

Union Calendar No. 127

106TH CONGRESS
1ST SESSION

H. R. 2465

[Report No. 106-221]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 1999

Mr. HOBSON, 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, 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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, family housing, and base realign-

1 ment and closure functions administered by the Depart-
2 ment of Defense, for the fiscal year ending September 30,
3 2000, and for other purposes, namely:

4 MILITARY CONSTRUCTION, ARMY

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, military
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 con-
11 struction and operation of facilities in support of the func-
12 tions of the Commander in Chief, \$1,223,405,000, to re-
13 main available until September 30, 2004: *Provided*, That
14 of this amount, not to exceed \$87,205,000 shall be avail-
15 able for study, planning, design, architect and engineer
16 services, and host nation support, as authorized by law,
17 unless the Secretary of Defense determines that additional
18 obligations are necessary for such purposes and notifies
19 the Committees on Appropriations of both Houses of Con-
20 gress of his determination and the reasons therefor.

21 MILITARY CONSTRUCTION, NAVY

22 For acquisition, construction, installation, and equip-
23 ment of temporary or permanent public works, naval in-
24 stallations, facilities, and real property for the Navy as
25 currently authorized by law, including personnel in the

1 Naval Facilities Engineering Command and other per-
2 sonal services necessary for the purposes of this appropria-
3 tion, \$968,862,000, to remain available until September
4 30, 2004: *Provided*, That of this amount, not to exceed
5 \$65,010,000 shall be available for study, planning, design,
6 architect and engineer services, as authorized by law, un-
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.

11 MILITARY CONSTRUCTION, AIR FORCE

12 For acquisition, construction, installation, and equip-
13 ment of temporary or permanent public works, military
14 installations, facilities, and real property for the Air Force
15 as currently authorized by law, \$752,367,000, to remain
16 available until September 30, 2004: *Provided*, That of this
17 amount, not to exceed \$32,104,000 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.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

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 agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$755,718,000, to remain available until September 30,
9 2004: *Provided*, That such amounts of this appropriation
10 as may be determined by the Secretary of Defense may
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as he may designate, to be merged with and to
14 be available for the same purposes, and for the same time
15 period, as the appropriation or fund to which transferred:
16 *Provided further*, That of the amount appropriated, not
17 to exceed \$33,324,000 shall be available for study, plan-
18 ning, design, architect and engineer services, as authorized
19 by law, unless the Secretary of Defense determines that
20 additional 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

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

1 ministration of the Army National Guard, and contribu-
2 tions therefor, as authorized by chapter 1803 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$135,129,000, to remain available until Sep-
5 tember 30, 2004.

6 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Air National Guard, and contributions
10 therefor, as authorized by chapter 1803 of title 10, United
11 States Code, and Military Construction Authorization
12 Acts, \$180,870,000, to remain available until September
13 30, 2004.

14 MILITARY CONSTRUCTION, ARMY RESERVE

15 For construction, acquisition, expansion, rehabilita-
16 tion, and conversion of facilities for the training and ad-
17 ministration of the Army Reserve as authorized by chapter
18 1803 of title 10, United States Code, and Military Con-
19 struction Authorization Acts, \$92,515,000, to remain
20 available until September 30, 2004.

21 MILITARY CONSTRUCTION, NAVAL RESERVE

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the reserve components of the Navy and
25 Marine Corps as authorized by chapter 1803 of title 10,

1 United States Code, and Military Construction Authoriza-
2 tion Acts, \$21,574,000, to remain available until Sep-
3 tember 30, 2004.

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 1803 of title 10, United States Code, and Military
9 Construction Authorization Acts, \$66,549,000, to remain
10 available until September 30, 2004.

11 NORTH ATLANTIC TREATY ORGANIZATION

12 SECURITY INVESTMENT PROGRAM

13 For the United States share of the cost of the North
14 Atlantic Treaty Organization Security Investment Pro-
15 gram for the acquisition and construction of military fa-
16 cilities and installations (including international military
17 headquarters) and for related expenses for the collective
18 defense of the North Atlantic Treaty Area as authorized
19 in Military Construction Authorization Acts and section
20 2806 of title 10, United States Code, \$81,000,000, to re-
21 main available until expended.

22 FAMILY HOUSING, ARMY

23 For expenses of family housing for the Army for con-
24 struction, including acquisition, replacement, addition, ex-
25 pansion, extension and alteration and for operation and

1 maintenance, including debt payment, leasing, minor con-
2 struction, principal and interest charges, and insurance
3 premiums, as authorized by law, as follows: for Construc-
4 tion, \$89,200,000, to remain available until September 30,
5 2004; for Operation and Maintenance, and for debt pay-
6 ment, \$1,089,812,000; in all \$1,179,012,000.

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
11 for operation and maintenance, including debt payment,
12 leasing, minor construction, principal and interest
13 charges, and insurance premiums, as authorized by law,
14 as follows: for Construction, \$312,559,000, to remain
15 available until September 30, 2004; for Operation and
16 Maintenance, and for debt payment, \$895,070,000; in all
17 \$1,207,629,000.

18 FAMILY HOUSING, AIR FORCE

19 For expenses of family housing for the Air Force for
20 construction, including acquisition, replacement, addition,
21 expansion, extension and alteration and for operation and
22 maintenance, including debt payment, leasing, minor con-
23 struction, principal and interest charges, and insurance
24 premiums, as authorized by law, as follows: for Construc-
25 tion, \$344,996,000, to remain available until September

1 30, 2004; for Operation and Maintenance, and for debt
2 payment, \$821,892,000; in all \$1,166,888,000.

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
6 military departments) for construction, including acquisi-
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
10 Construction, \$50,000, to remain available until Sep-
11 tember 30, 2004; for Operation and Maintenance,
12 \$41,440,000; in all \$41,490,000.

13 DEPARTMENT OF DEFENSE FAMILY HOUSING

14 IMPROVEMENT FUND

15 For the Department of Defense Family Housing Im-
16 provement Fund, \$2,000,000, to remain available until ex-
17 pended, as the sole source of funds for planning, adminis-
18 trative, and oversight costs relating to family housing ini-
19 tiatives undertaken pursuant to 10 U.S.C. 2883, per-
20 taining to alternative means of acquiring and improving
21 military family housing, and supporting facilities.

22 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

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

1 (Public Law 101–510), \$705,911,000, to remain available
2 until expended: *Provided*, That not more than
3 \$360,073,000 of the funds appropriated herein shall be
4 available solely for environmental restoration, unless the
5 Secretary of Defense determines that additional obliga-
6 tions are necessary for such purposes and notifies the
7 Committees on Appropriations of both Houses of Congress
8 of his determination and the reasons therefor.

9 **GENERAL PROVISIONS**

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

17 **SEC. 102.** Funds appropriated to the Department of
18 Defense for construction shall be available for hire of pas-
19 senger motor vehicles.

20 **SEC. 103.** Funds appropriated to the Department of
21 Defense for construction may be used for advances to the
22 Federal Highway Administration, Department of Trans-
23 portation, for the construction of access roads as author-
24 ized by section 210 of title 23, United States Code, when

1 projects authorized therein are certified as important to
2 the national defense by the Secretary of Defense.

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

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

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

23 SEC. 107. None of the funds appropriated in Military
24 Construction Appropriations Acts for minor construction
25 may be used to transfer or relocate any activity from one

1 base or installation to another, without prior notification
2 to the Committees on Appropriations.

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

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

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

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

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

16 SEC. 113. The Secretary of Defense is to inform the
17 appropriate committees of Congress, including the Com-
18 mittees on Appropriations, of the plans and scope of any
19 proposed military exercise involving United States per-
20 sonnel 30 days prior to its occurring, if amounts expended
21 for construction, either temporary or permanent, are an-
22 ticipated to exceed \$100,000.

23 SEC. 114. Not more than 20 percent of the appro-
24 priations in Military Construction Appropriations Acts
25 which are limited for obligation during the current fiscal

1 year shall be obligated during the last 2 months of the
2 fiscal year.

3 (TRANSFER OF FUNDS)

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

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

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

(TRANSFER OF FUNDS)

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

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

(TRANSFER OF FUNDS)

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

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

19 SEC. 122. (a) In the case of any equipment or prod-
20 ucts that may be authorized to be purchased with financial
21 assistance provided under this Act, it is the sense of the
22 Congress that entities receiving such assistance should, in
23 expending the assistance, purchase only American-made
24 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. Subject to 30 days prior notification to the
7 Committees on Appropriations, such additional amounts
8 as may be determined by the Secretary of Defense may
9 be transferred to the Department of Defense Family
10 Housing Improvement Fund from amounts appropriated
11 for construction in “Family Housing” accounts, to be
12 merged with and to be available for the same purposes
13 and for the same period of time as amounts appropriated
14 directly to the Fund: *Provided*, That appropriations made
15 available to the Fund shall be available to cover the costs,
16 as defined in section 502(5) of the Congressional Budget
17 Act of 1974, of direct loans or loan guarantees issued by
18 the Department of Defense pursuant to the provisions of
19 subchapter IV of chapter 169, title 10, United States
20 Code, pertaining to alternative means of acquiring and im-
21 proving military family housing and supporting facilities.

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

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

6 (A) the closure or realignment of the installa-
7 tion for which housing is provided under the con-
8 tract;

9 (B) a reduction in force of units stationed at
10 such installation; or

11 (C) the extended deployment overseas of units
12 stationed at such installation.

13 (2) Each notice under this subsection shall specify
14 the nature of the guarantee involved and assess the extent
15 and likelihood, if any, of the liability of the Federal Gov-
16 ernment with respect to the guarantee.

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

19 (1) The Committee on Armed Services and the
20 Military Construction Subcommittee, Committee on
21 Appropriations of the Senate.

22 (2) The Committee on Armed Services and the
23 Military Construction Subcommittee, Committee on
24 Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

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

14 SEC. 126. Notwithstanding this or any other provi-
15 sion of law, funds appropriated in Military Construction
16 Appropriations Acts for operations and maintenance of
17 family housing shall be the exclusive source of funds for
18 repair and maintenance of flag and general officer quar-
19 ters: *Provided*, That not more than \$15,000 per unit may
20 be spent annually for the maintenance and repair of any
21 general or flag officers quarters without thirty days ad-
22 vance prior notification of the appropriate committees of
23 Congress: *Provided further*, That out-of-cycle notifications
24 are prohibited with the exception of those justified by
25 emergency or safety-related items: *Provided further*, That

1 the Under Secretary of Defense (Comptroller) is to report
2 on a quarterly basis to the appropriate committees of Con-
3 gress all operations and maintenance expenditures for
4 each individual flag and general officer quarters.

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

13 SEC. 128. Notwithstanding any other provisions in
14 this Act, the following accounts are hereby reduced by the
15 specified amounts—

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

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

18 “Military Construction, Air Force”,

19 \$23,511,000;

20 “Military Construction, Defense-wide”,

21 \$23,616,000;

22 “Military Construction, Army National Guard”,

23 \$4,223,000;

24 “Military Construction, Air National Guard”,

25 \$5,652,000;

1 “Military Construction, Army Reserve”,
2 \$2,891,000;

3 “Military Construction, Naval Reserve”,
4 \$674,000; and

5 “Military Construction, Air Force Reserve”,
6 \$2,080,000.

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

18 This Act may be cited as the “Military Construction
19 Appropriations Act, 2000”.

Union Calendar No. 127

106TH CONGRESS
1ST Session

H. R. 2465

[Report No. 106-221]

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, 2000, and for other purposes.

JULY 2, 1999

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