

104TH CONGRESS
2D SESSION

H. R. 3517

IN THE SENATE OF THE UNITED STATES

JUNE 3, 1996

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, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 1997, for military con-
4 struction, family housing, and base realignment and clo-
5 sure functions administered by the Department of De-
6 fense, and for other purposes, namely:

7 MILITARY CONSTRUCTION, ARMY

8 For acquisition, construction, installation, and equip-
9 ment of temporary or permanent public works, military
10 installations, facilities, and real property for the Army as
11 currently authorized by law, including personnel in the
12 Army Corps of Engineers and other personal services nec-
13 essary for the purposes of this appropriation, and for con-
14 struction and operation of facilities in support of the func-
15 tions of the Commander in Chief, \$603,584,000, to re-
16 main available until September 30, 2001: *Provided*, That
17 of this amount, not to exceed \$54,384,000 shall be avail-
18 able for study, planning, design, architect and engineer
19 services, and host nation support, as authorized by law,
20 unless the Secretary of Defense determines that additional
21 obligations are necessary for such purposes and notifies
22 the Committees on Appropriations of both Houses of Con-
23 gress of his determination and the reasons therefor.

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, \$724,476,000, to remain available until September 30, 2001: *Provided*, That of this amount, not to exceed \$50,959,000 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: *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, \$2,800,000 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.

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$678,914,000, to remain
6 available until September 30, 2001: *Provided*, That of this
7 amount, not to exceed \$47,387,000 shall be available for
8 study, planning, design, architect and engineer services,
9 as authorized by law, unless the Secretary of Defense de-
10 termines that additional obligations are necessary for such
11 purposes and notifies the Committees on Appropriations
12 of both Houses of Congress of his determination and the
13 reasons therefor.

14 MILITARY CONSTRUCTION, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, installa-
18 tions, facilities, and real property for activities and agen-
19 cies of the Department of Defense (other than the military
20 departments), as currently authorized by law,
21 \$772,345,000, to remain available until September 30,
22 2001: *Provided*, That such amounts of this appropriation
23 as may be determined by the Secretary of Defense may
24 be transferred to such appropriations of the Department
25 of Defense available for military construction or family

1 housing as he may designate, to be merged with and to
2 be available for the same purposes, and for the same time
3 period, as the appropriation or fund to which transferred:
4 *Provided further*, That of the amount appropriated, not
5 to exceed \$12,239,000 shall be available for study, plan-
6 ning, design, architect and engineer services, as authorized
7 by law, unless the Secretary of Defense determines that
8 additional obligations are necessary for such purposes and
9 notifies the Committees on Appropriations of both Houses
10 of Congress of his determination and the reasons therefor.

11 DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED
12 HOUSING IMPROVEMENT FUND
13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of Defense Military Unaccom-
15 panied Housing Improvement Fund, \$10,000,000, to re-
16 main available until expended: *Provided*, That subject to
17 thirty days prior notification to the Committees on Appro-
18 priations, such additional amounts as may be determined
19 by the Secretary of Defense may be transferred to the
20 Fund from amounts appropriated in this Act for the ac-
21 quisition or construction of military unaccompanied hous-
22 ing in “Military Construction” accounts, to be merged
23 with and to be made available for the same purposes and
24 for the same period of time as amounts appropriated di-
25 rectly to the Fund: *Provided further*, That appropriations

1 made available for the Fund in this Act shall be available
2 to cover the costs, as defined in section 502(5) of the Con-
3 gressional Budget Act of 1974, of direct loans and loan
4 guarantees issued by the Department of Defense pursuant
5 to the provisions of subchapter IV of chapter 169 of title
6 10, United States Code, pertaining to alternative means
7 of acquiring and improving military unaccompanied hous-
8 ing and ancillary supporting facilities.

9 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Army National Guard, and contribu-
13 tions therefor, as authorized by chapter 133 of title 10,
14 United States Code, and military construction authoriza-
15 tion Acts, \$41,316,000, to remain available until Septem-
16 ber 30, 2001.

17 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the Air National Guard, and contributions
21 therefor, as authorized by chapter 133 of title 10, United
22 States Code, and military construction authorization Acts,
23 \$118,394,000, to remain available until September 30,
24 2001.

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
5 133 of title 10, United States Code, and military construc-
6 tion authorization Acts, \$50,159,000, to remain available
7 until September 30, 2001.

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
12 Marine Corps as authorized by chapter 133 of title 10,
13 United States Code, and military construction authoriza-
14 tion Acts, \$33,169,000, to remain available until Septem-
15 ber 30, 2001.

16 MILITARY CONSTRUCTION, AIR FORCE RESERVE

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the Air Force Reserve as authorized by
20 chapter 133 of title 10, United States Code, and military
21 construction authorization Acts, \$51,655,000, to remain
22 available until September 30, 2001.

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 in military construction authorization Acts and section
10 2806 of title 10, United States Code, \$177,000,000, to
11 remain available until expended.

12 FAMILY HOUSING, ARMY

13 For expenses of family housing for the Army for
14 construction, including acquisition, replacement, addition,
15 expansion, extension and alteration and for operation and
16 maintenance, including debt payment, leasing, minor con-
17 struction, principal and interest charges, and insurance
18 premiums, as authorized by law, as follows: for Construc-
19 tion, \$176,603,000, to remain available until September
20 30, 2001; for Operation and Maintenance, and for debt
21 payment, \$1,257,466,000; in all \$1,434,069,000.

22 FAMILY HOUSING, NAVY AND MARINE CORPS

23 For expenses of family housing for the Navy and Ma-
24 rine Corps for construction, including acquisition, replace-
25 ment, addition, expansion, extension and alteration and

1 for operation and maintenance, including debt payment,
2 leasing, minor construction, principal and interest
3 charges, and insurance premiums, as authorized by law,
4 as follows: for Construction, \$532,456,000, to remain
5 available until September 30, 2001; for Operation and
6 Maintenance, and for debt payment, \$1,058,241,000; in
7 all \$1,590,697,000.

8 FAMILY HOUSING, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension and alteration and for operation and
12 maintenance, including debt payment, leasing, minor con-
13 struction, principal and interest charges, and insurance
14 premiums, as authorized by law, as follows: for Construc-
15 tion, \$304,068,000, to remain available until September
16 30, 2001; for Operation and Maintenance, and for debt
17 payment, \$840,474,000; in all \$1,144,542,000.

18 FAMILY HOUSING, DEFENSE-WIDE

19 For expenses of family housing for the activities and
20 agencies of the Department of Defense (other than the
21 military departments) for construction, including acquisi-
22 tion, replacement, addition, expansion, extension and al-
23 teration, and for operation and maintenance, leasing, and
24 minor construction, as authorized by law, as follows: for
25 Construction, \$4,371,000, to remain available until Sep-

1 tember 30, 2001; for Operation and Maintenance,
2 \$30,963,000; in all \$35,334,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of Defense Family Housing Im-
7 provement Fund, \$35,000,000, to remain available until
8 expended: *Provided*, That, subject to thirty days prior no-
9 tification to the Committees on Appropriations, such addi-
10 tional amounts as may be determined by the Secretary of
11 Defense may be transferred to the Fund from amounts
12 appropriated in this Act for construction in “Family
13 Housing” accounts, to be merged with and to be available
14 for the same purposes and for the same period of time
15 as amounts appropriated directly to the Fund: *Provided*
16 *further*, That appropriations made available to the Fund
17 in this Act shall be available to cover the costs, as defined
18 in section 502(5) of the Congressional Budget Act of
19 1974, of direct loans or loan guarantees issued by the De-
20 partment of Defense pursuant to the provisions of sub-
21 chapter IV of Chapter 169, title 10, United States Code,
22 pertaining to alternative means of acquiring and improv-
23 ing military family housing and supporting facilities.

1 HOMEOWNERS ASSISTANCE FUND, DEFENSE

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

7 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

8 For deposit into the Department of Defense Base
9 Closure Account 1990 established by section 2906(a)(1)
10 of the Department of Defense Authorization Act, 1991
11 (Public Law 101–510), \$352,800,000, to remain available
12 until expended: *Provided*, That not more than
13 \$223,789,000 of the funds appropriated herein shall be
14 available solely for environmental restoration, unless the
15 Secretary of Defense determines that additional obliga-
16 tions are necessary for such purposes and notifies the
17 Committees on Appropriations of both Houses of Congress
18 of his determination and the reasons therefor.

19 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

20 For deposit into the Department of Defense Base
21 Closure Account 1990 established by section 2906(a)(1)
22 of the Department of Defense Authorization Act, 1991
23 (Public Law 101–510), \$971,925,000, to remain available
24 until expended: *Provided*, That not more than
25 \$351,967,000 of the funds appropriated herein shall be

1 available solely for environmental restoration, unless the
2 Secretary of Defense determines that additional obliga-
3 tions are necessary for such purposes and notifies the
4 Committees on Appropriations of both Houses of Congress
5 of his determination and the reasons therefor.

6 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

7 For deposit into the Department of Defense Base
8 Closure Account 1990 established by section 2906(a)(1)
9 of the Department of Defense Authorization Act, 1991
10 (Public Law 101–510), \$1,182,749,000, to remain avail-
11 able until expended: *Provided*, That not more than
12 \$200,841,000 of the funds appropriated herein shall be
13 available solely for environmental restoration, unless the
14 Secretary of Defense determines that additional obliga-
15 tions are necessary for such purposes and notifies the
16 Committees on Appropriations of both Houses of Congress
17 of his determination and the reasons therefor.

18 GENERAL PROVISIONS

19 SEC. 101. None of the funds appropriated in Military
20 Construction Appropriations Acts shall be expended for
21 payments under a cost-plus-a-fixed-fee contract for work,
22 where cost estimates exceed \$25,000, to be performed
23 within the United States, except Alaska, without the spe-
24 cific approval in writing of the Secretary of Defense set-
25 ting forth the reasons therefor: *Provided*, That the fore-

1 going shall not apply in the case of contracts for environ-
2 mental restoration at an installation that is being closed
3 or realigned where payments are made from a Base Re-
4 alignment and Closure Account.

5 SEC. 102. Funds appropriated to the Department of
6 Defense for construction shall be available for hire of pas-
7 senger motor vehicles.

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

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

19 SEC. 105. No part of the funds provided in Military
20 Construction Appropriations Acts shall be used for pur-
21 chase of land or land easements in excess of 100 per cen-
22 tum of the value as determined by the Army Corps of En-
23 gineers or the Naval Facilities Engineering Command, ex-
24 cept (a) where there is a determination of value by a Fed-
25 eral court, or (b) purchases negotiated by the Attorney

1 General or his designee, or (c) where the estimated value
2 is less than \$25,000, or (d) as otherwise determined by
3 the Secretary of Defense to be in the public interest.

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

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

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

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

1 SEC. 110. None of the funds appropriated in Military
2 Construction Appropriations Acts may be used to initiate
3 a new installation overseas without prior notification to
4 the Committees on Appropriations.

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

13 SEC. 112. None of the funds appropriated in Military
14 Construction Appropriations Acts for military construc-
15 tion in the United States territories and possessions in the
16 Pacific and on Kwajalein Atoll, or in countries bordering
17 the Arabian Gulf, may be used to award any contract esti-
18 mated by the Government to exceed \$1,000,000 to a for-
19 eign contractor: *Provided*, That this section shall not be
20 applicable to contract awards for which the lowest respon-
21 sive and responsible bid of a United States contractor ex-
22 ceeds the lowest responsive and responsible bid of a for-
23 eign contractor by greater than 20 per centum.

24 SEC. 113. The Secretary of Defense is to inform the
25 appropriate Committees of Congress, including the Com-

1 mittees on Appropriations, of the plans and scope of any
2 proposed military exercise involving United States person-
3 nel thirty days prior to its occurring, if amounts expended
4 for construction, either temporary or permanent, are an-
5 ticipated to exceed \$100,000.

6 SEC. 114. Not more than 20 per centum of the appro-
7 priations in Military Construction Appropriations Acts
8 which are limited for obligation during the current fiscal
9 year shall be obligated during the last two months of the
10 fiscal year.

11 (TRANSFER OF FUNDS)

12 SEC. 115. Funds appropriated to the Department of
13 Defense for construction in prior years shall be available
14 for construction authorized for each such military depart-
15 ment by the authorizations enacted into law during the
16 current session of Congress.

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

23 SEC. 117. Notwithstanding any other provision of
24 law, any funds appropriated to a military department or
25 defense agency for the construction of military projects
26 may be obligated for a military construction project or

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

9 (TRANSFER OF FUNDS)

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

24 SEC. 119. The Secretary of Defense is to provide the
25 Committees on Appropriations of the Senate and the
26 House of Representatives with an annual report by Feb-

1 ruary 15, containing details of the specific actions pro-
2 posed to be taken by the Department of Defense during
3 the current fiscal year to encourage other member nations
4 of the North Atlantic Treaty Organization, Japan, Korea,
5 and United States allies bordering the Arabian Gulf to as-
6 sume a greater share of the common defense burden of
7 such nations and the United States.

8 (TRANSFER OF FUNDS)

9 SEC. 120. During the current fiscal year, in addition
10 to any other transfer authority available to the Depart-
11 ment of Defense, proceeds deposited to the Department
12 of Defense Base Closure Account established by section
13 207(a)(1) of the Defense Authorization Amendments and
14 Base Closure and Realignment Act (Public Law 100–526)
15 pursuant to section 207(a)(2)(C) of such Act, may be
16 transferred to the account established by section
17 2906(a)(1) of the Department of Defense Authorization
18 Act, 1991, to be merged with, and to be available for the
19 same purposes and the same time period as that account.

20 SEC. 121. No funds appropriated pursuant to this
21 Act may be expended by an entity unless the entity agrees
22 that in expending the assistance the entity will comply
23 with sections 2 through 4 of the Act of March 3, 1933
24 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
25 ican Act”).

11 (TRANSFER OF FUNDS)

HR 3517 RFS

1 This Act may be cited as the “Military Construction
2 Appropriations Act, 1997”.

Attest:

ROBIN H. CARLE,
Clerk.

By LINDA NAVE,
Deputy Clerk.