

108TH CONGRESS  
2D SESSION

# H. R. 4837

---

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2004

Order to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

---

## 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, 2005, 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-~~  
6 ~~ment and closure functions administered by the Depart-~~  
7 ~~ment of Defense, for the fiscal year ending September 30,~~  
8 ~~2005, 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, \$1,862,854,000, to re-  
10 main available until September 30, 2009: *Provided*, That  
11 of this amount, not to exceed \$140,554,000 shall be avail-  
12 able for study, planning, design, architect and engineer  
13 services, and host nation support, as authorized by law,  
14 unless the Secretary of Defense determines that additional  
15 obligations are necessary for such purposes and notifies  
16 the Committees on Appropriations of the House of Rep-  
17 resentatives and Senate of the determination and the rea-  
18 sons therefor.

## 19                   MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

20           For acquisition, construction, installation, and equip-  
21 ment of temporary or permanent public works, naval in-  
22 stallations, facilities, and real property for the Navy and  
23 Marine Corps as currently authorized by law, including  
24 personnel in the Naval Facilities Engineering Command  
25 and other personal services necessary for the purposes of

1 this appropriation, \$1,081,042,000, to remain available  
2 until September 30, 2009: *Provided*, That of this amount,  
3 not to exceed ~~\$93,284,000~~ shall be available for study,  
4 planning, design, and architect and engineer services, as  
5 authorized by law, unless the Secretary of Defense deter-  
6 mines that additional obligations are necessary for such  
7 purposes and notifies the Committees on Appropriations  
8 of the House of Representatives and Senate of the deter-  
9 mination and the reasons therefor.

10 **MILITARY CONSTRUCTION, AIR FORCE**

11 For acquisition, construction, installation, and equip-  
12 ment of temporary or permanent public works, military  
13 installations, facilities, and real property for the Air Force  
14 as currently authorized by law, \$797,865,000, to remain  
15 available until September 30, 2009: *Provided*, That of this  
16 amount, not to exceed \$165,367,000 shall be available for  
17 study, planning, design, and architect and engineer serv-  
18 ices, as authorized by law, unless the Secretary of Defense  
19 determines that additional obligations are necessary for  
20 such purposes and notifies the Committees on Appropria-  
21 tions of the House of Representatives and Senate of the  
22 determination and the 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 \$718,837,000, to remain available until September 30,  
9 2009: *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 the Secretary may designate, to be merged with  
14 and to be available for the same purposes, and for the  
15 same time period, as the appropriation or fund to which  
16 transferred: *Provided further*, That of the amount appro-  
17 priated, not to exceed \$63,482,000 shall be available for  
18 study, planning, design, and architect and engineer serv-  
19 ices, as authorized by law, unless the Secretary of Defense  
20 determines that additional obligations are necessary for  
21 such purposes and notifies the Committees on Appropria-  
22 tions of the House of Representatives and Senate of the  
23 determination and the reasons therefor.

## 1     MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2           For construction, acquisition, expansion, rehabilita-  
3 tion, and conversion of facilities for the training and ad-  
4 ministration of the Army National Guard, and contribu-  
5 tions therefor, as authorized by chapter 1803 of title 10,  
6 United States Code, and Military Construction Authoriza-  
7 tion Acts, \$394,100,000, to remain available until Sep-  
8 tember 30, 2009: *Provided*, That of this amount, not to  
9 exceed \$74,982,000 shall be available for study, planning,  
10 design, and 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 the House  
14 of Representatives and Senate of the determination and  
15 the reasons therefor.

## 16     MILITARY CONSTRUCTION, AIR NATIONAL GUARD

17           For construction, acquisition, expansion, rehabilita-  
18 tion, and conversion of facilities for the training and ad-  
19 ministration of the Air National Guard, and contributions  
20 therefor, as authorized by chapter 1803 of title 10, United  
21 States Code, and Military Construction Authorization  
22 Acts, \$180,533,000, to remain available until September  
23 30, 2009: *Provided*, That of this amount, not to exceed  
24 \$20,433,000 shall be available for study, planning, design,  
25 and architect and engineer services, as authorized by law,

1 unless the Secretary of Defense determines that additional  
2 obligations are necessary for such purposes and notifies  
3 the Committees on Appropriations of the House of Rep-  
4 resentatives and Senate of the determination and the rea-  
5 sons therefor.

6           MILITARY CONSTRUCTION, ARMY RESERVE

7           For construction, acquisition, expansion, rehabilita-  
8 tion, and conversion of facilities for the training and ad-  
9 ministration of the Army Reserve as authorized by chapter  
10 1803 of title 10, United States Code, and Military Con-  
11 struction Authorization Acts, \$116,521,000, to remain  
12 available until September 30, 2009: *Provided*, That of this  
13 amount, not to exceed \$13,413,000 shall be available for  
14 study, planning, design, and architect and engineer serv-  
15 ices, as authorized by law, unless the Secretary of Defense  
16 determines that additional obligations are necessary for  
17 such purposes and notifies the Committees on Appropria-  
18 tions of the House of Representatives and Senate of the  
19 determination and the reasons therefor.

20           MILITARY CONSTRUCTION, NAVAL RESERVE

21           For construction, acquisition, expansion, rehabilita-  
22 tion, and conversion of facilities for the training and ad-  
23 ministration of the reserve components of the Navy and  
24 Marine Corps as authorized by chapter 1803 of title 10,  
25 United States Code, and Military Construction Authoriza-

1 tion Acts, ~~\$30,955,000~~, to remain available until Sep-  
2 tember 30, 2009: *Provided*, That of this amount, not to  
3 exceed ~~\$1,653,000~~ shall be available for study, planning,  
4 design, and architect and engineer services, as authorized  
5 by law, unless the Secretary of Defense determines that  
6 additional obligations are necessary for such purposes and  
7 notifies the Committees on Appropriations of the House  
8 of Representatives and Senate of the determination and  
9 the reasons therefor.

10 ~~MILITARY CONSTRUCTION, AIR FORCE RESERVE~~

11 ~~For construction, acquisition, expansion, rehabilita-~~  
12 ~~tion, and conversion of facilities for the training and ad-~~  
13 ~~ministration of the Air Force Reserve as authorized by~~  
14 ~~chapter 1803 of title 10, United States Code, and Military~~  
15 ~~Construction Authorization Acts, \$111,725,000, to remain~~  
16 ~~available until September 30, 2009: *Provided*, That of this~~  
17 ~~amount, not to exceed \$8,612,000 shall be available for~~  
18 ~~study, planning, design, and architect and engineer serv-~~  
19 ~~ices, as authorized by law, unless the Secretary of Defense~~  
20 ~~determines that additional obligations are necessary for~~  
21 ~~such purposes and notifies the Committees on Appropria-~~  
22 ~~tions of the House of Representatives and Senate of the~~  
23 ~~determination and the reasons therefor.~~

1           NORTH ATLANTIC TREATY ORGANIZATION  
2                       SECURITY INVESTMENT PROGRAM

3           For the United States share of the cost of the North  
4 Atlantic Treaty Organization Security Investment Pro-  
5 gram for the acquisition and construction of military fa-  
6 cilities and installations (including international military  
7 headquarters) and for related expenses for the collective  
8 defense of the North Atlantic Treaty Area as authorized  
9 by section 2806 of title 10, United States Code, and Mili-  
10 tary Construction Authorization Acts, \$165,800,000, to  
11 remain available until expended.

12                       FAMILY HOUSING CONSTRUCTION, ARMY

13           For expenses of family housing for the Army for con-  
14 struction, including acquisition, replacement, addition, ex-  
15 pansion, extension, and alteration, as authorized by law,  
16 \$636,099,000, to remain available until September 30,  
17 2009.

18                       FAMILY HOUSING OPERATION AND MAINTENANCE,

19                                       ARMY

20           For expenses of family housing for the Army for op-  
21 eration and maintenance, including debt payment, leasing,  
22 minor construction, principal and interest charges, and in-  
23 surance premiums, as authorized by law, \$926,507,000.

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE  
2 CORPS

3 For expenses of family housing for the Navy and Ma-  
4 rine Corps for construction, including acquisition, replace-  
5 ment, addition, expansion, extension, and alteration, as  
6 authorized by law, \$139,107,000, to remain available until  
7 September 30, 2009.

8 FAMILY HOUSING OPERATION AND MAINTENANCE,  
9 NAVY AND MARINE CORPS

10 For expenses of family housing for the Navy and Ma-  
11 rine Corps for operation and maintenance, including debt  
12 payment, leasing, minor construction, principal and inter-  
13 est charges, and insurance premiums, as authorized by  
14 law, \$696,304,000.

15 FAMILY HOUSING CONSTRUCTION, AIR FORCE

16 For expenses of family housing for the Air Force for  
17 construction, including acquisition, replacement, addition,  
18 expansion, extension, and alteration, as authorized by law,  
19 \$846,959,000, to remain available until September 30,  
20 2009.

21 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR  
22 FORCE

23 For expenses of family housing for the Air Force for  
24 operation and maintenance, including debt payment, leas-  
25 ing, minor construction, principal and interest charges,

1 and insurance premiums, as authorized by law,  
2 \$854,666,000.

3 ~~FAMILY HOUSING CONSTRUCTION, 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, as authorized by law, \$49,000, to remain avail-  
9 able until September 30, 2009.

10 ~~FAMILY HOUSING OPERATION AND MAINTENANCE,~~  
11 ~~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 operation and maintenance,  
15 leasing, and minor construction, as authorized by law,  
16 \$49,575,000.

17 ~~DEPARTMENT OF DEFENSE FAMILY HOUSING~~  
18 ~~IMPROVEMENT FUND~~

19 For the Department of Defense Family Housing Im-  
20 provement Fund, \$2,500,000, to remain available until ex-  
21 pended, for family housing initiatives undertaken pursu-  
22 ant to section 2882 of title 10, United States Code, pro-  
23 viding alternative means of acquiring and improving mili-  
24 tary family housing and supporting facilities.





1 the Army Corps of Engineers or the Naval Facilities Engi-  
2 neering Command, except: (1) where there is a determina-  
3 tion of value by a Federal court; (2) purchases negotiated  
4 by the Attorney General or his designee; (3) where the  
5 estimated value is less than \$25,000; or (4) as otherwise  
6 determined by the Secretary of Defense to be in the public  
7 interest.

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

13       SEC. 107. None of the funds made available in this  
14 Act for minor construction may be used to transfer or relo-  
15 cate any activity from one base or installation to another,  
16 without prior notification to the Committees on Appro-  
17 priations of the House of Representatives and Senate.

18       SEC. 108. None of the funds made available in this  
19 Act may be used for the procurement of steel for any con-  
20 struction project or activity for which American steel pro-  
21 ducers, fabricators, and manufacturers have been denied  
22 the opportunity to compete for such steel procurement.

23       SEC. 109. None of the funds available to the Depart-  
24 ment of Defense for military construction or family hous-

1 ing during the current fiscal year may be used to pay real  
2 property taxes in any foreign nation.

3       SEC. 110. None of the funds made available in this  
4 Act may be used to initiate a new installation overseas  
5 without prior notification to the Committees on Appro-  
6 priations of the House of Representatives and Senate.

7       SEC. 111. None of the funds made available in this  
8 Act may be obligated for architect and engineer contracts  
9 estimated by the Government to exceed \$500,000 for  
10 projects to be accomplished in Japan, in any NATO mem-  
11 ber country, or in countries bordering the Arabian Sea,  
12 unless such contracts are awarded to United States firms  
13 or United States firms in joint venture with host nation  
14 firms.

15       SEC. 112. None of the funds made available in this  
16 Act for military construction in the United States terri-  
17 tories and possessions in the Pacific and on Kwajalein  
18 Atoll, or in countries bordering the Arabian Sea, may be  
19 used to award any contract estimated by the Government  
20 to exceed \$1,000,000 to a foreign contractor: *Provided,*  
21 *That this section shall not be applicable to contract*  
22 *awards for which the lowest responsive and responsible bid*  
23 *of a United States contractor exceeds the lowest respon-*  
24 *sive and responsible bid of a foreign contractor by greater*  
25 *than 20 percent. Provided further, That this section shall*







## (TRANSFER OF FUNDS)

1  
2       SEC. 121. Subject to 30 days prior notification to the  
3 Committees on Appropriations of the House of Represent-  
4 atives and Senate, such additional amounts as may be de-  
5 termined by the Secretary of Defense may be transferred  
6 to the Department of Defense Family Housing Improve-  
7 ment Fund from amounts appropriated for construction  
8 in "Family Housing" accounts, to be merged with and to  
9 be available for the same purposes and for the same period  
10 of time as amounts appropriated directly to the Fund:  
11 *Provided*, That appropriations made available to the Fund  
12 shall be available to cover the costs, as defined in section  
13 502(5) of the Congressional Budget Act of 1974, of direct  
14 loans or loan guarantees issued by the Department of De-  
15 fense pursuant to the provisions of subchapter IV of chap-  
16 ter 169, title 10, United States Code, pertaining to alter-  
17 native means of acquiring and improving military family  
18 housing and supporting facilities.

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

23       SEC. 123. (a) Not later than 60 days before issuing  
24 any solicitation for a contract with the private sector for  
25 military family housing the Secretary of the military de-



1 Act of 1990 (10 U.S.C. 2687 note), to the fund estab-  
2 lished by section 1013(d) of the Demonstration Cities and  
3 Metropolitan Development Act of 1966 (42 U.S.C. 3374)  
4 to pay for expenses associated with the Homeowners As-  
5 sistance Program. Any amounts transferred shall be  
6 merged with and be available for the same purposes and  
7 for the same time period as the fund to which transferred.

8       SEC. 125. Notwithstanding this or any other provi-  
9 sion of law, funds made available in this Act for operation  
10 and maintenance of family housing shall be the exclusive  
11 source of funds for repair and maintenance of all family  
12 housing units, including general or flag officer quarters:  
13 *Provided*, That not more than \$20,000 per unit may be  
14 spent annually for the maintenance and repair of any gen-  
15 eral or flag officer quarters without 30 days advance noti-  
16 fication to the Committees on Appropriations of the House  
17 of Representatives and Senate and Committees on Armed  
18 Services of the House of Representatives and Senate, ex-  
19 cept that an after-the-fact notification shall be submitted  
20 if the limitation is exceeded solely due to costs associated  
21 with environmental remediation that could not be reason-  
22 ably anticipated at the time of the budget submission: *Pro-*  
23 *vided further*, That the Under Secretary of Defense  
24 (Comptroller) is to report annually to the Committees on  
25 Appropriations of the House of Representatives and Sen-

1 ate all operations and maintenance expenditures for each  
2 individual general or flag officer quarters for the prior fis-  
3 cal year.

4       SEC. 126. 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. 127. None of the funds made available in this  
10 Act under the heading “North Atlantic Treaty Organiza-  
11 tion Security Investment Program”, and no funds appro-  
12 priated for any fiscal year before fiscal year 2005 for that  
13 program that remain available for obligation, may be obli-  
14 gated or expended for the conduct of studies of missile  
15 defense.

16       SEC. 128. Whenever the Secretary of Defense or any  
17 other official of the Department of Defense is requested  
18 by the chairman of the Subcommittee on Military Con-  
19 struction of the Committee on Appropriations of the  
20 House of Representatives to respond to a question or in-  
21 quiry submitted by the chairman or another member of  
22 that subcommittee pursuant to a subcommittee hearing or  
23 other activity, the Secretary (or other official) shall re-  
24 spond to the request, in writing, within 21 days of the

1 date on which the request is transmitted to the Secretary  
2 (or other official).

3       SEC. 129. The fitness center at Homestead Air Re-  
4 serve Base, Florida, shall be known and designated as the  
5 “Sam Johnson Fitness Center”. Any reference to such fa-  
6 cility in any law, regulation, map, document, record, or  
7 other paper of the United States shall be considered to  
8 be a reference to the Sam Johnson Fitness Center.

9       This Act may be cited as the “Military Construction  
10 Appropriations Act, 2005”.

11 *That the following sums are appropriated, out of any*  
12 *money in the Treasury not otherwise appropriated for mili-*  
13 *tary construction, family housing, and base realignment*  
14 *and closure functions administered by the Department of*  
15 *Defense, for the fiscal year ending September 30, 2005, and*  
16 *for other purposes, namely:*

17                               *MILITARY CONSTRUCTION, ARMY*

18       *For acquisition, construction, installation, and equip-*  
19 *ment of temporary or permanent public works, military in-*  
20 *stallations, facilities, and real property for the Army as*  
21 *currently authorized by law, including personnel in the*  
22 *Army Corps of Engineers and other personal services nec-*  
23 *essary for the purposes of this appropriation, and for con-*  
24 *struction and operation of facilities in support of the func-*  
25 *tions of the Commander in Chief, \$1,977,166,000, to remain*

1 *available until September 30, 2009: Provided, That of this*  
2 *amount, not to exceed \$187,216,000 shall be available for*  
3 *study, planning, design, architect and engineer services,*  
4 *and host nation support, as authorized by law, unless the*  
5 *Secretary of Defense determines that additional obligations*  
6 *are necessary for such purposes and notifies the Committees*  
7 *on Appropriations of both Houses of Congress of his deter-*  
8 *mination and the reasons therefor.*

9 *MILITARY CONSTRUCTION, NAVY*

10 *For acquisition, construction, installation, and equip-*  
11 *ment of temporary or permanent public works, naval in-*  
12 *stallations, facilities, and real property for the Navy as cur-*  
13 *rently authorized by law, including personnel in the Naval*  
14 *Facilities Engineering Command and other personal serv-*  
15 *ices necessary for the purposes of this appropriation,*  
16 *\$1,016,315,000, to remain available until September 30,*  
17 *2009: Provided, That of this amount, not to exceed*  
18 *\$110,277,000 shall be available for study, planning, design,*  
19 *architect and engineer services, as authorized by law, unless*  
20 *the Secretary of Defense determines that additional obliga-*  
21 *tions are necessary for such purposes and notifies the Com-*  
22 *mittees on Appropriations of both Houses of Congress of his*  
23 *determination and the reasons therefor.*

1                    *MILITARY CONSTRUCTION, AIR FORCE*

2            *For acquisition, construction, installation, and equip-*  
3 *ment of temporary or permanent public works, military in-*  
4 *stallations, facilities, and real property for the Air Force*  
5 *as currently authorized by law, \$841,131,000, to remain*  
6 *available until September 30, 2009: Provided, That of this*  
7 *amount, not to exceed \$180,507,000 shall be available for*  
8 *study, planning, design, architect and engineer services, as*  
9 *authorized by law, unless the Secretary of Defense deter-*  
10 *mines that additional obligations are necessary for such*  
11 *purposes and notifies the Committees on Appropriations of*  
12 *both Houses of Congress of his determination and the rea-*  
13 *sons therefor.*

14                    *MILITARY CONSTRUCTION, DEFENSE-WIDE*

15            *For acquisition, construction, installation, and equip-*  
16 *ment of temporary or permanent public works, installa-*  
17 *tions, facilities, and real property for activities and agen-*  
18 *cies of the Department of Defense (other than the military*  
19 *departments), as currently authorized by law,*  
20 *\$696,491,000, to remain available until September 30,*  
21 *2009: Provided, That such amounts of this appropriation*  
22 *as may be determined by the Secretary of Defense may be*  
23 *transferred to such appropriations of the Department of De-*  
24 *fense available for military construction or family housing*  
25 *as he may designate, to be merged with and to be available*

1 *for the same purposes, and for the same time period, as*  
2 *the appropriation or fund to which transferred: Provided*  
3 *further, That of the amount appropriated, not to exceed*  
4 *\$66,336,000 shall be available for study, planning, design,*  
5 *architect and engineer services, as authorized by law, unless*  
6 *the Secretary of Defense determines that additional obliga-*  
7 *tions are necessary for such purposes and notifies the Com-*  
8 *mittees on Appropriations of both Houses of Congress of his*  
9 *determination and the reasons therefor.*

10 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

11 *For construction, acquisition, expansion, rehabilita-*  
12 *tion, and conversion of facilities for the training and ad-*  
13 *ministration of the Army National Guard, and contribu-*  
14 *tions therefor, as authorized by chapter 1803 of title 10,*  
15 *United States Code, and Military Construction Authoriza-*  
16 *tion Acts, \$381,765,000, to remain available until Sep-*  
17 *tember 30, 2009.*

18 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

19 *For construction, acquisition, expansion, rehabilita-*  
20 *tion, and conversion of facilities for the training and ad-*  
21 *ministration of the Air National Guard, and contributions*  
22 *therefor, as authorized by chapter 1803 of title 10, United*  
23 *States Code, and Military Construction Authorization Acts,*  
24 *\$231,083,000, to remain available until September 30,*  
25 *2009.*

1            *MILITARY CONSTRUCTION, ARMY RESERVE*

2            *For construction, acquisition, expansion, rehabilita-*  
3 *tion, and conversion of facilities for the training and ad-*  
4 *ministration of the Army Reserve as authorized by chapter*  
5 *1803 of title 10, United States Code, and Military Con-*  
6 *struction Authorization Acts, \$66,325,000, to remain avail-*  
7 *able until September 30, 2009.*

8            *MILITARY CONSTRUCTION, NAVAL RESERVE*

9            *For construction, acquisition, expansion, rehabilita-*  
10 *tion, and conversion of facilities for the training and ad-*  
11 *ministration of the reserve components of the Navy and Ma-*  
12 *rine Corps as authorized by chapter 1803 of title 10, United*  
13 *States Code, and Military Construction Authorization Acts,*  
14 *\$33,735,000, to remain available until September 30, 2009.*

15           *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

16           *For construction, acquisition, expansion, rehabilita-*  
17 *tion, and conversion of facilities for the training and ad-*  
18 *ministration of the Air Force Reserve as authorized by*  
19 *chapter 1803 of title 10, United States Code, and Military*  
20 *Construction Authorization Acts, \$101,373,000, to remain*  
21 *available until September 30, 2009.*

22           *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*

23                            *INVESTMENT PROGRAM*

24           *For the United States share of the cost of the North*  
25 *Atlantic Treaty Organization Security Investment Pro-*

1 *gram for the acquisition and construction of military facili-*  
2 *ties and installations (including international military*  
3 *headquarters) and for related expenses for the collective de-*  
4 *fense of the North Atlantic Treaty Area as authorized in*  
5 *Military Construction Authorization Acts and section 2806*  
6 *of title 10, United States Code, \$165,800,000, to remain*  
7 *available until expended.*

8 *FAMILY HOUSING CONSTRUCTION, ARMY*

9 *For expenses of family housing for the Army for con-*  
10 *struction, including acquisition, replacement, addition, ex-*  
11 *pansion, extension and alteration, as authorized by law,*  
12 *\$636,099,000, to remain available until September 30,*  
13 *2009.*

14 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

15 *For expenses of family housing for the Army for oper-*  
16 *ation and maintenance, including debt payment, leasing,*  
17 *minor construction, principal and interest charges, and in-*  
18 *surance premiums, as authorized by law, \$928,907,000.*

19 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*

20 *CORPS*

21 *For expenses of family housing for the Navy and Ma-*  
22 *rine Corps for construction, including acquisition, replace-*  
23 *ment, addition, expansion, extension and alteration, as au-*  
24 *thorized by law, \$139,107,000, to remain available until*  
25 *September 30, 2009.*

1 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*  
2 *AND MARINE CORPS*

3 *For expenses of family housing for the Navy and Ma-*  
4 *rine Corps for operation and maintenance, including debt*  
5 *payment, leasing, minor construction, principal and inter-*  
6 *est charges, and insurance premiums, as authorized by law,*  
7 *\$704,504,000.*

8 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

9 *For expenses of family housing for the Air Force for*  
10 *construction, including acquisition, replacement, addition,*  
11 *expansion, extension and alteration, as authorized by law,*  
12 *\$846,959,000, to remain available until September 30,*  
13 *2009.*

14 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*  
15 *FORCE*

16 *For expenses of family housing for the Air Force for*  
17 *operation and maintenance, including debt payment, leas-*  
18 *ing, minor construction, principal and interest charges,*  
19 *and insurance premiums, as authorized by law,*  
20 *\$856,114,000.*

21 *FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE*

22 *For expenses of family housing for the activities and*  
23 *agencies of the Department of Defense (other than the mili-*  
24 *tary departments) for construction, including acquisition,*  
25 *replacement, addition, expansion, extension and alteration,*

1 *as authorized by law, \$49,000, to remain available until*  
2 *September 30, 2009.*

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 mili-*  
7 *tary departments) for operation and maintenance, leasing,*  
8 *and minor construction, as authorized by law, \$49,575,000.*

9 *DEPARTMENT OF DEFENSE FAMILY HOUSING*  
10 *IMPROVEMENT FUND*

11 *For the Department of Defense Family Housing Im-*  
12 *provement Fund, \$2,500,000, to remain available until ex-*  
13 *pendent, for family housing initiatives undertaken pursuant*  
14 *to section 2883 of title 10, United States Code, providing*  
15 *alternative means of acquiring and improving military*  
16 *family housing and supporting facilities.*

17 *CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE*

18 *For expenses of construction, not otherwise provided*  
19 *for, necessary for the destruction of the United States stock-*  
20 *pile of lethal chemical agents and munitions in accordance*  
21 *with the provisions of section 1412 of the Department of*  
22 *Defense Authorization Act, 1986 (50 U.S.C. 1521), and for*  
23 *the destruction of other chemical warfare materials that are*  
24 *not in the chemical weapon stockpile, as currently author-*  
25 *ized by law, \$81,886,000, to remain available until Sep-*

1 *tember 30, 2009: Provided, That such amounts of this ap-*  
2 *propriation as may be determined by the Secretary of De-*  
3 *fense may be transferred to such appropriations of the De-*  
4 *partment of Defense available for military construction as*  
5 *he may designate, to be merged with and to be available*  
6 *for the same purposes, and for the same time period, as*  
7 *the appropriation to which transferred.*

8 *BASE REALIGNMENT AND CLOSURE ACCOUNT*

9 *For deposit into the Department of Defense Base Clo-*  
10 *sure Account 1990 established by section 2906(a)(1) of the*  
11 *Department of Defense Authorization Act, 1991 (Public*  
12 *Law 101–510), \$246,116,000, to remain available until ex-*  
13 *pended.*

14 *GENERAL PROVISIONS*

15 *SEC. 101. None of the funds appropriated in Military*  
16 *Construction Appropriations Acts shall be expended for*  
17 *payments under a cost-plus-a-fixed-fee contract for con-*  
18 *struction, where cost estimates exceed \$25,000, to be per-*  
19 *formed within the United States, except Alaska, without the*  
20 *specific approval in writing of the Secretary of Defense set-*  
21 *ting forth the reasons therefor.*

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

1       *SEC. 103. Funds appropriated to the Department of*  
2 *Defense for construction may be used for advances to the*  
3 *Federal Highway Administration, Department of Trans-*  
4 *portation, for the construction of access roads as authorized*  
5 *by section 210 of title 23, United States Code, when projects*  
6 *authorized therein are certified as important to the national*  
7 *defense by the Secretary of Defense.*

8       *SEC. 104. None of the funds appropriated in this Act*  
9 *may be used to begin construction of new bases inside the*  
10 *continental United States for which specific appropriations*  
11 *have not been made.*

12       *SEC. 105. No part of the funds provided in Military*  
13 *Construction Appropriations Acts shall be used for purchase*  
14 *of land or land easements in excess of 100 percent of the*  
15 *value as determined by the Army Corps of Engineers or*  
16 *the Naval Facilities Engineering Command, except: (1)*  
17 *where there is a determination of value by a Federal court;*  
18 *(2) purchases negotiated by the Attorney General or his des-*  
19 *ignee; (3) where the estimated value is less than \$25,000;*  
20 *or (4) as otherwise determined by the Secretary of Defense*  
21 *to be in the public interest.*

22       *SEC. 106. None of the funds appropriated in Military*  
23 *Construction Appropriations Acts shall be used to: (1) ac-*  
24 *quire land; (2) provide for site preparation; or (3) install*  
25 *utilities for any family housing, except housing for which*

1 *funds have been made available in annual Military Con-*  
2 *struction Appropriations Acts.*

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

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

14       *SEC. 109. None of the funds available to the Depart-*  
15 *ment of Defense for military construction or family housing*  
16 *during the current fiscal year may be used to pay real prop-*  
17 *erty taxes in any foreign nation.*

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

22       *SEC. 111. None of the funds appropriated in Military*  
23 *Construction Appropriations Acts may be obligated for ar-*  
24 *chitect and engineer contracts estimated by the Government*  
25 *to exceed \$500,000 for projects to be accomplished in Japan,*

1 *in any NATO member country, or in countries bordering*  
2 *the Arabian Sea, unless such contracts are awarded to*  
3 *United States firms or United States firms in joint venture*  
4 *with host nation firms.*

5       *SEC. 112. None of the funds appropriated in Military*  
6 *Construction Appropriations Acts for military construction*  
7 *in the United States territories and possessions in the Pa-*  
8 *cific and on Kwajalein Atoll, or in countries bordering the*  
9 *Arabian Sea, may be used to award any contract estimated*  
10 *by the Government to exceed \$1,000,000 to a foreign con-*  
11 *tractor: Provided, That this section shall not be applicable*  
12 *to contract awards for which the lowest responsive and re-*  
13 *sponsible bid of a United States contractor exceeds the low-*  
14 *est responsive and responsible bid of a foreign contractor*  
15 *by greater than 20 percent: Provided further, That this sec-*  
16 *tion shall not apply to contract awards for military con-*  
17 *struction on Kwajalein Atoll for which the lowest responsive*  
18 *and responsible bid is submitted by a Marshallese con-*  
19 *tractor.*

20       *SEC. 113. The Secretary of Defense is to inform the*  
21 *appropriate committees of Congress, including the Commit-*  
22 *tees on Appropriations, of the plans and scope of any pro-*  
23 *posed military exercise involving United States personnel*  
24 *30 days prior to its occurring, if amounts expended for con-*

1 *struction, either temporary or permanent, are anticipated*  
2 *to exceed \$100,000.*

3 *SEC. 114. Not more than 20 percent of the appropria-*  
4 *tions in Military Construction Appropriations Acts which*  
5 *are limited for obligation during the current fiscal year*  
6 *shall be obligated during the last 2 months of the fiscal year.*

7 *SEC. 115. Funds appropriated to the Department of*  
8 *Defense for construction in prior years shall be available*  
9 *for construction authorized for each such military depart-*  
10 *ment by the authorizations enacted into law during the cur-*  
11 *rent session of Congress.*

12 *SEC. 116. For military construction or family housing*  
13 *projects that are being completed with funds otherwise ex-*  
14 *pired or lapsed for obligation, expired or lapsed funds may*  
15 *be used to pay the cost of associated supervision, inspection,*  
16 *overhead, engineering and design on those projects and on*  
17 *subsequent claims, if any.*

18 *SEC. 117. Notwithstanding any other provision of law,*  
19 *any funds appropriated to a military department or de-*  
20 *fense agency for the construction of military projects may*  
21 *be obligated for a military construction project or contract,*  
22 *or for any portion of such a project or contract, at any*  
23 *time before the end of the fourth fiscal year after the fiscal*  
24 *year for which funds for such project were appropriated if*  
25 *the funds obligated for such project: (1) are obligated from*

1 *funds available for military construction projects; and (2)*  
2 *do not exceed the amount appropriated for such project,*  
3 *plus any amount by which the cost of such project is in-*  
4 *creased pursuant to law.*

5       *SEC. 118. The Secretary of Defense is to provide the*  
6 *Committees on Appropriations of the Senate and the House*  
7 *of Representatives with an annual report by February 15,*  
8 *containing details of the specific actions proposed to be*  
9 *taken by the Department of Defense during the current fis-*  
10 *cal year to encourage other member nations of the North*  
11 *Atlantic Treaty Organization, Japan, Korea, and United*  
12 *States allies bordering the Arabian Sea to assume a greater*  
13 *share of the common defense burden of such nations and*  
14 *the United States.*

15       *SEC. 119. During the current fiscal year, in addition*  
16 *to any other transfer authority available to the Department*  
17 *of Defense, proceeds deposited to the Department of Defense*  
18 *Base Closure Account established by section 207(a)(1) of the*  
19 *Defense Authorization Amendments and Base Closure and*  
20 *Realignment Act (Public Law 100–526) pursuant to section*  
21 *207(a)(2)(C) of such Act, may be transferred to the account*  
22 *established by section 2906(a)(1) of the Department of De-*  
23 *fense Authorization Act, 1991, to be merged with, and to*  
24 *be available for the same purposes and the same time period*  
25 *as that account.*

1        *SEC. 120. Subject to 30 days prior notification to the*  
2 *Committees on Appropriations, such additional amounts as*  
3 *may be determined by the Secretary of Defense may be*  
4 *transferred to (1) the Department of Defense Family Hous-*  
5 *ing Improvement Fund from amounts appropriated for*  
6 *construction in “Family Housing” accounts, to be merged*  
7 *with and to be available for the same purposes and for the*  
8 *same period of time as amounts appropriated directly to*  
9 *the Fund, or (2) the Department of Defense Military Unac-*  
10 *companied Housing Improvement Fund from amounts ap-*  
11 *propriated for construction of military unaccompanied*  
12 *housing in “Military Construction” accounts, to be merged*  
13 *with and to be available for the same purposes and for the*  
14 *same period of time as amounts appropriated directly to*  
15 *the Fund: Provided, That appropriations made available*  
16 *to the Funds shall be available to cover the costs, as defined*  
17 *in section 502(5) of the Congressional Budget Act of 1974,*  
18 *of direct loans or loan guarantees issued by the Department*  
19 *of Defense pursuant to the provisions of subchapter IV of*  
20 *chapter 169, title 10, United States Code, pertaining to al-*  
21 *ternative means of acquiring and improving military fam-*  
22 *ily housing, military unaccompanied housing, and sup-*  
23 *porting facilities.*

24        *SEC. 121. None of the funds appropriated or made*  
25 *available by this Act may be obligated for Partnership for*

1 *Peace Programs in the New Independent States of the*  
2 *former Soviet Union.*

3       *SEC. 122. (a) Not later than 60 days before issuing*  
4 *any solicitation for a contract with the private sector for*  
5 *military family housing the Secretary of the military de-*  
6 *partment concerned shall submit to the congressional de-*  
7 *fense committees the notice described in subsection (b).*

8       *(b)(1) A notice referred to in subsection (a) is a notice*  
9 *of any guarantee (including the making of mortgage or*  
10 *rental payments) proposed to be made by the Secretary to*  
11 *the private party under the contract involved in the event*  
12 *of—*

13           *(A) the closure or realignment of the installation*  
14 *for which housing is provided under the contract;*

15           *(B) a reduction in force of units stationed at*  
16 *such installation; or*

17           *(C) the extended deployment overseas of units*  
18 *stationed at such installation.*

19       *(2) Each notice under this subsection shall specify the*  
20 *nature of the guarantee involved and assess the extent and*  
21 *likelihood, if any, of the liability of the Federal Government*  
22 *with respect to the guarantee.*

23       *(c) In this section, the term, “congressional defense*  
24 *committees” means the following:*

1           (1) *The Committee on Armed Services and the*  
2           *Military Construction Subcommittee, Committee on*  
3           *Appropriations of the Senate.*

4           (2) *The Committee on Armed Services and the*  
5           *Military Construction Subcommittee, Committee on*  
6           *Appropriations of the House of Representatives.*

7           *SEC. 123. During the current fiscal year, in addition*  
8           *to any other transfer authority available to the Department*  
9           *of Defense, amounts may be transferred from the account*  
10           *established by section 2906(a)(1) of the Department of De-*  
11           *fense Authorization Act, 1991, to the fund established by*  
12           *section 1013(d) of the Demonstration Cities and Metropoli-*  
13           *tan Development Act of 1966 (42 U.S.C. 3374) to pay for*  
14           *expenses associated with the Homeowners Assistance Pro-*  
15           *gram. Any amounts transferred shall be merged with and*  
16           *be available for the same purposes and for the same time*  
17           *period as the fund to which transferred.*

18           *SEC. 124. Notwithstanding this or any other provision*  
19           *of law, funds appropriated in Military Construction Ap-*  
20           *propriations Acts for operations and maintenance of family*  
21           *housing shall be the exclusive source of funds for repair and*  
22           *maintenance of all family housing units, including general*  
23           *or flag officer quarters: Provided, That not more than*  
24           *\$35,000 per unit may be spent annually for the mainte-*  
25           *nance and repair of any general or flag officer quarters*

1 *without 30 days advance prior notification to the appro-*  
2 *priate committees of Congress, except that an after-the-fact*  
3 *notification shall be submitted if the limitation is exceeded*  
4 *solely due to costs associated with environmental remedi-*  
5 *ation that could not be reasonably anticipated at the time*  
6 *of the budget submission: Provided further, That the Under*  
7 *Secretary of Defense (Comptroller) is to report annually to*  
8 *the Committees on Appropriations all operations and*  
9 *maintenance expenditures for each individual general or*  
10 *flag officer quarters for the prior fiscal year.*

11 *SEC. 125. None of the funds made available in this*  
12 *Act may be transferred to any department, agency, or in-*  
13 *strumentality of the United States Government, except pur-*  
14 *suant to a transfer made by, or transfer authority provided*  
15 *in, this Act or any other appropriation Act.*

16 *SEC. 126. No funds appropriated in this Act under*  
17 *the heading “North Atlantic Treaty Organization Security*  
18 *Investment Program”, and no funds appropriated for any*  
19 *fiscal year before fiscal year 2005 for that program that*  
20 *remain available for obligation, may be obligated or ex-*  
21 *pended for the conduct of studies of missile defense.*

22 *SEC. 127. Section 128(b)3(A) of Public Law 108–132*  
23 *is amended by striking the words “December 31, 2004” and*  
24 *replacing with “August 15, 2005”.*

1        *SEC. 128. During the current fiscal year, amounts con-*  
2 *tained in the Ford Island Improvement Account established*  
3 *under 10 U.S.C. 2814(h) are appropriated and shall be*  
4 *available until expended for the purposes specified in 10*  
5 *U.S.C. 2814(i)(1) or until transferred pursuant to the pro-*  
6 *visions of 10 U.S.C. 2814(i)(3).*

7        *SEC. 129. (a) TRANSFER OF CERTAIN EXCESS PROP-*  
8 *ERTY AT FORT HUNTER LIGGETT, CALIFORNIA.—*

9            *(1) Notwithstanding any other provision of law,*  
10 *whenever the Secretary of the Army determines that*  
11 *any portion of real property consisting of approxi-*  
12 *mately 165,000 acres at Fort Hunter Liggett, Cali-*  
13 *formia, is excess to the military needs of the Army, the*  
14 *Secretary of the Army shall first offer the property to*  
15 *the Secretary of Agriculture.*

16            *(2) If the Secretary of Agriculture determines,*  
17 *pursuant to negotiations with the Secretary of the*  
18 *Army, to accept any property offered under para-*  
19 *graph (1), the Secretary of the Army shall transfer*  
20 *administrative jurisdiction of such property to the*  
21 *Secretary of Agriculture.*

22        *(b) MANAGEMENT OF TRANSFERRED PROPERTY.—*

23            *(1) The Secretary of Agriculture shall manage*  
24 *any property transferred under subsection (a) as part*  
25 *of the National Forest System under the Act of March*

1       1, 1911 (commonly known as “Weeks Law”) (16  
2       U.S.C. 480 et seq.), and other laws relating to the Na-  
3       tional Forest System.

4               (2) Any property managed under paragraph (1)  
5       shall be subject to the concurrent jurisdiction of the  
6       State of California.

7       (c) *ADJUSTMENT OF BOUNDARIES.*—

8               (1) Effective upon the transfer of property under  
9       subsection (a), the boundaries of Los Padres National  
10       Forest shall be modified to incorporate such property.  
11       The Chief of the United States Forest Service shall  
12       file and make available for public inspection in the  
13       Office of the Chief of the United States Forest Service  
14       in Washington, District of Columbia, a map reflect-  
15       ing any modification of the boundaries of Los Padres  
16       National Forest pursuant to the preceding sentence.

17              (2) Any property incorporated within the bound-  
18       aries of Los Padres National Forest under this section  
19       shall be deemed to have been within the boundaries of  
20       Los Padres National Forest as of January 1, 1965,  
21       for purposes of section 7(a) of the Land and Water  
22       Conservation Fund Act of 1965 (16 U.S.C. 460l-  
23       9(a)).

24       (d) *ENVIRONMENTAL MATTERS.*—

1           (1) *As part of the transfer of property under sub-*  
2 *section (a), the Secretary of the Army shall—*

3           (A) *provide the Secretary of Agriculture all*  
4 *documentation and information in the possession*  
5 *of the Secretary of the Army on the environ-*  
6 *mental condition of such property, including an*  
7 *environmental baseline survey or its equivalent;*  
8 *and*

9           (B) *perform all environmental remediation*  
10 *and response necessary to protect human health*  
11 *and the environment on such property to the ex-*  
12 *tent consistent with the use of such property as*  
13 *part of the National Forest System.*

14           (2)(A) *The transfer of property under subsection*  
15 *(a) shall not affect the responsibilities of the Secretary*  
16 *of the Army with respect to such property under any*  
17 *applicable environmental law, including Comprehen-*  
18 *sive Environmental Response, Compensation, and Li-*  
19 *ability Act of 1980 (42 U.S.C. 9601 et seq.).*

20           (B) *Pursuant to the transfer of property, the*  
21 *Secretary of the Army shall perform all environ-*  
22 *mental remediation and response with respect to envi-*  
23 *ronmental contamination or injury to natural re-*  
24 *sources on such property that are attributable to*  
25 *former military activities on such property to the ex-*

1        *tent consistent with the use of such property as part*  
2        *of the National Forest System.*

3            *(C) The Secretary of Agriculture shall have no*  
4        *liability for any environmental remediation and re-*  
5        *sponse described in subparagraph (B).*

6        *SEC. 130. (a) ASSESSMENT OF BUDGET AUTHORITY*  
7        *LIMITATION ON MILITARY HOUSING PRIVATIZATION INITIA-*  
8        *TIVE.—(1) The Secretary of Defense shall assess the impacts*  
9        *on the military family housing program of having the total*  
10       *value of contracts and investments undertaken under the*  
11       *Military Housing Privatization Initiative reach the limita-*  
12       *tion on budget authority for the initiative specified in sec-*  
13       *tion 2883(g) of title 10, United States Code.*

14            *(2) The assessment shall include: an estimate of*  
15        *the appropriations and period of time necessary to*  
16        *provide the level and quality of housing contemplated*  
17        *under the Military Housing Privatization Initiative*  
18        *in the event that limitation in 10 U.S.C. 2883(g) is*  
19        *not eliminated and the potential impact on military*  
20        *families if the limitation is not eliminated.*

21            *(b) The Secretary of Defense shall, no later than De-*  
22        *cember 31, 2004, provide to the congressional defense com-*  
23        *mittees a report of the assessment required by subparagraph*  
24        *(a).*

