

108TH CONGRESS
2D SESSION

H. R. 4322

To provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2004

Mr. HUNTER (for himself and Mr. COX) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate 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,*

1 **SECTION 1. ESTABLISHMENT OF NEBRASKA AVENUE**
2 **NAVAL COMPLEX, DISTRICT OF COLUMBIA,**
3 **AS HEADQUARTERS FOR THE DEPARTMENT**
4 **OF HOMELAND SECURITY.**

5 (a) ESTABLISHMENT OF HEADQUARTERS.—Upon
6 the transfer under section 2 of the parcel of Department
7 of the Navy real property in the District of Columbia
8 known as the Nebraska Avenue Complex, the Secretary
9 of the Department of Homeland Security is authorized to
10 establish the Nebraska Avenue Complex as the head-
11 quarters of the Department of Homeland Security for so
12 long as the Secretary determines that the Nebraska Ave-
13 nue Complex is appropriate for such purposes, or until
14 otherwise provided by law.

15 (b) PAYMENT OF INITIAL RELOCATION COSTS.—
16 Subject to the availability of appropriations for this pur-
17 pose, the Secretary of the Department of Homeland Secu-
18 rity shall be responsible for the payment of—

19 (1) all reasonable costs, including costs to move
20 furnishings and equipment, related to the initial re-
21 location of Department of the Navy activities from
22 the Nebraska Avenue Complex; and

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—For pur-
2 poses of carrying out this section, there is authorized to
3 be appropriated to the Department of Homeland Security
4 such sums as may be necessary for fiscal years 2005
5 through 2007.

6 **SEC. 2. TRANSFER OF JURISDICTION, NEBRASKA AVENUE**
7 **NAVAL COMPLEX, DISTRICT OF COLUMBIA.**

8 (a) TRANSFER REQUIRED.—Except as provided in
9 subsection (b), the Secretary of the Navy shall transfer
10 to the administrative jurisdiction of the Administrator of
11 General Services the parcel of Department of the Navy
12 real property in the District of Columbia known as the
13 Nebraska Avenue Complex for the purpose of permitting
14 the Administrator to use the Complex to accommodate the
15 Department of Homeland Security. The Complex shall be
16 transferred in its existing condition.

17 (b) AUTHORITY TO RETAIN MILITARY FAMILY
18 HOUSING.—At the option of the Secretary of the Navy,
19 the Secretary may retain administrative jurisdiction over
20 that portion of the Complex that, as of the date of the
21 enactment of this Act, is being used to provide Navy fam-
22 ily housing.

23 (c) TIME FOR TRANSFER.—Not later than January
24 1, 2005, the Secretary of the Navy shall complete the
25 transfer of administrative jurisdiction over the portion of

1 the Complex required to be transferred under subsection
2 (a).

3 (d) RELOCATION OF NAVY ACTIVITIES.—As part of
4 the transfer of the Complex under subsection (a), the Sec-
5 retary of the Navy shall relocate Department of the Navy
6 activities at the Complex to other locations.

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

9 (1) SENSE OF CONGRESS REGARDING PAY-
10 MENT.—It is the sense of the Congress that the Sec-
11 retary of the Navy should receive, from Federal
12 agencies other than the Department of Defense,
13 funds authorized and appropriated for the purpose
14 of covering all reasonable costs, not paid under sec-
15 tion 1(b), that are incurred or will be incurred by
16 the Secretary to permanently relocate Department of
17 the Navy activities from the Complex under sub-
18 section (d).

19 (2) SUBMISSION OF COST ESTIMATES.—As soon
20 as practicable after the date of the enactment of this
21 Act , the Secretary of the Navy shall submit to the
22 Director of the Office of Management and Budget
23 and the Congress an initial estimate of the amounts
24 that will be necessary to cover the costs to perma-
25 nently relocate Department of the Navy activities

1 from the portion of the Complex to be transferred
2 under subsection (a). The Secretary shall include in
3 the estimate anticipated land acquisition and con-
4 struction costs. The Secretary shall revise the esti-
5 mate as necessary whenever information regarding
6 the actual costs for the relocation is obtained.

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

19 (2) When a decision is made to carry out a military
20 construction project using such funds, the Secretary of the
21 Navy shall notify Congress in writing of that decision, in-
22 cluding the justification for the project and the current
23 estimate of the cost of the project. The project may then
24 be carried out only after the end of the 21-day period be-
25 ginning on the date the notification is received by Con-

gress 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 three-year period beginning on the date of the transfer of the Complex under subsection (a), 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 section 1(b); and

(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.

1 (2) ROLE OF OMB.—The Secretary of the Navy
2 shall obtain the assistance and concurrence of the
3 Director of the Office of Management and Budget in
4 determining the total amount needed to cover both
5 the initial and permanent costs of relocating Depart-
6 ment of the Navy activities from the portion of the
7 Complex transferred under subsection (a), as re-
8 quired by paragraph (1)(A).

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

1 (4) RESTORATION OF COMPLEX TO NAVY.—If
2 the President certifies under paragraph (3) that
3 amounts referred to in subparagraphs (B) and (C)
4 of paragraph (1) are insufficient to cover Navy relo-
5 cation costs, the Administrator of General Services,
6 at the request of the Secretary of the Navy, shall re-
7 store the Complex to the administrative jurisdiction
8 of the Secretary of the Navy.

9 (5) NAVY SALE OF COMPLEX.—If administra-
10 tive jurisdiction over the Complex is restored to the
11 Secretary of the Navy, the Secretary shall convey
12 the Complex by competitive sale. Amounts received
13 by the United States as consideration from any sale
14 under this paragraph shall be deposited in the spe-
15 cial account in the Treasury established pursuant to
16 section 572(b) of title 40, United States Code.

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