

108TH CONGRESS
2^D SESSION

H. R. 4322

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2004

Received

AN ACT

To provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, 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. TRANSFER OF NEBRASKA AVENUE NAVAL COM-**
4 **PLEX, DISTRICT OF COLUMBIA.**

5 (a) TRANSFER REQUIRED.—Except as provided in
6 subsection (b), the Secretary of the Navy shall transfer
7 the parcel of Department of the Navy real property in the
8 District of Columbia known as the Nebraska Avenue Com-
9 plex to the jurisdiction, custody, and control of the Admin-
10 istrator of General Services for the purpose of permitting
11 the Administrator to use the Complex to accommodate the
12 Department of Homeland Security. The Complex shall be
13 transferred in its existing condition.

14 (b) AUTHORITY TO RETAIN MILITARY FAMILY
15 HOUSING.—At the option of the Secretary of the Navy,
16 the Secretary may retain jurisdiction, custody, and control
17 over that portion of the Complex that, as of the date of
18 the enactment of this Act, is being used to provide Navy
19 family housing.

20 (c) TIME FOR TRANSFER AND RELOCATION OF NAVY
21 ACTIVITIES.—Not later than nine months after the date
22 of the enactment of this Act, the Secretary of the Navy
23 shall—

1 (1) complete the transfer of the Complex to the
2 Administrator of General Services under subsection
3 (a); and

4 (2) relocate Department of the Navy activities
5 at the Complex to other locations.

6 (d) PAYMENT OF INITIAL RELOCATION COSTS.—

7 (1) PAYMENT RESPONSIBILITY.—Subject to the
8 availability of appropriations for this purpose, the
9 Secretary of the Department of Homeland Security
10 shall be responsible for the payment of—

11 (A) all reasonable costs, including costs to
12 move furnishings and equipment, related to the
13 initial relocation of Department of the Navy ac-
14 tivities from the Nebraska Avenue Complex;
15 and

16 (B) all reasonable costs incident to the ini-
17 tial occupancy by such activities of interim
18 leased space, including rental costs for the first
19 year.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—For
21 purposes of carrying out paragraph (1), there is au-
22 thorized to be appropriated to the Department of
23 Homeland Security such sums as may be necessary
24 for fiscal years 2005 through 2007.

1 (e) PAYMENT OF LONG-TERM RELOCATION
2 COSTS.—

3 (1) SENSE OF CONGRESS REGARDING PAY-
4 MENT.—It is the sense of the Congress that the Sec-
5 retary of the Navy should receive, from Federal
6 agencies other than the Department of Defense,
7 funds authorized and appropriated for the purpose
8 of covering all reasonable costs, not paid under sub-
9 section (d), that are incurred or will be incurred by
10 the Secretary to permanently relocate Department of
11 the Navy activities from the Complex under sub-
12 section (c)(2).

13 (2) SUBMISSION OF COST ESTIMATES.—As soon
14 as practicable after the date of the enactment of this
15 Act, the Secretary of the Navy shall submit to the
16 Director of the Office of Management and Budget
17 and the Congress an initial estimate of the amounts
18 that will be necessary to cover the costs to perma-
19 nently relocate Department of the Navy activities
20 from the portion of the Complex to be transferred
21 under subsection (a). The Secretary shall include in
22 the estimate anticipated land acquisition and con-
23 struction costs. The Secretary shall revise the esti-
24 mate as necessary whenever information regarding
25 the actual costs for the relocation is obtained.

1 (f) TREATMENT OF FUNDS.—(1) Funds received by
2 the Secretary of the Navy, from sources outside the De-
3 partment of Defense, to relocate Department of the Navy
4 activities from the Complex shall be used to pay the costs
5 incurred by the Secretary to permanently relocate Depart-
6 ment of the Navy activities from the Complex. A military
7 construction project carried out using such funds is
8 deemed to be an authorized military construction project
9 for purposes of section 2802 of title 10, United States
10 Code. Section 2822 of such title shall continue to apply
11 to any military family housing unit proposed to be con-
12 structed or acquired using such funds.

13 (2) When a decision is made to carry out a military
14 construction project using such funds, the Secretary of the
15 Navy shall notify Congress in writing of that decision, in-
16 cluding the justification for the project and the current
17 estimate of the cost of the project. The project may then
18 be carried out only after the end of the 21-day period be-
19 ginning on the date the notification is received by Con-
20 gress or, if earlier, the end of the 14-day period beginning
21 on the date on which a copy of the notification is provided
22 in an electronic medium pursuant to section 480 of title
23 10, United States Code.

24 (g) EFFECT OF FAILURE TO RECEIVE SUFFICIENT
25 FUNDS FOR RELOCATION COSTS.—

1 (1) CONGRESSIONAL NOTIFICATION.—At the
2 end of the five-year period beginning on the date on
3 which the transfer of the Complex is to be completed
4 under subsection (c)(1), the Secretary of the Navy
5 shall submit to Congress a report—

6 (A) specifying the total amount needed to
7 cover both the initial and permanent costs of
8 relocating Department of the Navy activities
9 from the portion of the Complex transferred
10 under subsection (a);

11 (B) specifying the total amount of the ini-
12 tial relocation costs paid by the Secretary of the
13 Department of Homeland Security under sub-
14 section (d); and

15 (C) specifying the total amount of appro-
16 priated funds received by the Secretary of the
17 Navy, from sources outside the Department of
18 Defense, to cover the permanent relocation
19 costs.

20 (2) ROLE OF OMB.—The Secretary of the Navy
21 shall obtain the assistance and concurrence of the
22 Director of the Office of Management and Budget in
23 determining the total amount needed to cover both
24 the initial and permanent costs of relocating Depart-
25 ment of the Navy activities from the portion of the

1 Complex transferred under subsection (a), as re-
2 quired by paragraph (1)(A).

3 (3) CERTIFICATION REGARDING RELOCATION
4 COSTS.—Not later than 30 days after the date on
5 which the report under paragraph (1) is required to
6 be submitted to Congress, the President shall certify
7 to Congress whether the amounts specified in the re-
8 port pursuant to subparagraphs (B) and (C) of such
9 paragraph are sufficient to cover both the initial and
10 permanent costs of relocating Department of the
11 Navy activities from the portion of the Complex
12 transferred under subsection (a). The President
13 shall make this certification only after consultation
14 with the Chairmen and ranking minority members of
15 the Committee on Armed Services and the Com-
16 mittee on Appropriations of the House of Represent-
17 atives and the Chairmen and ranking minority mem-
18 bers of the Committee on Armed Services and the
19 Committee on Appropriations of the Senate.

20 (4) RESTORATION OF COMPLEX TO NAVY.—If
21 the President certifies under paragraph (3) that
22 amounts referred to in subparagraphs (B) and (C)
23 of paragraph (1) are insufficient to cover Navy relo-
24 cation costs, the Administrator of General Services,
25 at the request of the Secretary of the Navy, shall re-

1 store the Complex to the jurisdiction, custody, and
2 control of the Secretary of the Navy.

3 (5) NAVY SALE OF COMPLEX.—If the Complex
4 is restored to the Secretary of the Navy, the Sec-
5 retary shall convey the Complex by competitive sale.
6 Amounts received by the United States as consider-
7 ation from any sale under this paragraph shall be
8 deposited in the special account in the Treasury es-
9 tablished pursuant to paragraph (5) of section
10 572(b) of title 40, United States Code, and shall be
11 available for use as provided in subparagraph (B)(i)
12 of such paragraph.

Passed the House of Representatives June 14, 2004.

Attest

JEFF TRANDAHL,

Clerk.