

106TH CONGRESS
1ST SESSION

H. R. 2465

IN THE SENATE OF THE UNITED STATES

JULY 14, 1999

Received

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, 2000, 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
3 military construction, family housing, and base realign-
4 ment and closure functions administered by the Depart-
5 ment of Defense, for the fiscal year ending September 30,
6 2000, 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, \$1,223,405,000, to re-
16 main available until September 30, 2004: *Provided*, That
17 of this amount, not to exceed \$87,205,000 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, \$968,862,000, to remain available until September
9 30, 2004: *Provided*, That of this amount, not to exceed
10 \$65,010,000 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, \$752,367,000, to remain
21 available until September 30, 2004: *Provided*, That of this
22 amount, not to exceed \$32,104,000 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 currently authorized by law,
11 \$755,718,000, to remain available until September 30,
12 2004: *Provided*, That such amounts of this appropriation
13 as may be determined by the Secretary of Defense may
14 be transferred to such appropriations of the Department
15 of Defense available for military construction or family
16 housing as he may designate, to be merged with and to
17 be available for the same purposes, and for the same time
18 period, as the appropriation or fund to which transferred:
19 *Provided further*, That of the amount appropriated, not
20 to exceed \$33,324,000 shall be available for study, plan-
21 ning, design, architect and engineer services, as authorized
22 by law, unless the Secretary of Defense determines that
23 additional obligations are necessary for such purposes and
24 notifies the Committees on Appropriations of both Houses
25 of Congress of his 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, \$135,129,000, to remain available until Sep-
8 tember 30, 2004.

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, \$180,870,000, to remain available until September
16 30, 2004.

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, \$92,515,000, to remain
23 available until September 30, 2004.

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, \$21,574,000, to remain available until Sep-
8 tember 30, 2004.

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, \$66,549,000, to remain
15 available until September 30, 2004.

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, \$81,000,000, to re-
2 main 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, \$89,200,000, to remain available until September 30,
11 2004; for Operation and Maintenance, and for debt pay-
12 ment, \$1,089,812,000; in all \$1,179,012,000.

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, \$312,559,000, to remain
21 available until September 30, 2004; for Operation and
22 Maintenance, and for debt payment, \$895,070,000; in all
23 \$1,207,629,000.

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, \$344,996,000, to remain available until September
9 30, 2004; for Operation and Maintenance, and for debt
10 payment, \$821,892,000; in all \$1,166,888,000.

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, \$50,000, to remain available until Sep-
19 tember 30, 2004; for Operation and Maintenance,
20 \$41,440,000; in all \$41,490,000.

21 DEPARTMENT OF DEFENSE FAMILY HOUSING

22 IMPROVEMENT FUND

23 For the Department of Defense Family Housing Im-
24 provement Fund, \$2,000,000, to remain available until ex-
25 pended, as the sole source of funds for planning, adminis-

1 trative, and oversight costs relating to family housing ini-
2 tiatives undertaken pursuant to 10 U.S.C. 2883, per-
3 taining to alternative means of acquiring and improving
4 military family housing, and supporting facilities.

5 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

6 For deposit into the Department of Defense Base
7 Closure Account 1990 established by section 2906(a)(1)
8 of the Department of Defense Authorization Act, 1991
9 (Public Law 101-510), \$705,911,000, to remain available
10 until expended: *Provided*, That not more than
11 \$360,073,000 of the funds appropriated herein shall be
12 available solely for environmental restoration, unless the
13 Secretary of Defense determines that additional obliga-
14 tions are necessary for such purposes and notifies the
15 Committees on Appropriations of both Houses of Congress
16 of his determination and the reasons therefor.

17 GENERAL PROVISIONS

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

1 SEC. 102. Funds appropriated to the Department of
2 Defense for construction shall be available for hire of pas-
3 senger motor vehicles.

4 SEC. 103. Funds appropriated to the Department of
5 Defense for construction may be used for advances to the
6 Federal Highway Administration, Department of Trans-
7 portation, for the construction of access roads as author-
8 ized by section 210 of title 23, United States Code, when
9 projects authorized therein are certified as important to
10 the national defense by the Secretary of Defense.

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

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

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

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

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

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

22 SEC. 110. None of the funds appropriated in Military
23 Construction Appropriations Acts may be used to initiate
24 a new installation overseas without prior notification to
25 the Committees on Appropriations.

1 SEC. 111. None of the funds appropriated in Military
2 Construction Appropriations Acts may be obligated for ar-
3 chitect and engineer contracts estimated by the Govern-
4 ment to exceed \$500,000 for projects to be accomplished
5 in Japan, in any NATO member country, or in countries
6 bordering the Arabian Gulf, unless such contracts are
7 awarded to United States firms or United States firms
8 in joint venture with host nation firms.

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

24 SEC. 113. The Secretary of Defense is to inform the
25 appropriate committees of Congress, including the Com-

1 mittees on Appropriations, of the plans and scope of any
2 proposed military exercise involving United States per-
3 sonnel 30 days prior to its occurring, if amounts expended
4 for construction, either temporary or permanent, are an-
5 ticipated to exceed \$100,000.

6 SEC. 114. Not more than 20 percent of the appro-
7 priations in Military Construction Appropriations Acts
8 which are limited for obligation during the current fiscal
9 year shall be obligated during the last 2 months of the
10 fiscal year.

11 (TRANSFER OF FUNDS)

12 SEC. 115. Funds appropriated to the Department of
13 Defense for construction in prior years shall be available
14 for construction authorized for each such military depart-
15 ment by the authorizations enacted into law during the
16 current session of Congress.

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

23 SEC. 117. Notwithstanding any other provision of
24 law, any funds appropriated to a military department or
25 defense agency for the construction of military projects
26 may be obligated for a military construction project or

1 contract, or for any portion of such a project or contract,
2 at any time before the end of the fourth fiscal year after
3 the fiscal year for which funds for such project were ap-
4 propriated if the funds obligated for such project: (1) are
5 obligated from funds available for military construction
6 projects; and (2) do not exceed the amount appropriated
7 for such project, plus any amount by which the cost of
8 such project is increased pursuant to law.

9 (TRANSFER OF FUNDS)

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

24 SEC. 119. The Secretary of Defense is to provide the
25 Committees on Appropriations of the Senate and the
26 House of Representatives with an annual report by Feb-

1 ruary 15, containing details of the specific actions pro-
2 posed to be taken by the Department of Defense during
3 the current fiscal year to encourage other member nations
4 of the North Atlantic Treaty Organization, Japan, Korea,
5 and United States allies bordering the Arabian Gulf to as-
6 sume a greater share of the common defense burden of
7 such nations and the United States.

8 (TRANSFER OF FUNDS)

9 SEC. 120. During the current fiscal year, in addition
10 to any other transfer authority available to the Depart-
11 ment of Defense, proceeds deposited to the Department
12 of Defense Base Closure Account established by section
13 207(a)(1) of the Defense Authorization Amendments and
14 Base Closure and Realignment Act (Public Law 100–526)
15 pursuant to section 207(a)(2)(C) of such Act, may be
16 transferred to the account established by section
17 2906(a)(1) of the Department of Defense Authorization
18 Act, 1991, to be merged with, and to be available for the
19 same purposes and the same time period as that account.

20 SEC. 121. No funds appropriated pursuant to this
21 Act may be expended by an entity unless the entity agrees
22 that in expending the assistance the entity will comply
23 with sections 2 through 4 of the Act of March 3, 1933
24 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
25 ican Act”).

11 (TRANSFER OF FUNDS)

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1 Code, pertaining to alternative means of acquiring and im-
2 proving military family housing and supporting facilities.

3 SEC. 124. (a) Not later than 60 days before issuing
4 any solicitation for a contract with the private sector for
5 military family housing the Secretary of the military de-
6 partment concerned shall submit to the congressional de-
7 fense committees the notice described in subsection (b).

8 (b)(1) A notice referred to in subsection (a) is a no-
9 tice of any guarantee (including the making of mortgage
10 or rental payments) proposed to be made by the Secretary
11 to the private party under the contract involved in the
12 event of—

13 (A) the closure or realignment of the installa-
14 tion for which housing is provided under the con-
15 tract;

16 (B) a reduction in force of units stationed at
17 such installation; or

18 (C) the extended deployment overseas of units
19 stationed at such installation.

20 (2) Each notice under this subsection shall specify
21 the nature of the guarantee involved and assess the extent
22 and likelihood, if any, of the liability of the Federal Gov-
23 ernment with respect to the guarantee.

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

1 (1) The Committee on Armed Services and the
2 Military Construction Subcommittee, Committee on
3 Appropriations of the Senate.

4 (2) The Committee on Armed Services and the
5 Military Construction Subcommittee, Committee on
6 Appropriations of the House of Representatives.

7 (TRANSFER OF FUNDS)

8 SEC. 125. During the current fiscal year, in addition
9 to any other transfer authority available to the Depart-
10 ment of Defense, amounts may be transferred from the
11 account established by section 2906(a)(1) of the Depart-
12 ment of Defense Authorization Act, 1991, to the fund es-
13 tablished by section 1013(d) of the Demonstration Cities
14 and Metropolitan Development Act of 1966 (42 U.S.C.
15 3374) to pay for expenses associated with the Home-
16 owners Assistance Program. Any amounts transferred
17 shall be merged with and be available for the same pur-
18 poses and for the same time period as the fund to which
19 transferred.

20 SEC. 126. Notwithstanding this or any other provi-
21 sion of law, funds appropriated in Military Construction
22 Appropriations Acts for operations and maintenance of
23 family housing shall be the exclusive source of funds for
24 repair and maintenance of flag and general officer quar-
25 ters: *Provided*, That not more than \$15,000 per unit may
26 be spent annually for the maintenance and repair of any

1 general or flag officers quarters without thirty days ad-
2 vance prior notification of the appropriate committees of
3 Congress: *Provided further*, That out-of-cycle notifications
4 are prohibited with the exception of those justified by
5 emergency or safety-related items: *Provided further*, That
6 the Under Secretary of Defense (Comptroller) is to report
7 on a quarterly basis to the appropriate committees of Con-
8 gress all operations and maintenance expenditures for
9 each individual flag and general officer quarters.

10 SEC. 127. The first proviso under the heading
11 “MILITARY CONSTRUCTION TRANSFER FUND”
12 in chapter 6 of title II of the 1999 Emergency Supple-
13 mental Appropriations Act (Public Law 106–31) is
14 amended by inserting “and to the North Atlantic Treaty
15 Organization Security Investment Program as provided in
16 section 2806 of title 10, United States Code” after “to
17 military construction accounts”.

18 SEC. 128. Notwithstanding any other provisions in
19 this Act, the following accounts are hereby reduced by the
20 specified amounts—

21 “Military Construction, Army”, \$38,253,000;

22 “Military Construction, Navy”, \$30,277,000;

23 “Military Construction, Air Force”,

24 \$23,511,000;

1 “Military Construction, Defense-wide”,
2 \$23,616,000;
3 “Military Construction, Army National Guard”,
4 \$4,223,000;
5 “Military Construction, Air National Guard”,
6 \$5,652,000;
7 “Military Construction, Army Reserve”,
8 \$2,891,000;
9 “Military Construction, Naval Reserve”,
10 \$674,000; and
11 “Military Construction, Air Force Reserve”,
12 \$2,080,000.

13 SEC. 129. The Army, Navy, Marine Corps, and Air
14 Force are directed to submit to the appropriate commit-
15 tees of the Congress by June 1, 2000, a Family Housing
16 Master Plan demonstrating how they plan to meet the
17 year 2010 housing goals with traditional construction, op-
18 eration and maintenance support, as well as privatization
19 initiative proposals. Each plan shall include projected life
20 cycle costs for family housing construction, basic allow-
21 ance for housing, operation and maintenance, other associ-
22 ated costs, and a time line for housing completions each
23 year.

1 This Act may be cited as the “Military Construction
2 Appropriations Act, 2000”.

Passed the House of Representatives July 13, 1999.

Attest: **JEFF TRANDAH**,
Clerk.