

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 202

To require the Secretary of Defense to protect areas of exceptional natural or historic character during the process of closing or realigning a military installation.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. JACOBS introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To require the Secretary of Defense to protect areas of exceptional natural or historic character during the process of closing or realigning a military installation.

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. PROTECTION OF NATURAL AND HISTORIC FEA-**

4 **TURES OF CLOSED OR REALIGNED MILITARY**

5 **INSTALLATIONS.**

6 (a) PROPERTY AT BASES CLOSED OR REALIGNED

7 UNDER EXISTING SPECIAL BASE CLOSURE LAWS.—(1)

8 Section 204(b)(3) of the Defense Authorization Amend-

9 ments and Base Closure and Realignment Act (Public

1 Law 100–526; 10 U.S.C. 2687 note) is amended to read  
2 as follows:

3       “(3)(A) Before any action is taken with respect to  
4 the disposal or transfer of any real property or facility  
5 located at a military installation to be closed or realigned  
6 under this title, the Secretary shall identify all areas and  
7 facilities at the installation that are of exceptional natural  
8 or historic character. The identification of such areas and  
9 facilities shall be made in consultation with the Secretary  
10 of the Interior and the Secretary of Agriculture.

11       “(B) Areas and facilities at a military installation  
12 identified under subparagraph (A) as being of exceptional  
13 natural or historic character shall be transferred by the  
14 Secretary to the Secretary of the Interior for inclusion in  
15 the National Park System, at the request of the Secretary  
16 of the Interior, or to the Secretary of Agriculture for inclu-  
17 sion in the National Forest System, at the request of the  
18 Secretary of Agriculture. The transfer shall be made with-  
19 out reimbursement.

20       “(C) In the absence of a request under subparagraph  
21 (B) for a particular area or facility, the Secretary shall  
22 transfer the area or facility to the State or local govern-  
23 ment in which the area or facility is located if the State  
24 or local government agrees to maintain and preserve the  
25 area or facility involved as a park, historic site, or other

1 recreational site. The transfer shall be made without reim-  
2 bursement.

3 “(D) After satisfying the requirements of subpara-  
4 graphs (A), (B), and (C), the Secretary shall notify all  
5 departments and other instrumentalities (including  
6 nonappropriated fund instrumentalities) within the De-  
7 partment of Defense of the availability of any remaining  
8 property or facility and may transfer, without reimburse-  
9 ment, the property or facility to any such department or  
10 instrumentality. However, the Secretary shall give a prior-  
11 ity, and shall transfer, to any such department or other  
12 instrumentality that agrees to pay fair market value for  
13 the property or facility. For purposes of this subpara-  
14 graph, fair market value shall be determined on the basis  
15 of the use of the property or facility on December 31,  
16 1988.

17 “(E) This paragraph shall take precedence over any  
18 other provision of this title or other provision of law with  
19 respect to the disposal or transfer of real property or facil-  
20 ity located at a military installation to be closed or re-  
21 aligned under this title.”.

22 (2) Section 2905(b)(2) of the Defense Base Closure  
23 and Realignment Act of 1990 (part A of title XXIX of  
24 Public Law 101–510; 10 U.S.C. 2687 note) is amended—

25 (A) by striking subparagraph (D);

1 (B) by redesignating subparagraph (E) as sub-  
2 paragraph (H); and

3 (C) by inserting after subparagraph (C) the fol-  
4 lowing new subparagraphs:

5 “(D) Before any action is taken with respect to the  
6 disposal or transfer of any real property or facility located  
7 at a military installation to be closed or realigned under  
8 this part, the Secretary shall identify all areas and facili-  
9 ties at the installation that are of exceptional natural or  
10 historic character. The identification of such areas and fa-  
11 cilities shall be made in consultation with the Secretary  
12 of the Interior, the Secretary of Agriculture, and the per-  
13 sons specified in subparagraph (H).

14 “(E) Areas and facilities at a military installation  
15 identified under subparagraph (D) as being of exceptional  
16 natural or historic character shall be transferred by the  
17 Secretary to the Secretary of the Interior for inclusion in  
18 the National Park System, at the request of the Secretary  
19 of the Interior, or to the Secretary of Agriculture for inclu-  
20 sion in the National Forest System, at the request of the  
21 Secretary of Agriculture. The transfer shall be made with-  
22 out reimbursement.

23 “(F) In the absence of a request under subparagraph  
24 (E) for a particular area or facility, the Secretary shall  
25 transfer the area or facility to the State or local govern-

1 ment in which the area or facility is located if the State  
2 or local government agrees to maintain and preserve the  
3 area or facility involved as a park, historic site, or other  
4 recreational site. The transfer shall be made without reim-  
5 bursement.

6 “(G) After satisfying the requirements of subpara-  
7 graphs (D), (E), and (F), the Secretary shall notify all  
8 departments and other entities (including nonappropriated  
9 fund instrumentalities) within the Department of Defense  
10 and the Coast Guard of the availability of the property  
11 or facility and may transfer, with or without reimburse-  
12 ment, the property or facility to any such department or  
13 instrumentality.”.

14 (b) DISPOSAL OR TRANSFER OF PROPERTY UNDER  
15 OTHER AUTHORITY.—(1) Before any action is taken with  
16 respect to the disposal or transfer of any real property  
17 or facility located at a military installation to be closed  
18 or realigned under any law (other than title II of the De-  
19 fense Authorization Amendments and Base Closure and  
20 Realignment Act or the Defense Base Closure and Re-  
21 alignment Act of 1990), the Secretary of Defense shall  
22 identify all areas and facilities at the installation that are  
23 of exceptional natural or historic character. The identifica-  
24 tion of such areas and facilities shall be made in consulta-

1 tion with the Secretary of the Interior and the Secretary  
2 of Agriculture.

3 (2) Areas and facilities at a military installation iden-  
4 tified under paragraph (1) as being of exceptional natural  
5 or historic character shall be transferred by the Secretary  
6 of Defense to the Secretary of the Interior for inclusion  
7 in the National Park System, at the request of the Sec-  
8 retary of the Interior, or to the Secretary of Agriculture  
9 for inclusion in the National Forest System, at the request  
10 of the Secretary of Agriculture. The transfer shall be made  
11 without reimbursement.

12 (3) In the absence of a request under paragraph (2)  
13 for a particular area or facility, the Secretary shall trans-  
14 fer the area or facility to the State or local government  
15 in which the area or facility is located if the State or local  
16 government agrees to maintain and preserve the area or  
17 facility involved as a park, historic site, or other rec-  
18 reational site. The transfer shall be made without reim-  
19 bursement.

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