

Calendar No. 422

105TH CONGRESS
2^D SESSION

H. R. 4059

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1998

Received; read twice and placed on the calendar

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 1999, for military con-
4 struction, family housing, and base realignment and clo-
5 sure functions administered by the Department of De-
6 fense, 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
10 installations, facilities, and real property for the Army as
11 currently authorized by law, including personnel in the
12 Army Corps of Engineers and other personal services nec-
13 essary for the purposes of this appropriation, and for con-
14 struction and operation of facilities in support of the func-
15 tions of the Commander in Chief, \$780,599,000, to re-
16 main available until September 30, 2003: *Provided*, That
17 of this amount, not to exceed \$63,792,000 shall be avail-
18 able for study, planning, design, architect and engineer
19 services, and host nation support, as authorized by law,
20 unless the Secretary of Defense determines that additional
21 obligations are necessary for such purposes and notifies
22 the Committees on Appropriations of both Houses of Con-
23 gress of his determination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, naval in-
4 stallations, facilities, and real property for the Navy as
5 currently authorized by law, including personnel in the
6 Naval Facilities Engineering Command and other per-
7 sonal services necessary for the purposes of this appropria-
8 tion, \$570,643,000, to remain available until September
9 30, 2003: *Provided*, That of this amount, not to exceed
10 \$60,346,000 shall be available for study, planning, design,
11 architect and engineer services, as authorized by law, un-
12 less the Secretary of Defense determines that additional
13 obligations are necessary for such purposes and notifies
14 the Committees on Appropriations of both Houses of Con-
15 gress of his determination and the reasons therefor.

16 MILITARY CONSTRUCTION, AIR FORCE

17 For acquisition, construction, installation, and equip-
18 ment of temporary or permanent public works, military
19 installations, facilities, and real property for the Air Force
20 as currently authorized by law, \$550,475,000, to remain
21 available until September 30, 2003: *Provided*, That of this
22 amount, not to exceed \$37,592,000 shall be available for
23 study, planning, design, architect and engineer services,
24 as authorized by law, unless the Secretary of Defense de-
25 termines that additional obligations are necessary for such

1 purposes and notifies the Committees on Appropriations
2 of both Houses of Congress of his determination and the
3 reasons therefor.

4 MILITARY CONSTRUCTION, DEFENSE-WIDE

5 (INCLUDING TRANSFER OF FUNDS)

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, installa-
8 tions, facilities, and real property for activities and agen-
9 cies of the Department of Defense (other than the military
10 departments), as authorized by law, \$611,075,000, to re-
11 main available until September 30, 2003: *Provided*, That
12 such amounts of this appropriation as may be determined
13 by the Secretary of Defense may be transferred to such
14 appropriations of the Department of Defense available for
15 military construction or family housing as he may des-
16 ignate, to be merged with and to be available for the same
17 purposes, and for the same time period, as the appropria-
18 tion or fund to which transferred: *Provided further*, That
19 of the amount appropriated, not to exceed \$24,866,000
20 shall be available for study, planning, design, architect and
21 engineer services, as authorized by law, unless the Sec-
22 retary of Defense determines that additional obligations
23 are necessary for such purposes and notifies the Commit-
24 tees on Appropriations of both Houses of Congress of his
25 determination and the reasons therefor.

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army National Guard, and contribu-
5 tions therefor, as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$70,338,000, to remain available until Septem-
8 ber 30, 2003.

9 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air National Guard, and contributions
13 therefor, as authorized by chapter 1803 of title 10, United
14 States Code, and Military Construction Authorization
15 Acts, \$97,701,000, to remain available until September
16 30, 2003.

17 MILITARY CONSTRUCTION, ARMY RESERVE

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the Army Reserve as authorized by chapter
21 1803 of title 10, United States Code, and Military Con-
22 struction Authorization Acts, \$71,894,000, to remain
23 available until September 30, 2003.

1 MILITARY CONSTRUCTION, NAVAL RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$33,721,000, to remain available until Septem-
8 ber 30, 2003.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air Force Reserve as authorized by
13 chapter 1803 of title 10, United States Code, and Military
14 Construction Authorization Acts, \$35,371,000, to remain
15 available until September 30, 2003.

16 NORTH ATLANTIC TREATY ORGANIZATION

17 SECURITY INVESTMENT PROGRAM

18 For the United States share of the cost of the North
19 Atlantic Treaty Organization Security Investment Pro-
20 gram for the acquisition and construction of military fa-
21 cilities and installations (including international military
22 headquarters) and for related expenses for the collective
23 defense of the North Atlantic Treaty Area as authorized
24 in Military Construction Authorization Acts and section

1 2806 of title 10, United States Code, \$169,000,000, to
2 remain available until expended.

3 FAMILY HOUSING, ARMY

4 For expenses of family housing for the Army for con-
5 struction, including acquisition, replacement, addition, ex-
6 pansion, extension and alteration and for operation and
7 maintenance, including debt payment, leasing, minor con-
8 struction, principal and interest charges, and insurance
9 premiums, as authorized by law, as follows: for Construc-
10 tion, \$82,840,000, to remain available until September 30,
11 2003; for Operation and Maintenance, and for debt pay-
12 ment, \$1,097,697,000; in all \$1,180,537,000.

13 FAMILY HOUSING, NAVY AND MARINE CORPS

14 For expenses of family housing for the Navy and Ma-
15 rine Corps for construction, including acquisition, replace-
16 ment, addition, expansion, extension and alteration and
17 for operation and maintenance, including debt payment,
18 leasing, minor construction, principal and interest
19 charges, and insurance premiums, as authorized by law,
20 as follows: for Construction, \$130,457,000, to remain
21 available until September 30, 2003; for Operation and
22 Maintenance, and for debt payment, \$915,293,000; in all
23 \$1,045,750,000.

1 FAMILY HOUSING, AIR FORCE

2 For expenses of family housing for the Air Force for
3 construction, including acquisition, replacement, addition,
4 expansion, extension and alteration and for operation and
5 maintenance, including debt payment, leasing, minor con-
6 struction, principal and interest charges, and insurance
7 premiums, as authorized by law, as follows: for Construc-
8 tion, \$207,880,000, to remain available until September
9 30, 2003; for Operation and Maintenance, and for debt
10 payment, \$785,204,000; in all \$993,084,000.

11 FAMILY HOUSING, DEFENSE-WIDE

12 For expenses of family housing for the activities and
13 agencies of the Department of Defense (other than the
14 military departments) for construction, including acquisi-
15 tion, replacement, addition, expansion, extension and al-
16 teration, and for operation and maintenance, leasing, and
17 minor construction, as authorized by law, as follows: for
18 Construction, \$345,000, to remain available until Septem-
19 ber 30, 2003; for Operation and Maintenance,
20 \$36,899,000; in all \$37,244,000.

21 DEPARTMENT OF DEFENSE FAMILY HOUSING

22 IMPROVEMENT FUND

23 For the Department of Defense Family Housing Im-
24 provement Fund, \$242,438,000, to remain available until
25 expended: *Provided*, That of this amount, not to exceed

1 \$7,000,000 shall be the sole source of funds available dur-
2 ing the current fiscal year for planning, administrative,
3 and oversight costs incurred by the Housing Revitalization
4 Support Office relating to military family housing initia-
5 tives and military unaccompanied housing initiatives pur-
6 suant to 10 U.S.C. 2883, pertaining to alternative means
7 of acquiring and improving military family housing, mili-
8 tary unaccompanied housing, and supporting facilities.

9 HOMEOWNERS ASSISTANCE FUND, DEFENSE

10 For activities authorized by section 1013(d) of the
11 Demonstration Cities and Metropolitan Development Act
12 of 1966, as amended (42 U.S.C. 3374), \$7,500,000, to
13 remain available until expended.

14 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

15 For deposit into the Department of Defense Base
16 Closure Account 1990 established by section 2906(a)(1)
17 of the Department of Defense Authorization Act, 1991
18 (Public Law 101-510), \$433,464,000, to remain available
19 until expended: *Provided*, That not more than
20 \$271,800,000 of the funds appropriated herein shall be
21 available solely for environmental restoration, unless the
22 Secretary of Defense determines that additional obliga-
23 tions are necessary for such purposes and notifies the
24 Committees on Appropriations of both Houses of Congress
25 of his determination and the reasons therefor.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

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), \$1,297,240,000, to remain avail-
6 able until expended: *Provided*, That not more than
7 \$426,036,000 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
11 Committees on Appropriations of both Houses of Congress
12 of his determination and the reasons therefor.

13 GENERAL PROVISIONS

14 SEC. 101. None of the funds appropriated in Military
15 Construction Appropriations Acts shall be expended for
16 payments under a cost-plus-a-fixed-fee contract for con-
17 struction, where cost estimates exceed \$25,000, to be per-
18 formed within the United States, except Alaska, without
19 the specific approval in writing of the Secretary of Defense
20 setting forth the reasons therefor.

21 SEC. 102. Funds appropriated to the Department of
22 Defense for construction shall be available for hire of pas-
23 senger motor vehicles.

24 SEC. 103. Funds appropriated to the Department of
25 Defense for construction may be used for advances to the

1 Federal Highway Administration, Department of Trans-
2 portation, for the construction of access roads as author-
3 ized by section 210 of title 23, United States Code, when
4 projects authorized therein are certified as important to
5 the national defense by the Secretary of Defense.

6 SEC. 104. None of the funds appropriated in this Act
7 may be used to begin construction of new bases inside the
8 continental United States for which specific appropria-
9 tions have not been made.

10 SEC. 105. No part of the funds provided in Military
11 Construction Appropriations Acts shall be used for pur-
12 chase of land or land easements in excess of 100 percent
13 of the value as determined by the Army Corps of Engi-
14 neers or the Naval Facilities Engineering Command, ex-
15 cept: (1) where there is a determination of value by a Fed-
16 eral court; or (2) purchases negotiated by the Attorney
17 General or his designee; or (3) where the estimated value
18 is less than \$25,000; or (4) as otherwise determined by
19 the Secretary of Defense to be in the public interest.

20 SEC. 106. None of the funds appropriated in Military
21 Construction Appropriations Acts shall be used to: (1) ac-
22 quire land; (2) provide for site preparation; or (3) install
23 utilities for any family housing, except housing for which
24 funds have been made available in annual Military Con-
25 struction Appropriations Acts.

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

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

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

16 SEC. 110. None of the funds appropriated in Military
17 Construction Appropriations Acts may be used to initiate
18 a new installation overseas without prior notification to
19 the Committees on Appropriations.

20 SEC. 111. None of the funds appropriated in Military
21 Construction Appropriations Acts may be obligated for ar-
22 chitect and engineer contracts estimated by the Govern-
23 ment to exceed \$500,000 for projects to be accomplished
24 in Japan, in any NATO member country, or in countries
25 bordering the Arabian Gulf, unless such contracts are

1 awarded to United States firms or United States firms
2 in joint venture with host nation firms.

3 SEC. 112. None of the funds appropriated in Military
4 Construction Appropriations Acts for military construc-
5 tion in the United States territories and possessions in the
6 Pacific and on Kwajalein Atoll, or in countries bordering
7 the Arabian Gulf, may be used to award any contract esti-
8 mated by the Government to exceed \$1,000,000 to a for-
9 eign contractor: *Provided*, That this section shall not be
10 applicable to contract awards for which the lowest respon-
11 sive and responsible bid of a United States contractor ex-
12 ceeds the lowest responsive and responsible bid of a for-
13 eign contractor by greater than 20 percent: *Provided fur-*
14 *ther*, That this section shall not apply to contract awards
15 for military construction on Kwajalein Atoll for which the
16 lowest responsive and responsible bid is submitted by a
17 Marshallese contractor.

18 SEC. 113. The Secretary of Defense is to inform the
19 appropriate committees of Congress, including the Com-
20 mittees on Appropriations, of the plans and scope of any
21 proposed military exercise involving United States person-
22 nel thirty days prior to its occurring, if amounts expended
23 for construction, either temporary or permanent, are an-
24 ticipated to exceed \$100,000.

1 SEC. 114. Not more than 20 percent of the appro-
2 priations in Military Construction Appropriations Acts
3 which are limited for obligation during the current fiscal
4 year shall be obligated during the last two months of the
5 fiscal year.

6 (TRANSFER OF FUNDS)

7 SEC. 115. Funds appropriated to the Department of
8 Defense for construction in prior years shall be available
9 for construction authorized for each such military depart-
10 ment by the authorizations enacted into law during the
11 current session of Congress.

12 SEC. 116. For military construction or family housing
13 projects that are being completed with funds otherwise ex-
14 pired or lapsed for obligation, expired or lapsed funds may
15 be used to pay the cost of associated supervision, inspec-
16 tion, overhead, engineering and design on those projects
17 and on subsequent claims, if any.

18 SEC. 117. Notwithstanding any other provision of
19 law, any funds appropriated to a military department or
20 defense agency for the construction of military projects
21 may be obligated for a military construction project or
22 contract, or for any portion of such a project or contract,
23 at any time before the end of the fourth fiscal year after
24 the fiscal year for which funds for such project were ap-
25 propriated if the funds obligated for such project: (1) are
26 obligated from funds available for military construction

1 projects; and (2) do not exceed the amount appropriated
2 for such project, plus any amount by which the cost of
3 such project is increased pursuant to law.

4 (TRANSFER OF FUNDS)

5 SEC. 118. During the five-year period after appro-
6 priations available to the Department of Defense for mili-
7 tary construction and family housing operation and main-
8 tenance and construction have expired for obligation, upon
9 a determination that such appropriations will not be nec-
10 essary for the liquidation of obligations or for making au-
11 thorized adjustments to such appropriations for obliga-
12 tions incurred during the period of availability of such ap-
13 propriations, unobligated balances of such appropriations
14 may be transferred into the appropriation “Foreign Cur-
15 rency Fluctuations, Construction, Defense” to be merged
16 with and to be available for the same time period and for
17 the same purposes as the appropriation to which trans-
18 ferred.

19 SEC. 119. The Secretary of Defense is to provide the
20 Committees on Appropriations of the Senate and the
21 House of Representatives with an annual report by Feb-
22 ruary 15, containing details of the specific actions pro-
23 posed to be taken by the Department of Defense during
24 the current fiscal year to encourage other member nations
25 of the North Atlantic Treaty Organization, Japan, Korea,
26 and United States allies bordering the Arabian Gulf to as-

1 sume a greater share of the common defense burden of
2 such nations and the United States.

3 (TRANSFER OF FUNDS)

4 SEC. 120. During the current fiscal year, in addition
5 to any other transfer authority available to the Depart-
6 ment of Defense, proceeds deposited to the Department
7 of Defense Base Closure Account established by section
8 207(a)(1) of the Defense Authorization Amendments and
9 Base Closure and Realignment Act (Public Law 100–526)
10 pursuant to section 207(a)(2)(C) of such Act, may be
11 transferred to the account established by section
12 2906(a)(1) of the Department of Defense Authorization
13 Act, 1991, to be merged with, and to be available for the
14 same purposes and the same time period as that account.

15 SEC. 121. No funds appropriated pursuant to this
16 Act may be expended by an entity unless the entity agrees
17 that in expending the assistance the entity will comply
18 with sections 2 through 4 of the Act of March 3, 1933
19 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
20 ican Act”).

21 SEC. 122. (a) In the case of any equipment or prod-
22 ucts that may be authorized to be purchased with financial
23 assistance provided under this Act, it is the sense of the
24 Congress that entities receiving such assistance should, in
25 expending the assistance, purchase only American-made
26 equipment and products.

1 (b) In providing financial assistance under this Act,
2 the Secretary of the Treasury shall provide to each recipi-
3 ent of the assistance a notice describing the statement
4 made in subsection (a) by the Congress.

5 (TRANSFER OF FUNDS)

6 SEC. 123. (a) Subject to thirty days prior notification
7 to the Committees on Appropriations, such additional
8 amounts as may be determined by the Secretary of De-
9 fense may be transferred to the Department of Defense
10 Family Housing Improvement Fund from amounts appro-
11 priated for construction in “Family Housing” accounts,
12 to be merged with and to be available for the same pur-
13 poses and for the same period of time as amounts appro-
14 priated directly to the Fund: *Provided*, That appropria-
15 tions made available to the Fund shall be available to
16 cover the costs, as defined in section 502(5) of the Con-
17 gressional Budget Act of 1974, of direct loans or loan
18 guarantees issued by the Department of Defense pursuant
19 to the provisions of subchapter IV of chapter 169, title
20 10, United States Code, pertaining to alternative means
21 of acquiring and improving military family housing and
22 supporting facilities.

23 (b) Subject to thirty days prior notification to the
24 Committees on Appropriations, such additional amounts
25 as may be determined by the Secretary of Defense may
26 be transferred to the Department of Defense Military Un-

1 accompanied Housing Improvement Fund from amounts
2 appropriated for the acquisition or construction of military
3 unaccompanied housing in “Military Construction” ac-
4 counts, to be merged with and to be available for the same
5 purposes and for the same period of time as amounts ap-
6 propriated directly to the Fund: *Provided*, That appropria-
7 tions made available to the Fund shall be available to
8 cover the costs, as defined in section 502(5) of the Con-
9 gressional Budget Act of 1974, of direct loans or loan
10 guarantees issued by the Department of Defense pursuant
11 to the provisions of subchapter IV of chapter 169, title
12 10, United States Code, pertaining to alternative means
13 of acquiring and improving military unaccompanied hous-
14 ing and ancillary supporting facilities.

15 SEC. 124. (a) Not later than 60 days before issuing
16 any solicitation for a contract with the private sector for
17 military family housing or military unaccompanied hous-
18 ing, the Secretary of the military department concerned
19 shall submit to the congressional defense committees the
20 notice described in subsection (b).

21 (b)(1) A notice referred to in subsection (a) is a no-
22 tice of any guarantee (including the making of mortgage
23 or rental payments) proposed to be made by the Secretary
24 to the private party under the contract involved in the
25 event of—

1 (A) the closure or realignment of the installa-
2 tion for which housing is provided under the con-
3 tract;

4 (B) a reduction in force of units stationed at
5 such installation; or

6 (C) the extended deployment overseas of units
7 stationed at such installation.

8 (2) Each notice under this subsection shall specify
9 the nature of the guarantee involved and assess the extent
10 and likelihood, if any, of the liability of the Federal Gov-
11 ernment with respect to the guarantee.

12 (c) In this section, the term “congressional defense
13 committees” means the following:

14 (1) The Committee on Armed Services and the
15 Military Construction Subcommittee, Committee on
16 Appropriations of the Senate.

17 (2) The Committee on National Security and
18 the Military Construction Subcommittee, Committee
19 on Appropriations of the House of Representatives.

20 SEC. 125. Payments received by the Secretary of the
21 Navy pursuant to subsection (b)(1) of section 2842 of the
22 National Defense Authorization Act, 1993 (Public Law
23 102–484) are appropriated and shall be available for the
24 purposes authorized in subsection (d) of that section.

1 SEC. 126. It is the sense of the Congress that the
2 Secretary of the Army should name the “All American
3 Parkway” at Fort Bragg, North Carolina, as the “W.G.
4 ‘Bill’ Hefner All American Parkway”.

5 This Act may be cited as the “Military Construction
6 Appropriations Act, 1999”.

Passed the House of Representatives June 22, 1998.

Attest:

ROBIN H. CARLE,

Clerk.

Calendar No. 422

105TH CONGRESS
2^D SESSION
H. R. 4059

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.

JUNE 23, 1998

Received; read twice and placed on the calendar