SEC. 1006. MODIFICATION TO AUTHORIZED LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CHANGE IN OFFICER AUTHORIZED TO CARRY OUT THE CONVEYANCES.—Subsection (a) of section 2851 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1697) is amended—

(1) in paragraph (1), by striking "The Secretary of the Air Force may, in consultation with the Secretary of the Interior" and inserting "The Secretary of the Interior may, in consultation with the Secretary of the Air Force"; and

(2) in paragraph (2)—

(A) by striking "The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force" and inserting "The Secretary of the Interior may, in consultation with the Secretary of the Air Force, upon terms mutually agreeable to the Secretary of the Interior"; and

(B) by striking "in consultation with the Secretary of the Interior" and inserting "in consultation with the Secretary of the Air Force".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(3), by inserting "of the Interior" after "Secretary";

(2) in subsection (c)—

(A) by striking "The Secretary of the Air Force" in paragraph (1) and inserting "The Secretary of the Interior"; and

(B) by striking "the Secretary" each place it appears and inserting "the Secretaries"; and

(3) in subsections (e) and (f), by inserting "of the Interior" after "Secretary".

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking "JBER" and inserting "Joint Base Elmendorf Richardson, Alaska (in this section referred to as 'JBER')",",

Section-by-Section Analysis

Section 2851 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) authorizes the Secretary of the Air Force to exchange certain property at Joint Base Elmendorf Richardson, Alaska (JBER), for services. However, the property, while reserved for military use, is actually land administered by the Bureau of Land Management (BLM). In comments provided by the Department of the Interior (DOI) on the proposed language that eventually became section 2851, DOI recommended that the Secretary of the Interior, rather than the Secretary of the Air Force, be authorized to accomplish the proposed conveyances and take the required actions. For efficiency's sake, DOI has experience handling conveyances of formerly used military sites that could be brought to bear implementing the legislation. The BLM has a program dedicated to resolution and conveyance of claims under the Alaska Native Claims Settlement Act (ANCSA) and other Alaska land disposal laws. It should be faster and less expensive if the responsibility were placed with the Department of the Interior. The Air Force supports this requested change.

To achieve the most efficient transfer, the proposal would amend the language in each of subsections (a), (c), (e) and (f) of section 2851 to authorize the Secretary of the Interior, rather than the Secretary of the Air Force, to carry out the proposed conveyances and take the required actions. Costs incurred by both Secretaries should be reimbursed as provided in subsection (c) of section 2851.

Budget Implications: This proposal does not increase or decrease the budget.

Changes to Existing Law: This proposal would make the following changes to section 2851 of the National Defense Authorization Act for Fiscal Year 2012:

SEC. 2851. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) MUNICIPALITY OF ANCHORAGE.—The Secretary of the ~~Air Force~~ Interior may, in consultation with the Secretary of the ~~Interior~~ Air Force, convey to the Municipality of Anchorage (in this section referred to as the ''Municipality'') all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at Joint Base Elmendorf Richardson, Alaska (in this section referred to as "JBER"),

situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this paragraph.

(2) EKLUTNA, INC.—The Secretary of the ~~Air Force~~ Interior may, in consultation with the Secretary of the ~~Interior~~ Air Force, upon terms mutually agreeable to the Secretary of the ~~Air Force~~ Interior and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601et seq.) (in this section referred to as "Eklutna"), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the ~~Interior~~ Air Force, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) RIGHT TO WITHHOLD TRANSFER. —The Secretary of the Interior may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable tothe Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENTREQUIRED.—The Secretary of the ~~Air Force~~ Interior shall require the Municipality and Eklutna to reimburse the ~~Secretary~~ Secretaries to cover costs (except costs for environmental remediation of the property) to be incurred by the ~~Secretary~~ Secretaries, or to reimburse the ~~Secretary~~ Secretaries for costs incurred by the ~~Secretary~~ Secretaries, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the ~~Secretary~~ Secretaries in carrying out the conveyance.

Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary of the Interior.

(f) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.