

In the Senate of the United States,

September 26, 2001.

Resolved, That the bill from the House of Representatives (H.R. 2904) entitled “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, 2002, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for*
3 *military construction, family housing, and base realign-*
4 *ment and closure functions administered by the Department*
5 *of Defense, for the fiscal year ending September 30, 2002,*
6 *and for other purposes, namely:*

1 *MILITARY CONSTRUCTION, ARMY*2 *(INCLUDING RESCISSION)*

3 *For acquisition, construction, installation, and equip-*
4 *ment of temporary or permanent public works, military in-*
5 *stallations, facilities, and real property for the Army as*
6 *currently authorized by law, including personnel in the*
7 *Army Corps of Engineers and other personal services nec-*
8 *essary for the purposes of this appropriation, and for con-*
9 *struction and operation of facilities in support of the func-*
10 *tions of the Commander in Chief, \$1,668,957,000, to remain*
11 *available until September 30, 2006: Provided, That of this*
12 *amount, not to exceed \$176,184,000 shall be available for*
13 *study, planning, design, architect and engineer services,*
14 *and host nation support, as authorized by law, unless the*
15 *Secretary of Defense determines that additional obligations*
16 *are necessary for such purposes and notifies the Committees*
17 *on Appropriations of both Houses of Congress of his deter-*
18 *mination and the reasons therefor: Provided further, That*
19 *of the funds appropriated for “Military Construction,*
20 *Army” under division A of Public Law 106–246,*
21 *\$26,400,000 are rescinded.*

22 *MILITARY CONSTRUCTION, NAVY*23 *(INCLUDING RESCISSION)*

24 *For acquisition, construction, installation, and equip-*
25 *ment of temporary or permanent public works, naval in-*

1 *stallations, facilities, and real property for the Navy as cur-*
2 *rently authorized by law, including personnel in the Naval*
3 *Facilities Engineering Command and other personal serv-*
4 *ices necessary for the purposes of this appropriation,*
5 *\$1,148,633,000, to remain available until September 30,*
6 *2006: Provided, That of this amount, not to exceed*
7 *\$37,332,000 shall be available for study, planning, design,*
8 *architect and engineer services, as authorized by law, unless*
9 *the Secretary of Defense determines that additional obliga-*
10 *tions are necessary for such purposes and notifies the Com-*
11 *mittees on Appropriations of both Houses of Congress of his*
12 *determination and the reasons therefor: Provided further,*
13 *That of the funds appropriated for “Military Construction,*
14 *Navy” under division A of Public Law 106–246,*
15 *\$19,588,000 are rescinded.*

16 *MILITARY CONSTRUCTION, AIR FORCE*
17 *(INCLUDING RESCISSION)*

18 *For acquisition, construction, installation, and equip-*
19 *ment of temporary or permanent public works, military in-*
20 *stallations, facilities, and real property for the Air Force*
21 *as currently authorized by law, \$1,148,269,000, to remain*
22 *available until September 30, 2006: Provided, That of this*
23 *amount, not to exceed \$83,420,000 shall be available for*
24 *study, planning, design, architect and engineer services, as*
25 *authorized by law, unless the Secretary of Defense deter-*

1 *mines that additional obligations are necessary for such*
2 *purposes and notifies the Committees on Appropriations of*
3 *both Houses of Congress of his determination and the rea-*
4 *sons therefor: Provided further, That of the funds appro-*
5 *priated for "Military Construction, Air Force" under pre-*
6 *vious Military Construction Acts, \$4,000,000 are rescinded.*

7 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

8 *(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)*

9 *For acquisition, construction, installation, and equip-*
10 *ment of temporary or permanent public works, installa-*
11 *tions, facilities, and real property for activities and agen-*
12 *cies of the Department of Defense (other than the military*
13 *departments), as currently authorized by law,*
14 *\$881,058,000, to remain available until September 30,*
15 *2006: Provided, That such amounts of this appropriation*
16 *as may be determined by the Secretary of Defense may be*
17 *transferred to such appropriations of the Department of De-*
18 *fense available for military construction or family housing*
19 *as he may designate, to be merged with and to be available*
20 *for the same purposes, and for the same time period, as*
21 *the appropriation or fund to which transferred: Provided*
22 *further, That of the amount appropriated, not to exceed*
23 *\$88,496,000 shall be available for study, planning, design,*
24 *architect and engineer services, as authorized by law, unless*
25 *the Secretary of Defense determines that additional obliga-*

1 *tions are necessary for such purposes and notifies the Com-*
2 *mittees on Appropriations of both Houses of Congress of his*
3 *determination and the reasons therefor: Provided further,*
4 *That of the funds appropriated for “Military Construction,*
5 *Defense-wide” under division A of Public Law 106–246,*
6 *\$55,030,000 are rescinded: Provided further, That of the*
7 *funds appropriated for “Military Construction, Defense-*
8 *wide” under division B of Public Law 106–246,*
9 *\$10,250,000 are rescinded: Provided further, That of the*
10 *funds appropriated for “Military Construction, Defense-*
11 *Wide” under previous Military Construction Acts,*
12 *\$4,000,000 are rescinded.*

13 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

14 *For construction, acquisition, expansion, rehabilita-*
15 *tion, and conversion of facilities for the training and ad-*
16 *ministration of the Army National Guard, and contribu-*
17 *tions therefor, as authorized by chapter 1803 of title 10,*
18 *United States Code, and Military Construction Authoriza-*
19 *tion Acts, \$378,549,000, to remain available until Sep-*
20 *tember 30, 2006.*

21 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

22 *For construction, acquisition, expansion, rehabilita-*
23 *tion, and conversion of facilities for the training and ad-*
24 *ministration of the Air National Guard, and contributions*
25 *therefor, as authorized by chapter 1803 of title 10, United*

1 *States Code, and Military Construction Authorization Acts,*
2 *\$222,767,000, to remain available until September 30,*
3 *2006.*

4 *MILITARY CONSTRUCTION, ARMY RESERVE*

5 *For construction, acquisition, expansion, rehabilita-*
6 *tion, and conversion of facilities for the training and ad-*
7 *ministration of the Army Reserve as authorized by chapter*
8 *1803 of title 10, United States Code, and Military Con-*
9 *struction Authorization Acts, \$111,404,000, to remain*
10 *available until September 30, 2006.*

11 *MILITARY CONSTRUCTION, NAVAL RESERVE*

12 *(INCLUDING RESCISSION)*

13 *For construction, acquisition, expansion, rehabilita-*
14 *tion, and conversion of facilities for the training and ad-*
15 *ministration of the reserve components of the Navy and Ma-*
16 *rine Corps as authorized by chapter 1803 of title 10, United*
17 *States Code, and Military Construction Authorization Acts,*
18 *\$33,641,000, to remain available until September 30, 2006:*
19 *Provided, That of the funds appropriated for “Military*
20 *Construction, Naval Reserve” under division A of Public*
21 *Law 106–246, \$925,000 are rescinded.*

22 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

23 *For construction, acquisition, expansion, rehabilita-*
24 *tion, and conversion of facilities for the training and ad-*
25 *ministration of the Air Force Reserve as authorized by*

1 *chapter 1803 of title 10, United States Code, and Military*
2 *Construction Authorization Acts, \$53,732,000, to remain*
3 *available until September 30, 2006.*

4 *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*
5 *INVESTMENT PROGRAM*

6 *For the United States share of the cost of the North*
7 *Atlantic Treaty Organization Security Investment Pro-*
8 *gram for the acquisition and construction of military facili-*
9 *ties and installations (including international military*
10 *headquarters) and for related expenses for the collective de-*
11 *fense of the North Atlantic Treaty Area as authorized in*
12 *Military Construction Authorization Acts and section 2806*
13 *of title 10, United States Code, \$162,600,000, to remain*
14 *available until expended.*

15 *FAMILY HOUSING, ARMY*

16 *For expenses of family housing for the Army for con-*
17 *struction, including acquisition, replacement, addition, ex-*
18 *pansion, extension and alteration and for operation and*
19 *maintenance, including debt payment, leasing, minor con-*
20 *struction, principal and interest charges, and insurance*
21 *premiums, as authorized by law, as follows: for Construc-*
22 *tion, \$312,742,000, to remain available until September 30,*
23 *2006; for Operation and Maintenance, and for debt pay-*
24 *ment, \$1,108,991,000; in all \$1,421,733,000.*

1 *FAMILY HOUSING, NAVY AND MARINE CORPS*

2 *For expenses of family housing for the Navy and Ma-*
3 *rine Corps for construction, including acquisition, replace-*
4 *ment, addition, expansion, extension and alteration and for*
5 *operation and maintenance, including debt payment, leas-*
6 *ing, minor construction, principal and interest charges,*
7 *and insurance premiums, as authorized by law, as follows:*
8 *for Construction, \$312,600,000, to remain available until*
9 *September 30, 2006; for Operation and Maintenance, and*
10 *for debt payment, \$918,095,000; in all \$1,230,695,000.*

11 *FAMILY HOUSING, AIR FORCE*

12 *For expenses of family housing for the Air Force for*
13 *construction, including acquisition, replacement, addition,*
14 *expansion, extension and alteration and for operation and*
15 *maintenance, including debt payment, leasing, minor con-*
16 *struction, principal and interest charges, and insurance*
17 *premiums, as authorized by law, as follows: for Construc-*
18 *tion, \$550,703,000, to remain available until September 30,*
19 *2006; for Operation and Maintenance, and for debt pay-*
20 *ment, \$869,121,000; in all \$1,419,824,000.*

21 *FAMILY HOUSING, DEFENSE-WIDE*

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

1 *and for operation and maintenance, leasing, and minor*
2 *construction, as authorized by law, as follows: for Construc-*
3 *tion, \$250,000 to remain available until September 30,*
4 *2006; for Operation and Maintenance, \$43,762,000; in all*
5 *\$44,012,000.*

6 *DEPARTMENT OF DEFENSE FAMILY HOUSING*

7 *IMPROVEMENT FUND*

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

14 *HOMEOWNERS ASSISTANCE FUND, DEFENSE*

15 *For the Homeowners Assistance Fund established by*
16 *Section 1013 of the Demonstration Cities and Metropolitan*
17 *Development Act of 1966, as amended (42 U.S.C. 3374)*
18 *\$10,119,000, to remain available until expended.*

19 *BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV*

20 *For deposit into the Department of Defense Base Clo-*
21 *sure Account 1990 established by section 2906(a)(1) of the*
22 *Department of Defense Authorization Act, 1991 (Public*
23 *Law 101-510), \$682,200,000, to remain available until ex-*
24 *pended.*

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

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

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

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

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

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

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

17 *SEC. 112. None of the funds appropriated in Military*
18 *Construction Appropriations Acts for military construction*
19 *in the United States territories and possessions in the Pa-*
20 *cific and on Kwajalein Atoll, or in countries bordering the*
21 *Arabian Gulf, may be used to award any contract estimated*
22 *by the Government to exceed \$1,000,000 to a foreign con-*
23 *tractor: Provided, That this section shall not be applicable*
24 *to contract awards for which the lowest responsive and re-*
25 *sponsible bid of a United States contractor exceeds the low-*

(TRANSFER OF FUNDS)

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

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

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

1 *partment concerned shall submit to the congressional de-*
2 *fense committees the notice described in subsection (b).*

3 *(b)(1) A notice referred to in subsection (a) is a notice*
4 *of any guarantee (including the making of mortgage or*
5 *rental payments) proposed to be made by the Secretary to*
6 *the private party under the contract involved in the event*
7 *of—*

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

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

12 *(C) the extended deployment overseas of units*
13 *stationed at such installation.*

14 *(2) Each notice under this subsection shall specify the*
15 *nature of the guarantee involved and assess the extent and*
16 *likelihood, if any, of the liability of the Federal Government*
17 *with respect to the guarantee.*

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

20 *(1) The Committee on Armed Services and the*
21 *Military Construction Subcommittee, Committee on*
22 *Appropriations of the Senate.*

23 *(2) The Committee on Armed Services and the*
24 *Military Construction Subcommittee, Committee on*
25 *Appropriations of the House of Representatives.*

(TRANSFER OF FUNDS)

1
2 *SEC. 124. During the current fiscal year, in addition*
3 *to any other transfer authority available to the Department*
4 *of Defense, amounts may be transferred from the account*
5 *established by section 2906(a)(1) of the Department of De-*
6 *fense Authorization Act, 1991, to the fund established by*
7 *section 1013(d) of the Demonstration Cities and Metropoli-*
8 *tan Development Act of 1966 (42 U.S.C. 3374) to pay for*
9 *expenses associated with the Homeowners Assistance Pro-*
10 *gram. Any amounts transferred shall be merged with and*
11 *be available for the same purposes and for the same time*
12 *period as the fund to which transferred.*

13 *SEC. 125. Notwithstanding this or any other provision*
14 *of law, funds appropriated in Military Construction Ap-*
15 *propriations Acts for operations and maintenance of family*
16 *housing shall be the exclusive source of funds for repair and*
17 *maintenance of all family housing units, including flag and*
18 *general officer quarters: Provided, That not more than*
19 *\$35,000 per unit may be spent annually for the mainte-*
20 *nance and repair of any general or flag officer quarters*
21 *without 30 days advance prior notification of the appro-*
22 *priate committees of Congress: Provided further, That the*
23 *Under Secretary of Defense (Comptroller) is to report annu-*
24 *ally to the Committees on Appropriations all operations*

1 *and maintenance expenditures for each individual flag and*
2 *general officer quarters for the prior fiscal year.*

3 *SEC. 126. In addition to the amounts provided in Pub-*
4 *lic Law 107–20, of the funds appropriated under the head-*
5 *ing “Military Construction, Air Force” in this Act,*
6 *\$8,000,000 is to remain available until September 30, 2005:*
7 *Provided, That notwithstanding any other provision of law,*
8 *such funds may be obligated or expended to carry out plan-*
9 *ning and design and military construction activities at the*
10 *Masirah Island Airfield in Oman, not otherwise authorized*
11 *by law.*

12 *SEC. 127. Not later than 90 days after the enactment*
13 *of this bill, the Secretary of Defense shall submit to the con-*
14 *gressional defense committees a master plan for the environ-*
15 *mental remediation of Hunters Point Naval Shipyard,*
16 *California. The plan shall identify an aggregate cost esti-*
17 *mate for the entire project as well as cost estimates for indi-*
18 *vidual parcels. The plan shall also include a detailed clean-*
19 *up schedule and an analysis of whether the Department is*
20 *meeting legal requirements and community commitments.*
21 *Following submission of the initial report, the Department*
22 *shall submit semi-annual progress reports to the congress-*
23 *sional defense committees.*

24 *SEC. 128. Of the funds available under the heading*
25 *“Military Construction, Defense-wide”, for the Pine Bluff*

1 *Ammunition Demilitarization Facility (Phase VI) the De-*
2 *partment may spend up to \$300,000 to conduct a feasibility*
3 *study of the requirement for a defense road at Pine Bluff*
4 *Arsenal, Arkansas.*

5 *This Act may be cited as the “Military Construction*
6 *Appropriations Act, 2002”.*

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

H. R. 2904

AMENDMENT