

104TH CONGRESS
1ST SESSION

H. R. 1817

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 19), 1995

Received; read twice and referred to the Committee on Appropriations

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, 1996, 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

1 fiscal year ending September 30, 1996, for military con-
2 struction, family housing, and base realignment and clo-
3 sure functions administered by the Department of De-
4 fense, and for other purposes, namely:

5 MILITARY CONSTRUCTION, ARMY

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, \$611,608,000, to re-
14 main available until September 30, 2000: *Provided*, That
15 of this amount, not to exceed \$50,778,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, as authorized by law, unless the Secretary of De-
18 fense determines that additional obligations are necessary
19 for such purposes and notifies the Committees on Appro-
20 priations of both Houses of Congress of his determination
21 and the reasons therefor.

22 MILITARY CONSTRUCTION, NAVY

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, \$588,243,000, to remain available until September
5 30, 2000: *Provided*, That of this amount, not to exceed
6 \$66,184,000 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.

12 MILITARY CONSTRUCTION, AIR FORCE

13 For acquisition, construction, installation, and equip-
14 ment of temporary or permanent public works, military
15 installations, facilities, and real property for the Air Force
16 as currently authorized by law, \$578,841,000, to remain
17 available until September 30, 2000: *Provided*, That of this
18 amount, not to exceed \$49,021,000 shall be available for
19 study, planning, design, architect and engineer services,
20 as authorized by law, unless the Secretary of Defense de-
21 termines that additional obligations are necessary for such
22 purposes and notifies the Committees on Appropriations
23 of both Houses of Congress of his determination and the
24 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 \$728,332,000, to remain available until September 30,
9 2000: *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 \$68,837,000 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, \$72,537,000, to remain available until Septem-
5 ber 30, 2000.

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 \$118,267,000, to remain available until September 30,
13 2000.

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, \$42,963,000, to remain available
20 until September 30, 2000.

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, \$19,655,000, to remain available until Septem-
3 ber 30, 2000.

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, \$31,502,000, to remain
10 available until September 30, 2000.

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, \$161,000,000, 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, \$126,400,000, to remain available until September
5 30, 2000; for Operation and maintenance, and for debt
6 payment, \$1,337,596,000; in all \$1,463,996,000.

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, \$531,289,000, to remain
15 available until September 30, 2000; for Operation and
16 maintenance, and for debt payment, \$1,048,329,000; in
17 all \$1,579,618,000.

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, \$294,503,000, to remain available until September

1 30, 2000; for Operation and maintenance, and for debt
2 payment, \$863,213,000; in all \$1,150,730,000.

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, \$3,772,000, to remain available for obliga-
11 tion until September 30, 2000; for Operation and mainte-
12 nance, \$30,467,000; in all \$34,239,000.

13 DEPARTMENT OF DEFENSE FAMILY HOUSING

14 IMPROVEMENT FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of Defense Family Housing Im-
17 provement Fund, \$22,000,000, to remain available until
18 expended: *Provided*, That, subject to thirty days prior no-
19 tification to the Committees on Appropriations, such addi-
20 tional amounts as may be determined by the Secretary of
21 Defense may be transferred to this Fund from amounts
22 appropriated in this Act for Construction in “Family
23 Housing” accounts, to be merged with and to be available
24 for the same purposes and for the same period of time
25 as amounts appropriated directly to that Fund: *Provided*

1 *further*, That appropriations made available to the Fund
2 in this Act shall be available to cover the costs, as defined
3 in section 502(5) of the Congressional Budget Act of
4 1974, of direct loans or loan guarantees issued by the De-
5 partment of Defense pursuant to the provisions of, and
6 amendments made by, the National Defense Authorization
7 Act for fiscal year 1996 pertaining to alternative means
8 of acquiring and improving military family housing and
9 supporting facilities.

10 HOMEOWNERS ASSISTANCE FUND, DEFENSE

11 For use in the Homeowners Assistance Fund estab-
12 lished by section 1013(d) of the Demonstration Cities and
13 Metropolitan Development Act of 1966, as amended (42
14 U.S.C. 3374), \$75,586,000, to remain available until ex-
15 pended.

16 BASE REALIGNMENT AND CLOSURE ACCOUNT,

17 PART II

18 For deposit into the Department of Defense Base
19 Closure Account 1990 established by section 2906(a)(1)
20 of the Department of Defense Authorization Act, 1991
21 (Public Law 101–510), \$964,843,000, to remain available
22 until expended: *Provided*, That not more than
23 \$224,800,000 of the funds appropriated herein shall be
24 available solely for environmental restoration.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT,

2 PART III

3 For deposit into the Department of Defense Base
4 Closure Account 1990 established by section 2906(a)(1)
5 of the Department of Defense Authorization Act, 1991
6 (Public Law 101–510), \$2,148,480,000, to remain avail-
7 able until expended: *Provided*, That not more than
8 \$232,300,000 of the funds appropriated herein shall be
9 available solely for environmental restoration.

10 BASE REALIGNMENT AND CLOSURE ACCOUNT,

11 PART IV

12 For deposit into the Department of Defense Base
13 Closure Account 1990 established by section 2906(a)(1)
14 of the Department of Defense Authorization Act, 1991
15 (Public Law 101–510), \$784,569,000, to remain available
16 until expended: *Provided*, That such funds will be available
17 for construction only to the extent detailed budget jus-
18 tification is transmitted to the Committees on Appropria-
19 tions: *Provided further*, That such funds are available sole-
20 ly for the approved 1995 base realignments and closures.

21 GENERAL PROVISIONS

22 SEC. 101. None of the funds appropriated in Military
23 Construction Appropriations Acts shall be expended for
24 payments under a cost-plus-a-fixed-fee contract for work,
25 where cost estimates exceed \$25,000, to be performed

1 within the United States, except Alaska, without the spe-
2 cific approval in writing of the Secretary of Defense set-
3 ting forth the reasons therefor: *Provided*, That the fore-
4 going shall not apply in the case of contracts for environ-
5 mental restoration at an installation that is being closed
6 or realigned where payments are made from a Base Re-
7 alignment and Closure Account.

8 SEC. 102. Funds appropriated to the Department of
9 Defense for construction shall be available for hire of pas-
10 senger motor vehicles.

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

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

22 SEC. 105. No part of the funds provided in Military
23 Construction Appropriations Acts shall be used for pur-
24 chase of land or land easements in excess of 100 per cen-
25 tum of the value as determined by the Army Corps of En-

1 gineers or the Naval Facilities Engineering Command, ex-
2 cept (a) where there is a determination of value by a Fed-
3 eral court, or (b) purchases negotiated by the Attorney
4 General or his designee, or (c) where the estimated value
5 is less than \$25,000, or (d) as otherwise determined by
6 the Secretary of Defense to be in the public interest.

7 SEC. 106. None of the funds appropriated in Military
8 Construction Appropriations Acts shall be used to (1) ac-
9 quire land, (2) provide for site preparation, or (3) install
10 utilities for any family housing, except housing for which
11 funds have been made available in annual Military Con-
12 struction Appropriations Acts.

13 SEC. 107. None of the funds appropriated in Military
14 Construction Appropriations Acts for minor construction
15 may be used to transfer or relocate any activity from one
16 base or installation to another, without prior notification
17 to the Committees on Appropriations.

18 SEC. 108. No part of the funds appropriated in Mili-
19 tary Construction Appropriations Acts may be used for
20 the procurement of steel for any construction project or
21 activity for which American steel producers, fabricators,
22 and manufacturers have been denied the opportunity to
23 compete for such steel procurement.

24 SEC. 109. None of the funds available to the Depart-
25 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 appropriated in Military
4 Construction Appropriations Acts may be used to initiate
5 a new installation overseas without prior notification to
6 the Committees on Appropriations.

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

15 SEC. 112. None of the funds appropriated in Military
16 Construction Appropriations Acts for military construc-
17 tion in the United States territories and possessions in the
18 Pacific and on Kwajalein Atoll, or in the Arabian Gulf,
19 may be used to award any contract estimated by the Gov-
20 ernment to exceed \$1,000,000 to a foreign contractor:
21 *Provided*, That this section shall not be applicable to con-
22 tract awards for which the lowest responsive and respon-
23 sible bid of a United States contractor exceeds the lowest
24 responsive and responsible bid of a foreign contractor by
25 greater than 20 per centum.

13 (TRANSFER OF FUNDS)

19 SEC. 116. For military construction or family housing
20 projects that are being completed with funds otherwise ex-
21 pired or lapsed for obligation, expired or lapsed funds may
22 be used to pay the cost of associated supervision, inspec-
23 tion, overhead, engineering and design on those projects
24 and on subsequent claims, if any.

25 SEC. 117. Notwithstanding any other provision of
26 law, any funds appropriated to a military department or

1 defense agency for the construction of military projects
2 may be obligated for a military construction project or
3 contract, or for any portion of such a project or contract,
4 at any time before the end of the fourth fiscal year after
5 the fiscal year for which funds for such project were ap-
6 propriated if the funds obligated for such project (1) are
7 obligated from funds available for military construction
8 projects, and (2) do not exceed the amount appropriated
9 for such project, plus any amount by which the cost of
10 such project is increased pursuant to law.

11 (TRANSFER OF FUNDS)

12 SEC. 118. During the five-year period after appro-
13 priations available to the Department of Defense for mili-
14 tary construction and family housing operation and main-
15 tenance and construction have expired for obligation, upon
16 a determination that such appropriations will not be nec-
17 essary for the liquidation of obligations or for making au-
18 thorized adjustments to such appropriations for obliga-
19 tions incurred during the period of availability of such ap-
20 propriations, unobligated balances of such appropriations
21 may be transferred into the appropriation "Foreign Cur-
22 rency Fluctuations, Construction, Defense" to be merged
23 with and to be available for the same time period and for
24 the same purposes as the appropriation to which trans-
25 ferred.

11

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

23 SEC. 121. No funds appropriated pursuant to this
24 Act may be expended by an entity unless the entity agrees
25 that in expending the assistance the entity will comply
26 with sections 2 through 4 of the Act of March 3, 1933

1 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
2 ican Act”).

3 SEC. 122. (a) In the case of any equipment or prod-
4 ucts that may be authorized to be purchased with financial
5 assistance provided under this Act, it is the sense of the
6 Congress that entities receiving such assistance should, in
7 expending the assistance, purchase only American-made
8 equipment and products.

9 (b) In providing financial assistance under this Act,
10 the Secretary of the Treasury shall provide to each recipi-
11 ent of the assistance a notice describing the statement
12 made in subsection (a) by the Congress.

13 (TRANSFER OF FUNDS)

14 SEC. 123. During the current fiscal year, in addition
15 to any other transfer authority available to the Depart-
16 ment of Defense, amounts may be transferred among the
17 Fund established by section 1013(d) of the Demonstration
18 Cities and Metropolitan Development Act of 1966 (42
19 U.S.C. 3374); the account established by section
20 2906(a)(1) of the Department of Defense Authorization
21 Act, 1991; and appropriations available to the Department
22 of Defense for the Homeowners Assistance Program of the
23 Department of Defense. Any amounts so transferred shall
24 be merged with and be available for the same purposes
25 and for the same time period as the fund, account, or ap-
26 propriation to which transferred.

1 SEC. 124. The Army shall use George Air Force Base
2 as the interim airhead for the National Training Center
3 at Fort Irwin until Barstow-Daggett reaches Initial Oper-
4 ational Capability as the permanent airhead.

5 SEC. 125. (a) In order to ensure the continued pro-
6 tection and enhancement of the open spaces of Fort Sheri-
7 dan, the Secretary of the Army shall convey to the Lake
8 County Forest Preserve District, Illinois (in this section
9 referred to as the “District”), all right, title, and interest
10 of the United States to a parcel of surplus real property
11 at Fort Sheridan consisting of approximately 290 acres
12 located north of the southerly boundary line of the historic
13 district at the post, including improvements thereon.

14 (b) As consideration for the conveyance by the Sec-
15 retary of the Army of the parcel of real property under
16 subsection (a), the District shall provide maintenance and
17 care to the remaining Fort Sheridan cemetery, pursuant
18 to an agreement to be entered into between the District
19 and the Secretary.

20 (c) The Secretary of the Army is also authorized to
21 convey the remaining surplus property at former Fort
22 Sheridan to the Fort Sheridan Joint Planning Committee,
23 or its successor, for an amount no less than the fair mar-
24 ket value (as determined by the Secretary of the Army)
25 of the property to be conveyed.

1 (d) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the real property (including im-
3 provements thereon) to be conveyed under subsections (a)
4 and (c) shall be determined by surveys satisfactory to the
5 Secretary. The cost of such surveys shall be borne by the
6 Lake County Forest Preserve District, and the Fort Sheri-
7 dan Joint Planning Committee, respectively.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyance under this section
11 as the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 This Act may be cited as the “Military Construction
14 Appropriations Act, 1996”.

Passed the House of Representatives June 21, 1995.

Attest:

ROBIN H. CARLE,
Clerk.

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