

5. AN AMENDMENT TO BE OFFERED BY  
REPRESENTATIVE TOM DAVIS OF  
VIRGINIA, OR HIS DESIGNEE, TO  
BE DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 5122, AS REPORTED  
OFFERED BY MR. TOM DAVIS OF VIRGINIA**

At the end of subtitle D of title XXVIII (page 504,  
after line 7), add the following new section:

1 **SEC. 2844. MODIFICATIONS TO LAND CONVEYANCE AU-**  
2 **THORITY, ENGINEERING PROVING GROUND,**  
3 **FORT BELVOIR, VIRGINIA.**

4 (a) CONSTRUCTION OF SECURITY BARRIER.—Section  
5 2836 of the Military Construction Authorization Act for  
6 Fiscal Year 2002 (division B of Public Law 107–107; 115  
7 Stat. 1314), as amended by section 2846 of the Military  
8 Construction Authorization Act for Fiscal Year 2006 (di-  
9 vision B of Public Law 109–163; 119 Stat. 3527), is fur-  
10 ther amended—

11 (1) in subsection (b)(4), by striking  
12 “\$3,880,000” and inserting “\$4,880,000”; and

13 (2) in subsection (d)—

14 (A) in paragraph (1), by inserting after  
15 “Virginia,” the following: “and the construction  
16 of a security barrier, as applicable,”; and

17 (B) in paragraph (2), by inserting after  
18 “Building 191” the following: “and the con-  
19 struction of a security barrier, as applicable”.



1 (b) AUTHORITY TO ENTER INTO ALTERNATIVE  
2 AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIR-  
3 FAX COUNTY PARKWAY PORTION.—Such section 2836 is  
4 further amended—

5 (1) in subsection (b)—

6 (A) by amending paragraph (1) to read as  
7 follows:

8 “(1) except as provided in subsection (f), design  
9 and construct, at its expense and for public benefit,  
10 the portion of the Fairfax County Parkway through  
11 the Engineer Proving Ground (in this section re-  
12 ferred to as the ‘Parkway portion’);” and

13 (B) in paragraph (2), by inserting after  
14 “C514” the following: “, RW-214 (in this sec-  
15 tion referred to as ‘Parkway project’)”;

16 (2) by redesignating subsection (f) as sub-  
17 section (g);

18 (3) by inserting after subsection (e) the fol-  
19 lowing new subsection:

20 “(f) ALTERNATE AGREEMENT FOR CONSTRUCTION  
21 OF ROAD.—(1) The Secretary of the Army may, in con-  
22 nection with the conveyance authorized under subsection  
23 (a), enter into an agreement with the Commonwealth pro-  
24 viding for the design and construction by the Department  
25 of the Army or the United States Department of Trans-



1 portation of the Parkway portion and other portions of  
2 the Fairfax County Parkway off the Engineer Proving  
3 Ground that are necessary to complete the Parkway  
4 project (in this subsection referred to as the ‘alternate  
5 agreement’) if the Secretary determines that the alternate  
6 agreement is in the best interests of the United States  
7 to support the permanent relocation of additional military  
8 and civilian personnel at Fort Belvoir pursuant to deci-  
9 sions made as part of the 2005 round of defense base clo-  
10 sure and realignment under the Defense Base Closure and  
11 Realignment Act of 1990 (part A of title XXIX of Public  
12 Law 101-510; 10 U.S.C. 2687 note).

13       “(2) If the Secretary of Defense certifies that the  
14 Parkway portion is important to the national defense pur-  
15 suant to section 210 of title 23, United States Code, the  
16 Secretary of the Army may enter into an agreement with  
17 the Secretary of Transportation to carry out the alternate  
18 agreement under the Defense Access Road Program.

19       “(3) The Commonwealth shall pay to the Secretary  
20 of the Army the costs of the design and construction of  
21 the Parkway portion and any other portions of the Fairfax  
22 County Parkway off the Engineer Proving Ground de-  
23 signed and constructed under the alternate agreement.  
24 The Secretary shall apply such payment to the design and  
25 construction provided for in the alternate agreement.

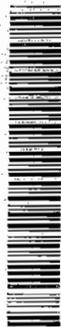


1           “(4) Using the authorities available to the Secretary  
2 under chapter 160 of title 10, United States Code, and  
3 funds deposited in the Environmental Restoration Ac-  
4 count, Army, established by section 2703(a) of such title  
5 and appropriated for this purpose, the Secretary may  
6 carry out environmental restoration activities on real prop-  
7 erty under the jurisdiction of the Secretary in support of  
8 the construction of the Parkway portion.

9           “(5) The alternate agreement shall be subject to the  
10 following conditions:

11           “(A) The Commonwealth shall acquire and re-  
12 tain all necessary right, title, and interest in any  
13 real property not under the jurisdiction of the Sec-  
14 retary that is necessary for construction of the Park-  
15 way portion or for construction of any other portions  
16 of the Fairfax County Parkway off the Engineer  
17 Proving Ground that will be constructed under the  
18 alternate agreement, and shall grant to the United  
19 States all necessary access to and use of such prop-  
20 erty for such construction.

21           “(B) The Secretary shall receive consideration  
22 from the Commonwealth as required in subsections  
23 (b)(2), (b)(3), and (b)(4) and shall carry out the ac-  
24 ceptance and disposition of funds in accordance with  
25 subsection (d).



1           “(6) The design of the Parkway portion under the  
2 alternate agreement shall be subject to the approval of the  
3 Secretary and the Commonwealth in accordance with the  
4 Virginia Department of Transportation Approved Plan,  
5 dated June 15, 2004, Project #R000-029-249, PE-108,  
6 C-514, RW-214. For each phase of the design and con-  
7 struction of the Parkway portion under the alternate  
8 agreement, the Secretary may—

9           “(A) accept funds from the Commonwealth; or

10           “(B) transfer funds received from the Common-  
11 wealth to the United States Department of Trans-  
12 portation.

13           “(7) Upon completion of the construction of the  
14 Parkway portion and any other portions of the Fairfax  
15 County Parkway off the Engineer Proving Ground re-  
16 quired under the alternate agreement, the Secretary shall  
17 carry out the conveyance under subsection (a). As a condi-  
18 tion of such conveyance carried out under the alternate  
19 agreement, the Secretary shall receive a written commit-  
20 ment, in a form satisfactory to the Secretary, that the  
21 Commonwealth agrees to accept all responsibility for the  
22 costs of operation and maintenance of the Parkway por-  
23 tion upon conveyance to the Commonwealth of such real  
24 property.”; and



1           (4) in subsection (g), as redesignated by para-  
2           graph (2), by inserting “or the alternate agreement  
3           authorized under subsection (f)” after “conveyance  
4           under subsection (a)”.

