

Union Calendar No. 90

105TH CONGRESS
1ST Session

H. R. 2016

[Report No. 105-150]

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, 1998, and for other purposes.

JUNE 24, 1997

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1997

Mr. PACKARD, 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, 1998, 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, 1998, 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, \$721,027,000, to re-
13 main available until September 30, 2002: *Provided*, That
14 of this amount, not to exceed \$71,577,000 shall be avail-
15 able for study, planning, design, architect and engineer
16 services, and host nation support, as authorized by law,
17 unless the Secretary of Defense determines that additional
18 obligations are necessary for such purposes and notifies
19 the Committees on Appropriations of both Houses of Con-
20 gress of his determination and the reasons therefor.

21 MILITARY CONSTRUCTION, NAVY

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

1 Naval Facilities Engineering Command and other per-
2 sonal services necessary for the purposes of this appropria-
3 tion, \$685,306,000, to remain available until September
4 30, 2002: *Provided*, That of this amount, not to exceed
5 \$46,659,000 shall be available for study, planning, design,
6 architect and engineer services, as authorized by law, un-
7 less the Secretary of Defense determines that additional
8 obligations are necessary for such purposes and notifies
9 the Committees on Appropriations of both Houses of Con-
10 gress of his determination and the reasons therefor.

11 MILITARY CONSTRUCTION, AIR FORCE

12 For acquisition, construction, installation, and equip-
13 ment of temporary or permanent public works, military
14 installations, facilities, and real property for the Air Force
15 as currently authorized by law, \$662,305,000, to remain
16 available until September 30, 2002: *Provided*, That of this
17 amount, not to exceed \$45,880,000 shall be available for
18 study, planning, design, architect and engineer services,
19 as authorized by law, unless the Secretary of Defense de-
20 termines that additional obligations are necessary for such
21 purposes and notifies the Committees on Appropriations
22 of both Houses of Congress of his determination and the
23 reasons therefor.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, installa-
5 tions, facilities, and real property for activities and agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$613,333,000, to remain available until September 30,
9 2002: *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 \$34,350,000 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 133 of title 10,
3 United States Code, and military construction authoriza-
4 tion Acts, \$45,098,000, to remain available until Septem-
5 ber 30, 2002.

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 133 of title 10, United
11 States Code, and military construction authorization Acts,
12 \$137,275,000, to remain available until September 30,
13 2002.

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
18 133 of title 10, United States Code, and military construc-
19 tion authorization Acts, \$77,731,000, to remain available
20 until September 30, 2002.

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 133 of title 10,

1 United States Code, and military construction authoriza-
2 tion Acts, \$40,561,000, to remain available until Septem-
3 ber 30, 2002.

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 133 of title 10, United States Code, and military
9 construction authorization Acts, \$27,143,000, to remain
10 available until September 30, 2002.

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, \$166,300,000, 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, \$202,131,000, to remain available until September
5 30, 2002; for Operation and Maintenance, and for debt
6 payment, \$1,148,937,000; in all \$1,351,068,000.

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, \$409,178,000, to remain
15 available until September 30, 2002; for Operation and
16 Maintenance, and for debt payment, \$976,504,000; in all
17 \$1,385,682,000.

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, \$341,409,000, to remain available until September

1 30, 2002; for Operation and Maintenance, and for debt
2 payment, \$830,234,000; in all \$1,171,643,000.

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, \$4,950,000, to remain available until Sep-
11 tember 30, 2002; for Operation and Maintenance,
12 \$32,724,000; in all \$37,674,000.

13 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

14 For deposit into the Department of Defense Base
15 Closure Account 1990 established by section 2906(a)(1)
16 of the Department of Defense Authorization Act, 1991
17 (Public Law 101-510), \$116,754,000, to remain available
18 until expended: *Provided*, That not more than
19 \$105,224,000 of the funds appropriated herein shall be
20 available solely for environmental restoration, unless the
21 Secretary of Defense determines that additional obliga-
22 tions are necessary for such purposes and notifies the
23 Committees on Appropriations of both Houses of Congress
24 of his determination and the reasons therefor.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

2 For deposit into the Department of Defense Base
3 Closure Account 1990 established by section 2906(a)(1)
4 of the Department of Defense Authorization Act, 1991
5 (Public Law 101–510), \$768,702,000, to remain available
6 until expended: *Provided*, That not more than
7 \$398,499,000 of the funds appropriated herein shall be
8 available solely for environmental restoration, unless the
9 Secretary of Defense determines that additional obliga-
10 tions are necessary for such purposes and notifies the
11 Committees on Appropriations of both Houses of Congress
12 of his determination and the reasons therefor.

13 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

14 For deposit into the Department of Defense Base
15 Closure Account 1990 established by section 2906(a)(1)
16 of the Department of Defense Authorization Act, 1991
17 (Public Law 101–510), \$1,175,398,000, to remain avail-
18 able until expended: *Provided*, That not more than
19 \$353,604,000 of the funds appropriated herein shall be
20 available solely for environmental restoration, unless the
21 Secretary of Defense determines that additional obliga-
22 tions are necessary for such purposes and notifies the
23 Committees on Appropriations of both Houses of Congress
24 of his determination and the reasons therefor.

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, in any NATO member country, or in countries
18 bordering the Arabian Gulf, unless such contracts are
19 awarded to United States firms or United States firms
20 in joint venture with host nation firms.

21 SEC. 112. None of the funds appropriated in Military
22 Construction Appropriations Acts for military construc-
23 tion in the United States territories and possessions in the
24 Pacific and on Kwajalein Atoll, or in countries bordering
25 the Arabian Gulf, may be used to award any contract esti-

1 mated by the Government to exceed \$1,000,000 to a for-
2 eign contractor: *Provided*, That this section shall not be
3 applicable to contract awards for which the lowest respon-
4 sive and responsible bid of a United States contractor ex-
5 ceeds the lowest responsive and responsible bid of a for-
6 eign contractor by greater than 20 per centum: *Provided*
7 *further*, That this section shall not apply to contract
8 awards for military construction on Kwajalein Atoll for
9 which the lowest responsive and responsible bid is submit-
10 ted by a Marshallese contractor.

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 115. Funds appropriated to the Department of
25 Defense for construction in prior years shall be available

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 any other provision of
12 law, appropriations made available to the Department of
13 Defense Family Housing Improvement Fund shall be the
14 sole source of funds available for planning, administrative,
15 and oversight costs incurred by the Department of De-
16 fense relating to military family housing initiatives and
17 military unaccompanied housing initiatives undertaken
18 pursuant to the provisions of subchapter IV of chapter
19 169, title 10, United States Code, pertaining to alternative
20 means of acquiring and improving military family housing,
21 military unaccompanied housing, and supporting facilities.

22 This Act may be cited as the “Military Construction
23 Appropriations Act, 1998”.