

Public Law 108–268  
108th Congress

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.

July 2, 2004  
[H.R. 4322]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TRANSFER OF NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.**

(a) **TRANSFER REQUIRED.**—Except as provided in subsection (b), the Secretary of the Navy shall transfer the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex to the jurisdiction, custody, and control of the Administrator of General Services for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

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

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

Deadline.

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

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

(d) **PAYMENT OF INITIAL RELOCATION COSTS.**—

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

(A) all reasonable costs, including costs to move furnishings and equipment, related to the initial relocation of Department of the Navy activities from the Nebraska Avenue Complex; and

(B) all reasonable costs incident to the initial occupancy by such activities of interim leased space, including rental costs for the first year.

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

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

(1) SENSE OF CONGRESS REGARDING PAYMENT.—It is the sense of the Congress that the Secretary of the Navy should receive, from Federal agencies other than the Department of Defense, funds authorized and appropriated for the purpose of covering all reasonable costs, not paid under subsection (d), that are incurred or will be incurred by the Secretary to permanently relocate Department of the Navy activities from the Complex under subsection (c)(2).

(2) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Director of the Office of Management and Budget and the Congress an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the portion of the Complex to be transferred under subsection (a). The Secretary shall include in the estimate anticipated land acquisition and construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(f) TREATMENT OF FUNDS.—(1) Funds received by the Secretary of the Navy, from sources outside the Department of Defense, to relocate Department of the Navy activities from the Complex shall be used to pay the costs incurred by the Secretary to permanently relocate Department of the Navy activities from the Complex. A military construction project carried out using such funds is deemed to be an authorized military construction project for purposes of section 2802 of title 10, United States Code. Section 2822 of such title shall continue to apply to any military family housing unit proposed to be constructed or acquired using such funds.

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

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

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

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

(B) specifying the total amount of the initial relocation costs paid by the Secretary of the Department of Homeland Security under subsection (d); and

Applicability.

Notification.

Deadline.  
Reports.

(C) specifying the total amount of appropriated funds received by the Secretary of the Navy, from sources outside the Department of Defense, to cover the permanent relocation costs.

(2) **ROLE OF OMB.**—The Secretary of the Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount needed to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a), as required by paragraph (1)(A).

(3) **CERTIFICATION REGARDING RELOCATION COSTS.**—Not later than 30 days after the date on which the report under paragraph (1) is required to be submitted to Congress, the President shall certify to Congress whether the amounts specified in the report pursuant to subparagraphs (B) and (C) of such paragraph are sufficient to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a). The President shall make this certification only after consultation with the Chairmen and ranking minority members of the Committee on Armed Services and the Committee on Appropriations of the House of Representatives and the Chairmen and ranking minority members of the Committee on Armed Services and the Committee on Appropriations of the Senate.

Deadline.  
President.

(4) **RESTORATION OF COMPLEX TO NAVY.**—If the President certifies under paragraph (3) that amounts referred to in subparagraphs (B) and (C) of paragraph (1) are insufficient to cover Navy relocation costs, the Administrator of General Services, at the request of the Secretary of the Navy, shall restore the Complex to the jurisdiction, custody, and control of the Secretary of the Navy.

(5) **NAVY SALE OF COMPLEX.**—If the Complex is restored to the Secretary of the Navy, the Secretary shall convey the Complex by competitive sale. Amounts received by the United States as consideration from any sale under this paragraph shall be deposited in the special account in the Treasury established pursuant to paragraph (5) of section 572(b) of title 40,

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United States Code, and shall be available for use as provided in subparagraph (B)(i) of such paragraph.

Approved July 2, 2004.

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LEGISLATIVE HISTORY—H.R. 4322:

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 14, considered and passed House.

June 21, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

July 2, Presidential statement.