

104TH CONGRESS
2D SESSION

H. R. 3517

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1996

Ordered to be printed with the amendments of the Senate numbered

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, 1997, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1997, for military con-
6 struction, family housing, and base realignment and clo-
7 sure functions administered by the Department of De-
8 fense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(1)*(INCLUDING RESCISSIONS)*

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **(2)**~~\$603,584,000~~ \$448,973,000, to remain available until September 30, 2001: *Provided*, That of this amount, not to exceed **(3)**~~\$54,384,000~~ \$20,723,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor**(4)**: *Provided further*, That of the funds appropriated for “Military Construction, Army” under Public Law 103–110, \$2,028,000 is hereby rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, ~~(5)\$724,476,000~~ \$642,484,000, to remain available until September 30, 2001: *Provided*, That of this amount, not to exceed ~~(6)\$50,959,000~~ \$44,809,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor~~(7):~~ ~~*Provided further*, That of the funds appropriated for “Military Construction, Navy” under Public Law 102–136, \$6,900,000 is hereby rescinded:~~ *Provided further*, That of the funds appropriated for “Military Construction, Navy” under Public Law 102–380, ~~(8)\$2,800,000~~ \$9,000,000 is hereby rescinded: *Provided further*, That of the funds appropriated for “Military Construction, Navy” under Public Law 103–110, \$2,300,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(9)*(INCLUDING RESCISSIONS)*

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **(10)**~~\$678,914,000~~ \$704,689,000, to remain available until September 30, 2001: *Provided*, That of this amount, not to exceed **(11)**~~\$47,387,000~~ \$29,797,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor**(12)**: *Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law 103–307, \$2,100,000 is hereby rescinded.*

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS **(13)***AND RESCISSIONS)*

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **(14)**~~\$772,345,000~~ \$771,758,000, to remain available until

1 September 30, 2001: *Provided*, That such amounts of this
 2 appropriation as may be determined by the Secretary of
 3 Defense may be transferred to such appropriations of the
 4 Department of Defense available for military construction
 5 or family housing as he may designate, to be merged with
 6 and to be available for the same purposes, and for the
 7 same time period, as the appropriation or fund to which
 8 transferred: *Provided further*, That of the amount appro-
 9 priated, not to exceed ~~(15)\$12,239,000~~ \$17,139,000 shall
 10 be available for study, planning, design, architect and en-
 11 gineer services, as authorized by law, unless the Secretary
 12 of Defense determines that additional obligations are nec-
 13 essary for such purposes and notifies the Committees on
 14 Appropriations of both Houses of Congress of his deter-
 15 mination and the reasons therefor~~(16)~~: *Provided further*,
 16 *That of the funds appropriated for “Military Construction,*
 17 *Defense-wide” under Public Law 104–32, \$7,000,000 is*
 18 *hereby rescinded.*

19 ~~(17)DEPARTMENT OF DEFENSE MILITARY~~
 20 ~~UNACCOMPANIED HOUSING IMPROVEMENT FUND~~
 21 ~~(INCLUDING TRANSFER OF FUNDS)~~
 22 ~~For the Department of Defense Military Unaccom-~~
 23 ~~panied Housing Improvement Fund, \$10,000,000, to re-~~
 24 ~~main available until expended: *Provided*, That subject to~~
 25 ~~thirty days prior notification to the Committees on Appro-~~

1 priations, such additional amounts as may be determined
 2 by the Secretary of Defense may be transferred to the
 3 Fund from amounts appropriated in this Act for the ac-
 4 quisition or construction of military unaccompanied hous-
 5 ing in “Military Construction” accounts, to be merged
 6 with and to be made available for the same purposes and
 7 for the same period of time as amounts appropriated di-
 8 rectly to the Fund: *Provided further*, That appropriations
 9 made available for the Fund in this Act shall be available
 10 to cover the costs, as defined in section 502(5) of the Con-
 11 gressional Budget Act of 1974, of direct loans and loan
 12 guarantees issued by the Department of Defense pursuant
 13 to the provisions of subchapter IV of chapter 169 of title
 14 10, United States Code, pertaining to alternative means
 15 of acquiring and improving military unaccompanied hous-
 16 ing and ancillary supporting facilities.

17 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

18 For construction, acquisition, expansion, rehabilita-
 19 tion, and conversion of facilities for the training and ad-
 20 ministration of the Army National Guard, and contribu-
 21 tions therefor, as authorized by chapter 133 of title 10,
 22 United States Code, and military construction authoriza-
 23 tion Acts, ~~(18)\$41,316,000~~ \$142,948,000, to remain
 24 available until ~~(19)September 30, 2001.~~ September 30,
 25 2001: *Provided, That of the amount made available under*

1 *this heading, \$10,800,000 shall be available for construc-*
 2 *tion, phase III, at the Western Kentucky Training Site,*
 3 *Kentucky, with the amount made available for such con-*
 4 *struction to be derived from sums otherwise available under*
 5 *this heading for minor construction.*

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 ~~20~~ ~~(\$118,394,000~~ \$224,444,000, to remain available until
 13 September 30, 2001.

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, ~~(21)~~ ~~\$50,159,000~~ \$75,474,000, to
 20 remain available until September 30, 2001.

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, ~~(22)\$33,169,000~~ \$49,883,000, to remain avail-
 3 able until September 30, 2001.

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, ~~(23)\$51,655,000~~
 10 \$67,805,000, to remain available until September 30,
 11 2001.

12 NORTH ATLANTIC TREATY ORGANIZATION

13 SECURITY INVESTMENT PROGRAM

14 For the United States share of the cost of the North
 15 Atlantic Treaty Organization Security Investment Pro-
 16 gram for the acquisition and construction of military fa-
 17 cilities and installations (including international military
 18 headquarters) and for related expenses for the collective
 19 defense of the North Atlantic Treaty Area as authorized
 20 in military construction authorization Acts and section
 21 2806 of title 10, United States Code, ~~(24)\$177,000,000~~
 22 \$172,000,000, to remain available until expended.

23 FAMILY HOUSING, ARMY

24 For expenses of family housing for the Army for
 25 constrution, including acquisition, replacement, addition,

1 expansion, extension and alteration and for operation and
 2 maintenance, including debt payment, leasing, minor con-
 3 struction, principal and interest charges, and insurance
 4 premiums, as authorized by law, as follows: for Construc-
 5 tion, ~~(25)\$176,603,000~~ \$189,319,000, to remain available
 6 until September 30, 2001; for Operation and Mainte-
 7 nance, and for debt payment, ~~(26)\$1,257,466,000~~
 8 \$1,212,466,000; in all ~~(27)\$1,434,069,000~~
 9 \$1,401,785,000.

10 FAMILY HOUSING, NAVY AND MARINE CORPS

11 For expenses of family housing for the Navy and Ma-
 12 rine Corps for construction, including acquisition, replace-
 13 ment, addition, expansion, extension and alteration and
 14 for operation and maintenance, including debt payment,
 15 leasing, minor construction, principal and interest
 16 charges, and insurance premiums, as authorized by law,
 17 as follows: for Construction, ~~(28)\$532,456,000~~
 18 \$418,326,000, to remain available until September 30,
 19 2001; for Operation and Maintenance, and for debt pay-
 20 ment, ~~(29)\$1,058,241,000~~ \$1,014,241,000; in all
 21 ~~(30)\$1,590,697,000~~ \$1,432,567,000.

22 FAMILY HOUSING, AIR FORCE

23 For expenses of family housing for the Air Force for
 24 construction, including acquisition, replacement, addition,
 25 expansion, 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, ~~(31)\$304,068,000~~ \$291,464,000, to remain available
 5 until September 30, 2001; for Operation and Mainte-
 6 nance, and for debt payment, ~~(32)\$840,474,000~~
 7 \$829,474,000; in all ~~(33)\$1,144,542,000~~ \$1,120,938,000.

8 FAMILY HOUSING, DEFENSE-WIDE

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

18 DEPARTMENT OF DEFENSE FAMILY HOUSING

19 IMPROVEMENT FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of Defense Family Housing Im-
 22 provement Fund, ~~(34)\$35,000,000~~ \$20,000,000, to re-
 23 main available until ~~(35)expended~~ *September 30, 2001:*
 24 *Provided, That,* subject to thirty days prior notification
 25 to the Committees on Appropriations, such additional

1 amounts as may be determined by the Secretary of De-
 2 fense may be transferred to the Fund from amounts ap-
 3 propriated ~~(36) in this Act~~ for construction in “Family
 4 Housing” accounts, to be merged with and to be available
 5 for the same purposes and for the same period of time
 6 as amounts appropriated directly to the Fund: *Provided*
 7 *further*, That appropriations made available to the Fund
 8 in this Act shall be available to cover the costs, as defined
 9 in section 502(5) of the Congressional Budget Act of
 10 1974, of direct loans or loan guarantees issued by the De-
 11 partment of Defense pursuant to the provisions of sub-
 12 chapter IV of Chapter 169, title 10, United States Code,
 13 pertaining to alternative means of acquiring and improv-
 14 ing military family housing and supporting facilities.

15 HOMEOWNERS ASSISTANCE FUND, DEFENSE

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

21 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

22 For deposit into the Department of Defense Base
 23 Closure Account 1990 established by section 2906(a)(1)
 24 of the Department of Defense Authorization Act, 1991
 25 (Public Law 101–510), \$352,800,000, to remain available

1 until expended: *Provided*, That not more than
2 \$223,789,000 of the funds appropriated herein shall be
3 available solely for environmental restoration, unless the
4 Secretary of Defense determines that additional obliga-
5 tions are necessary for such purposes and notifies the
6 Committees on Appropriations of both Houses of Congress
7 of his determination and the reasons therefor.

8 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

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

20 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

21 For deposit into the Department of Defense Base
22 Closure Account 1990 established by section 2906(a)(1)
23 of the Department of Defense Authorization Act, 1991
24 (Public Law 101–510), \$1,182,749,000, to remain avail-
25 able until expended: *Provided*, That not more than

1 \$200,841,000 of the funds appropriated herein shall be
2 available solely for environmental restoration, unless the
3 Secretary of Defense determines that additional obliga-
4 tions are necessary for such purposes and notifies the
5 Committees on Appropriations of both Houses of Congress
6 of his determination and the reasons therefor.

7 GENERAL PROVISIONS

8 SEC. 101. None of the funds appropriated in Military
9 Construction Appropriations Acts shall be expended for
10 payments under a cost-plus-a-fixed-fee contract for work,
11 where cost estimates exceed \$25,000, to be performed
12 within the United States, except Alaska, without the spe-
13 cific approval in writing of the Secretary of Defense set-
14 ting forth the reasons therefor: *Provided*, That the fore-
15 going shall not apply in the case of contracts for environ-
16 mental restoration at an installation that is being closed
17 or realigned where payments are made from a Base Re-
18 alignment and Closure Account.

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

22 SEC. 103. Funds appropriated to the Department of
23 Defense for construction may be used for advances to the
24 Federal Highway Administration, Department of Trans-
25 portation, for the construction of access roads as author-

1 ized by section 210 of title 23, United States Code, when
2 projects authorized therein are certified as important to
3 the national defense by the Secretary of Defense.

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

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

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

24 SEC. 107. None of the funds appropriated in Military
25 Construction Appropriations Acts for minor construction

1 may be used to transfer or relocate any activity from one
2 base or installation to another, without prior notification
3 to the Committees on Appropriations.

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

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

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

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

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

24 (TRANSFER OF FUNDS)

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

1 for construction authorized for each such military depart-
2 ment by the authorizations enacted into law during the
3 current session of Congress.

4 SEC. 116. For military construction or family housing
5 projects that are being completed with funds otherwise ex-
6 pired or lapsed for obligation, expired or lapsed funds may
7 be used to pay the cost of associated supervision, inspec-
8 tion, overhead, engineering and design on those projects
9 and on subsequent claims, if any.

10 SEC. 117. Notwithstanding any other provision of
11 law, any funds appropriated to a military department or
12 defense agency for the construction of military projects
13 may be obligated for a military construction project or
14 contract, or for any portion of such a project or contract,
15 at any time before the end of the fourth fiscal year after
16 the fiscal year for which funds for such project were ap-
17 propriated if the funds obligated for such project (1) are
18 obligated from funds available for military construction
19 projects, and (2) do not exceed the amount appropriated
20 for such project, plus any amount by which the cost of
21 such project is increased pursuant to law.

22 (TRANSFER OF FUNDS)

23 SEC. 118. During the five-year period after appro-
24 priations available to the Department of Defense for mili-
25 tary construction and family housing operation and main-
26 tenance and construction have expired for obligation, upon

1 a determination that such appropriations will not be nec-
2 essary for the liquidation of obligations or for making au-
3 thorized adjustments to such appropriations for obliga-
4 tions incurred during the period of availability of such ap-
5 propriations, unobligated balances of such appropriations
6 may be transferred into the appropriation “Foreign Cur-
7 rency Fluctuations, Construction, Defense” to be merged
8 with and to be available for the same time period and for
9 the same purposes as the appropriation to which trans-
10 ferred.

11 SEC. 119. The Secretary of Defense is to provide the
12 Committees on Appropriations of the Senate and the
13 House of Representatives with an annual report by Feb-
14 ruary 15, containing details of the specific actions pro-
15 posed to be taken by the Department of Defense during
16 the current fiscal year to encourage other member nations
17 of the North Atlantic Treaty Organization, Japan, Korea,
18 and United States allies bordering the Arabian Gulf to as-
19 sume a greater share of the common defense burden of
20 such nations and the United States.

21 (TRANSFER OF FUNDS)

22 SEC. 120. During the current fiscal year, in addition
23 to any other transfer authority available to the Depart-
24 ment of Defense, proceeds deposited to the Department
25 of Defense Base Closure Account established by section
26 207(a)(1) of the Defense Authorization Amendments and

1 Base Closure and Realignment Act (Public Law 100–526)
 2 pursuant to section 207(a)(2)(C) of such Act, may be
 3 transferred to the account established by section
 4 2906(a)(1) of the Department of Defense Authorization
 5 Act, 1991, to be merged with, and to be available for the
 6 same purposes and the same time period as that account.

7 ~~(37)SEC. 121.~~ No funds appropriated pursuant to
 8 this Act may be expended by an entity unless the entity
 9 agrees that in expending the assistance the entity will
 10 comply with sections 2 through 4 of the Act of March 3,
 11 1933 (41 U.S.C. 10a–10e, popularly known as the “Buy
 12 American Act”).

13 ~~(38)SEC. 122.~~ (a) In the case of any equipment or
 14 products that may be authorized to be purchased with fi-
 15 nancial assistance provided under this Act, it is the sense
 16 of the Congress that entities receiving such assistance
 17 should, in expending the assistance, purchase only Amer-
 18 ican-made equipment and products.

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

23 ~~(39)SEC. 121.~~ *The National Guard Bureau shall an-*
 24 *nually prepare a future years defense plan based on the re-*
 25 *quirement and priorities of the National Guard: Provided,*

4 **(40)***SEC. 122. No funds from the Base Realignment*
5 *and Closure accounts shall be used to pay for fines or pen-*
6 *alties resulting from violations of any law pertaining to*
7 *the environment.*

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

Attest: ROBIN H. CARLE,
Clerk.

Passed the Senate June 26, 1996.

Attest: KELLY D. JOHNSTON,
Secretary.