

Calendar No. 177

108TH CONGRESS
1ST SESSION

H. R. 2559

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

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, 2004, 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 2004, and for other purposes, namely:

7 MILITARY CONSTRUCTION, ARMY

8 (INCLUDING RESCISSIONS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Army as
12 currently authorized by law, including personnel in the
13 Army Corps of Engineers and other personal services nec-
14 essary for the purposes of this appropriation, and for con-
15 struction and operation of facilities in support of the func-
16 tions of the Commander in Chief, \$1,533,660,000, to re-
17 main available until September 30, 2008: *Provided*, That
18 of this amount, not to exceed \$122,710,000 shall be avail-
19 able for study, planning, design, architect and engineer
20 services, and host nation support, as authorized by law,
21 unless the Secretary of Defense determines that additional
22 obligations are necessary for such purposes and notifies
23 the Committees on Appropriations of both Houses of Con-
24 gress of his determination and the reasons therefor: *Pro-*

1 *vided further*, That of the funds appropriated for “Military
2 Construction, Army” under Public Law 107–249,
3 \$142,200,000 are rescinded: *Provided further*, That of the
4 funds appropriated for “Military Construction, Army”
5 under Public Law 107–64, \$24,000,000 are rescinded:
6 *Provided further*, That of the funds appropriated for “Mili-
7 tary Construction, Army” under Public Law 106–246,
8 \$17,415,000 are rescinded.

9 MILITARY CONSTRUCTION, NAVY

10 (INCLUDING RESCISSIONS)

11 For acquisition, construction, installation, and equip-
12 ment of temporary or permanent public works, naval in-
13 stallations, facilities, and real property for the Navy as
14 currently authorized by law, including personnel in the
15 Naval Facilities Engineering Command and other per-
16 sonal services necessary for the purposes of this appropria-
17 tion, \$1,211,077,000, to remain available until September
18 30, 2008: *Provided*, That of this amount, not to exceed
19 \$65,612,000 shall be available for study, planning, design,
20 architect and engineer services, as authorized by law, un-
21 less the Secretary of Defense determines that additional
22 obligations are necessary for such purposes and notifies
23 the Committees on Appropriations of both Houses of Con-
24 gress of his determination and the reasons therefor: *Pro-*
25 *vided further*, That of the funds appropriated for “Military

1 Construction, Navy” under Public Law 107–249,
2 \$27,213,000 are rescinded: *Provided further*, That of the
3 funds appropriated for “Military Construction, Navy”
4 under Public Law 107–64, \$12,109,000 are rescinded.

5 MILITARY CONSTRUCTION, AIR FORCE

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Air Force
9 as currently authorized by law, \$896,136,000, to remain
10 available until September 30, 2008: *Provided*, That of this
11 amount, not to exceed \$80,543,000 shall be available for
12 study, planning, design, architect and engineer services,
13 as authorized by law, unless the Secretary of Defense de-
14 termines that additional obligations are necessary for such
15 purposes and notifies the Committees on Appropriations
16 of both Houses of Congress of his determination and the
17 reasons therefor.

18 MILITARY CONSTRUCTION, DEFENSE-WIDE

19 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

20 For acquisition, construction, installation, and equip-
21 ment of temporary or permanent public works, installa-
22 tions, facilities, and real property for activities and agen-
23 cies of the Department of Defense (other than the military
24 departments), as currently authorized by law,
25 \$813,613,000, to remain available until September 30,

1 2008: *Provided*, That such amounts of this appropriation
2 as may be determined by the Secretary of Defense may
3 be transferred to such appropriations of the Department
4 of Defense available for military construction or family
5 housing as he may designate, to be merged with and to
6 be available for the same purposes, and for the same time
7 period, as the appropriation or fund to which transferred:
8 *Provided further*, That of the amount appropriated, not
9 to exceed \$63,884,000 shall be available for study, plan-
10 ning, design, architect and engineer services, as authorized
11 by law, unless the Secretary of Defense determines that
12 additional obligations are necessary for such purposes and
13 notifies the Committees on Appropriations of both Houses
14 of Congress of his determination and the reasons therefor:
15 *Provided further*, That of the funds appropriated for “Mili-
16 tary Construction, Defense-wide” under Public Law 107–
17 249, \$32,680,000 are rescinded.

18 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

19 For construction, acquisition, expansion, rehabilita-
20 tion, and conversion of facilities for the training and ad-
21 ministration of the Army National Guard, and contribu-
22 tions therefor, as authorized by chapter 1803 of title 10,
23 United States Code, and Military Construction Authoriza-
24 tion Acts, \$208,033,000, to remain available until Sep-
25 tember 30, 2008.

1 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Air National Guard, and contributions
5 therefor, as authorized by chapter 1803 of title 10, United
6 States Code, and Military Construction Authorization
7 Acts, \$77,105,000, to remain available until September
8 30, 2008.

9 MILITARY CONSTRUCTION, ARMY RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Army Reserve as authorized by chapter
13 1803 of title 10, United States Code, and Military Con-
14 struction Authorization Acts, \$84,569,000, to remain
15 available until September 30, 2008.

16 MILITARY CONSTRUCTION, NAVAL RESERVE

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the reserve components of the Navy and
20 Marine Corps as authorized by chapter 1803 of title 10,
21 United States Code, and Military Construction Authoriza-
22 tion Acts, \$38,992,000, to remain available until Sep-
23 tember 30, 2008.

1 MILITARY CONSTRUCTION, AIR FORCE RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Air Force Reserve as authorized by
5 chapter 1803 of title 10, United States Code, and Military
6 Construction Authorization Acts, \$56,212,000, to remain
7 available until September 30, 2008.

8 NORTH ATLANTIC TREATY ORGANIZATION

9 SECURITY INVESTMENT PROGRAM

10 For the United States share of the cost of the North
11 Atlantic Treaty Organization Security Investment Pro-
12 gram for the acquisition and construction of military fa-
13 cilities and installations (including international military
14 headquarters) and for related expenses for the collective
15 defense of the North Atlantic Treaty Area as authorized
16 in Military Construction Authorization Acts and section
17 2806 of title 10, United States Code, \$169,300,000, to
18 remain available until expended.

19 FAMILY HOUSING CONSTRUCTION, ARMY

20 (INCLUDING RESCISSION)

21 For expenses of family housing for the Army for con-
22 struction, including acquisition, replacement, addition, ex-
23 pansion, extension and alteration, as authorized by law,
24 \$409,191,000, to remain available until September 30,
25 2008: *Provided*, That of the funds appropriated for “Fam-

1 ily Housing Construction, Army” under Public Law 107–
2 249, \$52,300,000 are rescinded.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 ARMY

5 For expenses of family housing for the Army for op-
6 eration and maintenance, including debt payment, leasing,
7 minor construction, principal and interest charges, and in-
8 surance premiums, as authorized by law, \$1,043,026,000.

9 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
10 CORPS

11 (INCLUDING RESCISSION)

12 For expenses of family housing for the Navy and Ma-
13 rine Corps for construction, including acquisition, replace-
14 ment, addition, expansion, extension and alteration, as au-
15 thorized by law, \$184,193,000, to remain available until
16 September 30, 2008: *Provided*, That of the funds appro-
17 priated for “Family Housing Construction, Navy and Ma-
18 rine Corps” under Public Law 107–249, \$3,585,000 are
19 rescinded.

20 FAMILY HOUSING OPERATION AND MAINTENANCE,
21 NAVY AND MARINE CORPS

22 For expenses of family housing for the Navy and Ma-
23 rine Corps for operation and maintenance, including debt
24 payment, leasing, minor construction, principal and inter-

1 tion, replacement, addition, expansion, extension and al-
2 teration, as authorized by law, \$350,000, to remain avail-
3 able until September 30, 2008.

4 FAMILY HOUSING OPERATION AND MAINTENANCE,
5 DEFENSE-WIDE

6 For expenses of family housing for the activities and
7 agencies of the Department of Defense (other than the
8 military departments) for operation and maintenance,
9 leasing, and minor construction, as authorized by law,
10 \$49,440,000.

11 DEPARTMENT OF DEFENSE FAMILY HOUSING
12 IMPROVEMENT FUND

13 For the Department of Defense Family Housing Im-
14 provement Fund, \$300,000, to remain available until ex-
15 pended, for family housing initiatives undertaken pursu-
16 ant to section 2883 of title 10, United States Code, pro-
17 viding alternative means of acquiring and improving mili-
18 tary family housing and supporting facilities.

19 BASE REALIGNMENT AND CLOSURE ACCOUNT

20 For deposit into the Department of Defense Base
21 Closure Account 1990 established by section 2906(a)(1)
22 of the Department of Defense Authorization Act, 1991
23 (Public Law 101–510), \$370,427,000, to remain available
24 until expended.

1 of the value as determined by the Army Corps of Engi-
2 neers or the Naval Facilities Engineering Command, ex-
3 cept: (1) where there is a determination of value by a Fed-
4 eral court; (2) purchases negotiated by the Attorney Gen-
5 eral or his designee; (3) where the estimated value is less
6 than \$25,000; or (4) as otherwise determined by the Sec-
7 retary of Defense to be in the public interest.

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

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

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

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

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

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

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

1 Act, 1991, to be merged with, and to be available for the
2 same purposes and the same time period as that account.

3 (TRANSFER OF FUNDS)

4 SEC. 121. Subject to 30 days prior notification to the
5 Committees on Appropriations, such additional amounts
6 as may be determined by the Secretary of Defense may
7 be transferred to the Department of Defense Family
8 Housing Improvement Fund from amounts appropriated
9 for construction in “Family Housing” accounts, to be
10 merged with and to be available for the same purposes
11 and for the same period of time as amounts appropriated
12 directly to the Fund: *Provided*, That appropriations made
13 available to the Fund shall be available to cover the costs,
14 as defined in section 502(5) of the Congressional Budget
15 Act of 1974, of direct loans or loan guarantees issued by
16 the Department of Defense pursuant to the provisions of
17 subchapter IV of chapter 169, title 10, United States
18 Code, pertaining to alternative means of acquiring and im-
19 proving military family housing and supporting facilities.

20 SEC. 122. None of the funds appropriated or made
21 available by this Act may be obligated for Partnership for
22 Peace Programs in the New Independent States of the
23 former Soviet Union.

24 (TRANSFER OF FUNDS)

25 SEC. 123. During the current fiscal year, in addition
26 to any other transfer authority available to the Depart-

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

11 SEC. 124. Notwithstanding this or any other provi-
12 sion of law, funds appropriated in Military Construction
13 Appropriations Acts for operations and maintenance of
14 family housing shall be the exclusive source of funds for
15 repair and maintenance of all family housing units, includ-
16 ing general or flag officer quarters: *Provided*, That not
17 more than \$35,000 per unit may be spent annually for
18 the maintenance and repair of any general or flag officer
19 quarters without 30 days advance prior notification to the
20 appropriate committees of Congress, except that an after-
21 the-fact notification shall be submitted if the limitation is
22 exceeded solely due to costs associated with environmental
23 remediation that could not be reasonably anticipated at
24 the time of the budget submission: *Provided further*, That
25 the Under Secretary of Defense (Comptroller) is to report

1 annually to the Committees on Appropriations all oper-
2 ations and maintenance expenditures for each individual
3 general or flag officer quarters for the prior fiscal year.

4 SEC. 125. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government, except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriation Act.

9 SEC. 126. None of the funds appropriated in this Act
10 for the Department of the Army for military construction
11 projects in the Republic of Korea may be obligated or ex-
12 pended for projects at Camp Humphreys in the Republic
13 of Korea until the Secretary of Defense certifies and re-
14 ports to the appropriate committees of Congress that the
15 United States and the Republic of Korea have entered into
16 an agreement on the availability and use of land sufficient
17 for such projects. The certification must be presented to
18 the committees no later than September 30, 2004, or the
19 funds expire.

1 This Act may be cited as the “Military Construction
2 Appropriations Act, 2004”.

Passed the House of Representatives June 26, 2003.

Attest: JEFF TRANDAHL,
Clerk.

Calendar No. 177

108TH CONGRESS
1ST SESSION

H. R. 2559

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, 2004, and for other purposes.

JUNE 26, 2003

Received; read twice and placed on the calendar