

Calendar No. 209

103D CONGRESS
1ST SESSION

H. R. 2446

[Report No. 103-148]

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

JUNE 29 (legislative day, JUNE 22), 1993

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 23 (legislative day, SEPTEMBER 7), 1993

Reported with amendments

Calendar No. 209103^D CONGRESS
1ST SESSION**H. R. 2446****[Report No. 103-148]**

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 22), 1993

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 23 (legislative day, SEPTEMBER 7), 1993

Reported by Mr. SASSER, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, 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 the
5 fiscal year ending September 30, 1994, for military con-
6 struction functions administered by the Department of
7 Defense, and for other purposes, namely:

1 MILITARY CONSTRUCTION, ARMY

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Army as
5 currently authorized by law, including personnel in the
6 Army Corps of Engineers and other personal services nec-
7 essary for the purposes of this appropriation, and for con-
8 struction and operation of facilities in support of the func-
9 tions of the Commander in Chief, ~~\$837,644,000~~
10 *\$723,505,000*, to remain available until September 30,
11 1998: *Provided*, That of this amount, not to exceed
12 ~~\$109,441,000~~ *\$88,000,000* shall be available for study,
13 planning, design, architect and engineer services, as au-
14 thorized by law, unless the Secretary of Defense deter-
15 mines that additional obligations are necessary for such
16 purposes and notifies the Committees on Appropriations
17 of both Houses of Congress of his determination and the
18 reasons therefor: *Provided further*, *That of the funds appro-*
19 *priated for "Military Construction, Army" under Public*
20 *Law 102-136, \$4,700,000 is hereby rescinded: Provided fur-*
21 *ther, That of the funds appropriated for "Military Con-*
22 *struction, Army" under Public Law 102-380, \$9,200,000*
23 *is hereby rescinded.*

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, ~~\$575,971,000~~ *\$580,033,000*, to remain available until
9 September 30, 1998: *Provided*, That of this amount, not
10 to exceed ~~\$64,373,000~~ *\$59,373,000* shall be available for
11 study, planning, design, architect and engineer services,
12 as authorized by law, unless the Secretary of Defense de-
13 termines that additional obligations are necessary for such
14 purposes and notifies the Committees on Appropriations
15 of both Houses of Congress of his determination and the
16 reasons therefor: *Provided further*, *That of the funds appro-*
17 *priated for "Military Construction, Navy" under Public*
18 *Law 101-148, \$7,662,000 is hereby rescinded: Provided fur-*
19 *ther, That of the funds appropriated for "Military Con-*
20 *struction, Navy" under Public Law 102-136, \$23,630,000*
21 *is hereby rescinded: Provided further, That of the funds ap-*
22 *propriated for "Military Construction, Navy" under Public*
23 *Law 102-380, \$37,660,000 is hereby rescinded.*

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$913,297,000
6 \$969,926,000, to remain available until September 30,
7 1998: *Provided*, That of this amount, not to exceed
8 ~~\$63,882,000~~ \$58,180,000 shall be available for study,
9 planning, design, architect and engineer services, as au-
10 thorized by law, unless the Secretary of Defense deter-
11 mines that additional obligations are necessary for such
12 purposes and notifies the Committees on Appropriations
13 of both Houses of Congress of his determination and the
14 reasons therefor: *Provided further*, That of the funds appro-
15 priated for "Military Construction, Air Force" under Pub-
16 lic Law 102-136, \$14,480,000 is hereby rescinded: *Provided*
17 further, That of the funds appropriated for "Military Con-
18 struction, Air Force" under Public Law 102-380,
19 \$2,230,000 is hereby rescinded.

20 MILITARY CONSTRUCTION, DEFENSE-WIDE

21 (INCLUDING TRANSFER OF FUNDS)

22 For acquisition, construction, installation, and equip-
23 ment of temporary or permanent public works, installa-
24 tions, facilities, and real property for activities and agen-
25 cies of the Department of Defense (other than the military

1 departments), as currently authorized by law,
2 ~~\$618,770,000~~ *\$524,165,000*, to remain available until Sep-
3 tember 30, 1998: *Provided*, That such amounts of this ap-
4 propriation as may be determined by the Secretary of De-
5 fense may be transferred to such appropriations of the De-
6 partment of Defense available for military construction as
7 he may designate, to be merged with and to be available
8 for the same purposes, and for the same time period, as
9 the appropriation or fund to which transferred: *Provided*
10 *further*, That of the amount appropriated, not to exceed
11 ~~\$42,405,000~~ *\$37,405,000* shall be available for study,
12 planning, design, architect and engineer services, as au-
13 thorized by law, unless the Secretary of Defense deter-
14 mines 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: *Provided further*, *That of the funds appro-*
18 *priated for "Military Construction, Defense Agencies"*
19 *under Public Law 102-136, \$15,500,000 is hereby re-*
20 *scinded.*

21 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the Army National Guard, and contribu-
25 tions therefor, as authorized by chapter 133 of title 10,

1 United States Code, and military construction authoriza-
2 tion Acts, ~~\$203,980,000~~ *\$291,250,000*, to remain available
3 until September 30, 1998.

4 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Air National Guard, and contributions
8 therefor, as authorized by chapter 133 of title 10, United
9 States Code, and military construction authorization Acts,
10 ~~\$161,761,000~~ *\$245,723,000*, to remain available until Sep-
11 tember 30, 1998.

12 MILITARY CONSTRUCTION, ARMY RESERVE

13 For construction, acquisition, expansion, rehabilita-
14 tion, and conversion of facilities for the training and ad-
15 ministration of the Army Reserve as authorized by chapter
16 133 of title 10, United States Code, and military construc-
17 tion authorization Acts, ~~\$87,825,000~~ *\$124,794,000*, to re-
18 main available until September 30, 1998.

19 MILITARY CONSTRUCTION, NAVAL RESERVE

20 For construction, acquisition, expansion, rehabilita-
21 tion, and conversion of facilities for the training and ad-
22 ministration of the reserve components of the Navy and
23 Marine Corps as authorized by chapter 133 of title 10,
24 United States Code, and military construction authoriza-

1 tion Acts, ~~\$28,647,000~~ \$25,013,000, to remain available
 2 until September 30, 1998.

3 MILITARY CONSTRUCTION, AIR FORCE RESERVE

4 For construction, acquisition, expansion, rehabilita-
 5 tion, and conversion of facilities for the training and ad-
 6 ministration of the Air Force Reserve as authorized by
 7 chapter 133 of title 10, United States Code, and military
 8 construction authorization Acts, ~~\$66,136,000~~ \$68,427,000,
 9 to remain available until September 30, 1998.

10 NORTH ATLANTIC TREATY ORGANIZATION

11 INFRASTRUCTURE

12 For the United States share of the cost of North At-
 13 lantic Treaty Organization Infrastructure programs for
 14 the acquisition and construction of military facilities and
 15 installations (including international military head-
 16 quarters) and for related expenses for the collective de-
 17 fense of the North Atlantic Treaty Area as authorized in
 18 military construction Acts and section 2806 of title 10,
 19 United States Code, ~~\$140,000,000~~, to remain available
 20 until expended.

21 *OUTSIDE THE UNITED STATES*

22 *Notwithstanding any other provision of law, for mili-*
 23 *tary construction and family housing construction outside*
 24 *the United States for the Army, Navy, Air Force, and De-*
 25 *fense Agencies and for the North Atlantic Treaty Organiza-*

1 *tion Infrastructure Programs, as currently authorized by*
2 *law, \$300,000,000, to remain available until expended, Pro-*
3 *vided, That such amounts of this appropriation as may be*
4 *determined by the Secretary of Defense may be transferred*
5 *to such appropriations of the Department of Defense avail-*
6 *able for military construction and family housing and the*
7 *North Atlantic Treaty Organization Infrastructure account*
8 *as he may designate, to be merged with and to be available*
9 *for the same purposes, and for the same period, as the ap-*
10 *propriation or fund to which transferred.*

11 FAMILY HOUSING, ARMY

12 For expenses of family housing for the Army for con-
13 struction, including acquisition, replacement, addition, ex-
14 pansion, extension and alteration and for operation and
15 maintenance, including debt payment, leasing, minor con-
16 struction, principal and interest charges, and insurance
17 premiums, as authorized by law, as follows: for Construc-
18 tion, ~~\$218,785,000~~ \$228,385,000, to remain available until
19 September 30, 1998; for Operation and maintenance, and
20 for debt payment, ~~\$1,067,922,000~~ \$1,125,601,000; in all
21 ~~\$1,286,707,000~~ \$1,353,986,000.

22 FAMILY HOUSING, NAVY AND MARINE CORPS

23 For expenses of family housing for the Navy and Ma-
24 rine Corps for construction, including acquisition, replace-
25 ment, addition, expansion, extension and alteration and

1 for operation and maintenance, including debt payment,
 2 leasing, minor construction, principal and interest
 3 charges, and insurance premiums, as authorized by law,
 4 as follows: for Construction, ~~\$367,769,000~~ \$354,738,000,
 5 to remain available until September 30, 1998; for Oper-
 6 ation and maintenance, and for debt payment,
 7 ~~\$781,952,000~~ \$835,055,000; in all ~~\$1,149,721,000~~
 8 \$1,189,793,000: *Provided, That of the funds appropriated*
 9 *for "Family Housing, Navy and Marine Corps" under Pub-*
 10 *lic Law 101-148, \$25,018,000 is hereby rescinded.*

11 FAMILY HOUSING, AIR FORCE

12 For expenses of family housing for the Air Force for
 13 construction, including acquisition, replacement, addition,
 14 expansion, extension and alteration and for operation and
 15 maintenance, including debt payment, leasing, minor con-
 16 struction, principal and interest charges, and insurance
 17 premiums, as authorized by law, as follows: for Construc-
 18 tion, ~~\$192,197,000~~ \$195,035,000, to remain available until
 19 September 30, 1998; for Operation and maintenance, and
 20 for debt payment, ~~\$805,847,000~~ \$853,912,000; in all
 21 ~~\$998,044,000~~ \$1,048,947,000: *Provided, That of the funds*
 22 *appropriated for "Family Housing, Air Force" under Pub-*
 23 *lic Law 102-136, \$6,400,000 is hereby rescinded: Provided*
 24 *further, That of the funds appropriated for "Family Hous-*

1 *ing, Air Force” under Public Law 102–380, \$48,702,000*
2 *is hereby rescinded.*

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, \$159,000, to remain available for obligation
11 until September 30, 1998; for Operation and maintenance,
12 ~~\$25,711,000~~ \$27,337,000; in all ~~\$25,870,000~~ \$27,496,000.

13 HOMEOWNERS ASSISTANCE FUND, DEFENSE

14 For use in the Homeowners Assistance Fund estab-
15 lished pursuant to section 1013(d) of the Demonstration
16 Cities and Metropolitan Development Act of 1966, as
17 amended (42 U.S.C. 3374), \$151,400,000, *to remain*
18 *available until expended.*

19 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

20 For deposit into the Department of Defense Base
21 Closure Account established by section 207(a)(1) of the
22 Defense Authorization Amendments and Base Closure and
23 Realignment Act (Public Law 100–526), ~~\$27,870,000~~
24 ~~\$12,830,000~~, to remain available for obligation until Sep-
25 tember 30, 1995: *Provided*, That none of these funds may

1 be obligated for base realignment and closure activities
2 under Public Law 100-526 which would cause the Depart-
3 ment's \$1,800,000,000 cost estimate for military con-
4 struction and family housing related to the Base Realign-
5 ment and Closure Program to be exceeded: *Provided fur-*
6 *ther,* ~~That not less than \$19,800,000 of the funds appro-~~
7 ~~priated herein shall be available solely for environmental~~
8 ~~restoration.~~

9 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

10 For deposit into the Department of Defense Base
11 Closure Account 1990 established by section 2906(a)(1)
12 of the Department of Defense Authorization Act, 1991
13 (Public Law 101-510), ~~\$1,800,500,000~~ *\$1,526,310,000*, to
14 remain available until expended: *Provided,* That ~~such~~
15 ~~funds are available solely for the approved 1991 base~~
16 ~~realignments and closures:~~ *Provided further,* That not less
17 than \$262,300,000 of the funds appropriated herein shall
18 be available solely for environmental restoration.

19 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

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), \$1,200,000,000, to remain avail-
24 able until expended: *Provided,* That such funds will be
25 available only to the extent an official budget request is

1 transmitted to the Congress: *Provided further*, That such
2 funds are available solely for the approved 1993 base
3 ~~realignments and closures~~: *Provided further*, That not less
4 than \$300,000,000 of the funds appropriated herein shall
5 be available solely for environmental restoration.

6 GENERAL PROVISIONS

7 SEC. 101. None of the funds appropriated in Military
8 Construction Appropriations Acts shall be expended for
9 payments under a cost-plus-a-fixed-fee contract for work,
10 where cost estimates exceed \$25,000, to be performed
11 within the United States, except Alaska, without the spe-
12 cific approval in writing of the Secretary of Defense set-
13 ting forth the reasons therefor.

14 SEC. 102. Funds appropriated to the Department of
15 Defense for construction shall be available for hire of pas-
16 senger motor vehicles.

17 SEC. 103. Funds appropriated to the Department of
18 Defense for construction may be used for advances to the
19 Federal Highway Administration, Department of Trans-
20 portation, for the construction of access roads as author-
21 ized by section 210 of title 23, United States Code, when
22 projects authorized therein are certified as important to
23 the national defense by the Secretary of Defense.

24 SEC. 104. None of the funds appropriated in this Act
25 may be used to begin construction of new bases inside the

1 continental United States for which specific appropria-
2 tions have not been made.

3 SEC. 105. No part of the funds provided in Military
4 Construction Appropriations Acts shall be used for pur-
5 chase of land or land easements in excess of 100 per cen-
6 tum of the value as determined by the Army Corps of En-
7 gineers or the Naval Facilities Engineering Command, ex-
8 cept (a) where there is a determination of value by a Fed-
9 eral court, or (b) purchases negotiated by the Attorney
10 General or his designee, or (c) where the estimated value
11 is less than \$25,000, or (d) as otherwise determined by
12 the Secretary of Defense to be in the public interest.

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

19 SEC. 107. None of the funds appropriated in Military
20 Construction Appropriations Acts for minor construction
21 may be used to transfer or relocate any activity from one
22 base or installation to another, without prior notification
23 to the Committees on Appropriations.

24 SEC. 108. No part of the funds appropriated in Mili-
25 tary Construction Appropriations Acts may be used for

1 the procurement of steel for any construction project or
2 activity for which American steel producers, fabricators,
3 and manufacturers have been denied the opportunity to
4 compete for such steel procurement.

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

9 SEC. 110. None of the funds appropriated in Military
10 Construction Appropriations Acts may be used to initiate
11 a new installation overseas without prior notification to
12 the Committees on Appropriations.

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

20 SEC. 112. None of the funds appropriated in Military
21 Construction Appropriations Acts for military construc-
22 tion in the United States territories and possessions in the
23 Pacific and on Kwajalein Atoll may be used to award any
24 contract estimated by the Government to exceed
25 \$1,000,000 to a foreign contractor: *Provided*, That this

1 House of Representatives with an annual report by Feb-
2 ruary 15, containing details of the specific actions pro-
3 posed to be taken by the Department of Defense during
4 the current fiscal year to encourage other member nations
5 of the North Atlantic Treaty Organization and Japan and
6 Korea to assume a greater share of the common defense
7 burden of such nations and the United States.

8 ~~SEC. 122. (a) Notwithstanding any other provision~~
9 ~~of law, the Secretary of the Army shall transfer, no later~~
10 ~~than September 30, 1994, without reimbursement or~~
11 ~~transfer of funds, to the Architect of the Capitol, a portion~~
12 ~~of the real property, including improvements thereon,~~
13 ~~known as the Army Research Laboratory, Woodbridge Re-~~
14 ~~search Facility, located in Prince William County, Vir-~~
15 ~~ginia, consisting of approximately 100 acres, more or less,~~
16 ~~as determined under subsection (c).~~

17 ~~(b) The Architect of the Capitol shall, upon comple-~~
18 ~~tion of the survey performed pursuant to subsection (c)~~
19 ~~and the transfer effected pursuant to subsection (a), uti-~~
20 ~~lize the property to be transferred to provide facilities to~~
21 ~~accommodate the varied long term storage and service~~
22 ~~needs of the Library of Congress and Legislative Branch.~~

23 ~~(c) The exact acreage, legal description and appor-~~
24 ~~tionment as to the portions of the property to be trans-~~
25 ~~ferred under this section shall be determined by a survey~~

1 satisfactory to the Architect of the Capitol and the Sec-
2 retary of the Army.

3 *SEC. 122. Notwithstanding any other provision of this*
4 *Act, each amount appropriated by this Act is hereby re-*
5 *duced by four percent.*

6 SEC. 123. Proceeds received by the Secretary of the
7 Navy pursuant to section 2840 of the National Defense
8 Authorization Act for Fiscal Years 1992 and 1993 (Public
9 Law 102-190) are appropriated and shall be available for
10 the purposes authorized in that section.

11 ~~SEC. 124. Defense access roads for Camp Dodge,~~
12 ~~Iowa, (86th Street improvements) shall be considered as~~
13 ~~fully meeting the certification requirements specified in~~
14 ~~section 210 of title 23 of the United States Code.~~

15 **~~SEC. 125. COMPLIANCE WITH BUY AMERICAN ACT.~~**

16 No funds appropriated pursuant to this Act may be
17 expended by an entity unless the entity agrees that in ex-
18 pending the assistance the entity will comply with sections
19 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
20 10c, popularly known as the "Buy American Act").

21 **~~SEC. 126. SENSE OF CONGRESS; REQUIREMENT REGARD-~~**
22 **~~ING NOTICE.~~**

23 ~~(a) PURCHASE OF AMERICAN-MADE EQUIPMENT~~
24 ~~AND PRODUCTS.—In the case of any equipment or prod-~~
25 ~~ucts that may be authorized to be purchased with financial~~

1 assistance provided under this Act, it is the sense of the
2 Congress that entities receiving such assistance should, in
3 expending the assistance, purchase only American-made
4 equipment and products.

5 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
6 providing financial assistance under this Act, the Sec-
7 retary of the Treasury shall provide to each recipient of
8 the assistance a notice describing the statement made in
9 subsection (a) by the Congress.

10 **SEC. 127. PROHIBITION OF CONTRACTS.**

11 If it has been finally determined by a court or Federal
12 agency that any person intentionally affixed a fraudulent
13 label bearing a “Made in America” inscription, or any in-
14 scription with the same meaning, to any product sold in
15 or shipped to the United States that was not made in the
16 United States, such person shall be ineligible to receive
17 any contract or subcontract made with funds provided
18 pursuant to this Act, pursuant to the debarment, suspen-
19 sion, and ineligibility procedures described in section 9.400
20 through 9.409 of title 48, Code of Federal Regulations.

21 *SEC. 128. Of the funds appropriated in this Act for*
22 *“Military Construction, Army,” \$4,400,000 shall be obli-*
23 *gated for a DIAL Central Office Facility at Fitzsimmons*
24 *Medical Center, Colorado.*

