

In the Senate of the United States,

June 25, 1998.

Resolved, That the bill from the House of Representatives (H.R. 4059) entitled “An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for*
3 *military construction, family housing, and base realign-*
4 *ment and closure functions administered by the Department*
5 *of Defense, for the fiscal year ending September 30, 1999,*
6 *and for other purposes, namely:*

7 *MILITARY CONSTRUCTION, ARMY*

8 *For acquisition, construction, installation, and equip-*
9 *ment of temporary or permanent public works, military in-*

1 *stallations, facilities, and real property for the Army as*
2 *currently authorized by law, including personnel in the*
3 *Army Corps of Engineers and other personal services nec-*
4 *essary for the purposes of this appropriation, and for con-*
5 *struction and operation of facilities in support of the func-*
6 *tions of the Commander in Chief, \$810,476,000, to remain*
7 *available until September 30, 2003: Provided, That of this*
8 *amount, not to exceed \$67,269,000 shall be available for*
9 *study, planning, design, architect and engineer services,*
10 *and host nation support, as authorized by law, unless the*
11 *Secretary of Defense determines that additional obligations*
12 *are necessary for such purposes and notifies the Committees*
13 *on Appropriations of both Houses of Congress of his deter-*
14 *mination and the reasons therefor.*

15 *MILITARY CONSTRUCTION, NAVY*

16 *For acquisition, construction, installation, and equip-*
17 *ment of temporary or permanent public works, naval in-*
18 *stallations, facilities, and real property for the Navy as cur-*
19 *rently authorized by law, including personnel in the Naval*
20 *Facilities Engineering Command and other personal serv-*
21 *ices necessary for the purposes of this appropriation,*
22 *\$559,250,000, to remain available until September 30,*
23 *2003: Provided, That of this amount, not to exceed*
24 *\$62,146,000 shall be available for study, planning, design,*
25 *architect and engineer services, as authorized by law, unless*

1 *the Secretary of Defense determines that additional obliga-*
 2 *tions are necessary for such purposes and notifies the Com-*
 3 *mittees on Appropriations of both Houses of Congress of his*
 4 *determination and the reasons therefor.*

5 *MILITARY CONSTRUCTION, AIR FORCE*

6 *For acquisition, construction, installation, and equip-*
 7 *ment of temporary or permanent public works, military in-*
 8 *stallations, facilities, and real property for the Air Force*
 9 *as currently authorized by law, \$627,874,000, to remain*
 10 *available until September 30, 2003: Provided, That of this*
 11 *amount, not to exceed \$39,522,000 shall be available for*
 12 *study, planning, design, architect and engineer services, as*
 13 *authorized by law, unless the Secretary of Defense deter-*
 14 *mines that additional obligations are necessary for such*
 15 *purposes and notifies the Committees on Appropriations of*
 16 *both Houses of Congress of his determination and the rea-*
 17 *sons therefor.*

18 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For acquisition, construction, installation, and equip-*
 21 *ment of temporary or permanent public works, installa-*
 22 *tions, facilities, and real property for activities and agen-*
 23 *cies of the Department of Defense (other than the military*
 24 *departments), as currently authorized by law,*
 25 *\$571,485,000, to remain available until September 30,*

1 2003: *Provided, That such amounts of this appropriation*
2 *as may be determined by the Secretary of Defense may be*
3 *transferred to such appropriations of the Department of De-*
4 *fense available for military construction or family housing*
5 *as he may designate, to be merged with and to be available*
6 *for the same purposes, and for the same time period, as*
7 *the appropriation or fund to which transferred: Provided*
8 *further, That of the amount appropriated, not to exceed*
9 *\$25,066,000 shall be available for study, planning, design,*
10 *architect and engineer services, as authorized by law, unless*
11 *the Secretary of Defense determines that additional obliga-*
12 *tions are necessary for such purposes and notifies the Com-*
13 *mittees on Appropriations of both Houses of Congress of his*
14 *determination and the reasons therefor.*

15 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

16 *For construction, acquisition, expansion, rehabilita-*
17 *tion, and conversion of facilities for the training and ad-*
18 *ministration of the Army National Guard, and contribu-*
19 *tions therefor, as authorized by chapter 133 of title 10,*
20 *United States Code, and Military Construction Authoriza-*
21 *tion Acts, \$124,599,000, to remain available until Septem-*
22 *ber 30, 2003.*

23 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

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

1 *ministration of the Air National Guard, and contributions*
2 *therefor, as authorized by chapter 133 of title 10, United*
3 *States Code, and Military Construction Authorization Acts,*
4 *\$163,161,000, to remain available until September 30,*
5 *2003.*

6 *MILITARY CONSTRUCTION, ARMY RESERVE*

7 *For construction, acquisition, expansion, rehabilita-*
8 *tion, and conversion of facilities for the training and ad-*
9 *ministration of the Army Reserve as authorized by chapter*
10 *133 of title 10, United States Code, and Military Construc-*
11 *tion Authorization Acts, \$114,349,000, to remain available*
12 *until September 30, 2003.*

13 *MILITARY CONSTRUCTION, NAVAL RESERVE*

14 *For construction, acquisition, expansion, rehabilita-*
15 *tion, and conversion of facilities for the training and ad-*
16 *ministration of the reserve components of the Navy and Ma-*
17 *rine Corps as authorized by chapter 133 of title 10, United*
18 *States Code, and Military Construction Authorization Acts,*
19 *\$21,621,000, to remain available until September 30, 2003.*

20 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

21 *For construction, acquisition, expansion, rehabilita-*
22 *tion, and conversion of facilities for the training and ad-*
23 *ministration of the Air Force Reserve as authorized by*
24 *chapter 133 of title 10, United States Code, and Military*

1 *Construction Authorization Acts, \$22,835,000, to remain*
2 *available until September 30, 2003.*

3 *NORTH ATLANTIC TREATY ORGANIZATION*

4 *SECURITY INVESTMENT PROGRAM*

5 *For the United States share of the cost of the North*
6 *Atlantic Treaty Organization Security Investment Pro-*
7 *gram for the acquisition and construction of military facili-*
8 *ties and installations (including international military*
9 *headquarters) and for related expenses for the collective de-*
10 *fense of the North Atlantic Treaty Area as authorized in*
11 *Military Construction Authorization Acts and section 2806*
12 *of title 10, United States Code, \$152,600,000, to remain*
13 *available until expended.*

14 *FAMILY HOUSING, ARMY*

15 *For expenses of family housing for the Army for con-*
16 *struction, including acquisition, replacement, addition, ex-*
17 *pansion, extension and alteration and for operation and*
18 *maintenance, including debt payment, leasing, minor con-*
19 *struction, principal and interest charges, and insurance*
20 *premiums, as authorized by law, as follows: for Construc-*
21 *tion, \$124,490,000, to remain available until September 30,*
22 *2003; for Operation and Maintenance, and for debt pay-*
23 *ment, \$1,104,733,000; in all \$1,229,223,000.*

1 *FAMILY HOUSING, NAVY AND MARINE CORPS*

2 *For expenses of family housing for the Navy and Ma-*
3 *rine Corps for construction, including acquisition, replace-*
4 *ment, addition, expansion, extension and alteration and for*
5 *operation and maintenance, including debt payment, leas-*
6 *ing, minor construction, principal and interest charges,*
7 *and insurance premiums, as authorized by law, as follows:*
8 *for Construction, \$286,590,000, to remain available until*
9 *September 30, 2003; for Operation and Maintenance, and*
10 *for debt payment, \$915,293,000; in all \$1,201,883,000.*

11 *FAMILY HOUSING, AIR FORCE*

12 *For expenses of family housing for the Air Force for*
13 *construction, including acquisition, replacement, addition,*
14 *expansion, extension and alteration and for operation and*
15 *maintenance, including debt payment, leasing, minor con-*
16 *struction, principal and interest charges, and insurance*
17 *premiums, as authorized by law, as follows: for Construc-*
18 *tion, \$297,475,000, to remain available until September 30,*
19 *2003; for Operation and Maintenance, and for debt pay-*
20 *ment, \$789,995,000; in all \$1,087,470,000.*

21 *FAMILY HOUSING, DEFENSE-WIDE*

22 *For expenses of family housing for the activities and*
23 *agencies of the Department of Defense (other than the mili-*
24 *tary departments) for construction, including acquisition,*
25 *replacement, addition, expansion, extension and alteration,*

1 *and for operation and maintenance, leasing, and minor*
2 *construction, as authorized by law, as follows: for Construc-*
3 *tion, \$345,000, to remain available until September 30,*
4 *2003; for Operation and Maintenance, \$36,899,000; in all*
5 *\$37,244,000.*

6 *DEPARTMENT OF DEFENSE FAMILY HOUSING*

7 *IMPROVEMENT FUND*

8 *For the Department of Defense Family Housing Im-*
9 *provement Fund, \$7,000,000, to remain available until ex-*
10 *pended, for planning, administrative, and oversight costs*
11 *incurred by the Housing Revitalization Support Office re-*
12 *lating to military family housing initiatives and military*
13 *unaccompanied housing initiatives pursuant to 10 U.S.C.*
14 *2883, pertaining to alternative means of acquiring and im-*
15 *proving military family housing, military unaccompanied*
16 *housing, and supporting facilities.*

17 *HOMEOWNERS ASSISTANCE FUND, DEFENSE*

18 *For activities authorized by section 1013(d) of the*
19 *Demonstration Cities and Metropolitan Development Act of*
20 *1966, as amended (42 U.S.C. 3374), \$12,800,000, to remain*
21 *available until expended.*

22 *BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III*

23 *For deposit into the Department of Defense Base Clo-*
24 *sure Account 1990 established by section 2906(a)(1) of the*
25 *Department of Defense Authorization Act, 1991 (Public*

1 *Law 101–510), \$433,464,000, to remain available until ex-*
2 *pendent: Provided, That not more than \$271,800,000 of the*
3 *funds appropriated herein shall be available solely for envi-*
4 *ronmental restoration, unless the Secretary of Defense deter-*
5 *mines that additional obligations are necessary for such*
6 *purposes and notifies the Committees on Appropriations of*
7 *both Houses of Congress of his determination and the rea-*
8 *sons therefor.*

9 *BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV*

10 *For deposit into the Department of Defense Base Clo-*
11 *sure Account 1990 established by section 2906(a)(1) of the*
12 *Department of Defense Authorization Act, 1991 (Public*
13 *Law 101–510), \$1,297,240,000, to remain available until*
14 *expended: Provided, That not more than \$426,036,000 of*
15 *the funds appropriated herein shall be available solely for*
16 *environmental restoration, unless the Secretary of Defense*
17 *determines that additional obligations are necessary for*
18 *such purposes and notifies the Committees on Appropria-*
19 *tions of both Houses of Congress of his determination and*
20 *the reasons therefor.*

21 *GENERAL PROVISIONS*

22 *SEC. 101. None of the funds appropriated in Military*
23 *Construction Appropriations Acts shall be expended for*
24 *payments under a cost-plus-a-fixed-fee contract for work,*
25 *where cost estimates exceed \$25,000, to be performed within*

1 *the United States, except Alaska, without the specific ap-*
2 *proval in writing of the Secretary of Defense setting forth*
3 *the reasons therefor: Provided, That the foregoing shall not*
4 *apply in the case of contracts for environmental restoration*
5 *at an installation that is being closed or realigned where*
6 *payments are made from a Base Realignment and Closure*
7 *Account.*

8 *SEC. 102. Funds appropriated to the Department of*
9 *Defense for construction shall be available for hire of pas-*
10 *senger motor vehicles.*

11 *SEC. 103. Funds appropriated to the Department of*
12 *Defense for construction may be used for advances to the*
13 *Federal Highway Administration, Department of Trans-*
14 *portation, for the construction of access roads as authorized*
15 *by section 210 of title 23, United States Code, when projects*
16 *authorized therein are certified as important to the national*
17 *defense by the Secretary of Defense.*

18 *SEC. 104. None of the funds appropriated in this Act*
19 *may be used to begin construction of new bases inside the*
20 *continental United States for which specific appropriations*
21 *have not been made.*

22 *SEC. 105. No part of the funds provided in Military*
23 *Construction Appropriations Acts shall be used for purchase*
24 *of land or land easements in excess of 100 per centum of*
25 *the value as determined by the Army Corps of Engineers*

1 *or the Naval Facilities Engineering Command, except: (1)*
2 *where there is a determination of value by a Federal court;*
3 *or (2) purchases negotiated by the Attorney General or his*
4 *designee; or (3) where the estimated value is less than*
5 *\$25,000; or (4) as otherwise determined by the Secretary*
6 *of Defense to be in the public interest.*

7 *SEC. 106. None of the funds appropriated in Military*
8 *Construction Appropriations Acts shall be used to: (1) ac-*
9 *quire land; (2) provide for site preparation; or (3) install*
10 *utilities for any family housing, except housing for which*
11 *funds have been made available in annual Military Con-*
12 *struction Appropriations Acts.*

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

18 *SEC. 108. No part of the funds appropriated in Mili-*
19 *tary Construction Appropriations Acts may be used for the*
20 *procurement of steel for any construction project or activity*
21 *for which American steel producers, fabricators, and manu-*
22 *facturers have been denied the opportunity to compete for*
23 *such steel procurement.*

24 *SEC. 109. None of the funds available to the Depart-*
25 *ment of Defense for military construction or family housing*

1 *during the current fiscal year may be used to pay real prop-*
2 *erty taxes in any foreign nation.*

3 *SEC. 110. None of the funds appropriated in Military*
4 *Construction Appropriations Acts may be used to initiate*
5 *a new installation overseas without prior notification to the*
6 *Committees on Appropriations.*

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

15 *SEC. 112. None of the funds appropriated in Military*
16 *Construction Appropriations Acts for military construction*
17 *in the United States territories and possessions in the Pa-*
18 *cific and on Kwajalein Atoll, or in countries bordering the*
19 *Arabian Gulf, may be used to award any contract estimated*
20 *by the Government to exceed \$1,000,000 to a foreign con-*
21 *tractor: Provided, That this section shall not be applicable*
22 *to contract awards for which the lowest responsive and re-*
23 *sponsible bid of a United States contractor exceeds the low-*
24 *est responsive and responsible bid of a foreign contractor*
25 *by greater than 20 per centum: Provided further, That this*

1 *section shall not apply to contract awards for military con-*
2 *struction on Kwajalein Atoll for which the lowest responsive*
3 *and responsible bid is submitted by a Marshallese contrac-*
4 *tor.*

5 *SEC. 113. The Secretary of Defense is to inform the*
6 *appropriate committees of Congress, including the Commit-*
7 *tees on Appropriations, of the plans and scope of any pro-*
8 *posed military exercise involving United States personnel*
9 *thirty days prior to its occurring, if amounts expended for*
10 *construction, either temporary or permanent, are antici-*
11 *pated to exceed \$100,000.*

12 *SEC. 114. Not more than 20 per centum of the appro-*
13 *priations in Military Construction Appropriations Acts*
14 *which are limited for obligation during the current fiscal*
15 *year shall be obligated during the last two months of the*
16 *fiscal year.*

17 *(TRANSFER OF FUNDS)*

18 *SEC. 115. Funds appropriated to the Department of*
19 *Defense for construction in prior years shall be available*
20 *for construction authorized for each such military depart-*
21 *ment by the authorizations enacted into law during the cur-*
22 *rent session of Congress.*

23 *SEC. 116. For military construction or family housing*
24 *projects that are being completed with funds otherwise ex-*
25 *pired or lapsed for obligation, expired or lapsed funds may*
26 *be used to pay the cost of associated supervision, inspection,*

15 (TRANSFER OF FUNDS)

16 *SEC. 118. During the five-year period after appropri-*
17 *tions available to the Department of Defense for military*
18 *construction and family housing operation and mainte-*
19 *nance and construction have expired for obligation, upon*
20 *a determination that such appropriations will not be nec-*
21 *essary for the liquidation of obligations or for making au-*
22 *thorized adjustments to such appropriations for obligations*
23 *incurred during the period of availability of such appro-*
24 *priations, unobligated balances of such appropriations may*
25 *be transferred into the appropriation "Foreign Currency*
26 *Fluctuations, Construction, Defense" to be merged with and*

13 *(TRANSFER OF FUNDS)*

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(TRANSFER OF FUNDS)

1
2 *SEC. 121. Subject to thirty days prior notification to*
3 *the Committees on Appropriations, such additional*
4 *amounts as may be determined by the Secretary of Defense*
5 *may be transferred to the Department of Defense Family*
6 *Housing Improvement Fund from amounts appropriated*
7 *for construction in “Family Housing” accounts, to be*
8 *merged with and to be available for the same purposes and*
9 *for the same period of time as amounts appropriated di-*
10 *rectly to the Fund: Provided, That appropriations made*
11 *available to the Fund shall be available to cover the costs,*
12 *as defined in section 502(5) of the Congressional Budget*
13 *Act of 1974, of direct loans or loan guarantees issued by*
14 *the Department of Defense pursuant to the provisions of*
15 *subchapter IV of chapter 169, title 10, United States Code,*
16 *pertaining to alternative means of acquiring and improv-*
17 *ing military family housing and supporting facilities.*

18 *SEC. 122. Notwithstanding any other provision of law,*
19 *appropriations made available to the Department of De-*
20 *fense Family Housing Improvement Fund shall be the sole*
21 *source of funds available for planning, administrative, and*
22 *oversight costs incurred by the Housing Revitalization Sup-*
23 *port Office relating to military family housing initiatives*
24 *and military unaccompanied housing initiatives under-*
25 *taken pursuant to the provisions of subchapter IV of chapter*

1 169, title 10, United States Code, pertaining to alternative
2 means of acquiring and improving military family hous-
3 ing, military unaccompanied housing, and supporting fa-
4 cilities.

5 SEC. 123. None of the funds appropriated or made
6 available by this Act may be obligated for Partnership for
7 Peace Programs or to provide support for non-NATO coun-
8 tries.

9 SEC. 124. (a) Not later than 60 days before issuing
10 any solicitation for a contract with the private sector for
11 military family housing or military unaccompanied hous-
12 ing, the Secretary of the military department concerned
13 shall submit to the congressional defense committees the no-
14 tice described in subsection (b).

15 (b)(1) A notice referred to in subsection (a) is a notice
16 of any guarantee (including the making of mortgage or
17 rental payments) proposed to be made by the Secretary to
18 the private party under the contract involved in the event
19 of—

20 (A) the closure or realignment of the installation
21 for which housing is provided under the contract;

22 (B) a reduction in force of units stationed at
23 such installation; or

24 (C) the extended deployment overseas of units
25 stationed at such installation.

1 (2) *Each notice under this subsection shall specify the*
 2 *nature of the guarantee involved and assess the extent and*
 3 *likelihood, if any, of the liability of the Federal Government*
 4 *with respect to the guarantee.*

5 (c) *In this section, the term “congressional defense*
 6 *committees” means the following:*

7 (1) *The Committee on Armed Services and the*
 8 *Military Construction Subcommittee, Committee on*
 9 *Appropriations of the Senate.*

10 (2) *The Committee on National Security and the*
 11 *Military Construction Subcommittee, Committee on*
 12 *Appropriations of the House of Representatives.*

13 (TRANSFER OF FUNDS)

14 SEC. 125. *During the current fiscal year, in addition*
 15 *to any other transfer authority available to the Department*
 16 *of Defense, amounts may be transferred from the account*
 17 *established by section 2906(a)(1) of the Department of De-*
 18 *fense Authorization Act, 1991, to the fund established by*
 19 *section 1013(d) of the Demonstration Cities and Metropoli-*
 20 *tan Development Act of 1966 (42 U.S.C. 3374) to pay for*
 21 *expenses associated with the Homeowners Assistance Pro-*
 22 *gram. Any amounts transferred shall be merged with and*
 23 *be available for the same purposes and for the same time*
 24 *period as the fund to which transferred.*

25 SEC. 126. *Payments received by the Secretary of the*
 26 *Navy pursuant to subsection (b)(1) of section 2842 of the*

1 *National Defense Authorization Act, 1993 (Public Law*
2 *102-484) are appropriated and shall be available for the*
3 *purpose authorized in subsection (d) of that section.*

4 *SEC. 127. (a) Notwithstanding any other provision of*
5 *this Act, the amount appropriated by this Act under the*
6 *heading “MILITARY CONSTRUCTION, ARMY NATIONAL*
7 *GUARD” is hereby increased by \$12,716,000.*

8 *(b) Notwithstanding any other provision of this Act,*
9 *the amount appropriated by this Act under the heading*
10 *“MILITARY CONSTRUCTION, ARMY RESERVE” is hereby de-*
11 *creased by \$12,716,000.*

12 *SEC. 128. (a) Notwithstanding any other provision of*
13 *this Act, the amount appropriated by the heading “MILI-*
14 *TARY CONSTRUCTION, NAVY” is hereby increased by*
15 *\$5,780,000.*

16 *(b) Notwithstanding any other provision of this Act,*
17 *the amount appropriated by the heading “MILITARY CON-*
18 *STRUCTION, DEFENSE-WIDE” is hereby decreased by*
19 *\$11,000,000.*

20 *(c) Notwithstanding any other provision of this Act—*

21 *(1) the amount appropriated by the heading*
22 *“FAMILY HOUSING, AIR FORCE” is hereby increased*
23 *by \$5,220,000; and*

24 *(2) the amount appropriated by that heading for*
25 *Construction is hereby increased by \$5,220,000.*

- 1 *This Act may be cited as the “Military Construction*
- 2 *Appropriations Act, 1999”.*

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 4059

AMENDMENT

HR 4059 EAS—2

HR 4059 EAS—3

HR 4059 EAS—4

HR 4059 EAS—5