PROJECT.—The amount authorized to be appropriated by  
 6 section 421 for military personnel is hereby reduced by  
 7 \$5,500,000, with the amount of the reduction to be de-  
 8 rived from excess amounts authorized for military per-  
 9 sonnel of the Air Force.

10 **TITLE XXIV—DEFENSE**  
 11 **AGENCIES**

12 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 (a) INSIDE THE UNITED STATES.—Using amounts  
 15 appropriated pursuant to the authorization of appropria-  
 16 tions in section 2404(a)(1), the Secretary of Defense may  
 17 acquire real property and carry out military construction  
 18 projects for the installations and locations inside the  
 19 United States, and in the amounts, set forth in the fol-  
 20 lowing table:

**Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia .....	\$6,000,000
Defense Logistics Agency .....	Defense Distribution Depot, New Cumberland, Pennsylvania .....	\$22,300,000
	Defense Distribution Depot, Richmond, Virginia .....	\$10,100,000
	Defense Fuel Support Point, Naval Air Station Oceana, Virginia .....	\$3,589,000
	Marine Corps Air Station, Cherry Point, North Carolina .....	\$22,700,000

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

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>	
Missile Defense Agency .....	Naval Air Station, Kingsville, Texas	\$3,900,000	
	Naval Station, Pearl Harbor, Hawaii	\$3,500,000	
	Tinker Air Force Base, Oklahoma ...	\$5,400,000	
	Travis Air Force Base, California ....	\$15,100,000	
	Huntsville, Alabama .....	\$19,560,000	
	National Security Agency .....	Fort Meade, Maryland .....	\$15,007,000
	Special Operations Command	Corona, California .....	\$13,600,000
		Fleet Combat Training Center, Dam Neck, Virginia .....	\$5,700,000
		Fort A.P. Hill, Virginia .....	\$1,500,000
		Fort Bragg, North Carolina .....	\$42,888,000
		Fort Campbell, Kentucky .....	\$3,500,000
		Fort Stewart/Hunter Army Air Field, Georgia .....	\$17,600,000
		Naval Air Station, North Island, California .....	\$1,000,000
		Naval Amphibious Base, Little Creek, Virginia .....	\$33,200,000
	Stennis Center, Mississippi .....	\$6,000,000	
Tri-Care Management Activity .....	Buckley Air Force Base, Colorado ...	\$2,100,000	
	Fort Belvoir, Virginia .....	\$100,000,000	
	Fort Benning, Georgia .....	\$7,100,000	
	Jacksonville, Florida .....	\$28,438,000	
	Langley Air Force Base, Virginia ...	\$50,800,000	
	Marine Corps Recruit Depot, Parris Island, South Carolina .....	\$25,000,000	
		Total .....	\$465,582,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2404(a)(2), the Secretary of Defense 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 fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Education Agency ...	Grafenwoehr, Germany .....	\$36,247,000
	Vilseck, Germany .....	\$9,011,000
	Naval Station, Guam .....	\$26,964,000
Defense Logistics Agency .....	Defense Fuel Support Point, Lajes Field, Portugal.	\$19,113,000
	Naval Station, Guam, Marianas Islands.	\$2,200,000
Tri-Care Management Activity .....	Diego Garcia .....	\$3,800,000
	Grafenwoehr, Germany .....	\$13,000,000



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

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
	Total .....	\$110,335,000

1           (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2404(a)(3), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations and locations, and in the  
6 amounts, set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

<b>Location</b>	<b>Installation or location</b>	<b>Amount</b>
Worldwide Classified .....	Worldwide Unspecified Classified .....	\$7,400,000
Worldwide Unspecified .....	Worldwide Unspecified .....	\$2,900,000
	Total .....	\$10,300,000

7 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
8 **UNITS.**

9           Subject to section 2825 of title 10, United States  
10 Code, and using amounts appropriated pursuant to the  
11 authorization of appropriations in section 2404(a)(9)(A),  
12 the Secretary of Defense may improve existing military  
13 family housing units in an amount not to exceed \$49,000.

14 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

15           Using amounts appropriated pursuant to the author-  
16 ization of appropriations in section 2404(a)(7), the Sec-  
17 retary of Defense may carry out energy conservation  
18 projects under section 2865 of title 10, United States  
19 Code, in the amount of \$60,000,000.

1 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
2 **FENSE AGENCIES.**

3 (a) IN GENERAL.—Funds are hereby authorized to  
4 be appropriated for fiscal years beginning after September  
5 30, 2004, for military construction, land acquisition, and  
6 military family housing functions of the Department of  
7 Defense (other than the military departments) in the total  
8 amount of \$1,062,463,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2401(a),  
11 \$408,582,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2401(b),  
14 \$110,335,000.

15 (3) For the military construction projects at  
16 unspecified worldwide locations authorized by section  
17 2401(c), \$10,300,000.

18 (4) For unspecified minor military construction  
19 projects under section 2805 of title 10, United  
20 States Code, \$20,938,000.

21 (5) For contingency construction projects of the  
22 Secretary of Defense under section 2804 of title 10,  
23 United States Code, \$10,000,000.

24 (6) For architectural and engineering services  
25 and construction design under section 2807 of title  
26 10, United States Code, \$62,182,000.

1           (7) For energy conservation projects authorized  
2 by section 2404, \$60,000,000.

3           (8) For base closure and realignment activities  
4 as authorized by the Defense Base Closure and Re-  
5 alignment Act of 1990 (part A of title XXIX of  
6 Public Law 101–510; 10 U.S.C. 2687 note),  
7 \$246,116,000.

8           (9) For military family housing functions:

9               (A) For improvement of military family  
10 housing and facilities, \$49,000.

11               (B) For support of military family housing  
12 (including functions described in section 2833  
13 of title 10, United States Code), \$49,575,000.

14               (C) For credit to the Department of De-  
15 fense Family Housing Improvement Fund es-  
16 tablished by section 2883(a)(1) of title 10,  
17 United States Code, \$2,500,000.

18           (10) For the construction of phase 6 of a muni-  
19 tions demilitarization facility at Pueblo Chemical Ac-  
20 tivity, Colorado, authorized by section 2401(a) of the  
21 Military Construction Authorization Act for Fiscal  
22 Year 1997 (division B of Public Law 104–201; 110  
23 Stat. 2775), as amended by section 2406 of the Mili-  
24 tary Construction Authorization Act for Fiscal Year  
25 2000 (division B of Public Law 106–65; 113 Stat.

1 839) and section 2407 of the Military Construction  
2 Authorization Act for Fiscal Year 2003 (division B  
3 of Public Law 107–314; 116 Stat. 2698),  
4 \$44,792,000.

5 (11) For the construction of phase 5 of a muni-  
6 tions demilitarization facility at Blue Grass Army  
7 Depot, Kentucky, authorized by section 2401(a) of  
8 the Military Construction Authorization Act for Fis-  
9 cal Year 2000 (division B of Public Law 106–65;  
10 113 Stat. 835), as amended by section 2405 of the  
11 Military Construction Authorization Act of 2002 (di-  
12 vision B of Public Law 107–107; 115 Stat. 1298)  
13 and section 2405 of the Military Construction Au-  
14 thorization Act for Fiscal Year 2003 (division B of  
15 Public Law 107–314; 116 Stat. 2698), \$37,094,000.

16 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
17 PROJECTS.—Notwithstanding the cost variations author-  
18 ized by section 2853 of title 10, United States Code, and  
19 any other cost variation authorized by law, the total cost  
20 of all projects carried out under section 2401 of this Act  
21 may not exceed—

22 (1) the total amount authorized to be appro-  
23 priated under paragraphs (1), (2), and (3) of sub-  
24 section (a); and

1           (2) \$57,000,000 (the balance of the amount au-  
2           thorized under section 2401(a) for the replacement  
3           of a hospital at Fort Belvoir, Virginia).

4 **TITLE XXV—NORTH ATLANTIC**  
5 **TREATY ORGANIZATION SE-**  
6 **CURITY INVESTMENT PRO-**  
7 **GRAM**

8 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
9 **ACQUISITION PROJECTS.**

10         The Secretary of Defense may make contributions for  
11 the North Atlantic Treaty Organization Security Invest-  
12 ment program as provided in section 2806 of title 10,  
13 United States Code, in an amount not to exceed the sum  
14 of the amount authorized to be appropriated for this pur-  
15 pose in section 2502 and the amount collected from the  
16 North Atlantic Treaty Organization as a result of con-  
17 struction previously financed by the United States.

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

19         Funds are hereby authorized to be appropriated for  
20 fiscal years beginning after September 30, 2004, for con-  
21 tributions by the Secretary of Defense under section 2806  
22 of title 10, United States Code, for the share of the United  
23 States of the cost of projects for the North Atlantic Treaty  
24 Organization Security Investment program authorized by  
25 section 2501, in the amount of \$165,800,000.

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, 2004, 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 therefor, under chapter  
10 1803 of title 10, United States Code (including the cost  
11 of acquisition of land for those facilities), the following  
12 amounts:

13           (1) For the Department of the Army—

14                   (A) for the Army National Guard of the  
15                   United States, \$361,072,000; and

16                   (B) for the Army Reserve, \$63,047,000.

17           (2) For the Department of the Navy, for the  
18           Naval and Marine Corps Reserve, \$25,285,000.

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

20                   (A) for the Air National Guard of the  
21                   United States, \$214,418,000; and

22                   (B) for the Air Force Reserve,  
23                   \$99,206,000.

1 **TITLE XXVII—EXPIRATION AND**  
2 **EXTENSION OF AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
8 YEARS.—Except as provided in subsection (b), all author-  
9 izations contained in titles XXI through XXVI for military  
10 construction projects, land acquisition, family housing  
11 projects and facilities, and contributions to the North At-  
12 lantic Treaty Organization Security Investment program  
13 (and authorizations of appropriations therefor) shall ex-  
14 pire on the later of—

15 (1) October 1, 2007; or

16 (2) the date of the enactment of an Act author-  
17 izing funds for military construction for fiscal year  
18 2008.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
20 authorizations for military construction projects, land ac-  
21 quisition, family housing projects and facilities, and con-  
22 tributions to the North Atlantic Treaty Organization Se-  
23 curity Investment program (and authorizations of appro-  
24 priations therefor) for which appropriated funds have been  
25 obligated before the later of—

1 (1) October 1, 2007; or

2 (2) the date of the enactment of an Act author-  
 3 izing funds for fiscal year 2008 for military con-  
 4 struction projects, land acquisition, family housing  
 5 projects and facilities, and contributions to the  
 6 North Atlantic Treaty Organization Security Invest-  
 7 ment program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 2002 PROJECTS.**

10 (a) **EXTENSION OF CERTAIN PROJECTS.**—Notwith-  
 11 standing section 2701 of the National Defense Authoriza-  
 12 tion Act for Fiscal Year 2001 (division B of Public Law  
 13 107–107; 115 Stat. 1301), authorizations set forth in the  
 14 tables in subsection (b), as provided in section 2101 or  
 15 2302 of that Act, shall remain in effect until October 1,  
 16 2005, or the date of the enactment of an Act authorizing  
 17 funds for military construction for fiscal year 2006, which-  
 18 ever is later.

19 (b) **TABLES.**—The tables referred to in subsection (a)  
 20 are as follows:

**Army: Extension of 2002 Project Authorizations**

<b>State</b>	<b>Installation or loca- tion</b>	<b>Project</b>	<b>Amount</b>
Alaska .....	Fort Wainwright .....	Power Plant Cooling Tower .....	\$23,000,000
Hawaii .....	Pohakuloa Training Area .....	Parker Ranch Land Acqui- sition .....	\$1,500,000



**Air Force: Extension of 2002 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Colorado .....	Buckley Air Force Base .....	Construct Family Housing (55 Units) ...	\$11,400,000
Louisiana .....	Barksdale Air Force Base .....	Replace Family Housing (56 Units) .....	\$7,300,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN**  
2 **FISCAL YEAR 2001 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2001 (division B of the Floyd D. Spence National  
6 Defense Authorization Act for Fiscal Year 2001 (as en-  
7 acted into law by Public Law 106–398; 114 Stat. 1654A–  
8 407)), authorizations set forth in the table in subsection  
9 (b), as provided in section 2102 of that Act and extended  
10 by section 2702 of the Military Construction Authoriza-  
11 tion Act for Fiscal Year 2004 (division B of Public Law  
12 108–136; 117 Stat. 1716), shall remain in effect until Oc-  
13 tober 1, 2005, or the date of the enactment of an Act  
14 authorizing funds for military construction for fiscal year  
15 2006, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)  
17 is as follows:

**Army: Extension of 2001 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
South Carolina .....	Fort Jackson .....	New Construction—Family Housing (1 Unit) .....	\$250,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
3 of this Act shall take effect on the later of—

4 (1) October 1, 2004; or

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

6 **TITLE XXVIII—GENERAL**  
7 **PROVISIONS**

8 **Subtitle A—Military Construction**  
9 **Program and Military Family**  
10 **Housing Changes**

11 **SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED**  
12 **MINOR MILITARY CONSTRUCTION PROJECTS.**

13 (a) INCREASE.—Section 2805(a)(1) of title 10,  
14 United States Code, is amended—

15 (1) by striking “\$1,500,000” and inserting  
16 “\$2,500,000”; and

17 (2) by striking “\$3,000,000” and inserting  
18 “\$4,000,000”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 subsection (a) shall take effect on October 1, 2004.

1 **SEC. 2802. MODIFICATION OF APPROVAL AND NOTICE RE-**  
2 **QUIREMENTS FOR FACILITY REPAIR**  
3 **PROJECTS.**

4 (a) INCREASE IN THRESHOLD FOR APPROVAL RE-  
5 QUIREMENT.—Subsection (b) of section 2811 of title 10,  
6 United States Code, is amended by striking “\$5,000,000”  
7 and inserting “\$7,500,000”.

8 (b) INFORMATION REQUIRED IN COST ESTIMATE  
9 FOR MULTI-YEAR PROJECTS.—Subsection (d)(1) of such  
10 section is amended by inserting before the semicolon the  
11 following: “, including, in the case of a multi-year repair  
12 project to a single facility, the total cost of all phases of  
13 such project”.

14 (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect on October 1, 2004.

16 **SEC. 2803. ADDITIONAL REPORTING REQUIREMENTS RE-**  
17 **LATING TO ALTERNATIVE AUTHORITY FOR**  
18 **ACQUISITION AND IMPROVEMENT OF MILI-**  
19 **TARY HOUSING.**

20 (a) PROJECT REPORTS.—Paragraph (2) of sub-  
21 section (a) of section 2884 of title 10, United States Code,  
22 is amended to read as follows:

23 “(2) The report on a proposed contract, conveyance,  
24 or lease under paragraph (1) shall include the following:

1           “(A) A description of the contract, conveyance,  
2           or lease, including a summary of the terms of the  
3           contract, conveyance, or lease.

4           “(B) A description of the authorities to be uti-  
5           lized in entering into the contract, conveyance, or  
6           lease and the intended method of participation of the  
7           United States in the contract, conveyance, or lease  
8           (including a justification of the intended method of  
9           participation).

10           “(C) A statement of the scored cost of the con-  
11           tract, conveyance, or lease (as determined by the Of-  
12           fice of Management and Budget).

13           “(D) A statement of the United States funds  
14           required for the contract, conveyance, or lease and  
15           a description of the source of such funds.

16           “(E) An economic assessment of the life cycle  
17           costs of the contract, conveyance, or lease, including  
18           an estimate of the amount of United States funds  
19           that would be paid over the life of the contract, con-  
20           veyance, or lease from amounts derived from pay-  
21           ments of government allowances (including basic al-  
22           lowance for housing under section 403 of title 37)  
23           if the housing affected by the project were fully oc-  
24           cupied by military personnel over the life of the con-  
25           tract, conveyance, or lease.”.

1 (b) ANNUAL REPORTS.—Subsection (b) of such sec-  
 2 tion is amended—

3 (1) by redesignating paragraph (5) as para-  
 4 graph (6); and

5 (2) by inserting after paragraph (4) the fol-  
 6 lowing new paragraph (5):

7 “(5) A report setting forth—

8 “(A) an estimate of the amounts of basic  
 9 allowance for housing under section 403 of title  
 10 37 that will be paid during the fiscal year in  
 11 which the budget is submitted to members of  
 12 the armed forces living in housing provided  
 13 under the authorities in this subchapter during  
 14 such fiscal year, set forth by armed force; and

15 “(B) an estimate of the amounts of basic  
 16 allowance for housing that will be paid during  
 17 the fiscal year for which the budget is sub-  
 18 mitted to members of the armed forces living in  
 19 such housing during such fiscal year, set forth  
 20 by armed force.”.

21 **SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTER-**  
 22 **NATIVE AUTHORITY FOR ACQUISITION AND**  
 23 **IMPROVEMENT OF MILITARY HOUSING.**

24 (a) REQUIREMENTS FOR CONTRACTS FOR LEASING  
 25 OF HOUSING.—Section 2874 of title 10, United States

1 Code, is amended by striking subsection (b) and inserting  
2 the following new subsection (b):

3 “(b) CONTRACT TERMS.—Any contract for the lease  
4 of housing units under subsection (a) shall include the fol-  
5 lowing provisions:

6 “(1) That the obligation of the United States to  
7 make payments under such contract in any fiscal  
8 year shall be subject to appropriations being avail-  
9 able for such fiscal year and specifically for the  
10 project covered by such contract.

11 “(2) A commitment to obligate the necessary  
12 amount for a fiscal year covered by such contract  
13 when and to the extent that funds are appropriated  
14 for the project covered by such contract.

15 “(3) That the commitment described in para-  
16 graph (2) does not constitute an obligation of the  
17 United States.”.

18 (b) INVESTMENTS SUBJECT TO AVAILABILITY OF AP-  
19 PROPRIATIONS.—Section 2875(a) of such title is amended  
20 by inserting “, subject to the availability of appropriations  
21 for such purpose,” after “may”.

22 (c) REPEAL OF CERTAIN AUTHORITIES.—

23 (1) RENTAL GUARANTEES.—Section 2876 of  
24 such title is repealed.

1           (2) DIFFERENTIAL LEASE PAYMENTS.—Section  
2           2877 of such title is repealed.

3           (3) ASSIGNMENT OF MEMBERS OF THE ARMED  
4           FORCES TO HOUSING UNITS.—Section 2882 of such  
5           title is repealed.

6           (d) INCREASE IN AMOUNT OF BUDGET AUTHORITY  
7           FOR MILITARY FAMILY HOUSING.—Section 2883(g)(1) of  
8           such title is amended by striking “\$850,000,000” and in-  
9           serting “\$850,000,001”.

10          (e) CLERICAL AMENDMENTS.—The table of sections  
11          at the beginning of subchapter IV of chapter 169 of such  
12          title is amended by striking the items relating to sections  
13          2876, 2877, and 2882.

14                   **Subtitle B—Real Property and**  
15                   **Facilities Administration**

16          **SEC. 2811. RECODIFICATION AND CONSOLIDATION OF CER-**  
17                   **TAIN AUTHORITIES AND LIMITATIONS RE-**  
18                   **LATING TO REAL PROPERTY ADMINISTRA-**  
19                   **TION.**

20          (a) CERTAIN PROVISIONS ON LAND ACQUISITION.—

21                  (1) RECODIFICATION.—Section 2661 of title  
22          10, United States Code, is amended by adding at  
23          the end the following new subsections:

24          “(c) COMMISSIONS ON LAND PURCHASE CON-  
25          TRACTS.—The maximum amount payable as a commission

1 on a contract for the purchase of land from funds appro-  
2 priated for the Department of Defense is 2 percent of the  
3 purchase price.

4 “(d) AVAILABILITY OF FUNDS FOR ACQUISITION OF  
5 CERTAIN INTERESTS IN LANDS.—Appropriations avail-  
6 able to the Department of Defense for operation and  
7 maintenance or construction may be used for the fol-  
8 lowing:

9 “(1) The acquisition of land or interests in land  
10 under section 2672 of this title.

11 “(2) The acquisition of interests in land under  
12 section 2675 of this title.”.

13 (2) STYLISTIC AMENDMENTS.—Such section is  
14 further amended—

15 (A) in subsection (a), by inserting “AVAIL-  
16 ABILITY OF FUNDS FOR REPAIR OF FACILITIES  
17 AND FOR INSTALLATION OF EQUIPMENT.—”  
18 after “(a)”; and

19 (B) in subsection (b), by inserting  
20 “LEASES; DEFENSE ACCESS ROADS.—” after  
21 “(b)”.

22 (b) CERTAIN PROVISIONS ON USE OF FACILITIES.—  
23 Section 2679 of such title is amended to read as follows:



1 **“§ 2679. Use of facilities: use by private organizations;**  
2 **use as polling places**

3 “(a) USE OF SPACE AND EQUIPMENT BY VETERANS  
4 SERVICE ORGANIZATIONS.—(1) Upon certification to the  
5 Secretary concerned by the Secretary of Veterans Affairs,  
6 the Secretary concerned shall allow accredited, paid, full-  
7 time representatives of the organizations named in section  
8 5902 of title 38, or of other organizations recognized by  
9 the Secretary of Veterans Affairs, to function on military  
10 installations under the jurisdiction of the Secretary con-  
11 cerned that are on land and from which persons are dis-  
12 charged or released from active duty.

13 “(2) The commanding officer of a military installa-  
14 tion allowing representatives to function on the installa-  
15 tion under paragraph (1) shall allow the representatives  
16 to use available space and equipment at the installation.

17 “(3) The regulations prescribed to carry out section  
18 2679 of title 10, United States Code (as in effect on the  
19 day before the date of the enactment of the National De-  
20 fense Authorization Act for Fiscal Year 2005), that are  
21 in effect on January 1, 1958, shall remain in effect until  
22 changed by joint action of the Secretary concerned and  
23 the Secretary of Veterans Affairs.

24 “(4) This subsection does not authorize the violation  
25 of measures of military security.

1           “(b) LICENSES TO AMERICAN NATIONAL RED CROSS  
2 FOR ERECTION AND USE OF BUILDINGS.—(1) Under  
3 such conditions as the Secretary concerned may prescribe,  
4 such Secretary may issue a revocable license to the Amer-  
5 ican National Red Cross to—

6           “(A) erect and maintain, on any military instal-  
7 lation under the jurisdiction of such Secretary,  
8 buildings for the storage of supplies; or

9           “(B) use, for the storage of supplies, buildings  
10 erected by the United States.

11          “(2) Supplies stored in buildings erected or used  
12 under this subsection are available to aid the civilian popu-  
13 lation in a serious national disaster.

14          “(c) USE OF CERTAIN FACILITIES AS POLLING  
15 PLACES.—(1) Notwithstanding chapter 29 of title 18 (in-  
16 cluding sections 592 and 593 of such title) or any other  
17 provision of law, the Secretary of Defense or Secretary  
18 of a military department may not (except as provided in  
19 paragraph (3)) prohibit the designation or use of a quali-  
20 fying facility under the jurisdiction of such Secretary as  
21 an official polling place for Federal, State, or local elec-  
22 tions.

23          “(2) A Department of Defense facility is a qualifying  
24 facility for purposes of this subsection if as of December  
25 31, 2000—

1           “(A) the facility is designated as an official  
2           polling place by a State or local election official; or

3           “(B) the facility has been used as such an offi-  
4           cial polling place since January 1, 1996.

5           “(3) The limitation in paragraph (1) may be waived  
6 by the Secretary of Defense or the Secretary of a military  
7 department with respect to a particular Department of  
8 Defense facility if such Secretary determines that local se-  
9 curity conditions require prohibition of the designation or  
10 use of that facility as an official polling place for any elec-  
11 tion.”.

12           (c) REPEAL OF SUPERSEDED PROVISIONS.—Sections  
13 2666, 2670, and 2673 of such title are repealed.

14           (d) CLERICAL AMENDMENTS.—The table of sections  
15 for chapter 159 of such title is amended—

16           (1) by striking the items relating to sections  
17 2666, 2670, and 2673; and

18           (2) by striking the item relating to section 2679  
19 and inserting the following new item:

“Sec. 2679. Use of facilities: use by private organizations; use as polling  
places.”.

20 **SEC. 2812. MODIFICATION AND ENHANCEMENT OF AU-**  
21 **THORITIES ON FACILITIES FOR RESERVE**  
22 **COMPONENTS.**

23           (a) INTERESTS IN LAND.—

1           (1) DEFINITION OF TERM.—Section 18232 of  
2 title 10, United States Code, is amended—

3           (A) by striking paragraph (2);

4           (B) by redesignating paragraph (3) as  
5 paragraph (4); and

6           (C) by inserting after paragraph (1) the  
7 following new paragraphs:

8           “(2) The term ‘facility’ includes any armory,  
9 readiness center, building, structure, or other im-  
10 provement of real property needed for the adminis-  
11 tration and training of any unit of the reserve com-  
12 ponents of the armed forces.

13           “(3) The term ‘interest in land’ includes a fee  
14 title, lease, easement, license, permit, or agreement  
15 on use of a parcel of real property needed for the  
16 administration and training of any unit of the re-  
17 serve components of the armed forces.”.

18           (2) UTILIZATION OF TERM.—(A) Section  
19 18231(1) of such title is amended by inserting be-  
20 fore the semicolon the following: “, and the acquisi-  
21 tion of interests in land for such purposes”.

22           (B) Section 18233 of such title is amended—

23           (i) in subsection (a), by inserting “or inter-  
24 ests in land” after “facilities” each place it ap-  
25 pears; and

1 (ii) in subsection (f)(2), by striking “real  
2 property” and inserting “interests in land”.

3 (C) Section 18233a(a)(1) of such title is  
4 amended by inserting “or interest in land” after “fa-  
5 cility”.

6 (b) MODIFICATION AND ENHANCEMENT OF ACQUI-  
7 TION AUTHORITY.—Section 18233 of such title is further  
8 amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph (1),  
11 by striking “and to” and inserting “chapters  
12 159 and 169 of this title, and”; and

13 (B) in paragraph (1), by striking “trans-  
14 fer,” and inserting “transfer from a military  
15 department, another department or agency of  
16 the Federal Government, or a State agency,”;  
17 and

18 (2) in subsection (f)(2), by striking “exchange  
19 of Government-owned land, or otherwise” and insert-  
20 ing “or exchange of Government-owned land”.

21 (c) AUTHORITY TO CARRY OUT SMALL PROJECTS.—

22 (1) MODIFICATION OF LIMITATION ON AUTHOR-  
23 ITY.—Section 18233a(a) of such title is further  
24 amended—

1 (A) in paragraph (1), by striking  
2 “\$1,500,000” and inserting “\$750,000”; and

3 (B) in paragraph (2), by adding at the end  
4 the following new subparagraph:

5 “(D) A repair project (as that term is defined  
6 in section 2811(e) of this title) costing less than  
7 \$10,000,000.”.

8 (2) RECODIFICATION OF AUTHORITY TO CARRY  
9 OUT WITH OPERATION AND MAINTENANCE FUNDS.—  
10 Chapter 1803 of title 10, United States Code, is  
11 amended by inserting after section 18233a the fol-  
12 lowing new section:

13 **“§ 18233b. Authority to carry out small projects with**  
14 **operation and maintenance funds**

15 “Under such regulations as the Secretary of Defense  
16 may prescribe, the Secretary may spend, from appropria-  
17 tions available for operation and maintenance, amounts  
18 necessary to carry out any project authorized under sec-  
19 tion 18233(a) of this title costing not more than—

20 “(1) the amount specified in section  
21 2805(c)(1)(A) of this title, in the case of a project  
22 intended solely to correct a deficiency that is life-  
23 threatening, health-threatening, or safety-threat-  
24 ening; or

1           “(2) the amount specified in section  
2           2805(e)(1)(B) of this title, in the case of any other  
3           project.”.

4           (3) REPEAL OF SUPERSEDED AUTHORITY.—  
5           Section 18233a of such title is amended by striking  
6           subsection (b).

7           (4) CONFORMING AMENDMENTS.—Section  
8           18233a of such title is further amended—

9                   (A) by striking “(1) Except as provided in  
10                   paragraph (2)” and inserting “Except as pro-  
11                   vided in subsection (b)”;

12                   (B) by redesignating paragraph (2) as sub-  
13                   section (b) and in that subsection, as so  
14                   redesignated—

15                           (i) by striking “Paragraph (1)” and  
16                           inserting “Subsection (a)”;

17                           (ii) by redesignating subparagraphs  
18                           (A), (B), (C), and (D) as paragraphs (1),  
19                           (2), (3), and (4), respectively; and

20                           (iii) in paragraph (2), as so  
21                           redesignated—

22                                   (I) by redesignating clauses (i)  
23                                   and (ii) as subparagraphs (A) and  
24                                   (B), respectively; and

1 (II) in subparagraph (B), as so  
 2 redesignated, by striking “(I) 25 per-  
 3 cent, or (II)” and inserting “(i) 25  
 4 percent, or (ii)”.

5 (5) CLERICAL AMENDMENTS.—(A) The heading  
 6 of section 18233a of such title is amended to read  
 7 as follows:

8 **“§ 18233a. Limitation on certain projects”.**

9 (B) The table of sections at the beginning of  
 10 chapter 1803 of such title is amended by striking  
 11 the item relating to section 18233a and inserting the  
 12 following new items:

“18233a. Limitation on certain projects.

“18233b. Authority to carry out small projects with operation and maintenance funds.”.

13 **SEC. 2813. AUTHORITY TO EXCHANGE OR SELL RESERVE**  
 14 **COMPONENT FACILITIES AND LANDS TO OB-**  
 15 **TAIN NEW RESERVE COMPONENT FACILITIES**  
 16 **AND LANDS.**

17 (a) IN GENERAL.—The Secretary of Defense may au-  
 18 thorize each Secretary of a military department to carry  
 19 out projects to assess the feasibility and advisability of ob-  
 20 taining new facilities and lands for the reserve components  
 21 of such department through the exchange or sale of exist-  
 22 ing facilities or lands of such reserve components.



1 (b) TRANSACTIONS AUTHORIZED.—Pursuant to the  
2 authority under subsection (a), the Secretary of a military  
3 department may carry out any transaction as follows:

4 (1) An exchange of an existing facility or exist-  
5 ing interest in land of a reserve component of such  
6 department for a new facility, an interest in land, or  
7 an addition to an existing facility for the reserve  
8 component.

9 (2) A sale of an existing facility or existing in-  
10 terest in land of a reserve component of such depart-  
11 ment with the proceeds of sale used to acquire a new  
12 facility, an interest in land, or an addition to an ex-  
13 isting facility for the reserve component.

14 (3) A combination of an exchange and sale of  
15 an existing facility, interest in land, or both of a re-  
16 serve component of such department with the use of  
17 the exchange allowance and proceeds of sale to ac-  
18 quire a facility, an interest in land, or an addition  
19 to an existing facility for the reserve component.

20 (c) FACILITIES AND LANDS SUBJECT TO TRANS-  
21 ACTION.—A facility or interest in land of a reserve compo-  
22 nent that may be exchanged or sold pursuant to the au-  
23 thority under subsection (a) is any facility or interest in  
24 land under the control of the military department con-

1 cerned that is not excess property, as that term is defined  
2 in section 102(3) of title 40, United States Code.

3 (d) FAIR MARKET VALUE TO BE OBTAINED IN  
4 TRANSACTION.—In any exchange or sale of an existing fa-  
5 cility pursuant to the authority under subsection (a), the  
6 United States shall receive cash, a replacement facility or  
7 addition to an existing facility, an interest in land, or a  
8 combination thereof of in an amount not less than the fair  
9 market value of the existing facility, as determined by the  
10 Secretary of the military department concerned.

11 (e) REQUIREMENTS FOR REPLACEMENT FACILI-  
12 TIES.—(1) A facility obtained as a replacement facility for  
13 an existing facility, or as an addition to an existing facil-  
14 ity, pursuant to the authority under subsection (a) shall,  
15 as determined by the Secretary of the military department  
16 concerned—

17 (A) be complete and usable, fully functional,  
18 and ready for occupancy, and satisfy fully all oper-  
19 ational requirements of the existing facility; and

20 (B) meet all applicable Federal, State, and local  
21 requirements relating to health, safety, fire, and the  
22 environment.

23 (2) A facility obtained as a replacement facility for  
24 an existing facility, or as an addition to an existing facil-  
25 ity, pursuant to the authority under subsection (a) shall

1 meet the requirements specified in subparagraphs (A) and  
2 (B) of paragraph (1) before the conclusion of the exchange  
3 or sale of the existing facility concerned.

4 (f) AGREEMENT REQUIRED.—The Secretary of a  
5 military department shall carry out each transaction pur-  
6 suant to the authority under subsection (a) through an  
7 agreement for that purpose entered into by such Secretary  
8 and the person or entity carrying out the transaction.

9 (g) SELECTION AMONG COMPETING PARTICI-  
10 PANTS.—(1) If more than one person or entity notifies the  
11 Secretary of a military department of an interest in car-  
12 rying out a transaction pursuant to the authority under  
13 subsection (a), the Secretary shall, except as provided in  
14 paragraph (2), select the person or entity to carry out the  
15 transaction through the use of competitive procedures.

16 (2) The Secretary of a military department may use  
17 procedures other than competitive procedures to select  
18 among persons and entities to carry out a transaction pur-  
19 suant to the authority under subsection (a), but only in  
20 accordance with subsections (e) through (f) of section  
21 2304 of title 10, United States Code.

22 (h) NOTICE AND WAIT REQUIREMENT.—(1) The  
23 Secretary of a military department may not enter into an  
24 agreement pursuant to the authority under subsection (a)  
25 until 30 days after the date on which such Secretary sub-

1 mits to the congressional defense committees a report on  
2 the agreement.

3 (2) A report on an agreement under paragraph (1)  
4 shall include the following:

5 (A) A description of terms of the agreement, in-  
6 cluding a description of any funds to be received by  
7 the United States under the agreement and the pro-  
8 posed use of such funds.

9 (B) A description of the existing facility, inter-  
10 est in land, or both of a reserve component covered  
11 by the agreement, including the fair market value of  
12 such facility, interest in land, or both and the meth-  
13 od of determination of such fair market value.

14 (C) Data on the facility or addition to an exist-  
15 ing facility, if any, to be received by the United  
16 States under the agreement, which data shall meet  
17 requirements for data to be provided Congress for  
18 military construction projects to obtain a similar fa-  
19 cility or addition to an existing facility.

20 (D) A certification that the existing facility, in-  
21 terest in land, or both of a reserve component cov-  
22 ered by the agreement is not required by another  
23 military department.

1       (3) Section 2662 of title 10, United States Code,  
2 shall not apply to any transaction carried out pursuant  
3 to the authority under subsection (a).

4       (i) TREATMENT OF FUNDS RECEIVED IN TRANS-  
5 ACTIONS.—(1) The Secretary of a military department  
6 shall deposit in a special account in the Treasury estab-  
7 lished for such purpose pursuant to section 572(b) of title  
8 40, United States Code, any amounts received pursuant  
9 to an agreement entered into by such Secretary pursuant  
10 to the authority under subsection (a).

11       (2) Amounts deposited by the Secretary of a military  
12 department under paragraph (1) in the account estab-  
13 lished by such Secretary under that paragraph with re-  
14 spect to an agreement shall be available to such Secretary,  
15 without further appropriation, as follows:

16           (A) For the construction or acquisition of facili-  
17 ties, or of additions to existing facilities, for the re-  
18 serve component concerned at the location to which  
19 such agreement applies.

20           (B) To the extent that such amounts are not  
21 required for purposes of subparagraph (A), for  
22 maintenance, protection, alteration, repair, improve-  
23 ment, or restoration (including environmental res-  
24 toration) of facilities or property of the reserve com-

1       ponent concerned at the location to which such  
2       agreement applies.

3       (3) Amounts available under paragraph (2) shall re-  
4       main available until expended.

5       (j) SOLE AUTHORITY FOR EXCHANGES OF FACILI-  
6       TIES AND LANDS.—Except as otherwise specifically au-  
7       thorized by law, during the period of the authority under  
8       subsection (a), the authority under that subsection to ex-  
9       change facilities or interests in land of the reserve compo-  
10      nents to obtain facilities, interests in land, or additions  
11      to facilities for the reserve components is the sole author-  
12      ity available in law for that purpose.

13      (k) CONSTRUCTION WITH OTHER MILITARY CON-  
14      STRUCTION LAWS.—Transactions pursuant to the author-  
15      ity under subsection (a) shall not be treated as military  
16      construction projects requiring an authorization in law as  
17      otherwise required by section 2802 of title 10, United  
18      States Code.

19      (l) REPORT.—Not later than March 1, 2007, the Sec-  
20      retary of Defense shall submit to the congressional defense  
21      committees a report on the exercise of the authority under  
22      subsection (a). The report shall include the following:

23              (1) A description of the projects carried out  
24      under the authority.

1           (2) A description of the analysis and criteria  
2 used to identify existing facilities and interests in  
3 land to be exchanged or sold under the authority.

4           (3) An assessment of the utility to the Depart-  
5 ment of Defense of the authority, including rec-  
6 ommendations for modifications of such authority in  
7 order to enhance the utility of such authority for the  
8 Department.

9           (4) An assessment of interest in future ex-  
10 changes or sales in the event the authority is ex-  
11 tended.

12           (5) An assessment of the advisability of making  
13 the authority, including any modifications of the au-  
14 thority recommended under paragraph (3), perma-  
15 nent.

16 (m) DEFINITIONS.—In this section:

17           (1) The term “facility” includes an armory,  
18 readiness center, or other structure, and storage or  
19 other facilities, normally needed for the administra-  
20 tion and training of a unit of a reserve component.

21           (2) The terms “armory” and “readiness center”  
22 have the meanings given such terms in section  
23 18232(3) of title 10, United States Code.

1       (n) EXPIRATION DATE.—No transaction may be  
 2 commenced pursuant to the authority under subsection (a)  
 3 after September 30, 2006.

4 **SEC. 2814. REPEAL OF AUTHORITY OF SECRETARY OF DE-**  
 5 **FENSE TO RECOMMEND THAT INSTALLA-**  
 6 **TIONS BE PLACED IN INACTIVE STATUS DUR-**  
 7 **ING 2005 ROUND OF DEFENSE BASE CLOSURE**  
 8 **AND REALIGNMENT.**

9       Section 2914 of the Defense Base Closure and Re-  
 10 alignment Act of 1990 (part A of title XXIX of Public  
 11 Law 101–510; 10 U.S.C. 2687 note) is amended by strik-  
 12 ing subsection (c).

13       **Subtitle C—Land Conveyances**

14 **SEC. 2821. TRANSFER OF ADMINISTRATIVE JURISDICTION,**  
 15 **DEFENSE SUPPLY CENTER, COLUMBUS,**  
 16 **OHIO.**

17       (a) TRANSFER AUTHORIZED.—The Secretary of the  
 18 Army may transfer, without reimbursement, to the Sec-  
 19 retary of Veterans Affairs administrative jurisdiction of a  
 20 parcel of real property consisting of approximately 20  
 21 acres and comprising a portion of the Defense Supply  
 22 Center in Columbus, Ohio.

23       (b) USE OF PROPERTY.—The Secretary of Veterans  
 24 Affairs may only use the property transferred under sub-  
 25 section (a) as the site for the construction of a new out-



1 patient clinic for the provision of medical services to vet-  
2 erans.

3 (c) COSTS.—Any administrative costs in connection  
4 with the transfer of property under subsection (a), includ-  
5 ing the costs of the survey required by subsection (e), shall  
6 be borne by the Secretary of Veterans Affairs.

7 (d) RETURN OF JURISDICTION TO ARMY.—If at any  
8 time the Secretary of the Army determines that the prop-  
9 erty transferred under subsection (a) is not being utilized  
10 for the outpatient clinic described in subsection (b), then,  
11 at the election of the Secretary of the Army, the Secretary  
12 of Veterans Affairs shall return to the Secretary of the  
13 Army administrative jurisdiction of the property.

14 (e) EXEMPTION FROM FEDERAL SCREENING.—The  
15 conveyance under subsection (a) is exempt from the re-  
16 quirement to screen the property for other Federal use  
17 pursuant to section 2693 of title 10, United States Code.

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

22 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
23 Secretary of the Army may require such additional terms  
24 and conditions in connection with the transfer under sub-

1 section (a) as the Secretary considers appropriate to pro-  
2 tect the interests of the United States.

3 **SEC. 2822. LAND CONVEYANCE, BROWNING ARMY RESERVE**  
4 **CENTER, UTAH.**

5 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary  
6 of the Army may convey, without consideration, to the  
7 State of Utah (in this section referred to as the “State”)   
8 all right, title, and interest of the United States in and  
9 to a parcel of unimproved real property consisting of ap-  
10 proximately 10 acres and located at the Browning Army  
11 Reserve Center, Utah.

12 (2) The purpose of the conveyance is to permit the  
13 Department of Veterans Affairs of the State of Utah to  
14 construct and operate a facility for the provision of nurs-  
15 ing care for veterans.

16 (b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
17 Secretary may require the State to cover costs to be in-  
18 curred by the Secretary, or to reimburse the Secretary for  
19 costs incurred by the Secretary, to carry out the convey-  
20 ance under subsection (a), including survey costs, costs re-  
21 lated to environmental documentation, and other adminis-  
22 trative costs related to the conveyance. If amounts paid  
23 to the Secretary in advance exceed the costs actually in-  
24 curred by the Secretary to carry out the conveyance, the  
25 Secretary shall refund the excess amount to the State.

1           (2) Amounts received under paragraph (1) shall be  
2 credited to the fund or account that was used to cover  
3 the costs incurred by the Secretary. Amounts so credited  
4 shall be merged with amounts in such fund or account,  
5 and shall be available for the same purposes, and subject  
6 to the same conditions and limitations, as amounts in such  
7 fund or account.

8           (c) DESCRIPTION OF PROPERTY.—The exact acreage  
9 and legal description of the property to be conveyed under  
10 subsection (a) shall be determined by a survey satisfactory  
11 to the Secretary.

12           (d) ADDITIONAL TERMS AND CONDITIONS.—The  
13 Secretary may require such additional terms and condi-  
14 tions in connection with the conveyance under subsection  
15 (a) as the Secretary considers appropriate to protect the  
16 interests of the United States.

17 **SEC. 2823. LAND EXCHANGE, ARLINGTON COUNTY, VIR-**  
18 **GINIA.**

19           (a) EXCHANGE AUTHORIZED.—(1) The Secretary of  
20 Defense may convey to Arlington County, Virginia (in this  
21 section referred to as the “County”), all right, title, and  
22 interest of the United States in and to a parcel of real  
23 property, together with any improvements thereon, con-  
24 sisting of not more than 4.5 acres and located along the  
25 western boundary of the Navy Annex property, Virginia,

1 for the purpose of the construction of a freedmen heritage  
2 museum and an Arlington history museum.

3 (2) The size of the parcel of real property conveyed  
4 under paragraph (1) shall be such that the acreage of the  
5 parcel shall be equivalent to the acreage of the parcel of  
6 real property conveyed under subsection (b). The Sec-  
7 retary shall determine the acreage of the parcels, and such  
8 determination shall be final.

9 (b) CONSIDERATION.—As consideration for the con-  
10 veyance of property under subsection (a), the County shall  
11 convey to the United States all right, title, and interest  
12 of the County in and to a parcel of real property, together  
13 with any improvements thereon, consisting of not more  
14 than 4.5 acres and known as the Southgate Road right-  
15 of-way between Arlington National Cemetery, Virginia,  
16 and the Navy Annex property.

17 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
18 and legal description of the parcels of real property to be  
19 conveyed under this section shall be determined by surveys  
20 satisfactory to the Secretary.

21 (d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The  
22 Secretary may require the County to cover costs to be in-  
23 curred by the Secretary, or to reimburse the Secretary for  
24 costs incurred by the Secretary, to carry out the convey-  
25 ances under subsections (a) and (b), including survey

1 costs, costs related to environmental documentation, and  
2 other administrative costs related to the conveyances. If  
3 amounts are collected from the County in advance of the  
4 Secretary incurring the actual costs, and the amount col-  
5 lected exceeds the costs actually incurred by the Secretary  
6 to carry out the conveyance, the Secretary shall refund  
7 the excess amount to the County.

8       (2) Amounts received as reimbursement under para-  
9 graph (1) shall be credited to the fund or account that  
10 was used to cover the costs incurred by the Secretary in  
11 carrying out the conveyances. Amounts so credited shall  
12 be merged with amounts in such fund or account, and  
13 shall be available for the same purposes, and subject to  
14 the same conditions and limitations, as amounts in such  
15 fund or account.

16       (e) REVERSIONARY INTEREST.—(1) If at any time  
17 the Secretary determines that the property conveyed to the  
18 County under subsection (a) is not being used for the pur-  
19 poses stated in that subsection, then, at the option of the  
20 Secretary, all right, title, and interest in and to the prop-  
21 erty, including any improvements thereon, shall revert to  
22 the United States, and the United States shall have the  
23 right of immediate entry onto the property.

24       (2) If the Secretary exercises the reversionary inter-  
25 est provided for in paragraph (1), the Secretary shall pay

1 the County, from amounts available to the Secretary for  
2 military construction for the Defense Agencies, an amount  
3 equal to the fair market value of the property covered by  
4 the reversionary interest, as determined by the Secretary.

5 (f) EXEMPTION FROM FEDERAL SCREENING.—The  
6 conveyance under subsection (a) is exempt from the re-  
7 quirement to screen the property for other Federal use  
8 pursuant to sections 2693 and 2696 of title 10, United  
9 States Code.

10 (g) INCLUSION OF SOUTHGATE ROAD RIGHT-OF-  
11 WAY PROPERTY IN TRANSFER OF NAVY ANNEX PROP-  
12 erty FOR ARLINGTON NATIONAL CEMETERY.—Sub-  
13 section (a) of section 2881 of the Military Construction  
14 Authorization Act for Fiscal Year 2000 (division B of  
15 Public Law 106–65; 113 Stat. 879) is amended by strik-  
16 ing “three parcels of real property consisting of approxi-  
17 mately 36 acres” and inserting “four parcels of real prop-  
18 erty consisting of approximately 40 acres”.

19 (h) TERMINATION OF RESERVATION OF CERTAIN  
20 NAVY ANNEX PROPERTY FOR MEMORIALS OR MUSE-  
21 UMS.—Subsection (b) of such section, as amended by sec-  
22 tion 2863(f) of the Military Construction Authorization  
23 Act for Fiscal Year 2002 (division B of Public Law 107–  
24 107; 115 Stat. 1332) and section 2851(a)(1) of the Mili-  
25 tary Construction Authorization Act for Fiscal Year 2003

1 (division B of Public Law 107–314; 116 Stat. 2726), is  
2 further amended—

3 (1) by striking “(1) Subject to paragraph (2),  
4 the Secretary” and inserting “The Secretary”; and  
5 (2) by striking paragraph (2).

6 (i) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-  
7 retary may require such additional terms and conditions  
8 in connection with the conveyances under this section as  
9 the Secretary considers appropriate to protect the inter-  
10 ests of the United States.

11 **SEC. 2824. LAND CONVEYANCE, HAMPTON, VIRGINIA.**

12 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of  
13 the Army may convey, without consideration, to the  
14 Hampton City School Board, Hampton, Virginia (in this  
15 section referred to as the “Board”), all right, title, and  
16 interest of the United States in and to a parcel of real  
17 property, including any improvements thereon, that con-  
18 sists of approximately 29.8 acres, is located on Downey  
19 Farm Road in Hampton, Virginia, and is known as the  
20 Butler Farm United States Army Reserve Center in order  
21 to permit the Board to utilize the property for public edu-  
22 cation purposes.

23 (b) **CONDITION OF CONVEYANCE.**—The conveyance  
24 under subsection (a) shall be subject to the condition that  
25 the Board accept the real property described in subsection

1 (a) in its condition at the time of the conveyance, com-  
2 monly known as conveyance “as is”.

3 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
4 Secretary may require the Board to cover costs to be in-  
5 curred by the Secretary, or to reimburse the Secretary for  
6 costs incurred by the Secretary, to carry out the convey-  
7 ance under subsection (a), including survey costs, costs re-  
8 lated to environmental documentation, and other adminis-  
9 trative costs related to the conveyance. If amounts are col-  
10 lected from the Board in advance of the Secretary incur-  
11 ring the actual costs, and the amount collected exceeds  
12 the costs actually incurred by the Secretary to carry out  
13 the conveyance, the Secretary shall refund the excess  
14 amount to the Board.

15 (2) Amounts received as reimbursement under para-  
16 graph (1) shall be credited to the fund or account that  
17 was used to cover the costs incurred by the Secretary in  
18 carrying out the conveyance. Amounts so credited shall be  
19 merged with amounts in such fund or account, and shall  
20 be available for the same purposes, and subject to the  
21 same conditions and limitations, as amounts in such fund  
22 or account.

23 (d) EXEMPTION FROM FEDERAL SCREENING.—The  
24 conveyance authorized by subsection (a) is exempt from  
25 the requirement to screen the property for other Federal



1 use pursuant to section 2693 and 2696 of title 10, United  
2 States Code.

3 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of the property to be conveyed under  
5 subsection (a) shall be determined by a survey satisfactory  
6 to the Secretary.

7 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
8 retary may require such additional terms and conditions  
9 in connection with the conveyance under subsection (a) as  
10 the Secretary considers appropriate to protect the inter-  
11 ests of the United States.

12 **SEC. 2825. LAND CONVEYANCE, SEATTLE, WASHINGTON.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
14 the Army may convey, without consideration, to the State  
15 of Washington (in this section referred to as the “State”)  
16 all right, title, and interest of the United States in and  
17 to a parcel of real property, including any improvements  
18 thereon, consisting of approximately 9.747 acres in Se-  
19 attle, Washington, and comprising a portion of the Na-  
20 tional Guard Facility, Pier 91, for the purpose of permit-  
21 ting the State to convey the facility unencumbered for eco-  
22 nomic development purposes.

23 (b) CONDITION OF CONVEYANCE.—The conveyance  
24 under subsection (a) shall be subject to the condition that  
25 the State accept the real property in its condition at the

1 time of the conveyance, commonly known as conveyance  
2 “as is”.

3 (c) ADMINISTRATIVE EXPENSES.—(1) The State  
4 shall reimburse the Secretary for the administrative ex-  
5 penses incurred by the Secretary in carrying out the con-  
6 veyance under subsection (a), including expenses related  
7 to surveys and legal descriptions, boundary  
8 monumentation, environmental surveys, necessary docu-  
9 mentation, travel, and deed preparation.

10 (2) Section 2695(c) of title 10, United States Code,  
11 shall apply to any amounts received by the Secretary as  
12 reimbursement under this subsection.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
14 and legal description of the property to be conveyed under  
15 subsection (a) shall be determined by a survey satisfactory  
16 to the Secretary. The cost of the survey shall be borne  
17 by the United States, subject to the requirement for reim-  
18 bursement under subsection (c).

19 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
20 Secretary may require such additional terms and condi-  
21 tions in connection with the conveyance under subsection  
22 (a) as the Secretary considers appropriate to protect the  
23 interests of the United States.

1 **SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVE-**  
2 **NUE NAVAL COMPLEX, DISTRICT OF COLUM-**  
3 **BIA.**

4 (a) **TRANSFER REQUIRED.**—The Secretary of the  
5 Navy shall transfer to the administrative jurisdiction of  
6 the Administrator of General Services the parcel of De-  
7 partment of the Navy real property in the District of Co-  
8 lumbia known as the Nebraska Avenue Complex for the  
9 purpose of permitting the Administrator to use the Com-  
10 plex to accommodate the Department of Homeland Secu-  
11 rity. The Complex shall be transferred in its existing con-  
12 dition.

13 (b) **AUTHORITY TO RETAIN MILITARY FAMILY**  
14 **HOUSING.**—The Secretary of the Navy may retain admin-  
15 istrative jurisdiction over the portion of the Complex that  
16 the Secretary considers to be necessary for continued use  
17 as Navy family housing.

18 (c) **TIME FOR TRANSFER.**—The transfer of adminis-  
19 trative jurisdiction over the Complex to the Administrator  
20 under subsection (c) shall be completed not later than  
21 January 1, 2005.

22 (d) **RELOCATION OF NAVY ACTIVITIES.**—As part of  
23 the transfer of the Complex under this section, the Sec-  
24 retary of the Navy shall relocate Department of the Navy  
25 activities at the Complex to other locations.

1           (e) PAYMENT OF RELOCATION COSTS.—Subject to  
2 the availability of appropriations for this purpose, the Sec-  
3 retary of Homeland Security shall be responsible for the  
4 payment of—

5           (1) all reasonable costs, including costs to move  
6 furnishings and equipment, related to the relocation  
7 of Department of the Navy activities from the Com-  
8 plex under subsection (d);

9           (2) all reasonable costs, including rent, incident  
10 to the occupancy by such activities of interim leased  
11 space; and

12           (3) all reasonable costs incident to the acquisi-  
13 tion of permanent facilities for Department of the  
14 Navy activities relocated from the Complex.

15           (f) SUBMISSION OF COST ESTIMATES.—As soon as  
16 practicable after the date of the enactment of this Act,  
17 but not later than January 1, 2005, the Secretary of the  
18 Navy shall submit to the congressional defense committees  
19 an initial estimate of the amounts that will be necessary  
20 to cover the costs to permanently relocate Department of  
21 the Navy activities from the Complex. The Secretary shall  
22 include in the estimate anticipated land acquisition and  
23 facility construction costs. The Secretary shall revise the  
24 estimate as necessary whenever information regarding the  
25 actual costs for the relocation is obtained.

1           (g) CERTIFICATION OF RELOCATION COSTS.—At the  
2 end of the three-year period beginning on the date of the  
3 transfer of the Complex under subsection (a), the Sec-  
4 retary of the Navy shall submit to Congress written  
5 notice—

6           (1) specifying the total amount expended under  
7 subsection (e) to cover the costs of relocating De-  
8 partment of the Navy activities from the Complex;

9           (2) specifying the total amount expended to ac-  
10 quire permanent facilities for Department of the  
11 Navy activities relocated from the Complex; and

12           (3) certifying whether the amounts paid are  
13 sufficient to complete all relocation actions.

14 **SEC. 2827. LAND CONVEYANCE, HONOLULU, HAWAII.**

15           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
16 the Navy may convey, without consideration but subject  
17 to the conditions specified in subsection (b), to the City  
18 and County of Honolulu, Hawaii, all right, title, and inter-  
19 est of the United States in and to a parcel of real property,  
20 including improvements thereon, consisting of approxi-  
21 mately 5.16 acres located at 890 Valkenberg Avenue,  
22 Honolulu, Hawaii, and currently used by the City and  
23 County of Honolulu as the site of a fire station and fire-  
24 fighting training facility. The purpose of the conveyance  
25 is to enhance the capability of the City and County of

1 Honolulu to provide fire protection and firefighting serv-  
2 ices to the civilian and military properties in the area and  
3 to provide a location for firefighting training for civilian  
4 and military personnel.

5 (b) CONDITIONS OF CONVEYANCE.—The conveyance  
6 under subsection (a) shall be subject to the following con-  
7 ditions:

8 (1) That the City and County of Honolulu ac-  
9 cept the real property in its condition at the time of  
10 the conveyance, commonly known as conveyance “as  
11 is”.

12 (2) That the City and County of Honolulu  
13 make the firefighting training facility available to  
14 the fire protection and firefighting units of the mili-  
15 tary departments for training not less than 2 days  
16 per week on terms satisfactory to the Secretary.

17 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
18 Secretary shall require the City and County of Honolulu  
19 to cover costs to be incurred by the Secretary, or to reim-  
20 burse the Secretary for costs incurred by the Secretary,  
21 to carry out the conveyance under subsection (a), includ-  
22 ing survey costs, costs related to environmental docu-  
23 mentation, and other administrative costs related to the  
24 conveyance. If amounts are collected from the City and  
25 County of Honolulu in advance of the Secretary incurring

1 the actual costs, and the amount collected exceeds the  
2 costs actually incurred by the Secretary to carry out the  
3 conveyance, the Secretary shall refund the excess amount,  
4 without interest, to the City and County of Honolulu.

5 (2) Amounts received under paragraph (1) shall be  
6 credited to the fund or account that was used to cover  
7 the costs incurred by the Secretary in carrying out the  
8 conveyance. Amounts so credited shall be merged with  
9 amounts in such fund or account, and shall be available  
10 for the same purposes, and subject to the same conditions  
11 and limitations, as amounts in such fund or account.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
13 and legal description of the property to be conveyed under  
14 subsection (a) shall be determined by a survey satisfactory  
15 to the Secretary.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
17 Secretary may require such additional terms and condi-  
18 tions in connection with the conveyance under subsection  
19 (a) as the Secretary considers appropriate to protect the  
20 interests of the United States.

21 **SEC. 2828. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
23 the Navy may convey, without consideration, to the City  
24 of Portsmouth, Virginia (in this section referred to as the  
25 “City”), all right, title, and interest of the United States

1 in and to a parcel of real property, including any improve-  
2 ments thereon, consisting of approximately 0.49 acres lo-  
3 cated at 517 King Street, Portsmouth, Virginia, and  
4 known as the “Navy YMCA Building”, for economic revi-  
5 talization purposes.

6 (b) CONDITIONS OF CONVEYANCE.—The conveyance  
7 under subsection (a) shall be subject to the following con-  
8 ditions:

9 (1) That the City accept the real property de-  
10 scribed in subsection (a) in its condition at the time  
11 of the conveyance, commonly known as conveyance  
12 “as is”.

13 (2) That the City bear all costs related to the  
14 environmental remediation, use, and redevelopment  
15 of the real property.

16 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
17 Secretary may require the City to cover costs to be in-  
18 curred by the Secretary, or to reimburse the Secretary for  
19 costs incurred by the Secretary, to carry out the convey-  
20 ance under subsection (a), including survey costs, costs re-  
21 lated to environmental documentation, and other adminis-  
22 trative costs related to the conveyance. If amounts paid  
23 to the Secretary in advance exceed the costs actually in-  
24 curred by the Secretary to carry out the conveyance, the  
25 Secretary shall refund the excess amount to the City.



1           (2) Amounts received under paragraph (1) shall be  
2 credited to the fund or account that was used to cover  
3 the costs incurred by the Secretary. Amounts so credited  
4 shall be merged with amounts in such fund or account,  
5 and shall be available for the same purposes, and subject  
6 to the same conditions and limitations, as amounts in such  
7 fund or account.

8           (d) DESCRIPTION OF PROPERTY.—The exact acreage  
9 and legal description of the property to be conveyed under  
10 subsection (a) shall be determined by a survey satisfactory  
11 to the Secretary.

12           (e) ADDITIONAL TERMS AND CONDITIONS.—The  
13 Secretary may require such additional terms and condi-  
14 tions in connection with the conveyance under subsection  
15 (a) as the Secretary considers appropriate to protect the  
16 interests of the United States.

17 **SEC. 2829. LAND CONVEYANCE, FORMER GRIFFISS AIR**  
18 **FORCE BASE, NEW YORK.**

19           (a) CONVEYANCE AUTHORIZED.—(1) The Secretary  
20 of the Air Force may convey to the Oneida County Indus-  
21 trial Development Agency, New York, the local reuse au-  
22 thority for the former Griffiss Air Force Base (in this sec-  
23 tion referred to as the “Authority”), all right, title and  
24 interest of the United States in and to a parcel of real  
25 property consisting of 9.639 acres and including four

1 buildings described in paragraph (2) that were vacated by  
2 the Air Force in conjunction with its relocation to the Con-  
3 solidated Intelligence and Reconnaissance Laboratory at  
4 Air Force Research Laboratory—Rome Research Site,  
5 Rome, New York.

6 (2) The buildings described in this paragraph are the  
7 buildings located on the real property referred in para-  
8 graph (1) as follows:

9 (A) Building 240 (117,323 square feet).

10 (B) Building 247 (13,199 square feet).

11 (C) Building 248 (4,000 square feet).

12 (D) Building 302 (20,577 square feet).

13 (3) The purpose of the conveyance under this sub-  
14 section is to permit the Authority to develop the parcel  
15 and structures conveyed for economic purposes in a man-  
16 ner consistent with the Defense Base Closure and Realign-  
17 ment Act of 1990 (part A of title XXIX of Public Law  
18 101–510; 10 U.S.C. 2687 note).

19 (b) CONDITION OF CONVEYANCE.—The conveyance  
20 under subsection (a) shall be subject to the condition that  
21 the Authority accept the real property in its condition at  
22 the time of the conveyance, commonly known as convey-  
23 ance “as is”.

24 (c) CONSIDERATION.—As consideration for the con-  
25 veyance of property under subsection (a), the Authority

1 shall pay the United States an amount equal to the fair  
2 market of value, as determined by the Secretary.

3 (d) TREATMENT OF PROCEEDS.—Any consideration  
4 received under subsection (c) shall be deposited in the De-  
5 partment of Defense Base Closure Account 1990 estab-  
6 lished by section 2906 of the Defense Base Closure and  
7 Realignment Act of 1990, and shall be available for use  
8 in accordance with subsection (b) of such section.

9 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
10 and legal description of the real property to be conveyed  
11 under subsection (a) shall be determined by a survey satis-  
12 factory to the Secretary. The cost of the survey shall be  
13 borne by the Authority.

14 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
15 retary may require such additional terms and conditions  
16 in connection with the conveyance under subsection (a) as  
17 the Secretary considers appropriate to protect the inter-  
18 ests of the United States.

19 **SEC. 2830. LAND EXCHANGE, MAXWELL AIR FORCE BASE,**  
20 **ALABAMA.**

21 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
22 the Air Force may convey to the City of Montgomery, Ala-  
23 bama (in this section referred to as the “City”), all right,  
24 title, and interest of the United States in and to a parcel  
25 of real property, including any improvements thereon, con-

1 sisting of approximately 28 acres and including all of the  
2 Maxwell Heights Housing site and located at Maxwell Air  
3 Force Base, Alabama.

4 (b) CONSIDERATION.—(1) As consideration for the  
5 conveyance of property under subsection (a), the City shall  
6 convey to the United States all right, title, and interest  
7 of the City to a parcel of real property, including any im-  
8 provements thereon, consisting of approximately 35 acres  
9 and designated as project AL 6–4, that is owned by the  
10 City and is contiguous to Maxwell Air Force Base, for the  
11 purpose of allowing the Secretary to incorporate such  
12 property into a project for the acquisition or improvement  
13 of military housing under subchapter IV of chapter 169  
14 of title 10, United States Code. The Secretary shall have  
15 administrative jurisdiction over the real property received  
16 under this subsection.

17 (2) If the fair market value of the real property re-  
18 ceived under paragraph (1) is less than the fair market  
19 value of the real property conveyed under subsection (a)  
20 (as determined pursuant to an appraisal acceptable to the  
21 Secretary), the Secretary may require the City to provide,  
22 pursuant to negotiations between the Secretary and the  
23 City, in-kind consideration the value of which when added  
24 to the fair market value of the property conveyed under

1 subsection (b) equals the fair market value of the property  
2 conveyed under subsection (a).

3 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
4 Secretary may require the City to cover costs to be in-  
5 curred by the Secretary, or to reimburse the Secretary for  
6 costs incurred by the Secretary, to carry out the convey-  
7 ances under subsections (a) and (b), including survey  
8 costs, costs related to environmental documentation, and  
9 other administrative costs related to the conveyances. If  
10 amounts are collected from the City in advance of the Sec-  
11 retary incurring the actual costs, and the amount collected  
12 exceeds the costs actually incurred by the Secretary to  
13 carry out the conveyance, the Secretary shall refund the  
14 excess amount to the City.

15 (2) Amounts received as reimbursement under para-  
16 graph (1) shall be credited to the fund or account that  
17 was used to cover the costs incurred by the Secretary in  
18 carrying out the conveyances. Amounts so credited shall  
19 be merged with amounts in such fund or account, and  
20 shall be available for the same purposes, and subject to  
21 the same conditions and limitations, as amounts in such  
22 fund or account.

23 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
24 and legal description of the property to be conveyed under

1 subsections (a) and (b) shall be determined by surveys sat-  
2 isfactory to the Secretary.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The  
4 Secretary may require such additional terms and condi-  
5 tions in connection with the conveyances under subsections  
6 (a) and (b) as the Secretary considers appropriate to pro-  
7 tect the interests of the United States.

8 **SEC. 2831. LAND EXCHANGE, NAVAL AIR STATION, PATUX-**  
9 **ENT RIVER, MARYLAND.**

10 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of  
11 the Navy may convey to the State of Maryland (in this  
12 section referred to as “State”), all right, title, and interest  
13 of the United States in and to a parcel of real property,  
14 including improvements thereon, consisting of approxi-  
15 mately five acres at Naval Air Station, Patuxent River,  
16 Maryland, and containing the Point Lookout Lighthouse,  
17 other structures related to the lighthouse, and an archae-  
18 ological site pertaining to the military hospital that was  
19 located on the property during the Civil War. The convey-  
20 ance shall include artifacts pertaining to the military hos-  
21 pital recovered by the Navy and held at the installation.

22 (b) **PROPERTY RECEIVED IN EXCHANGE.**—As con-  
23 sideration for the conveyance of the real property under  
24 subsection (a), the State shall convey to the United States  
25 a parcel of real property consisting of approximately five

1 acres located in Point Lookout State Park, St. Mary's  
2 County, Maryland.

3 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
4 Secretary may require the State to cover costs to be in-  
5 curred by the Secretary, or to reimburse the Secretary for  
6 costs incurred by the Secretary, to carry out the convey-  
7 ance under subsection (a), including survey costs, costs re-  
8 lated to environmental documentation, relocation expenses  
9 incurred under subsection (b), and other administrative  
10 costs related to the conveyance. If amounts are collected  
11 from the State in advance of the Secretary incurring the  
12 actual costs, and the amount collected exceeds the costs  
13 actually incurred by the Secretary to carry out the convey-  
14 ance, the Secretary shall refund the excess amount to  
15 State.

16 (2) Amounts received as reimbursement under para-  
17 graph (1) shall be credited to the fund or account that  
18 was used to cover the costs incurred by the Secretary in  
19 carrying out the conveyance. Amounts so credited shall be  
20 merged with amounts in such fund or account, and shall  
21 be available for the same purposes, and subject to the  
22 same conditions and limitations, as amounts in such fund  
23 or account.

24 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
25 and legal description of the properties to be conveyed

1 under this section shall be determined by surveys satisfac-  
2 tory to the Secretary.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The  
4 Secretary may require such additional terms and condi-  
5 tions in connection with the conveyances under this section  
6 as the Secretary considers appropriate to protect the inter-  
7 ests of the United States.

8 **SEC. 2832. LAND CONVEYANCE, MARCH AIR FORCE BASE,**  
9 **CALIFORNIA.**

10 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of  
11 the Air Force may convey to the March Joint Powers Au-  
12 thority (in this section referred to as the “MJPA”) all  
13 right, title, and interest of the United States in and to  
14 a parcel of real property, including any improvements  
15 thereon, consisting of approximately 15 acres located in  
16 Riverside County, California, and containing the former  
17 Defense Reutilization and Marketing Office facility for  
18 March Air Force Base, which is also known as Parcel A-  
19 6, for the purpose of economic development and revitaliza-  
20 tion.

21 (b) **CONSIDERATION.**—(1) As consideration for the  
22 conveyance of property under subsection (a), the MJPA  
23 shall pay the United States an amount equal to the fair  
24 market value, as determined by the Secretary, of the prop-  
25 erty to be conveyed under such subsection.



1           (2) The consideration received under this subsection  
2 shall be deposited in the special account in the Treasury  
3 established under section 572(b) of title 40, United States  
4 Code, and available in accordance with the provisions of  
5 paragraph (5)(B)(ii).

6           (c) DESCRIPTION OF PROPERTY.—The exact acreage  
7 and legal description of the real property to be conveyed  
8 under subsection (a) shall be determined by a survey satis-  
9 factory to the Secretary. The cost of the survey shall be  
10 borne by the MJPA.

11          (d) ADDITIONAL TERMS AND CONDITIONS.—The  
12 Secretary may require such additional terms and condi-  
13 tions in connection with the conveyance under subsection  
14 (a) as the Secretary considers appropriate to protect the  
15 interests of the United States.

16 **SEC. 2833. LAND CONVEYANCE, SUNFLOWER ARMY AMMU-**  
17 **NITION PLANT, KANSAS.**

18          (a) CONVEYANCE AUTHORIZED.—The Secretary of  
19 the Army, in consultation with the Administrator of Gen-  
20 eral Services, may convey to an entity selected by the  
21 Board of Commissioners of Johnson County, Kansas (in  
22 this section referred to as the “entity” and the “Board”,  
23 respectively), all right, title, and interest of the United  
24 States in and to a parcel of real property, including any  
25 improvements thereon, consisting of approximately 9,065

1 acres and containing the Sunflower Army Ammunition  
2 Plant. The purpose of the conveyance is to facilitate the  
3 re-use of the property for economic development and re-  
4 talization.

5 (b) CONSIDERATION.—(1) As consideration for the  
6 conveyance under subsection (a), the entity shall provide  
7 the United States, whether by cash payment, in-kind con-  
8 tribution, or a combination thereof, an amount that is not  
9 less than the fair market value, as determined by an ap-  
10 praisal of the property acceptable to the Administrator  
11 and the Secretary. The Secretary may authorize the entity  
12 to carry out, as in-kind consideration, environmental re-  
13 mediation activities for the property conveyed under such  
14 subsection.

15 (2) The Secretary shall deposit any cash received as  
16 consideration under this subsection in a special account  
17 established pursuant to section 572(b) of title 40, United  
18 States Code, to pay for environmental remediation and ex-  
19 plosives cleanup of the property conveyed under subsection  
20 (a).

21 (c) CONSTRUCTION WITH PREVIOUS LAND CONVEY-  
22 ANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION  
23 PLANT.—The authority in subsection (a) to make the con-  
24 veyance described in that subsection is in addition to the  
25 authority under section 2823 of the Military Construction

1 Authorization Act for Fiscal Year 2003 (division B of  
2 Public Law 107–314; 116 Stat. 2712) to make the convey-  
3 ance described in that section.

4 (d) ENVIRONMENTAL REMEDIATION AND EXPLO-  
5 SIVES CLEANUP.—(1) Notwithstanding any other provi-  
6 sion of law, the Secretary may enter into a multi-year co-  
7 operative agreement or contract with the entity to under-  
8 take environmental remediation and explosives cleanup of  
9 the property, and may utilize amounts authorized to be  
10 appropriated for the Secretary for purposes of environ-  
11 mental remediation and explosives cleanup under the  
12 agreement.

13 (2) The terms of the cooperative agreement or con-  
14 tract may provide for advance payments on an annual  
15 basis or for payments on a performance basis. Payments  
16 may be made over a period of time agreed to by the Sec-  
17 retary and the entity or for such time as may be necessary  
18 to perform the environmental remediation and explosives  
19 cleanup of the property, including any long-term operation  
20 and maintenance requirements.

21 (e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
22 Secretary may require the entity or other persons to cover  
23 costs to be incurred by the Secretary, or to reimburse the  
24 Secretary for costs incurred by the Secretary, to carry out  
25 the conveyance under subsection (a), including survey

1 costs, costs related to environmental, and other adminis-  
2 trative costs related to the conveyance.

3 (2) Amounts received under paragraph (1) shall be  
4 credited to the appropriation, fund, or account from which  
5 the costs were paid. Amounts so credited shall be merged  
6 with funds in such appropriation, fund, or account, and  
7 shall be available for the same purposes, and subject to  
8 the same limitations, as the funds with which merged.

9 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
10 and legal description of the real property to be conveyed  
11 under subsection (a) shall be determined by a survey joint-  
12 ly satisfactory to the Secretary and the Administrator.

13 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
14 Secretary and the Administrator may require such addi-  
15 tional terms and conditions in connection with the convey-  
16 ance of real property under subsection (a), and the envi-  
17 ronmental remediation and explosives cleanup under sub-  
18 section (d), as the Secretary and the Administrator jointly  
19 consider appropriate to protect the interests of the United  
20 States.

21 **SEC. 2834. LAND CONVEYANCE, NAVAL WEAPONS STATION,**  
22 **CHARLESTON, SOUTH CAROLINA.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
24 the Navy may convey to the Berkeley County Sanitation  
25 Authority, South Carolina (in this section referred to as

1 the “Authority”), all right, title, and interest of the United  
2 States in and to a parcel of real property, including any  
3 improvements thereon, consisting of not more than 38  
4 acres and comprising a portion of the Naval Weapons Sta-  
5 tion, Charleston, South Carolina, for the purpose of allow-  
6 ing the Authority to expand an existing sewage treatment  
7 plant.

8 (b) CONSIDERATION.—As consideration for the con-  
9 veyance of property under subsection (a), the Authority  
10 shall provide the United States, whether by cash payment,  
11 in-kind services, or a combination thereof, an amount that  
12 is not less than the fair market value, as determined by  
13 an appraisal acceptable to the Secretary, of the property  
14 conveyed under such subsection.

15 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
16 Secretary may require the Authority to cover costs in-  
17 curred by the Secretary, or to reimburse the Secretary for  
18 costs incurred by the Secretary, to carry out the convey-  
19 ance under subsection (a), including appraisal costs, sur-  
20 vey costs, costs related to compliance with the National  
21 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
22 seq.) and environmental remediation, and other adminis-  
23 trative costs related to the conveyance. If the amounts are  
24 collected from the Authority in advance of the Secretary  
25 incurring the actual costs, and the amount collected ex-

1 ceeds the costs actually incurred by the Secretary to carry  
2 out the conveyance, the Secretary shall refund the excess  
3 amount to the Authority.

4 (2) Amounts received as reimbursement under para-  
5 graph (1) shall be credited to the fund or account that  
6 was used to cover the costs incurred by the Secretary in  
7 carrying out the conveyance. Amounts so credited shall be  
8 merged with amounts in such fund or account, and shall  
9 be made available for the same purposes, and subject to  
10 the same conditions and limitations, as amounts in such  
11 fund or account.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
13 and legal description of the property to be conveyed under  
14 subsection (a) shall be determined by a survey satisfactory  
15 to the Secretary. The cost of the survey shall be borne  
16 by the Authority.

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
18 Secretary may require such additional terms and condi-  
19 tions in connection with the conveyance under subsection  
20 (a) as the Secretary considers appropriate to protect the  
21 interests of the United States.

22 **SEC. 2835. LAND CONVEYANCE, LOUISIANA ARMY AMMUNI-**  
23 **TION PLANT, DOYLINE, LOUISIANA.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
25 the Army may convey to the State of Louisiana (in this

1 section referred to as the “State”) all right, title, and in-  
2 terest of the United States in and to a parcel of real prop-  
3 erty, including any improvements thereon, consisting of  
4 approximately 14,949 acres located at the Louisiana Army  
5 Ammunition Plant, Doyline, Louisiana.

6 (b) CONSIDERATION.—As consideration for the con-  
7 veyance of property under subsection (a), the State shall—

8 (1) maintain at least 13,500 acres of such prop-  
9 erty for the purpose of military training, unless the  
10 Secretary determines that fewer acres are required  
11 for such purpose;

12 (2) ensure that any other uses that are made  
13 of the property conveyed under subsection (a) do not  
14 adversely impact military training;

15 (3) accommodate the use of such property, at  
16 no cost or fee, for meeting the present and future  
17 training needs of Armed Forces units, including  
18 units of the Louisiana National Guard and the other  
19 active and reserve components of the Armed Forces;

20 (4) assume, starting on the date that is five  
21 years after the date of the conveyance of such prop-  
22 erty, responsibility for any monitoring, sampling, or  
23 reporting requirements that are associated with the  
24 environmental restoration activities of the Army on  
25 the Louisiana Army Ammunition Plant, and shall

1 bear such responsibility until such time as such  
2 monitoring, sampling, or reporting is no longer re-  
3 quired; and

4 (5) assume the rights and responsibilities of the  
5 Army under the armaments retooling manufacturing  
6 support agreement between the Army and the facil-  
7 ity use contractor with respect to the Louisiana  
8 Army Ammunition Plant in accordance with the  
9 terms of such agreement in effect at the time of the  
10 conveyance.

11 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
12 Secretary may require the State to cover costs to be in-  
13 curred by the Secretary, or to reimburse the Secretary for  
14 costs incurred by the Secretary, to carry out the convey-  
15 ance under subsection (a), including survey costs, costs re-  
16 lated to environmental documentation, and other adminis-  
17 trative costs related to the conveyance. If amounts are col-  
18 lected from the State in advance of the Secretary incurring  
19 the actual costs, and the amount collected exceeds the  
20 costs actually incurred by the Secretary to carry out the  
21 conveyance, the Secretary shall refund the excess amount  
22 to State.

23 (2) Amounts received as reimbursement under para-  
24 graph (1) shall be credited to the fund or account that  
25 was used to cover the costs incurred by the Secretary in



1 carrying out the conveyance. Amounts so credited shall be  
2 merged with amounts in such fund or account, and shall  
3 be available for the same purposes, and subject to the  
4 same conditions and limitations, as amounts in such fund  
5 or account.

6 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
7 and legal description of the real property to be conveyed  
8 under subsection (a) shall be determined by surveys satis-  
9 factory to the Secretary. The cost of each survey shall be  
10 borne by the State.

11 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
12 Secretary may require such additional terms and condi-  
13 tions in connection with the conveyance under subsection  
14 (a) as the Secretary considers appropriate to protect the  
15 interests of the United States.

16 **SEC. 2836. MODIFICATION OF AUTHORITY FOR LAND CON-**  
17 **VEYANCE, EQUIPMENT AND STORAGE YARD,**  
18 **CHARLESTON, SOUTH CAROLINA.**

19 Section 563(h) of the Water Resources Development  
20 Act of 1999 (Public Law 106–53; 113 Stat. 360) is  
21 amended to read as follows:

22 “(h) CHARLESTON, SOUTH CAROLINA.—

23 “(1) IN GENERAL.—The Secretary may convey  
24 to the City of Charleston, South Carolina (in this  
25 section referred to as the ‘City’), all right, title, and

1 interest of the United States in and to a parcel of  
2 real property of the Corps of Engineers, together  
3 with any improvements thereon, that is known as  
4 the Equipment and Storage Yard and consists of ap-  
5 proximately 1.06 acres located on Meeting Street in  
6 Charleston, South Carolina, in as-is condition.

7 “(2) CONSIDERATION.—As consideration for  
8 the conveyance of property under paragraph (1), the  
9 City shall provide the United States, whether by  
10 cash payment, in-kind contribution, or a combination  
11 thereof, an amount that is not less than the fair  
12 market value of the property conveyed, as deter-  
13 mined by the Secretary.

14 “(3) USE OF PROCEEDS.—Amounts received as  
15 consideration under this subsection may be used by  
16 the Corps of Engineers, Charleston District, as fol-  
17 lows:

18 “(A) Any amounts received as consider-  
19 ation may be used to carry out activities under  
20 this Act, notwithstanding any requirements as-  
21 sociated with the Plant Replacement and Im-  
22 provement Program (PRIP), including—

23 “(i) leasing, purchasing, or con-  
24 structing an office facility within the

1 boundaries of Charleston, Berkeley, and  
2 Dorchester Counties, South Carolina; and

3 “(ii) satisfying any PRIP balances.

4 “(B) Any amounts received as consider-  
5 ation that are in excess of the fair market value  
6 of the property conveyed under paragraph (1)  
7 may be used for any authorized activities of the  
8 Corps of Engineers, Charleston District.

9 “(4) DESCRIPTION OF PROPERTY.—The exact  
10 acreage and legal description of the real property to  
11 be conveyed under paragraph (1) and any property  
12 transferred to the United States as consideration  
13 under paragraph (2) shall be determined by surveys  
14 satisfactory to the Secretary.

15 “(5) ADDITIONAL TERMS AND CONDITIONS.—  
16 The Secretary may require such additional terms  
17 and conditions in connection with the conveyance  
18 under paragraph (1) as the Secretary considers ap-  
19 propriate to protect the interests of the United  
20 States.”.

1                   **Subtitle D—Other Matters**

2   **SEC. 2841. DEPARTMENT OF DEFENSE FOLLOW-ON LAB-**  
3                   **ORATORY REVITALIZATION DEMONSTRATION**  
4                   **PROGRAM.**

5           (a) FOLLOW-ON PROGRAM AUTHORIZED.—(1) The  
6 Secretary of Defense may carry out a program (to be  
7 known as the “Department of Defense Follow-On Labora-  
8 tory Revitalization Demonstration Program”) for the revi-  
9 talization of Department of Defense laboratories. Under  
10 the program, the Secretary may carry out minor military  
11 construction projects in accordance with subsection (b)  
12 and other applicable law to improve laboratories covered  
13 by the program.

14           (2) The program under this section is the successor  
15 program to the Department of Defense Laboratory Revi-  
16 talization Demonstration Program carried out under sec-  
17 tion 2892 of the Military Construction Authorization Act  
18 for Fiscal Year 1996 (division B of Public Law 104–106;  
19 10 U.S.C. 2805 note).

20           (b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO  
21 MINOR CONSTRUCTION PROJECTS.—For purpose of any  
22 military construction project carried out under the  
23 program—

24                   (1) the amount provided in the second sentence  
25           of subsection (a)(1) of section 2805 of title 10,

1 United States Code, shall be deemed to be  
2 \$3,000,000;

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

5 (3) the amount provided in subsection (c)(1)(B)  
6 of such section shall be deemed to be \$1,000,000.

7 (c) PROGRAM REQUIREMENTS.—(1) Not later than  
8 30 days before commencing the program, the Secretary  
9 shall—

10 (A) designate the Department laboratories at  
11 which construction may be carried out under the  
12 program; and

13 (B) establish procedures for the review and ap-  
14 proval of requests from Department laboratories to  
15 carry out such construction.

16 (2) The laboratories designated under paragraph  
17 (1)(A) may not include Department laboratories that are  
18 contractor owned.

19 (3) The Secretary shall notify Congress of the De-  
20 partment laboratories designated under paragraph (1)(A).

21 (d) REPORT.—Not later than September 30, 2005,  
22 the Secretary shall submit to the congressional defense  
23 committees a report on the program under this section.  
24 The report shall include—

1           (1) a list and description of the construction  
2 projects carried out under the program, and of any  
3 projects carried out under the program referred to  
4 in subsection (a) during the period beginning on Oc-  
5 tober 1, 2003, and ending on the date of the enact-  
6 ment of this Act, including the location and costs of  
7 each such project; and

8           (2) the assessment of the Secretary of the ad-  
9 visability of extending or expanding the authority for  
10 the program under this section.

11       (e) CONSTRUCTION OF AUTHORITY.—Nothing in this  
12 section may be construed to limit any other authority pro-  
13 vided by law for any military construction project at a De-  
14 partment laboratory covered by the program.

15       (f) DEFINITIONS.—In this section:

16           (1) The term “laboratory” includes—

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

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

22               (C) a supporting facility of a laboratory.

23           (2) The term “supporting facility”, with respect  
24 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 authority to  
4 carry out a project under the program under this section  
5 expires on September 30, 2006.

6 **SEC. 2842. JURISDICTION AND UTILIZATION OF FORMER**  
7 **PUBLIC DOMAIN LANDS, UMATILLA CHEM-**  
8 **ICAL DEPOT, OREGON.**

9 (a) JURISDICTION.—The various parcels of real prop-  
10 erty consisting of approximately 8,300 acres and located  
11 within the boundaries of Umatilla Chemical Depot, Or-  
12 egon, that were previously withdrawn from the public do-  
13 main are determined to be no longer suitable for return  
14 to the public domain and are hereby transferred to the  
15 administrative jurisdiction of the Secretary of the Army.

16 (b) UTILIZATION.—The Secretary shall combine the  
17 real property transferred under subsection (a) with other  
18 lands and lesser interests comprising the Umatilla Chem-  
19 ical Depot for purposes of their management and disposal  
20 pursuant to title II of the Defense Authorization Amend-  
21 ments and Base Closure and Realignment Act of 1988  
22 (Public Law 100–526; 10 U.S.C. 2687 note) and other  
23 applicable law.

1 **SEC. 2843. DEVELOPMENT OF HERITAGE CENTER FOR THE**  
2 **NATIONAL MUSEUM OF THE UNITED STATES**  
3 **ARMY.**

4 (a) **AUTHORITY TO ENTER INTO AGREEMENT.—**(1)  
5 The Secretary of the Army may enter into an agreement  
6 with the Army Historical Foundation, a nonprofit organi-  
7 zation, for the design, construction, and operation of a fa-  
8 cility or group of facilities at Fort Belvoir, Virginia (in  
9 this section referred to as the “center”), for the National  
10 Museum of the United States Army.

11 (2) The center shall be used for the identification,  
12 curation, storage, and public viewing of artifacts and art-  
13 work of significance to the United States Army, as agreed  
14 to by the Secretary.

15 (3) The center may also be used to support such edu-  
16 cation, training, research, and associated purposes as the  
17 Secretary considers appropriate.

18 (b) **DESIGN AND CONSTRUCTION.—**(1) The design of  
19 the center shall be subject to the approval of the Sec-  
20 retary.

21 (2) For each phase of the development of the center,  
22 the Secretary may—

23 (A) accept funds from the Army Historical  
24 Foundation for the design and construction of such  
25 phase of the center; or



1           (B) permit the Army Historical Foundation to  
2           contract for the design and construction of such  
3           phase of the center.

4           (c) ACCEPTANCE OF FACILITY.—(1) Upon satisfac-  
5           tory completion, as determined by the Secretary, of any  
6           phase of the center, and upon the satisfaction of any and  
7           all financial obligations incident thereto by the Army His-  
8           torical Foundation, the Secretary shall accept such phase  
9           of the center from the Army Historical Foundation, and  
10          all right, title, and interest in and to such phase of the  
11          center shall vest in the United States.

12          (2) Upon becoming property of the United States, a  
13          phase of the center accepted under paragraph (1) shall  
14          be under the jurisdiction of the Secretary.

15          (d) USE OF CERTAIN GIFTS.—(1) Under regulations  
16          prescribed by the Secretary, the Commander of the United  
17          States Army Center of Military History may, without re-  
18          gard to section 2601 of title 10, United States Code, ac-  
19          cept, hold, administer, invest, and spend any gift, devise,  
20          or bequest of personal property of a value of \$250,000  
21          or less made to the United States if such gift, devise, or  
22          bequest is for the benefit of the National Museum of the  
23          United States Army or the center.

24          (2) The Secretary may pay or authorize the payment  
25          of any reasonable and necessary expense in connection

1 with the conveyance or transfer of a gift, devise, or be-  
2 quest under this subsection.

3 (e) LEASE OF FACILITY.—(1) The Secretary may  
4 lease, under such terms and conditions as the Secretary  
5 considers appropriate for the agreement authorized by  
6 subsection (a), portions of the center developed under that  
7 subsection to the Army Historical Foundation for use by  
8 the public, commercial and nonprofit entities, State and  
9 local governments, and other departments and agencies of  
10 the Federal Government for use in generating revenue for  
11 activities of the center and for such administrative pur-  
12 poses as may be necessary for the support of the center.

13 (2) The amount of consideration paid to the Sec-  
14 retary by the Army Historical Foundation for a lease  
15 under paragraph (1) may not exceed an amount equal to  
16 the actual cost, as determined by the Secretary, of the op-  
17 erations and maintenance of the center.

18 (3) Notwithstanding any other provision of law, the  
19 Secretary shall use amounts paid under paragraph (2) to  
20 cover the costs of operation of the center.

21 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
22 retary may require such additional terms and conditions  
23 in connection with the agreement authorized by subsection  
24 (a) as the Secretary considers appropriate to protect the  
25 interests of the United States.

1 **SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND**  
2 **BASE REUSE AUTHORITY AND REDEVELOP-**  
3 **MENT AGENCY OF THE CITY OF OAKLAND,**  
4 **CALIFORNIA.**

5 (a) **AUTHORITY.**—The Secretary of the Navy may  
6 pay funds as agreed to by both parties, in the amount  
7 of \$2,100,000, to the Oakland Base Reuse Authority and  
8 Redevelopment Agency of the City of Oakland, California,  
9 in settlement of Oakland Base Reuse Authority and Rede-  
10 velopment Agency of the City of Oakland v. the United  
11 States, Case No. C02–4652 MHP, United States District  
12 Court, Northern District of California, including any ap-  
13 peal.

14 (b) **CONSIDERATION.**—As consideration, the Oakland  
15 Base Reuse Authority and Redevelopment Agency shall  
16 agree that the payment constitutes a final settlement of  
17 all claims against the United States related to said case  
18 and give to the Secretary a release of all claims to the  
19 eighteen officer housing units located at the former Naval  
20 Medical Center Oakland, California. The release shall be  
21 in a form that is satisfactory to the Secretary.

22 (c) **SOURCE OF FUNDS.**—The Secretary may use  
23 funds in the Department of Defense Base Closure Account  
24 1990 established pursuant to section 2906 of the Defense  
25 Base Closure and Realignment Act of 1990 (part A of title  
26 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for

1 the payment authorized by subsection (a) or the proceeds  
2 of sale from the eighteen housing units and property de-  
3 scribed in subsection (b).

4 **SEC. 2845. COMPTROLLER GENERAL REPORT ON CLOSURE**  
5 **OF DEPARTMENT OF DEFENSE DEPENDENT**  
6 **ELEMENTARY AND SECONDARY SCHOOLS**  
7 **AND COMMISSARY STORES.**

8 (a) COMPTROLLER GENERAL REPORT.—Not later  
9 than 180 days after the date of the enactment of this Act,  
10 the Comptroller General of the United States shall submit  
11 to the appropriate committees of Congress a report that  
12 includes the following:

13 (1) With respect to Department of Defense de-  
14 pendent elementary and secondary schools—

15 (A) an assessment by the Comptroller Gen-  
16 eral of the policy of the Department of Defense,  
17 and the criteria utilized by the Department, re-  
18 garding the closure of schools, including wheth-  
19 er or not such policy and criteria are consistent  
20 with Department policies and procedures on the  
21 preservation of the quality of life of members of  
22 the Armed Forces; and

23 (B) an assessment by the Comptroller  
24 General of any current or on-going studies or

1 assessments of the Department with respect to  
2 any of the schools.

3 (2) With respect to commissary stores—

4 (A) an assessment by the Comptroller Gen-  
5 eral of the policy of the Department of Defense,  
6 and the criteria utilized by the Department, re-  
7 garding the closure of commissary stores, in-  
8 cluding whether or not such policy and criteria  
9 are consistent with Department policies and  
10 procedures on the preservation of the quality of  
11 life of members of the Armed Forces; and

12 (B) an assessment by the Comptroller  
13 General of any current or on-going studies or  
14 assessments of the Department with respect to  
15 any of the commissary stores.

16 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-  
17 FINED.—In this section, the term “appropriate commit-  
18 tees of Congress” means—

19 (1) the Committee on Armed Services of the  
20 Senate; and

21 (2) the Committee on Armed Services of the  
22 House of Representatives.

1                   **TITLE XXIX—MARITIME**  
2                   **ADMINISTRATION**

3   **SEC. 2901. MODIFICATION OF PRIORITY AFFORDED APPLI-**  
4                   **CATIONS FOR NATIONAL DEFENSE TANK VES-**  
5                   **SEL CONSTRUCTION ASSISTANCE.**

6           Section 3542(d) of the Maritime Security Act of 2003  
7 (title XXXV of Public Law 108–136; 117 Stat. 1821; 46  
8 U.S.C. 53101 note) is amended—

9                   (1) in paragraph (1), by striking “and” at the  
10           end;

11                   (2) by redesignating paragraph (2) as para-  
12           graph (3); and

13                   (3) by inserting after paragraph (1) the fol-  
14           lowing new paragraph (2):

15                   “(2) shall give priority consideration to a pro-  
16           posal submitted by an applicant who has been ac-  
17           cepted for participation in the Shipboard Technology  
18           Evaluation Program as outlined in Navigation and  
19           Vessel Inspection Circular 01–04, issued by the

1       Commandant of the United States Coast Guard on  
2       January 2, 2004; and”.

      Passed the Senate June 23 (legislative day, June  
22), 2004.

Attest:

*Secretary.*

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2402**

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**AN ACT**

To authorize appropriations for fiscal year 2005 for military construction, and for other purposes.