

Union Calendar No. 291

104TH CONGRESS
2^D SESSION

H. R. 3517

[Report No. 104-591]

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1996

Mrs. VUCANOVICH, 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, 1997, 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, 1997, for military con-

1 construction, family housing, and base realignment and clo-
2 sure functions administered by the Department of De-
3 fense, 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, \$603,584,000, to re-
13 main available until September 30, 2001: *Provided*, That
14 of this amount, not to exceed \$54,384,000 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 (INCLUDING RESCISSIONS)

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

1 currently authorized by law, including personnel in the
2 Naval Facilities Engineering Command and other per-
3 sonal services necessary for the purposes of this appropria-
4 tion, \$724,476,000, to remain available until September
5 30, 2001: *Provided*, That of this amount, not to exceed
6 \$50,959,000 shall be available for study, planning, design,
7 architect and engineer services, as authorized by law, un-
8 less the Secretary of Defense determines that additional
9 obligations are necessary for such purposes and notifies
10 the Committees on Appropriations of both Houses of Con-
11 gress of his determination and the reasons therefor: *Pro-*
12 *vided further*, That of the funds appropriated for “Military
13 Construction, Navy” under Public Law 102–136,
14 \$6,900,000 is hereby rescinded: *Provided further*, That of
15 the funds appropriated for “Military Construction, Navy”
16 under Public Law 102–380, \$2,800,000 is hereby re-
17 scinded: *Provided further*, That of the funds appropriated
18 for “Military Construction, Navy” under Public Law 103–
19 110, \$2,300,000 is hereby rescinded.

20 MILITARY CONSTRUCTION, AIR FORCE

21 For acquisition, construction, installation, and equip-
22 ment of temporary or permanent public works, military
23 installations, facilities, and real property for the Air Force
24 as currently authorized by law, \$678,914,000, to remain
25 available until September 30, 2001: *Provided*, That of this

1 amount, not to exceed \$47,387,000 shall be available for
2 study, planning, design, architect and engineer services,
3 as authorized by law, unless the Secretary of Defense de-
4 termines that additional obligations are necessary for such
5 purposes and notifies the Committees on Appropriations
6 of both Houses of Congress of his determination and the
7 reasons therefor.

8 MILITARY CONSTRUCTION, DEFENSE-WIDE

9 (INCLUDING TRANSFER OF FUNDS)

10 For acquisition, construction, installation, and equip-
11 ment of temporary or permanent public works, installa-
12 tions, facilities, and real property for activities and agen-
13 cies of the Department of Defense (other than the military
14 departments), as currently authorized by law,
15 \$772,345,000, to remain available until September 30,
16 2001: *Provided*, That such amounts of this appropriation
17 as may be determined by the Secretary of Defense may
18 be transferred to such appropriations of the Department
19 of Defense available for military construction or family
20 housing as he may designate, to be merged with and to
21 be available for the same purposes, and for the same time
22 period, as the appropriation or fund to which transferred:
23 *Provided further*, That of the amount appropriated, not
24 to exceed \$12,239,000 shall be available for study, plan-
25 ning, design, architect and engineer services, as authorized

1 by law, unless the Secretary of Defense determines that
2 additional obligations are necessary for such purposes and
3 notifies the Committees on Appropriations of both Houses
4 of Congress of his determination and the reasons therefor.

5 DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED
6 HOUSING IMPROVEMENT FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of Defense Military Unaccom-
9 panied Housing Improvement Fund, \$10,000,000, to re-
10 main available until expended: *Provided*, That subject to
11 thirty days prior notification to the Committees on Appro-
12 priations, such additional amounts as may be determined
13 by the Secretary of Defense may be transferred to the
14 Fund from amounts appropriated in this Act for the ac-
15 quisition or construction of military unaccompanied hous-
16 ing in “Military Construction” accounts, to be merged
17 with and to be made available for the same purposes and
18 for the same period of time as amounts appropriated di-
19 rectly to the Fund: *Provided further*, That appropriations
20 made available for the Fund in this Act shall be available
21 to cover the costs, as defined in section 502(5) of the Con-
22 gressional Budget Act of 1974, of direct loans and loan
23 guarantees issued by the Department of Defense pursuant
24 to the provisions of subchapter IV of chapter 169 of title
25 10, United States Code, pertaining to alternative means

1 of acquiring and improving military unaccompanied hous-
2 ing and ancillary supporting facilities.

3 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Army National Guard, and contribu-
7 tions therefor, as authorized by chapter 133 of title 10,
8 United States Code, and military construction authoriza-
9 tion Acts, \$41,316,000, to remain available until Septem-
10 ber 30, 2001.

11 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

12 For construction, acquisition, expansion, rehabilita-
13 tion, and conversion of facilities for the training and ad-
14 ministration of the Air National Guard, and contributions
15 therefor, as authorized by chapter 133 of title 10, United
16 States Code, and military construction authorization Acts,
17 \$118,394,000, to remain available until September 30,
18 2001.

19 MILITARY CONSTRUCTION, ARMY RESERVE

20 For construction, acquisition, expansion, rehabilita-
21 tion, and conversion of facilities for the training and ad-
22 ministration of the Army Reserve as authorized by chapter
23 133 of title 10, United States Code, and military construc-
24 tion authorization Acts, \$50,159,000, to remain available
25 until September 30, 2001.

1 MILITARY CONSTRUCTION, NAVAL RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 133 of title 10,
6 United States Code, and military construction authoriza-
7 tion Acts, \$33,169,000, to remain available until Septem-
8 ber 30, 2001.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air Force Reserve as authorized by
13 chapter 133 of title 10, United States Code, and military
14 construction authorization Acts, \$51,655,000, to remain
15 available until September 30, 2001.

16 NORTH ATLANTIC TREATY ORGANIZATION

17 SECURITY INVESTMENT PROGRAM

18 For the United States share of the cost of the North
19 Atlantic Treaty Organization Security Investment Pro-
20 gram for the acquisition and construction of military fa-
21 cilities and installations (including international military
22 headquarters) and for related expenses for the collective
23 defense of the North Atlantic Treaty Area as authorized
24 in military construction authorization Acts and section

1 2806 of title 10, United States Code, \$177,000,000, to
2 remain available until expended.

3 FAMILY HOUSING, ARMY

4 For expenses of family housing for the Army for
5 construction, including acquisition, replacement, addition,
6 expansion, extension and alteration and for operation and
7 maintenance, including debt payment, leasing, minor con-
8 struction, principal and interest charges, and insurance
9 premiums, as authorized by law, as follows: for Construc-
10 tion, \$176,603,000, to remain available until September
11 30, 2001; for Operation and Maintenance, and for debt
12 payment, \$1,257,466,000; in all \$1,434,069,000.

13 FAMILY HOUSING, NAVY AND MARINE CORPS

14 For expenses of family housing for the Navy and Ma-
15 rine Corps for construction, including acquisition, replace-
16 ment, addition, expansion, extension and alteration and
17 for operation and maintenance, including debt payment,
18 leasing, minor construction, principal and interest
19 charges, and insurance premiums, as authorized by law,
20 as follows: for Construction, \$532,456,000, to remain
21 available until September 30, 2001; for Operation and
22 Maintenance, and for debt payment, \$1,058,241,000; in
23 all \$1,590,697,000.

1 FAMILY HOUSING, AIR FORCE

2 For expenses of family housing for the Air Force for
3 construction, including acquisition, replacement, addition,
4 expansion, extension and alteration and for operation and
5 maintenance, including debt payment, leasing, minor con-
6 struction, principal and interest charges, and insurance
7 premiums, as authorized by law, as follows: for Construc-
8 tion, \$304,068,000, to remain available until September
9 30, 2001; for Operation and Maintenance, and for debt
10 payment, \$840,474,000; in all \$1,144,542,000.

11 FAMILY HOUSING, DEFENSE-WIDE

12 For expenses of family housing for the activities and
13 agencies of the Department of Defense (other than the
14 military departments) for construction, including acquisi-
15 tion, replacement, addition, expansion, extension and al-
16 teration, and for operation and maintenance, leasing, and
17 minor construction, as authorized by law, as follows: for
18 Construction, \$4,371,000, to remain available until Sep-
19 tember 30, 2001; for Operation and Maintenance,
20 \$30,963,000; in all \$35,334,000.

21 DEPARTMENT OF DEFENSE FAMILY HOUSING

22 IMPROVEMENT FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of Defense Family Housing Im-
25 provement Fund, \$35,000,000, to remain available until

1 expended: *Provided*, That, subject to thirty days prior no-
2 tification to the Committees on Appropriations, such addi-
3 tional amounts as may be determined by the Secretary of
4 Defense may be transferred to the Fund from amounts
5 appropriated in this Act for construction in “Family
6 Housing” accounts, to be merged with and to be available
7 for the same purposes and for the same period of time
8 as amounts appropriated directly to the Fund: *Provided*
9 *further*, That appropriations made available to the Fund
10 in this Act shall be available to cover the costs, as defined
11 in section 502(5) of the Congressional Budget Act of
12 1974, of direct loans or loan guarantees issued by the De-
13 partment of Defense pursuant to the provisions of sub-
14 chapter IV of Chapter 169, title 10, United States Code,
15 pertaining to alternative means of acquiring and improv-
16 ing military family housing and supporting facilities.

17 HOMEOWNERS ASSISTANCE FUND, DEFENSE

18 For use in the Homeowners Assistance Fund estab-
19 lished by section 1013(d) of the Demonstration Cities and
20 Metropolitan Development Act of 1966, as amended (42
21 U.S.C. 3374), \$36,181,000, to remain available until ex-
22 pended.

23 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

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

1 of the Department of Defense Authorization Act, 1991
2 (Public Law 101–510), \$352,800,000, to remain available
3 until expended: *Provided*, That not more than
4 \$223,789,000 of the funds appropriated herein shall be
5 available solely for environmental restoration, unless the
6 Secretary of Defense determines that additional obliga-
7 tions are necessary for such purposes and notifies the
8 Committees on Appropriations of both Houses of Congress
9 of his determination and the reasons therefor.

10 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

11 For deposit into the Department of Defense Base
12 Closure Account 1990 established by section 2906(a)(1)
13 of the Department of Defense Authorization Act, 1991
14 (Public Law 101–510), \$971,925,000, to remain available
15 until expended: *Provided*, That not more than
16 \$351,967,000 of the funds appropriated herein shall be
17 available solely for environmental restoration, unless the
18 Secretary of Defense determines that additional obliga-
19 tions are necessary for such purposes and notifies the
20 Committees on Appropriations of both Houses of Congress
21 of his determination and the reasons therefor.

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), \$1,182,749,000, to remain avail-
2 able until expended: *Provided*, That not more than
3 \$200,841,000 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 work,
13 where cost estimates exceed \$25,000, to be performed
14 within the United States, except Alaska, without the spe-
15 cific approval in writing of the Secretary of Defense set-
16 ting forth the reasons therefor: *Provided*, That the fore-
17 going shall not apply in the case of contracts for environ-
18 mental restoration at an installation that is being closed
19 or realigned where payments are made from a Base Re-
20 alignment and Closure Account.

21 SEC. 102. Funds appropriated to the Department of
22 Defense for construction shall be available for hire of pas-
23 senger motor vehicles.

24 SEC. 103. Funds appropriated to the Department of
25 Defense for construction may be used for advances to the

1 Federal Highway Administration, Department of Trans-
2 portation, for the construction of access roads as author-
3 ized by section 210 of title 23, United States Code, when
4 projects authorized therein are certified as important to
5 the national defense by the Secretary of Defense.

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

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

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

1 SEC. 107. None of the funds appropriated in Military
2 Construction Appropriations Acts for minor construction
3 may be used to transfer or relocate any activity from one
4 base or installation to another, without prior notification
5 to the Committees on Appropriations.

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

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

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

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

1 awarded to United States firms or United States firms
2 in joint venture with host nation firms.

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

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

21 SEC. 114. Not more than 20 per centum of the appro-
22 priations in Military Construction Appropriations Acts
23 which are limited for obligation during the current fiscal
24 year shall be obligated during the last two months of the
25 fiscal year.

(TRANSFER OF FUNDS)

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SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects 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)

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2 SEC. 118. During the five-year period after appro-
3 priations available to the Department of Defense for mili-
4 tary construction and family housing operation and main-
5 tenance 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)

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

18 This Act may be cited as the “Military Construction
19 Appropriations Act, 1997”.

Union Calendar No. 291

104TH CONGRESS
2^D SESSION

H. R. 3517

[Report No. 104-592]

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, 1997, and for other purposes.

MAY 23, 1996

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