

LARRY SMALL POST OFFICE
BUILDING

The bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

ROBERTO CLEMENTE POST OFFICE

The bill (H.R. 4831) to designate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the "Roberto Clemente Post Office", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

ARNOLD C. D'AMICO STATION

The bill (H.R. 4853) to designate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

RUTH HARRIS COLEMAN POST
OFFICE BUILDING

The bill (H.R. 5229) to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

GUAM LAND RETURN ACT

Mr. SMITH of New Hampshire. I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2462, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4334

(Purpose: To amend the Guam Omnibus Opportunities Act)

Mr. SMITH of New Hampshire. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MURKOWSKI, proposes an amendment numbered 4334.

The amendment is as follows:

Strike all after the enacting clause and insert:

"SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

"(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

"(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

"(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

"(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

"(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100-77 (42 U.S.C. 11411).

"(c) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Administrator' means—

"(A) the Administrator of General Services; or

"(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

"(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

"(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

"(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extent that the federal government holds title to such lands.

"(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339, 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

"(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

"(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

"(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

"(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

"(B) If the parties reach and agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

"(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

"(D) If the parties come to agreement prior to congressional action, the real property