

XX. NATIONAL CAPITOL PARKS

1. Arlington House

PUBLIC LAW 107-107—DEC. 28, 2001

115 STAT. 1012

Public Law 107-107
107th Congress

An Act

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Dec. 28, 2001
[S. 1438]

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 “National Defense Authorization Act for Fiscal Year 2002”.

National Defense
Authorization
Act for Fiscal
Year 2002.

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DIVISION B—MILITARY CONSTRUCTION
AUTHORIZATIONS

115 STAT. 1280
Military
Construction
Authorization
Act for Fiscal
Year 2002.

SEC. 2001. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2002”.

(b) DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.—In this division, the term “Spence Act” means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654).

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TITLE XXVIII—GENERAL PROVISIONS

115 STAT. 1303

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Subtitle E—Other Matters

115 STAT. 1328

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SEC. 2863. ALTERNATE SITE FOR UNITED STATES AIR FORCE MEMORIAL, PRESERVATION OF OPEN SPACE ON ARLINGTON RIDGE TRACT, AND RELATED LAND TRANSFER AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

115 STAT. 1330

(a) DEFINITIONS.—In this section:

40 USC 1003
note.

(1) The term “Arlington Naval Annex” means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879).

(2) The term “Foundation” means the Air Force Memorial Foundation, which was authorized in Public Law 103-163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men

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and women who have served in the United States Air Force and its predecessors.

(3) The term “Air Force Memorial” means the United States Air Force Memorial to be established by the Foundation.

(4) The term “Arlington Ridge tract” means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term “Section 29” means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as “Section 29”.

40 USC 1003
note.

(b) USE OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.—

115 STAT. 1331

(1) AVAILABILITY OF SITE.—The Secretary of Defense shall make available to the Foundation, without reimbursement, up to three acres of the Arlington Naval Annex, which the Foundation shall use as the location for the Air Force Memorial in lieu of any previously approved location for the Air Force Memorial. The land made available shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(2) EXCEPTION.—The requirement to use the land made available under paragraph (1) as the location for the Air Force Memorial, and the prohibition on the use of any previously approved location, shall not apply if the Secretary of Defense determines that it is physically impracticable to construct the Air Force Memorial on such land on account of the geological nature of the land.

(3) RELATION TO OTHER TRANSFER AUTHORITY.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall transfer to the Secretary of the Army administrative jurisdiction over the Arlington Naval Annex site made available under this subsection for construction of the Air Force Memorial. Nothing in this subsection alters the deadline for transfer of the remainder of the Arlington Naval Annex to the Secretary of the Army and remediation of the transferred land for use as part of Arlington National Cemetery, as required by section 2881 of the Military Construction Authorization Act for Fiscal Year 2000.

40 USC 1003
note.

(c) SITE PREPARATION.—

(1) PREPARATION FOR CONSTRUCTION.—Upon receipt of notification from the Foundation that the Foundation has sufficient funds to commence construction of the Air Force Memorial, the Secretary of Defense, in coordination with the Foundation, shall remove Wing 8 of Federal Office Building #2 at the Arlington Naval Annex, as well as its associated outbuilding and parking lot, and prepare the land made available under subsection (b) for construction of the Air Force Memorial. In addition to demolition and removal, such site preparation work

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115 STAT. 1331

may include environmental remediation, installation of water, sewer, telephone, electrical, and storm water management infrastructure necessary for the memorial, installation of sidewalks consistent with the design of the memorial compliant with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the placement of screening berms and mature evergreen trees between Federal Office Building #2 and the memorial.

(2) COMPLETION.—Not later than two years after the date on which the Foundation provides the notification referred to in paragraph (1), the Secretary of Defense shall complete the demolition and removal of the structures and such site preparation work as the Secretary agrees to undertake under this subsection.

Deadline.

(3) FUNDING SOURCE.—The Secretary of Defense shall use amounts appropriated for operation and maintenance to carry out the demolition and removal work and site preparation described in paragraph (1).

(4) ASSISTANCE FOR DISPLACED AGENCY.—The Secretary of the Army shall serve as the Executive Agent for the Ballistic Missile Defense Organization in securing suitable sites, including, if necessary, sites not currently owned by the United States, to replace offices lost as a result of the demolition of Wing 8 of Federal Office Building #2 at the Arlington Naval Annex.

115 STAT. 1332

(d) CONSTRUCTION OF AIR FORCE MEMORIAL.—

(1) COMMENCEMENT.—Upon the demolition and removal of the structures required to be removed under subsection (c)(1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site made available under subsection (b).

40 USC 1003
note.

(2) OVERSIGHT.—The Secretary of Defense shall have exclusive authority in all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the siting, design, and construction of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(3) EFFECT OF FAILURE TO COMMENCE CONSTRUCTION.—If, within five years after the date of the enactment of this Act, the Foundation has not commenced construction of the Air Force Memorial on the Arlington Naval Annex site made available under subsection (b), the Secretary of Defense may revoke the authority of the Foundation to use the site as the location of the memorial.

(e) ACCESS AND MANAGEMENT OF AIR FORCE MEMORIAL.—The Secretary of the Army may enter into a cooperative agreement with the Foundation to provide for management, maintenance, and repair of the Air Force Memorial constructed on the Arlington Naval Annex site made available under subsection (b) and to guarantee public access to the memorial.

40 USC 1003
note.

(f) LIMITATION ON USE OF ARLINGTON NAVAL ANNEX AS SITE FOR OTHER MEMORIALS OR MUSEUMS.—Section 2881(b) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879) is amended by striking paragraph (2) and inserting the following new paragraph (2):

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“(2) The Secretary of Defense shall reserve not more than four acres of the Navy Annex property south of the existing Columbia Pike as a site for—

“(A) a National Military Museum, if such site is recommended for such purpose by the Commission on the National Military Museum established under section 2901 and the Secretary of Defense considers such site compatible with Arlington National Cemetery and the Air Force Memorial; or

“(B) such other memorials or museums that the Secretary of Defense considers compatible with Arlington National Cemetery and the Air Force Memorial.”

(g) PRESERVATION OF ARLINGTON RIDGE TRACT.—

(1) GENERAL RULE.—After the date of the enactment of this Act, no additional structure or memorials shall be constructed on the Arlington Ridge tract.

(2) OPTION FOR FUTURE BURIALS.—Paragraph (1) does not prohibit the eventual use of a portion of the Arlington Ridge tract as a location for in-ground burial sites and columbarium for the burial of individuals eligible for burial in Arlington National Cemetery, if the development of such sites is specifically authorized in a law enacted after the date of the enactment of this Act.

(h) LAND TRANSFER, SECTION 29.—

(1) TRANSFER REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 designated as the interment zone and consisting of approximately 12 acres. The Secretary of the Interior shall modify the boundaries of the George Washington Memorial Parkway as may be necessary to reflect the land transfer required by this subsection.

(2) USE OF TRANSFERRED LAND.—The Secretary of the Army shall use the transferred property for the development of in-ground burial sites and columbarium that are designed to meet the contours of Section 29.

(3) MANAGEMENT OF REMAINDER.—The Secretary of the Interior shall manage that portion of Section 29 not transferred under this subsection in perpetuity to provide a natural setting and visual buffer for Arlington House, the Robert E. Lee Memorial.

(4) REPEAL OF OBSOLETE LAW.—Section 2821(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2791) is repealed.

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115 STAT. 1333
Deadline.

115 STAT. 1393

Approved December 28, 2001.

LEGISLATIVE HISTORY—S. 1438 (H.R. 2586):

HOUSE REPORTS: Nos. 107-194 accompanying H.R. 2586 (Comm. on Armed Services) and 107-333 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 147 (2001):

Sept. 21, 24-26, Oct. 1, 2, considered and passed Senate.

Oct. 17, considered and passed House, amended, in lieu of H.R. 2586.

Dec. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Dec. 28, Presidential statement.



2. Prince William Forest Park

PUBLIC LAW 107-314—DEC. 2, 2002

116 STAT. 2458

Public Law 107-314
107th Congress

An Act

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Dec. 2, 2002
[H.R. 4546]

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

Bob Stump
National Defense
Authorization
Act for Fiscal
Year 2003.

SECTION 1. SHORT TITLE; FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “Bob Stump National Defense Authorization Act for Fiscal Year 2003”.

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**DIVISION B—MILITARY CONSTRUCTION
AUTHORIZATIONS**

116 STAT. 2681
Military
Construction
Authorization
Act for Fiscal
Year 2003.

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2003”.

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TITLE XXVIII—GENERAL PROVISIONS

116 STAT. 2702

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SUBTITLE C—LAND CONVEYANCES

116 STAT. 2710

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PART II—NAVY CONVEYANCES

116 STAT. 2719

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SEC. 2835. LAND EXCHANGE AND BOUNDARY ADJUSTMENTS, MARINE CORPS BASE, QUANTICO, AND PRINCE WILLIAM FOREST PARK, VIRGINIA.

116 STAT. 2723

(a) **LAND EXCHANGE.**—Administrative jurisdiction over certain lands at Prince William Forest Park, Virginia, and at the Marine Corps Base, Quantico, Virginia, shall be adjusted through the following actions:

(1) The Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior approximately 352 acres of land, depicted as “Lands Transferred from Department of the Navy to Department of the Interior” on the map entitled “Boundary Adjustments Between Prince William Forest Park and Marine Corps Base, Quantico”, numbered 860/80283, and dated May 1, 2002.

(2) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Sec-

retary of the Navy approximately 3,398 acres of land, depicted as “Lands Transferred from Department of the Interior to Department of the Navy” on the map described in paragraph (1).

(b) RETENTION OF CERTAIN LAND.—The Secretary of the Interior shall continue to administer approximately 1,346 acres of land, depicted as “Lands Retained by Department of the Interior” on the map described in subsection (a)(1). Effective on the date of the enactment of this Act, the special use permit dated March 16, 1972, which provides for the use of part of this land by the Marine Corps, shall no longer be in effect.

(c) SUBSEQUENT DISPOSAL OF LAND.—(1) If any of the land described in subsection (a)(1) or (b) is determined to be excess to the needs of the Department of the Interior, the Secretary of the Interior shall offer to transfer, without reimbursement, administrative jurisdiction over the land to the Secretary of the Navy.

116 STAT. 2724

(2) If any of the land described in subsection (a)(2) is determined to be excess to the needs of the Department of the Navy, the Secretary of the Navy shall offer to transfer, without reimbursement, administrative jurisdiction over the land to the Secretary of the Interior.

(3) If an offer made under this subsection is not accepted within 90 days, the land covered by the offer may be disposed of in accordance with the laws and regulations governing the disposal of excess property.

(d) BOUNDARY MODIFICATION AND ADMINISTRATION.—(1) The boundaries of Prince William Forest Park and the Marine Corps Base, Quantico, shall be modified to reflect the land exchanges or disposals made under this section.

(2) Land transferred to the Secretary of the Interior under subsection (a)(1) or retained under subsection (b) shall be administered as part of Prince William Forest Park in accordance with applicable laws and regulations.

(e) AVAILABILITY OF MAP.—The map described in subsection (a)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(f) CONFORMING AMENDMENTS.—The Act of June 22, 1948 (Chapter 596; 62 Stat. 571), is amended—

(1) by striking the first section and inserting the following new section:

“SECTION 1. PRINCE WILLIAM FOREST PARK, VIRGINIA.

“Chopawamsic Park, which was established in 1933 as Chopawamsic Recreational Demonstration Area, shall be known as ‘Prince William Forest Park.’”;

(2) in section 2—

(A) by striking “That all” and inserting “All”; and

(B) by striking “the Chopawamsic Park” and inserting “Prince William Forest Park”; and

(3) in section 3—

(A) by striking “That the Secretary of the Interior and the Secretary of the Navy be, and they are hereby” and inserting “The Secretary of the Interior is”; and

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116 STAT. 2724

(B) by striking “the Chopawamsic Park” both places
it appears and inserting “Prince William Forest Park”.

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Approved December 2, 2002.

116 STAT. 2762

LEGISLATIVE HISTORY—H.R. 4546 (S. 2514) (S. 2515):

HOUSE REPORTS: Nos. 107-436, Pts. 1 and 2 (Comm. on Armed Services) and
107-772 (Comm. of Conference).

SENATE REPORTS: No. 107-151 accompanying S. 2514 (Comm. on Armed Serv-
ices).

CONGRESSIONAL RECORD, Vol. 148 (2002):

May 9, considered and passed House.

June 27, considered and passed Senate, amended, in lieu of S. 2514.

July 25, House concurred in Senate amendment with an amendment.

Nov. 12, House agreed to conference report.

Nov. 13, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Dec. 2, Presidential remarks and statement.



