

Calendar No. 150

106TH CONGRESS
1ST SESSION

S. 1205

[Report No. 106-74]

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 SENATE OF THE UNITED STATES

JUNE 10, 1999

Mr. BURNS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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-
6 ment and closure functions administered by the Depart-

1 ment of Defense, for the fiscal year ending September 30,
2 2000, and for other purposes, namely:

3 MILITARY CONSTRUCTION, ARMY

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, military
6 installations, facilities, and real property for the Army as
7 currently authorized by law, including personnel in the
8 Army Corps of Engineers and other personal services nec-
9 essary for the purposes of this appropriation, and for con-
10 struction and operation of facilities in support of the func-
11 tions of the Commander in Chief, \$1,067,422,000, to re-
12 main available until September 30, 2004: *Provided*, That
13 of this amount, not to exceed \$86,414 shall be available
14 for study, planning, design, architect and engineer serv-
15 ices, and host nation support, as authorized by law, unless
16 the Secretary of Defense determines that additional obli-
17 gations are necessary for such purposes and notifies the
18 Committees on Appropriations of both Houses of Congress
19 of his determination and the reasons therefor.

20 MILITARY CONSTRUCTION, NAVY

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

1 sonal services necessary for the purposes of this appropria-
2 tion, \$884,883,000, to remain available until September
3 30, 2004: *Provided*, That of this amount, not to exceed
4 \$66,581,000 shall be available for study, planning, design,
5 architect and engineer services, as authorized by law, un-
6 less the Secretary of Defense determines that additional
7 obligations are necessary for such purposes and notifies
8 the Committees on Appropriations of both Houses of Con-
9 gress of his determination and the reasons therefor.

10 MILITARY CONSTRUCTION, AIR FORCE

11 For acquisition, construction, installation, and equip-
12 ment of temporary or permanent public works, military
13 installations, facilities, and real property for the Air Force
14 as currently authorized by law, \$783,710,000, to remain
15 available until September 30, 2004: *Provided*, That of this
16 amount, not to exceed \$32,764,000 shall be available for
17 study, planning, design, architect and engineer services,
18 as authorized by law, unless the Secretary of Defense de-
19 termines that additional obligations are necessary for such
20 purposes and notifies the Committees on Appropriations
21 of both Houses of Congress of his determination and the
22 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 \$770,690,000, 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 \$38,664,000 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, \$226,734,000, 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, \$238,545,000, 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, \$105,817,000, 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, \$31,475,000, 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, \$35,864,000, 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, \$100,000,000, to
21 remain 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, \$60,900,000, to remain available until September 30,
 5 2004; for Operation and Maintenance, and for debt pay-
 6 ment, \$1,098,080,000; in all \$1,158,980,000.

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, \$298,354,000, to remain
 15 available until September 30, 2004; for Operation and
 16 Maintenance, and for debt payment, \$895,070,000; in all
 17 \$1,193,424,000.

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, \$335,034,000, to remain available until September

1 30, 2004; for Operation and Maintenance, and for debt
 2 payment, \$821,892,000; in all \$1,156,926,000.

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 FAMILY HOUSING REVITALIZATION TRANSFER FUND

14 (INCLUDING TRANSFER OF FUND)

15 Notwithstanding any other provision of law, for ex-
 16 penses related to improvements to existing family housing;
 17 \$25,000,000, to remain available until expended: *Pro-*
 18 *vided*, That the Secretary of Defense may transfer these
 19 funds only to family housing accounts, within this title:
 20 *Provided further*, That the funds transferred shall be
 21 merged with and shall be available for the same purposes
 22 and for the same period, as the appropriation to which
 23 transferred: *Provided further*, That the funds shall not be
 24 transferred to the Department of Defense Family Housing
 25 Improvement Fund.

1 DEPARTMENT OF DEFENSE FAMILY HOUSING
2 IMPROVEMENT FUND

3 For the Department of Defense Family Housing Im-
4 provement Fund, \$25,000,000, to remain available until
5 expended, as the sole source of funds for planning, admin-
6 istrative, and oversight costs incurred by the Housing Re-
7 vitalization Support Office relating to military family
8 housing initiatives undertaken pursuant to 10 U.S.C.
9 2883, pertaining to alternative means of acquiring and im-
10 proving military family housing and supporting facilities.

11 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

12 For deposit into the Department of Defense Base
13 Closure Account 1990 established by section 2906(a)(1)
14 of the Department of Defense Authorization Act, 1991
15 (Public Law 101-510), \$705,911,000, to remain available
16 until expended: *Provided*, That not more than
17 \$426,036,000 of the funds appropriated herein shall be
18 available solely for environmental restoration, unless the
19 Secretary of Defense determines that additional obliga-
20 tions are necessary for such purposes and notifies the
21 Committees on Appropriations of both Houses of Congress
22 of his determination and the reasons therefor.

23 GENERAL PROVISIONS

24 SEC. 101. None of the funds appropriated in Military
25 Construction Appropriations Acts shall be expended for

1 payments under a cost-plus-a-fixed-fee contract for con-
2 struction, where cost estimates exceed \$25,000, to be per-
3 formed within the United States, except Alaska, without
4 the specific approval in writing of the Secretary of Defense
5 setting forth the reasons therefor.

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

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

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

20 SEC. 105. No part of the funds provided in Military
21 Construction Appropriations Acts shall be used for pur-
22 chase of land or land easements in excess of 100 percent
23 of the value as determined by the Army Corps of Engi-
24 neers or the Naval Facilities Engineering Command, ex-
25 cept: (1) where there is a determination of value by a Fed-

1 eral court; (2) purchases negotiated by the Attorney Gen-
2 eral or his designee; (3) where the estimated value is less
3 than \$25,000; or (4) as otherwise determined by the Sec-
4 retary of Defense to be in the public interest.

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

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

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

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

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

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

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

1 lowest responsive and responsible bid is submitted by a
2 Marshallese contractor.

3 SEC. 113. The Secretary of Defense is to inform the
4 appropriate committees of Congress, including the Com-
5 mittees on Appropriations, of the plans and scope of any
6 proposed military exercise involving United States per-
7 sonnel 30 days prior to its occurring, if amounts expended
8 for construction, either temporary or permanent, are an-
9 ticipated to exceed \$100,000.

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

15 (TRANSFER OF FUNDS)

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

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

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

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for

1 the same purposes as the appropriation to which trans-
2 ferred.

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

13 (TRANSFER OF FUNDS)

14 SEC. 120. During the current fiscal year, in addition
15 to any other transfer authority available to the Depart-
16 ment of Defense, proceeds deposited to the Department
17 of Defense Base Closure Account established by section
18 207(a)(1) of the Defense Authorization Amendments and
19 Base Closure and Realignment Act (Public Law 100–526)
20 pursuant to section 207(a)(2)(C) of such Act, may be
21 transferred to the account established by section
22 2906(a)(1) of the Department of Defense Authorization
23 Act, 1991, to be merged with, and to be available for the
24 same purposes and the same time period as that account.

25 SEC. 121. None of the funds appropriated or made
26 available by this Act may be obligated for Partnership for

1 Peace Programs or to provide support for non-NATO
2 countries.

3 SEC. 122. (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. 123. 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. 124. None of the funds appropriated in this Act
21 or any other Acts may be used for repair and maintenance
22 of any flag and general officer quarters in excess of
23 \$25,000 without prior notification 30 calendar days in ad-
24 vance to the congressional defense committees.

25 SEC. 125. With the exception of budget authority for
26 “North Atlantic Treaty Organization Security Investment

1 Program”, “Family Housing, Army” for operation and
2 maintenance, “Family Housing, Navy and Marine Corps”
3 for operation and maintenance, “Family Housing, Air
4 Force” for operation and maintenance and “Family Hous-
5 ing, Defense-Wide” for operation and maintenance, each
6 amount of budget authority for the fiscal year ending Sep-
7 tember 30, 2000, provided in this Act, is hereby reduced
8 by five per centum: *Provided*, That such reduction shall
9 be applied ratably to each account, program, activity, and
10 project provided for in this Act.

11 SEC. 126. Not later than April 30, 2000, the Sec-
12 retary of Defense shall submit to the congressional defense
13 committees a report examining the adequacy of special
14 education facilities and services available to the dependent
15 children of uniformed personnel stationed in the United
16 States. The report shall identify the following:

17 (1) The schools on military installations in the
18 United States that are operated by the Department
19 of Defense, other entities of the Federal government,
20 or local school districts.

21 (2) School districts in the United States that
22 have experienced an increase in enrollment of 20
23 percent or more in the past five years resulting from
24 base realignments or consolidations.

1 (3) The impact of increased special education
2 requirements on student populations, student-teach-
3 er ratios, and financial requirements in school dis-
4 tricts supporting installations designated by the mili-
5 tary departments as compassionate assignment
6 posts.

7 (4) The adequacy of special education services
8 and facilities for dependent children of uniformed
9 personnel within the United States, particularly at
10 compassionate assignment posts.

11 (5) Corrective measures that are needed to ade-
12 quately support the special education needs of mili-
13 tary families, including such improvements as the
14 renovation of existing schools or the construction of
15 new schools.

16 (6) An estimate of the cost of needed improve-
17 ments, and a recommended source of funding within
18 the Department of Defense.

19 SEC. 127. The first proviso under the heading
20 “MILITARY CONSTRUCTION TRANSFER FUND”
21 in chapter 6 of title II of the 1999 Emergency Supple-
22 mental Appropriations Act (Public Law 106–31) is
23 amended by inserting “and to the North Atlantic Treaty
24 Organization Security Investment Program as provided in

1 section 2806 of title 10, United States Code” after “to
2 military construction accounts”.

3 SEC. 128. (a) Notwithstanding any other provision
4 of law, no funds appropriated or otherwise made available
5 by this Act may be used to carry out conveyance of land
6 at the former Fort Sheridan, Illinois, unless such convey-
7 ance is consistent with a regional agreement among the
8 communities and jurisdictions in the vicinity of Fort
9 Sheridan and in accordance with section 2862 of the 1996
10 Defense Authorization Act (division B of Public Law 104–
11 106; 110 Stat. 573).

12 (b) The land referred to in paragraph (a) is a parcel
13 of real property, including any improvements thereon, lo-
14 cated at the former Fort Sheridan, Illinois, consisting of
15 approximately 14 acres, and known as the northern Army
16 Reserve enclave area, that is covered by the authority in
17 section 2862 of the 1996 Defense Authorization Act and
18 has not been conveyed pursuant to that authority as to
19 the date of enactment of this Act.

20 SEC. 129. (a) Notwithstanding any other provision
21 of law, no funds appropriated or otherwise made available
22 by this Act or any other Act may be obligated or expended
23 for any purpose relating to the construction at Bluegrass
24 Army Depot, Kentucky, of any facility employing a spe-
25 cific technology for the demilitarization of assembled

1 chemical munitions until the date on which the Secretary
2 of Defense submits to the Committees on Appropriations
3 of the Senate and House of Representatives a report on
4 the results of the completed demonstration of the six alter-
5 natives to baseline incineration for the destruction of
6 chemical agents and munitions as identified by the Pro-
7 gram Evaluation Team of the Assembled Chemical Weap-
8 ons Assessment program.

9 (b) In order to provide funding for the completion
10 of the demonstration of alternatives referred to in sub-
11 section (a), the Secretary shall utilize the authority in sec-
12 tion 8127 of the Department of Defense Appropriations
13 Act, 1999 (Public Law 105–262; 112 Stat. 2333) in ac-
14 cordance with the provisions of that section.

15 This Act may be cited as the “Military Construction
16 Appropriations Act, 2000”.

Calendar No. 150

106TH CONGRESS
1ST Session

S. 1205

[Report No. 106-74]

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.

JUNE 10, 1999

Read twice and placed on the calendar