

Public Law 103-339
103d Congress

An Act

Oct. 6, 1994

[H.R. 2144]

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

Guam Excess
Lands Act.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guam Excess Lands Act".

SEC. 2. TRANSFER.

(a) **IN GENERAL.**—The Administrator of General Services shall, subject to section 3, transfer all right, title, and interest of the United States in and to the parcels of land described in subsection (b) (together with any improvements thereon) to the Government of Guam for public benefit use, by quitclaim deed and without reimbursement. Such transfers shall take place after a determination by the head of the Federal agency controlling a parcel that the parcel is excess to the needs of such agency.

(b) **DESCRIPTION OF PARCELS TO BE TRANSFERRED.**—Unless a parcel of land described in this subsection has been disposed of under other authority on or before the date of the enactment of this Act or is transferred for further Federal utilization as a result of the screening required by section 3(a), the parcels of land required to be transferred under subsection (a) shall consist 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 Andersen 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

Talofofo "HH" Homer Facility	37 acres
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(c) **LEGAL DESCRIPTIONS.**—The exact acreages and legal descriptions of all parcels of land to be transferred under this Act shall be determined by surveys which are satisfactory to the head of the controlling Federal agency referred to in subsection (a). The cost of such surveys, together with all direct and indirect costs related to any conveyance under this section, shall be borne by such controlling Federal agency.

SEC. 3. TERMS AND CONDITIONS.

(a) **FURTHER FEDERAL UTILIZATION SCREENING.**—Parcels of land determined to be excess property pursuant to section 2 shall be screened for further Federal utilization in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and such screening will be completed within 45 days after the date on which they are determined to be excess.

(b) **APPRAISALS.**—The Administrator shall promptly appraise those parcels that are not needed for further Federal utilization to determine their estimated fair market value. The head of the Federal agency which controls such parcels shall cooperate with the Administrator in carrying out appraisals under this section. The Administrator shall submit a copy of the appraisals to the committees of the Congress specified in subsection (d). The cost of such appraisals shall be paid for under section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)).

(c) **LAND USE PLAN.**—The parcels of land to be transferred under this Act shall be eligible for transfer after the Government of Guam enacts legislation which establishes a detailed plan for the public benefit use (including, but not limited to, housing, schools, hospitals, libraries, child care centers, parks and recreation, conservation, economic development, public health, and public safety) of such parcels and the Governor of Guam submits such plan to the committees of the Congress specified in subsection (d).

(d) **SUBMISSIONS.**—The appraisals and land use plan required to be submitted to the committees of the Congress under subsections (b) and (c) shall be submitted to the Committee on Natural Resources, the Committee on Armed Services, the Committee on Government Operations and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Committee on Governmental Affairs of the Senate.

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

- (1) the appraisals provided for in subsection (b), and
- (2) the land use plan provided for in subsection (c).

(f) **GOVERNMENT OF GUAM LANDS WITHIN THE WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.**—Parcels of land may not be transferred under this Act until after the Government of Guam enters into a cooperative agreement with the Secretary of the Interior, acting through the Director of the National Park Service, which grants to the Secretary, at no cost, the administrative jurisdiction over all undeveloped lands within the boundary of the War in the Pacific National Historical Park, except those lands at Adelup Point, which are owned by the Government of Guam. The lands covered by such cooperative agreement shall be managed in accordance with the general management plan of the park and

in the same manner as lands within the park that are owned by the United States.

SEC. 4. OBJECTS AFFECTING NAVIGABLE AIRSPACE.

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

SEC. 5. SEVERE CONTAMINATION.

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

SEC. 6. APPLICATION OF FEDERAL AND TERRITORIAL LAWS.

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

Approved October 6, 1994.

LEGISLATIVE HISTORY—H.R. 2144:

HOUSE REPORTS: No. 103-391, Pt. 1 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-293 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 140 (1994):

Jan. 26, considered and passed House.

Sept. 21, considered and passed Senate.