

Union Calendar No. 334

106TH CONGRESS
2^D SESSION

H. R. 4425

[Report No. 106-614]

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2000

Mr. HOBSON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole on the State of the Union and ordered to be printed

A BILL

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated for
5 military construction, family housing, and base realign-

1 ment and closure functions administered by the Depart-
2 ment of Defense, for the fiscal year ending September 30,
3 2001, and for other purposes, namely:

4 MILITARY CONSTRUCTION, ARMY

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, military
7 installations, facilities, and real property for the Army as
8 currently authorized by law, including personnel in the
9 Army Corps of Engineers and other personal services nec-
10 essary for the purposes of this appropriation, and for con-
11 struction and operation of facilities in support of the func-
12 tions of the Commander in Chief, \$869,950,000, to re-
13 main available until September 30, 2005: *Provided*, That
14 of this amount, not to exceed \$99,961,000 shall be avail-
15 able for study, planning, design, architect and engineer
16 services, and host nation support, as authorized by law,
17 unless the Secretary of Defense determines that additional
18 obligations are necessary for such purposes and notifies
19 the Committees on Appropriations of both Houses of Con-
20 gress of his determination and the reasons therefor.

21 MILITARY CONSTRUCTION, NAVY

22 For acquisition, construction, installation, and equip-
23 ment of temporary or permanent public works, naval in-
24 stallations, facilities, and real property for the Navy as
25 currently authorized by law, including personnel in the

1 Naval Facilities Engineering Command and other per-
2 sonal services necessary for the purposes of this appropria-
3 tion, \$891,380,000, to remain available until September
4 30, 2005: *Provided*, That of this amount, not to exceed
5 \$67,502,000 shall be available for study, planning, design,
6 architect and engineer services, as authorized by law, un-
7 less the Secretary of Defense determines that additional
8 obligations are necessary for such purposes and notifies
9 the Committees on Appropriations of both Houses of Con-
10 gress of his determination and the reasons therefor.

11 MILITARY CONSTRUCTION, AIR FORCE

12 For acquisition, construction, installation, and equip-
13 ment of temporary or permanent public works, military
14 installations, facilities, and real property for the Air Force
15 as currently authorized by law, \$703,903,000, to remain
16 available until September 30, 2005: *Provided*, That of this
17 amount, not to exceed \$56,949,000 shall be available for
18 study, planning, design, architect and engineer services,
19 as authorized by law, unless the Secretary of Defense de-
20 termines that additional obligations are necessary for such
21 purposes and notifies the Committees on Appropriations
22 of both Houses of Congress of his determination and the
23 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 \$800,314,000, to remain available until September 30,
9 2005: *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 \$77,505,000 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 1803 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$137,603,000, to remain available until Sep-
5 tember 30, 2005.

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 1803 of title 10, United
11 States Code, and Military Construction Authorization
12 Acts, \$110,585,000, to remain available until September
13 30, 2005.

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 1803 of title 10, United States Code, and Military Con-
19 struction Authorization Acts, \$115,854,000, to remain
20 available until September 30, 2005.

21 MILITARY CONSTRUCTION, NAVAL RESERVE

22 (INCLUDING RESCISSIONS)

23 For construction, acquisition, expansion, rehabilita-
24 tion, and conversion of facilities for the training and ad-
25 ministration of the reserve components of the Navy and

1 Marine Corps as authorized by chapter 1803 of title 10,
2 United States Code, and Military Construction Authoriza-
3 tion Acts, \$53,004,000, to remain available until Sep-
4 tember 30, 2005: *Provided further*, That the funds appro-
5 priated for “Military Construction, Naval Reserve” under
6 Public Law 105–45, \$2,400,000 is hereby rescinded.

7 MILITARY CONSTRUCTION, AIR FORCE RESERVE

8 For construction, acquisition, expansion, rehabilita-
9 tion, and conversion of facilities for the training and ad-
10 ministration of the Air Force Reserve as authorized by
11 chapter 1803 of title 10, United States Code, and Military
12 Construction Authorization Acts, \$43,748,000, to remain
13 available until September 30, 2005.

14 NORTH ATLANTIC TREATY ORGANIZATION

15 SECURITY INVESTMENT PROGRAM

16 For the United States share of the cost of the North
17 Atlantic Treaty Organization Security Investment Pro-
18 gram for the acquisition and construction of military fa-
19 cilities and installations (including international military
20 headquarters) and for related expenses for the collective
21 defense of the North Atlantic Treaty Area as authorized
22 in Military Construction Authorization Acts and section
23 2806 of title 10, United States Code, \$177,500,000, to
24 remain available until expended.

1 FAMILY HOUSING, ARMY

2 For expenses of family housing for the Army for con-
3 struction, including acquisition, replacement, addition, ex-
4 pansion, extension and alteration and for operation and
5 maintenance, including debt payment, leasing, minor con-
6 struction, principal and interest charges, and insurance
7 premiums, as authorized by law, as follows: for Construc-
8 tion, \$198,505,000, to remain available until September
9 30, 2005; for Operation and Maintenance, and for debt
10 payment, \$953,744,000; in all \$1,152,249,000.

11 FAMILY HOUSING, NAVY AND MARINE CORPS

12 For expenses of family housing for the Navy and Ma-
13 rine Corps for construction, including acquisition, replace-
14 ment, addition, expansion, extension and alteration and
15 for operation and maintenance, including debt payment,
16 leasing, minor construction, principal and interest
17 charges, and insurance premiums, as authorized by law,
18 as follows: for Construction, \$419,584,000, to remain
19 available until September 30, 2005; for Operation and
20 Maintenance, and for debt payment, \$879,208,000; in all
21 \$1,298,792,000.

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, \$241,384,000, to remain available until September
5 30, 2005; for Operation and Maintenance, and for debt
6 payment, \$820,879,000; in all \$1,062,263,000.

7 FAMILY HOUSING, DEFENSE-WIDE

8 For expenses of family housing for the activities and
9 agencies of the Department of Defense (other than the
10 military departments) for construction, including acquisi-
11 tion, replacement, addition, expansion, extension and al-
12 teration, and for operation and maintenance, leasing, and
13 minor construction, as authorized by law, for Operation
14 and Maintenance, \$44,886,000.

15 BASE REALIGNMENT AND CLOSURE ACCOUNT

16 For deposit into the Department of Defense Base
17 Closure Account 1990 established by section 2906(a)(1)
18 of the Department of Defense Authorization Act, 1991
19 (Public Law 101–510), \$1,174,369,000, to remain avail-
20 able until expended: *Provided*, That not more than
21 \$865,318,000 of the funds appropriated herein shall be
22 available solely for environmental restoration, unless the
23 Secretary of Defense determines that additional obliga-
24 tions are necessary for such purposes and notifies the

1 Committees on Appropriations of both Houses of Congress
2 of his determination and the reasons therefor.

3 GENERAL PROVISIONS

4 SEC. 101. None of the funds appropriated in Military
5 Construction Appropriations Acts shall be expended for
6 payments under a cost-plus-a-fixed-fee contract for con-
7 struction, where cost estimates exceed \$25,000, to be per-
8 formed within the United States, except Alaska, without
9 the specific approval in writing of the Secretary of Defense
10 setting forth the reasons therefor.

11 SEC. 102. Funds appropriated to the Department of
12 Defense for construction shall be available for hire of pas-
13 senger motor vehicles.

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

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

1 SEC. 105. No part of the funds provided in Military
2 Construction Appropriations Acts shall be used for pur-
3 chase of land or land easements in excess of 100 percent
4 of the value as determined by the Army Corps of Engi-
5 neers or the Naval Facilities Engineering Command, ex-
6 cept: (1) where there is a determination of value by a Fed-
7 eral court; (2) purchases negotiated by the Attorney Gen-
8 eral or his designee; (3) where the estimated value is less
9 than \$25,000; or (4) as otherwise determined by the Sec-
10 retary of Defense to be in the public interest.

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

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

22 SEC. 108. No part of the funds appropriated in Mili-
23 tary Construction Appropriations Acts may be used for
24 the procurement of steel for any construction project or
25 activity for which American steel producers, fabricators,

1 and manufacturers have been denied the opportunity to
2 compete for such steel procurement.

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

7 SEC. 110. None of the funds appropriated in Military
8 Construction Appropriations Acts may be used to initiate
9 a new installation overseas without prior notification to
10 the Committees on Appropriations.

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

19 SEC. 112. None of the funds appropriated in Military
20 Construction Appropriations Acts for military construc-
21 tion in the United States territories and possessions in the
22 Pacific and on Kwajalein Atoll, or in countries bordering
23 the Arabian Gulf, may be used to award any contract esti-
24 mated by the Government to exceed \$1,000,000 to a for-
25 eign contractor: *Provided*, That this section shall not be

1 applicable to contract awards for which the lowest respon-
2 sive and responsible bid of a United States contractor ex-
3 ceeds the lowest responsive and responsible bid of a for-
4 eign contractor by greater than 20 percent: *Provided fur-*
5 *ther*, That this section shall not apply to contract awards
6 for military construction on Kwajalein Atoll for which the
7 lowest responsive and responsible bid is submitted by a
8 Marshallese contractor.

9 SEC. 113. The Secretary of Defense is to inform the
10 appropriate committees of Congress, including the Com-
11 mittees on Appropriations, of the plans and scope of any
12 proposed military exercise involving United States per-
13 sonnel 30 days prior to its occurring, if amounts expended
14 for construction, either temporary or permanent, are an-
15 ticipated to exceed \$100,000.

16 SEC. 114. Not more than 20 percent of the appro-
17 priations in Military Construction Appropriations Acts
18 which are limited for obligation during the current fiscal
19 year shall be obligated during the last 2 months of the
20 fiscal year.

21 (TRANSFER OF FUNDS)

22 SEC. 115. Funds appropriated to the Department of
23 Defense for construction in prior years shall be available
24 for construction authorized for each such military depart-
25 ment by the authorizations enacted into law during the
26 current session of Congress.

19 (TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligation

18 (TRANSFER OF FUNDS)

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

1 2906(a)(1) of the Department of Defense Authorization
2 Act, 1991, to be merged with, and to be available for the
3 same purposes and the same time period as that account.

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

10 SEC. 122. (a) In the case of any equipment or prod-
11 ucts that may be authorized to be purchased with financial
12 assistance provided under this Act, it is the sense of the
13 Congress that entities receiving such assistance should, in
14 expending the assistance, purchase only American-made
15 equipment and products.

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

20 (TRANSFER OF FUNDS)

21 SEC. 123. Subject to 30 days prior notification to the
22 Committees on Appropriations, such additional amounts
23 as may be determined by the Secretary of Defense may
24 be transferred to the Department of Defense Family
25 Housing Improvement Fund from amounts appropriated
26 for construction in “Family Housing” accounts, to be

1 merged with and to be available for the same purposes
2 and for the same period of time as amounts appropriated
3 directly to the Fund: *Provided*, That appropriations made
4 available to the Fund shall be available to cover the costs,
5 as defined in section 502(5) of the Congressional Budget
6 Act of 1974, of direct loans or loan guarantees issued by
7 the Department of Defense pursuant to the provisions of
8 subchapter IV of chapter 169, title 10, United States
9 Code, pertaining to alternative means of acquiring and im-
10 proving military family housing and supporting facilities.

11 SEC. 124. None of the funds appropriated or made
12 available by this Act may be obligated for Partnership for
13 Peace Programs in the New Independent States of the
14 former Soviet Union.

15 SEC. 125. (a) Not later than 60 days before issuing
16 any solicitation for a contract with the private sector for
17 military family housing the Secretary of the military de-
18 partment concerned shall submit to the congressional de-
19 fense committees the notice described in subsection (b).

20 (b)(1) A notice referred to in subsection (a) is a no-
21 tice of any guarantee (including the making of mortgage
22 or rental payments) proposed to be made by the Secretary
23 to the private party under the contract involved in the
24 event of—

1 (A) the closure or realignment of the installa-
2 tion for which housing is provided under the con-
3 tract;

4 (B) a reduction in force of units stationed at
5 such installation; or

6 (C) the extended deployment overseas of units
7 stationed at such installation.

8 (2) Each notice under this subsection shall specify
9 the nature of the guarantee involved and assess the extent
10 and likelihood, if any, of the liability of the Federal Gov-
11 ernment with respect to the guarantee.

12 (c) In this section, the term “congressional defense
13 committees” means the following:

14 (1) The Committee on Armed Services and the
15 Military Construction Subcommittee, Committee on
16 Appropriations of the Senate.

17 (2) The Committee on Armed Services and the
18 Military Construction Subcommittee, Committee on
19 Appropriations of the House of Representatives.

20 (TRANSFER OF FUNDS)

21 SEC. 126. During the current fiscal year, in addition
22 to any other transfer authority available to the Depart-
23 ment of Defense, amounts may be transferred from the
24 account established by section 2906(a)(1) of the Depart-
25 ment of Defense Authorization Act, 1991, to the fund es-
26 tablished by section 1013(d) of the Demonstration Cities

1 and Metropolitan Development Act of 1966 (42 U.S.C.
2 3374) to pay for expenses associated with the Home-
3 owners Assistance Program. Any amounts transferred
4 shall be merged with and be available for the same pur-
5 poses and for the same time period as the fund to which
6 transferred.

7 SEC. 127. Notwithstanding this or any other provi-
8 sion of law, funds appropriated in Military Construction
9 Appropriations Acts for operations and maintenance of
10 family housing shall be the exclusive source of funds for
11 repair and maintenance of all family housing units, includ-
12 ing flag and general officer quarters: *Provided*, That not
13 more than \$25,000 per unit may be spent annually for
14 the maintenance and repair of any general or flag officer
15 quarters without 30 days advance prior notification of the
16 appropriate committees of Congress: *Provided further*,
17 That the Under Secretary of Defense (Comptroller) is to
18 report annually to the Committees on Appropriations all
19 operations and maintenance expenditures for each indi-
20 vidual flag and general officer quarters for the prior fiscal
21 year.

22 SEC. 128. The Army, Navy, Marine Corps, and Air
23 Force are directed to submit to the appropriate commit-
24 tees of the Congress by July 1, 2001, a Family Housing
25 Master Plan demonstrating how they plan to meet the

1 year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

8 (TRANSFER OF FUNDS)

9 SEC. 129. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106–52; 113 Stat. 259) under the heading “MILITARY CONSTRUCTION, NAVAL RESERVE” and still unobligated may be transferred to the account for “MILITARY CONSTRUCTION, NAVY”. Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

23 SEC. 130. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair,

1 and maintenance of the historic residences located at Ma-
2 rine Corps Barracks, 8th and I Streets, Washington, DC:
3 *Provided*, That the Secretary notifies the appropriate com-
4 mittees of Congress thirty days in advance of the intended
5 use of such funds.

6 This Act may be cited as the “Military Construction
7 Appropriations Act, 2001”.

Union Calendar No. 334

106TH CONGRESS
2D SESSION

H. R. 4425

[Report No. 106-614]

A BILL

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MAY 11, 2000

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed