

Calendar No. 496

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

**H. R. 2144**

**[Report No. 103-293]**

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (legislative day, JANUARY 25), 1994

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

JUNE 24 (legislative day, JUNE 7), 1994

Reported by Mr. JOHNSTON, without amendment

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**AN ACT**

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TRANSFER.**

7 (a) IN GENERAL.—The Administrator of General  
8 Services shall, subject to section 3, transfer all right, title,

1 and interest of the United States in and to the parcels  
 2 of land described in subsection (b) (together with any im-  
 3 provements thereon) to the Government of Guam for pub-  
 4 lic benefit use, by quitclaim deed and without reimburse-  
 5 ment. Such transfers shall take place after a determina-  
 6 tion by the head of the Federal agency controlling a parcel  
 7 that the parcel is excess to the needs of such agency.

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

**Navy Parcels**

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

**Air Force Parcels**

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

Andersen Radio Beacon Annex ..... 23 acres

**Federal Aviation Administration Parcel**

Talofoto "HH" Homer Facility ..... 37 acres

1 (c) LEGAL DESCRIPTIONS.—The exact acreages and  
 2 legal descriptions of all parcels of land to be transferred  
 3 under this Act shall be determined by surveys which are  
 4 satisfactory to the head of the controlling Federal agency  
 5 referred to in subsection (a). The cost of such surveys,  
 6 together with all direct and indirect costs related to any  
 7 conveyance under this section, shall be borne by such con-  
 8 trolling Federal agency.

9 **SEC. 3. TERMS AND CONDITIONS.**

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

17 (b) APPRAISALS.—The Administrator shall promptly  
 18 appraise those parcels that are not needed for further Fed-  
 19 eral utilization to determine their estimated fair market  
 20 value. The head of the Federal agency which controls such  
 21 parcels shall cooperate with the Administrator in carrying  
 22 out appraisals under this section. The Administrator shall  
 23 submit a copy of the appraisals to the committees of the

1 Congress specified in subsection (d). The cost of such ap-  
2 praisals shall be paid for under section 204(b) of the Fed-  
3 eral Property and Administrative Services Act of 1949 (40  
4 U.S.C. 485(b)).

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

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

1 (e) REVIEW BY COMMITTEES.—Parcels of land may  
2 not be transferred under this Act until 180 days after the  
3 submission to the committees of the Congress specified in  
4 subsection (d) of—

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

7 (2) the land use plan provided for in subsection  
8 (c).

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

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

2 The conveyance document for any land transferred  
3 under this Act located within 6 nautical miles of an airport  
4 shall contain a provision that requires a determination of  
5 no hazard to air navigation to be obtained from the Fed-  
6 eral Aviation Administration in accordance with applicable  
7 regulations governing objects affecting navigable airspace  
8 or under the authority of the Federal Aviation Act of 1958  
9 (Public Law 85-726, as amended) in order for construc-  
10 tion or alteration on the property to be permitted.

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

12 Notwithstanding any other provision of this Act, the  
13 Administrator of General Services, in his discretion, may  
14 choose not to transfer any parcel under this Act on which  
15 there is severe contamination, the remedy of which would  
16 require the United States to incur extraordinary costs.

17 **SEC. 6. APPLICATION OF FEDERAL AND TERRITORIAL**  
18 **LAWS.**

19 All Federal and territorial environmental laws and  
20 regulations shall apply to the parcels transferred pursuant  
21 to this Act during and after the transfer of such parcels.

Passed the House of Representatives January 26,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*



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