

Union Calendar No. 88

108TH CONGRESS
1ST SESSION

H. R. 2559

[Report No. 108-173]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. KNOLLENBERG, 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, 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,*
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-

1 ment and closure functions administered by the Depart-
2 ment of Defense, for the fiscal year ending September 30,
3 2004, and for other purposes, namely:

4 MILITARY CONSTRUCTION, ARMY

5 (INCLUDING RESCISSIONS)

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$1,533,660,000, to re-
14 main available until September 30, 2008: *Provided*, That
15 of this amount, not to exceed \$122,710,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, and host nation support, as authorized by law,
18 unless the Secretary of Defense determines that additional
19 obligations are necessary for such purposes and notifies
20 the Committees on Appropriations of both Houses of Con-
21 gress of his determination and the reasons therefor: *Pro-*
22 *vided further*, That of the funds appropriated for “Military
23 Construction, Army” under Public Law 107–249,
24 \$142,200,000 are rescinded: *Provided further*, That of the
25 funds appropriated for “Military Construction, Army”

1 under Public Law 107–64, \$24,000,000 are rescinded: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4 \$17,415,000 are rescinded.

5 MILITARY CONSTRUCTION, NAVY

6 (INCLUDING RESCISSIONS)

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, naval in-
9 stallations, facilities, and real property for the Navy as
10 currently authorized by law, including personnel in the
11 Naval Facilities Engineering Command and other per-
12 sonal services necessary for the purposes of this appropria-
13 tion, \$1,211,077,000, to remain available until September
14 30, 2008: *Provided*, That of this amount, not to exceed
15 \$65,612,000 shall be available for study, planning, design,
16 architect and engineer services, as authorized by law, un-
17 less 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: *Pro-*
21 *vided further*, That of the funds appropriated for “Military
22 Construction, Navy” under Public Law 107–249,
23 \$27,213,000 are rescinded: *Provided further*, That of the
24 funds appropriated for “Military Construction, Navy”
25 under Public Law 107–64, \$12,109,000 are 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, \$896,136,000, to remain
6 available until September 30, 2008: *Provided*, That of this
7 amount, not to exceed \$80,543,000 shall be available for
8 study, planning, design, architect and engineer services,
9 as authorized by law, unless the Secretary of Defense de-
10 termines that additional obligations are necessary for such
11 purposes and notifies the Committees on Appropriations
12 of both Houses of Congress of his determination and the
13 reasons therefor.

14 MILITARY CONSTRUCTION, DEFENSE-WIDE

15 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, installa-
18 tions, facilities, and real property for activities and agen-
19 cies of the Department of Defense (other than the military
20 departments), as currently authorized by law,
21 \$813,613,000, to remain available until September 30,
22 2008: *Provided*, That such amounts of this appropriation
23 as may be determined by the Secretary of Defense may
24 be transferred to such appropriations of the Department
25 of Defense available for military construction or family

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

14 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

22 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

23 For construction, acquisition, expansion, rehabilita-
24 tion, and conversion of facilities for the training and ad-
25 ministration of the Air National Guard, and contributions

1 therefor, as authorized by chapter 1803 of title 10, United
2 States Code, and Military Construction Authorization
3 Acts, \$77,105,000, to remain available until September
4 30, 2008.

5 MILITARY CONSTRUCTION, ARMY RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Army Reserve as authorized by chapter
9 1803 of title 10, United States Code, and Military Con-
10 struction Authorization Acts, \$84,569,000, to remain
11 available until September 30, 2008.

12 MILITARY CONSTRUCTION, NAVAL RESERVE

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

20 MILITARY CONSTRUCTION, AIR FORCE RESERVE

21 For construction, acquisition, expansion, rehabilita-
22 tion, and conversion of facilities for the training and ad-
23 ministration of the Air Force Reserve as authorized by
24 chapter 1803 of title 10, United States Code, and Military

1 Construction Authorization Acts, \$56,212,000, to remain
2 available until September 30, 2008.

3 NORTH ATLANTIC TREATY ORGANIZATION

4 SECURITY INVESTMENT PROGRAM

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

14 FAMILY HOUSING CONSTRUCTION, ARMY

15 (INCLUDING RESCISSION)

16 For expenses of family housing for the Army for con-
17 struction, including acquisition, replacement, addition, ex-
18 pansion, extension and alteration, as authorized by law,
19 \$409,191,000, to remain available until September 30,
20 2008: *Provided*, That of the funds appropriated for “Fam-
21 ily Housing Construction, Army” under Public Law 107–
22 249, \$52,300,000 are rescinded.

1 teration, as authorized by law, \$350,000, to remain avail-
2 able until September 30, 2008.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

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

10 DEPARTMENT OF DEFENSE FAMILY HOUSING
11 IMPROVEMENT FUND

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

18 BASE REALIGNMENT AND CLOSURE ACCOUNT

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

20 This Act may be cited as the “Military Construction
21 Appropriations Act, 2004”.

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H. R. 2559

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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, 2004, and for other purposes.

JUNE 23, 2003

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