Union Calendar No. 90

105TH CONGRESS H. R. 2016

[Report No. 105–150]

A BILL

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

JUNE 24, 1997

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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105th CONGRESS 1st Session

[Report No. 105–150]

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IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1997

Mr. PACKARD, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

- Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 That the following sums are appropriated, out of any
 4 money in the Treasury not otherwise appropriated, for the
 5 fiscal year ending September 30, 1998, for military con-

struction, family housing, and base realignment and clo sure functions administered by the Department of De fense, and for other purposes, namely:

Military Construction, Army

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5 For acquisition, construction, installation, and equipment of temporary or permanent public works, military 6 7 installations, facilities, and real property for the Army as 8 currently authorized by law, including personnel in the 9 Army Corps of Engineers and other personal services nec-10 essary for the purposes of this appropriation, and for construction and operation of facilities in support of the func-11 tions of the Commander in Chief, \$721,027,000, to re-12 13 main available until September 30, 2002: Provided, That of this amount, not to exceed \$71,577,000 shall be avail-14 15 able for study, planning, design, architect and engineer services, and host nation support, as authorized by law, 16 17 unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies 18 the Committees on Appropriations of both Houses of Con-19 20 gress of his determination and the reasons therefor.

21 MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the

Naval Facilities Engineering Command and other per-1 2 sonal services necessary for the purposes of this appropria-3 tion, \$685,306,000, to remain available until September 4 30, 2002: Provided, That of this amount, not to exceed 5 \$46,659,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, un-6 7 less the Secretary of Defense determines that additional 8 obligations are necessary for such purposes and notifies 9 the Committees on Appropriations of both Houses of Con-10 gress of his determination and the reasons therefor.

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MILITARY CONSTRUCTION, AIR FORCE

12 For acquisition, construction, installation, and equip-13 ment of temporary or permanent public works, military installations, facilities, and real property for the Air Force 14 as currently authorized by law, \$662,305,000, to remain 15 available until September 30, 2002: Provided, That of this 16 17 amount, not to exceed \$45,880,000 shall be available for 18 study, planning, design, architect and engineer services, 19 as authorized by law, unless the Secretary of Defense de-20 termines that additional obligations are necessary for such 21 purposes and notifies the Committees on Appropriations 22 of both Houses of Congress of his determination and the 23 reasons therefor.

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MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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2

3 For acquisition, construction, installation, and equip-4 ment of temporary or permanent public works, installa-5 tions, facilities, and real property for activities and agencies of the Department of Defense (other than the military 6 7 departments). currently authorized by law. as 8 \$613,333,000, to remain available until September 30, 9 2002: *Provided*, That such amounts of this appropriation 10 as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department 11 12 of Defense available for military construction or family 13 housing as he may designate, to be merged with and to be available for the same purposes, and for the same time 14 15 period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not 16 17 to exceed \$34,350,000 shall be available for study, planning, design, architect and engineer services, as authorized 18 19 by law, unless the Secretary of Defense determines that 20additional obligations are necessary for such purposes and 21 notifies the Committees on Appropriations of both Houses 22 of Congress of his determination and the reasons therefor. 23 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilita-tion, and conversion of facilities for the training and ad-

ministration of the Army National Guard, and contribu tions therefor, as authorized by chapter 133 of title 10,
 United States Code, and military construction authoriza tion Acts, \$45,098,000, to remain available until Septem ber 30, 2002.

6 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilita8 tion, and conversion of facilities for the training and ad9 ministration of the Air National Guard, and contributions
10 therefor, as authorized by chapter 133 of title 10, United
11 States Code, and military construction authorization Acts,
12 \$137,275,000, to remain available until September 30,
13 2002.

14 MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitafor the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$77,731,000, to remain available until September 30, 2002.

21 MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authoriza tion Acts, \$40,561,000, to remain available until Septem ber 30, 2002.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-6 tion, and conversion of facilities for the training and ad-7 ministration of the Air Force Reserve as authorized by 8 chapter 133 of title 10, United States Code, and military 9 construction authorization Acts, \$27,143,000, to remain 10 available until September 30, 2002.

NORTH ATLANTIC TREATY ORGANIZATION
 SECURITY INVESTMENT PROGRAM

13 For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Pro-14 15 gram for the acquisition and construction of military facilities and installations (including international military 16 17 headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized 18 in military construction authorization Acts and section 19 20 2806 of title 10, United States Code, \$166,300,000, to 21 remain available until expended.

22 FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and

1 maintenance, including debt payment, leasing, minor con2 struction, principal and interest charges, and insurance
3 premiums, as authorized by law, as follows: for Construc4 tion, \$202,131,000, to remain available until September
5 30, 2002; for Operation and Maintenance, and for debt
6 payment, \$1,148,937,000; in all \$1,351,068,000.

7 FAMILY HOUSING, NAVY AND MARINE CORPS

8 For expenses of family housing for the Navy and Ma-9 rine Corps for construction, including acquisition, replace-10 ment, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, 11 12 construction, leasing, minor principal and interest 13 charges, and insurance premiums, as authorized by law, as follows: for Construction, \$409,178,000, to remain 14 15 available until September 30, 2002; for Operation and Maintenance, and for debt payment, \$976,504,000; in all 16 17 \$1,385,682,000.

18 FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$341,409,000, to remain available until September 1 30, 2002; for Operation and Maintenance, and for debt2 payment, \$830,234,000; in all \$1,171,643,000.

3 FAMILY HOUSING, DEFENSE-WIDE

4 For expenses of family housing for the activities and 5 agencies of the Department of Defense (other than the military departments) for construction, including acquisi-6 7 tion, replacement, addition, expansion, extension and al-8 teration, and for operation and maintenance, leasing, and 9 minor construction, as authorized by law, as follows: for Construction, \$4,950,000, to remain available until Sep-10 tember 30, 2002; for Operation and Maintenance, 11 12 \$32,724,000; in all \$37,674,000.

13 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II 14 For deposit into the Department of Defense Base 15 Closure Account 1990 established by section 2906(a)(1)of the Department of Defense Authorization Act, 1991 16 (Public Law 101–510), \$116,754,000, to remain available 17 expended: Provided, That 18 until not more than 19 \$105,224,000 of the funds appropriated herein shall be 20available solely for environmental restoration, unless the 21 Secretary of Defense determines that additional obliga-22 tions are necessary for such purposes and notifies the 23 Committees on Appropriations of both Houses of Congress 24 of his determination and the reasons therefor.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III 2 For deposit into the Department of Defense Base 3 Closure Account 1990 established by section 2906(a)(1)4 of the Department of Defense Authorization Act, 1991 5 (Public Law 101–510), \$768,702,000, to remain available Provided. That 6 until expended: not than more 7 \$398,499,000 of the funds appropriated herein shall be 8 available solely for environmental restoration, unless the 9 Secretary of Defense determines that additional obliga-10 tions are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress 11 12 of his determination and the reasons therefor.

13 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

14 For deposit into the Department of Defense Base 15 Closure Account 1990 established by section 2906(a)(1)of the Department of Defense Authorization Act, 1991 16 17 (Public Law 101–510), \$1,175,398,000, to remain available until expended: *Provided*, That not more than 18 19 \$353,604,000 of the funds appropriated herein shall be 20available solely for environmental restoration, unless the 21 Secretary of Defense determines that additional obliga-22 tions are necessary for such purposes and notifies the 23 Committees on Appropriations of both Houses of Congress 24 of his determination and the reasons therefor.

GENERAL PROVISIONS

2 SEC. 101. None of the funds appropriated in Military 3 Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, 4 5 where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the spe-6 7 cific approval in writing of the Secretary of Defense set-8 ting forth the reasons therefor: *Provided*, That the fore-9 going shall not apply in the case of contracts for environ-10 mental restoration at an installation that is being closed or realigned where payments are made from a Base Re-11 alignment and Closure Account. 12

SEC. 102. Funds appropriated to the Department of
Defense for construction shall be available for hire of passenger motor vehicles.

16 SEC. 103. Funds appropriated to the Department of 17 Defense for construction may be used for advances to the 18 Federal Highway Administration, Department of Trans-19 portation, for the construction of access roads as author-20 ized by section 210 of title 23, United States Code, when 21 projects authorized therein are certified as important to 22 the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Actmay be used to begin construction of new bases inside the

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continental United States for which specific appropria tions have not been made.

3 SEC. 105. No part of the funds provided in Military 4 Construction Appropriations Acts shall be used for pur-5 chase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of En-6 7 gineers or the Naval Facilities Engineering Command, ex-8 cept (a) where there is a determination of value by a Fed-9 eral court, or (b) purchases negotiated by the Attorney 10 General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by 11 the Secretary of Defense to be in the public interest. 12

13 SEC. 106. None of the funds appropriated in Military 14 Construction Appropriations Acts shall be used to (1) ac-15 quire land, (2) provide for site preparation, or (3) install 16 utilities for any family housing, except housing for which 17 funds have been made available in annual Military Con-18 struction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military
Construction Appropriations Acts for minor construction
may be used to transfer or relocate any activity from one
base or installation to another, without prior notification
to the Committees on Appropriations.

24 SEC. 108. No part of the funds appropriated in Mili-25 tary Construction Appropriations Acts may be used for the procurement of steel for any construction project or
 activity for which American steel producers, fabricators,
 and manufacturers have been denied the opportunity to
 compete for such steel procurement.

5 SEC. 109. None of the funds available to the Depart-6 ment of Defense for military construction or family hous-7 ing during the current fiscal year may be used to pay real 8 property taxes in any foreign nation.

9 SEC. 110. None of the funds appropriated in Military 10 Construction Appropriations Acts may be used to initiate 11 a new installation overseas without prior notification to 12 the Committees on Appropriations.

13 SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for ar-14 15 chitect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished 16 17 in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are 18 awarded to United States firms or United States firms 19 20 in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military
Construction Appropriations Acts for military construction in the United States territories and possessions in the
Pacific and on Kwajalein Atoll, or in countries bordering
the Arabian Gulf, may be used to award any contract esti-

mated by the Government to exceed \$1,000,000 to a for-1 2 eign contractor: *Provided*, That this section shall not be 3 applicable to contract awards for which the lowest respon-4 sive and responsible bid of a United States contractor ex-5 ceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum: *Provided* 6 7 *further*, That this section shall not apply to contract 8 awards for military construction on Kwajalein Atoll for 9 which the lowest responsive and responsible bid is submit-10 ted by a Marshallese contractor.

11 SEC. 113. The Secretary of Defense is to inform the 12 appropriate Committees of Congress, including the Com-13 mittees on Appropriations, of the plans and scope of any 14 proposed military exercise involving United States person-15 nel thirty days prior to its occurring, if amounts expended 16 for construction, either temporary or permanent, are an-17 ticipated to exceed \$100,000.

18 SEC. 114. Not more than 20 per centum of the appro-19 priations in Military Construction Appropriations Acts 20 which are limited for obligation during the current fiscal 21 year shall be obligated during the last two months of the 22 fiscal year.

23

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department ofDefense for construction in prior years shall be available

for construction authorized for each such military depart ment by the authorizations enacted into law during the
 current session of Congress.

4 SEC. 116. For military construction or family housing 5 projects that are being completed with funds otherwise ex-6 pired or lapsed for obligation, expired or lapsed funds may 7 be used to pay the cost of associated supervision, inspec-8 tion, overhead, engineering and design on those projects 9 and on subsequent claims, if any.

10 SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or 11 defense agency for the construction of military projects 12 13 may be obligated for a military construction project or contract, or for any portion of such a project or contract, 14 15 at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were ap-16 propriated if the funds obligated for such project (1) are 17 obligated from funds available for military construction 18 projects, and (2) do not exceed the amount appropriated 19 for such project, plus any amount by which the cost of 20 21 such project is increased pursuant to law.

22

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon
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a determination that such appropriations will not be nec-1 2 essary for the liquidation of obligations or for making au-3 thorized adjustments to such appropriations for obliga-4 tions incurred during the period of availability of such ap-5 propriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Cur-6 7 rency Fluctuations, Construction, Defense" to be merged 8 with and to be available for the same time period and for 9 the same purposes as the appropriation to which trans-10 ferred.

11 SEC. 119. The Secretary of Defense is to provide the 12 Committees on Appropriations of the Senate and the House of Representatives with an annual report by Feb-13 ruary 15, containing details of the specific actions pro-14 15 posed to be taken by the Department of Defense during the current fiscal year to encourage other member nations 16 17 of the North Atlantic Treaty Organization, Japan, Korea, 18 and United States allies bordering the Arabian Gulf to as-19 sume a greater share of the common defense burden of 20 such nations and the United States.

21 (TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section

207(a)(1) of the Defense Authorization Amendments and 1 Base Closure and Realignment Act (Public Law 100–526) 2 pursuant to section 207(a)(2)(C) of such Act, may be 3 4 transferred to the account established by section 5 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the 6 7 same purposes and the same time period as that account. 8 SEC. 121. No funds appropriated pursuant to this 9 Act may be expended by an entity unless the entity agrees 10 that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 11 (41 U.S.C. 10a–10c, popularly known as the "Buy Amer-12 ican Act"). 13

14 SEC. 122. (a) In the case of any equipment or prod-15 ucts that may be authorized to be purchased with financial 16 assistance provided under this Act, it is the sense of the 17 Congress that entities receiving such assistance should, in 18 expending the assistance, purchase only American-made 19 equipment and products.

(b) In providing financial assistance under this Act,
the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement
made in subsection (a) by the Congress.

24 (TRANSFER OF FUNDS)

25 SEC. 123. During the current fiscal year, in addition
26 to any other transfer authority available to the Depart-HR 2016 RH

ment of Defense, amounts may be transferred from the 1 account established by section 2906(a)(1) of the Depart-2 3 ment of Defense Authorization Act, 1991, to the fund es-4 tablished by section 1013(d) of the Demonstration Cities 5 and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Home-6 7 owners Assistance Program. Any amounts transferred 8 shall be merged with and be available for the same pur-9 poses and for the same time period as the fund to which 10 transferred.

11 SEC. 124. Notwithstanding any other provision of law, appropriations made available to the Department of 12 13 Defense Family Housing Improvement Fund shall be the sole source of funds available for planning, administrative, 14 15 and oversight costs incurred by the Department of Defense relating to military family housing initiatives and 16 military unaccompanied housing initiatives undertaken 17 pursuant to the provisions of subchapter IV of chapter 18 169, title 10, United States Code, pertaining to alternative 19 20 means of acquiring and improving military family housing, 21 military unaccompanied housing, and supporting facilities. 22 This Act may be cited as the "Military Construction

23 Appropriations Act, 1998".