

106TH CONGRESS
1ST SESSION

H. R. 2465

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1999

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, 2000, 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 ~~(1) 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-~~
6 ~~ment and closure functions administered by the Depart-~~
7 ~~ment of Defense, for the fiscal year ending September 30,~~
8 ~~2000, and for other purposes, namely:~~

9 MILITARY CONSTRUCTION, ARMY

10 For acquisition, construction, installation, and equip-
11 ment of temporary or permanent public works, military

1 installations, facilities, and real property for the Army as
2 currently authorized by law, including personnel in the
3 Army Corps of Engineers and other personal services nec-
4 essary for the purposes of this appropriation, and for con-
5 struction and operation of facilities in support of the func-
6 tions of the Commander in Chief, \$1,223,405,000, to re-
7 main available until September 30, 2004: *Provided*, That
8 of this amount, not to exceed \$87,205,000 shall be avail-
9 able for study, planning, design, architect and engineer
10 services, and host nation support, as authorized by law,
11 unless the Secretary of Defense determines that additional
12 obligations are necessary for such purposes and notifies
13 the Committees on Appropriations of both Houses of Con-
14 gress of his determination and the reasons therefor.

15 **MILITARY CONSTRUCTION, NAVY**

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, naval in-
18 stallations, facilities, and real property for the Navy as
19 currently authorized by law, including personnel in the
20 Naval Facilities Engineering Command and other per-
21 sonal services necessary for the purposes of this appropria-
22 tion, \$968,862,000, to remain available until September
23 30, 2004: *Provided*, That of this amount, not to exceed
24 \$65,010,000 shall be available for study, planning, design,
25 architect and engineer services, as authorized by law, un-

1 less the Secretary of Defense determines that additional
2 obligations are necessary for such purposes and notifies
3 the Committees on Appropriations of both Houses of Con-
4 gress of his determination and the reasons therefor.

5 MILITARY CONSTRUCTION, AIR FORCE

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Air Force
9 as currently authorized by law, \$752,367,000, to remain
10 available until September 30, 2004: *Provided*, That of this
11 amount, not to exceed \$32,104,000 shall be available for
12 study, planning, design, architect and engineer services,
13 as authorized by law, unless the Secretary of Defense de-
14 termines that additional obligations are necessary for such
15 purposes and notifies the Committees on Appropriations
16 of both Houses of Congress of his determination and the
17 reasons therefor.

18 MILITARY CONSTRUCTION, DEFENSE-WIDE

19 (INCLUDING TRANSFER OF FUNDS)

20 For acquisition, construction, installation, and equip-
21 ment of temporary or permanent public works, installa-
22 tions, facilities, and real property for activities and agen-
23 cies of the Department of Defense (other than the military
24 departments), as currently authorized by law,
25 \$755,718,000, to remain available until September 30,

1 2004: *Provided*, That such amounts of this appropriation
2 as may be determined by the Secretary of Defense may
3 be transferred to such appropriations of the Department
4 of Defense available for military construction or family
5 housing as he may designate, to be merged with and to
6 be available for the same purposes, and for the same time
7 period, as the appropriation or fund to which transferred:
8 *Provided further*, That of the amount appropriated, not
9 to exceed ~~\$33,324,000~~ shall be available for study, plan-
10 ning, design, architect and engineer services, as authorized
11 by law, unless the Secretary of Defense determines that
12 additional obligations are necessary for such purposes and
13 notifies the Committees on Appropriations of both Houses
14 of Congress of his determination and the reasons therefor.

15 ~~MILITARY CONSTRUCTION, ARMY NATIONAL GUARD~~

16 ~~For construction, acquisition, expansion, rehabilita-~~
17 ~~tion, and conversion of facilities for the training and ad-~~
18 ~~ministration of the Army National Guard, and contribu-~~
19 ~~tions therefor, as authorized by chapter 1803 of title 10,~~
20 ~~United States Code, and Military Construction Authoriza-~~
21 ~~tion Acts, \$135,129,000, to remain available until Sep-~~
22 ~~tember 30, 2004.~~

23 ~~MILITARY CONSTRUCTION, AIR NATIONAL GUARD~~

24 ~~For construction, acquisition, expansion, rehabilita-~~
25 ~~tion, and conversion of facilities for the training and ad-~~

1 ministration of the Air National Guard, and contributions
2 therefor, as authorized by chapter 1803 of title 10, United
3 States Code, and Military Construction Authorization
4 Acts, \$180,870,000, to remain available until September
5 30, 2004.

6 ~~MILITARY CONSTRUCTION, ARMY RESERVE~~

7 ~~For construction, acquisition, expansion, rehabilita-~~
8 ~~tion, and conversion of facilities for the training and ad-~~
9 ~~ministration of the Army Reserve as authorized by chapter~~
10 ~~1803 of title 10, United States Code, and Military Con-~~
11 ~~struction Authorization Acts, \$92,515,000, to remain~~
12 ~~available until September 30, 2004.~~

13 ~~MILITARY CONSTRUCTION, NAVAL RESERVE~~

14 ~~For construction, acquisition, expansion, rehabilita-~~
15 ~~tion, and conversion of facilities for the training and ad-~~
16 ~~ministration of the reserve components of the Navy and~~
17 ~~Marine Corps as authorized by chapter 1803 of title 10,~~
18 ~~United States Code, and Military Construction Authoriza-~~
19 ~~tion Acts, \$21,574,000, to remain available until Sep-~~
20 ~~tember 30, 2004.~~

21 ~~MILITARY CONSTRUCTION, AIR FORCE RESERVE~~

22 ~~For construction, acquisition, expansion, rehabilita-~~
23 ~~tion, and conversion of facilities for the training and ad-~~
24 ~~ministration of the Air Force Reserve as authorized by~~
25 ~~chapter 1803 of title 10, United States Code, and Military~~

1 Construction Authorization Acts, \$66,549,000, to remain
2 available until September 30, 2004.

3 NORTH ATLANTIC TREATY ORGANIZATION

4 SECURITY INVESTMENT PROGRAM

5 For the United States share of the cost of the North
6 Atlantic Treaty Organization Security Investment Pro-
7 gram for the acquisition and construction of military fa-
8 cilities and installations (including international military
9 headquarters) and for related expenses for the collective
10 defense of the North Atlantic Treaty Area as authorized
11 in Military Construction Authorization Acts and section
12 2806 of title 10, United States Code, \$81,000,000, to re-
13 main available until expended.

14 FAMILY HOUSING, ARMY

15 For expenses of family housing for the Army for con-
16 struction, including acquisition, replacement, addition, ex-
17 pansion, extension and alteration and for operation and
18 maintenance, including debt payment, leasing, minor con-
19 struction, principal and interest charges, and insurance
20 premiums, as authorized by law, as follows: for Construc-
21 tion, \$89,200,000, to remain available until September 30,
22 2004; for Operation and Maintenance, and for debt pay-
23 ment, \$1,089,812,000; in all \$1,179,012,000.

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
5 for operation and maintenance, including debt payment,
6 leasing, minor construction, principal and interest
7 charges, and insurance premiums, as authorized by law,
8 as follows: for Construction, \$312,559,000, to remain
9 available until September 30, 2004; for Operation and
10 Maintenance, and for debt payment, \$895,070,000; in all
11 \$1,207,629,000.

12 FAMILY HOUSING, AIR FORCE

13 For expenses of family housing for the Air Force 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, \$344,996,000, to remain available until September
20 30, 2004; for Operation and Maintenance, and for debt
21 payment, \$821,892,000; in all \$1,166,888,000.

22 FAMILY HOUSING, DEFENSE-WIDE

23 For expenses of family housing for the activities and
24 agencies of the Department of Defense (other than the
25 military departments) for construction, including acquisi-

1 tion, replacement, addition, expansion, extension and al-
2 teration, and for operation and maintenance, leasing, and
3 minor construction, as authorized by law, as follows: for
4 Construction, \$50,000, to remain available until Sep-
5 tember 30, 2004; for Operation and Maintenance,
6 \$41,440,000; in all \$41,490,000.

7 DEPARTMENT OF DEFENSE FAMILY HOUSING

8 IMPROVEMENT FUND

9 For the Department of Defense Family Housing Im-
10 provement Fund, \$2,000,000, to remain available until ex-
11 pended, as the sole source of funds for planning, adminis-
12 trative, and oversight costs relating to family housing ini-
13 tiatives undertaken pursuant to 10 U.S.C. 2882, per-
14 taining to alternative means of acquiring and improving
15 military family housing, and supporting facilities.

16 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

17 For deposit into the Department of Defense Base
18 Closure Account 1990 established by section 2906(a)(1)
19 of the Department of Defense Authorization Act, 1991
20 (Public Law 101-510), \$705,911,000, to remain available
21 until expended: *Provided*, That not more than
22 \$360,073,000 of the funds appropriated herein shall be
23 available solely for environmental restoration, unless the
24 Secretary of Defense determines that additional obliga-
25 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.

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

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

19 (TRANSFER OF FUNDS)

20 SEC. 118. During the 5-year period after appropria-
21 tions available to the Department of Defense for military
22 construction and family housing operation and mainte-
23 nance and construction have expired for obligation, upon
24 a determination that such appropriations will not be nec-
25 essary for the liquidation of obligations or for making au-
26 thorized adjustments to such appropriations for obliga-

1 tions incurred during the period of availability of such ap-
2 propriations, unobligated balances of such appropriations
3 may be transferred into the appropriation “Foreign Cur-
4 rency Fluctuations, Construction, Defense” to be merged
5 with and to be available for the same time period and for
6 the same purposes as the appropriation to which trans-
7 ferred.

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

18 (TRANSFER OF FUNDS)

19 SEC. 120. During the current fiscal year, in addition
20 to any other transfer authority available to the Depart-
21 ment of Defense, proceeds deposited to the Department
22 of Defense Base Closure Account established by section
23 207(a)(1) of the Defense Authorization Amendments and
24 Base Closure and Realignment Act (Public Law 100–526)
25 pursuant to section 207(a)(2)(C) of such Act, may be
26 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–10e, 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. (a) Not later than 60 days before issuing
12 any solicitation for a contract with the private sector for
13 military family housing the Secretary of the military de-
14 partment concerned shall submit to the congressional de-
15 fense committees the notice described in subsection (b).

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

21 (A) the closure or realignment of the installa-
22 tion for which housing is provided under the con-
23 tract;

24 (B) a reduction in force of units stationed at
25 such installation; or

1 ~~(C)~~ the extended deployment overseas of units
2 stationed at such installation.

3 ~~(2)~~ Each notice under this subsection shall specify
4 the nature of the guarantee involved and assess the extent
5 and likelihood, if any, of the liability of the Federal Gov-
6 ernment with respect to the guarantee.

7 ~~(e)~~ In this section, the term “congressional defense
8 committees” means the following:

9 ~~(1)~~ The Committee on Armed Services and the
10 Military Construction Subcommittee, Committee on
11 Appropriations of the Senate.

12 ~~(2)~~ The Committee on Armed Services and the
13 Military Construction Subcommittee, Committee on
14 Appropriations of the House of Representatives.

15 ~~(TRANSFER OF FUNDS)~~

16 ~~SEC. 125.~~ During the current fiscal year, in addition
17 to any other transfer authority available to the Depart-
18 ment of Defense, amounts may be transferred from the
19 account established by section 2906(a)(1) of the Depart-
20 ment of Defense Authorization Act, 1991, to the fund es-
21 tablished by section 1013(d) of the Demonstration Cities
22 and Metropolitan Development Act of 1966 (42 U.S.C.
23 3374) to pay for expenses associated with the Home-
24 owners Assistance Program. Any amounts transferred
25 shall be merged with and be available for the same pur-

1 poses and for the same time period as the fund to which
2 transferred.

3 SEC. 126. Notwithstanding this or any other provi-
4 sion of law, funds appropriated in Military Construction
5 Appropriations Acts for operations and maintenance of
6 family housing shall be the exclusive source of funds for
7 repair and maintenance of flag and general officer quar-
8 ters: *Provided*, That not more than \$15,000 per unit may
9 be spent annually for the maintenance and repair of any
10 general or flag officers quarters without thirty days ad-
11 vance prior notification of the appropriate committees of
12 Congress: *Provided further*, That out-of-cycle notifications
13 are prohibited with the exception of those justified by
14 emergency or safety-related items: *Provided further*, That
15 the Under Secretary of Defense (Comptroller) is to report
16 on a quarterly basis to the appropriate committees of Con-
17 gress all operations and maintenance expenditures for
18 each individual flag and general officer quarters.

19 SEC. 127. The first proviso under the heading
20 “MILITARY CONSTRUCTION TRANSFER FUND”
21 in chapter 6 of title II of the 1999 Emergency Supple-
22 mental Appropriations Act (Public Law 106-31) is
23 amended by inserting “and to the North Atlantic Treaty
24 Organization Security Investment Program as provided in

1 section 2806 of title 10, United States Code” after “to
2 military construction accounts”.

3 SEC. 128. Notwithstanding any other provisions in
4 this Act, the following accounts are hereby reduced by the
5 specified amounts—

6 “Military Construction, Army”, \$38,253,000;

7 “Military Construction, Navy”, \$30,277,000;

8 “Military Construction, Air Force”,
9 \$23,511,000;

10 “Military Construction, Defense-wide”,
11 \$23,616,000;

12 “Military Construction, Army National Guard”,
13 \$4,223,000;

14 “Military Construction, Air National Guard”,
15 \$5,652,000;

16 “Military Construction, Army Reserve”,
17 \$2,891,000;

18 “Military Construction, Naval Reserve”,
19 \$674,000; and

20 “Military Construction, Air Force Reserve”,
21 \$2,080,000.

22 SEC. 129. The Army, Navy, Marine Corps, and Air
23 Force are directed to submit to the appropriate commit-
24 tees of the Congress by June 1, 2000, a Family Housing
25 Master Plan demonstrating how they plan to meet the

1 year 2010 housing goals with traditional construction, op-
2 eration and maintenance support, as well as privatization
3 initiative proposals. Each plan shall include projected life
4 cycle costs for family housing construction, basic allow-
5 ance for housing, operation and maintenance, other associ-
6 ated costs, and a time line for housing completions each
7 year.

8 This Act may be cited as the “Military Construction
9 Appropriations Act, 2000”.

10 *That the following sums are appropriated, out of any*
11 *money in the Treasury not otherwise appropriated, for*
12 *military construction, family housing, and base realign-*
13 *ment and closure functions administered by the Department*
14 *of Defense, for the fiscal year ending September 30, 2000,*
15 *and for other purposes, namely:*

16 *MILITARY CONSTRUCTION, ARMY*

17 *For acquisition, construction, installation, and equip-*
18 *ment of temporary or permanent public works, military in-*
19 *stallations, facilities, and real property for the Army as*
20 *currently authorized by law, including personnel in the*
21 *Army Corps of Engineers and other personal services nec-*
22 *essary for the purposes of this appropriation, and for con-*
23 *struction and operation of facilities in support of the func-*
24 *tions of the Commander in Chief, \$1,067,422,000, to remain*
25 *available until September 30, 2004: Provided, That of this*

1 amount, not to exceed \$86,414 shall be available for study,
2 planning, design, architect and engineer services, and host
3 nation support, as authorized by law, unless the Secretary
4 of Defense determines that additional obligations are nec-
5 essary for such purposes and notifies the Committees on Ap-
6 propriations of both Houses of Congress of his determina-
7 tion and the reasons therefor.

8 *MILITARY CONSTRUCTION, NAVY*

9 *For acquisition, construction, installation, and equip-*
10 *ment of temporary or permanent public works, naval in-*
11 *stallations, facilities, and real property for the Navy as cur-*
12 *rently authorized by law, including personnel in the Naval*
13 *Facilities Engineering Command and other personal serv-*
14 *ices necessary for the purposes of this appropriation,*
15 *\$884,883,000, to remain available until September 30,*
16 *2004: Provided, That of this amount, not to exceed*
17 *\$66,581,000 shall be available for study, planning, design,*
18 *architect and engineer services, as authorized by law, unless*
19 *the Secretary of Defense determines that additional obliga-*
20 *tions are necessary for such purposes and notifies the Com-*
21 *mittees on Appropriations of both Houses of Congress of his*
22 *determination and the reasons therefor.*

23 *MILITARY CONSTRUCTION, AIR FORCE*

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

1 *stallations, facilities, and real property for the Air Force*
2 *as currently authorized by law, \$783,710,000, to remain*
3 *available until September 30, 2004: Provided, That of this*
4 *amount, not to exceed \$32,764,000 shall be available for*
5 *study, planning, design, architect and engineer services, as*
6 *authorized by law, unless the Secretary of Defense deter-*
7 *mines that additional obligations are necessary for such*
8 *purposes and notifies the Committees on Appropriations of*
9 *both Houses of Congress of his determination and the rea-*
10 *sons therefor.*

11 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For acquisition, construction, installation, and equip-*
14 *ment of temporary or permanent public works, installa-*
15 *tions, facilities, and real property for activities and agen-*
16 *cies of the Department of Defense (other than the military*
17 *departments), as currently authorized by law,*
18 *\$770,690,000, to remain available until September 30,*
19 *2004: Provided, That such amounts of this appropriation*
20 *as may be determined by the Secretary of Defense may be*
21 *transferred to such appropriations of the Department of De-*
22 *fense available for military construction or family housing*
23 *as he may designate, to be merged with and to be available*
24 *for the same purposes, and for the same time period, as*
25 *the appropriation or fund to which transferred: Provided*

1 *further, That of the amount appropriated, not to exceed*
2 *\$38,664,000 shall be available for study, planning, design,*
3 *architect and engineer services, as authorized by law, unless*
4 *the Secretary of Defense determines that additional obliga-*
5 *tions are necessary for such purposes and notifies the Com-*
6 *mittees on Appropriations of both Houses of Congress of his*
7 *determination and the reasons therefor.*

8 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

9 *For construction, acquisition, expansion, rehabilita-*
10 *tion, and conversion of facilities for the training and ad-*
11 *ministration of the Army National Guard, and contribu-*
12 *tions therefor, as authorized by chapter 1803 of title 10,*
13 *United States Code, and Military Construction Authoriza-*
14 *tion Acts, \$226,734,000, to remain available until Sep-*
15 *tember 30, 2004.*

16 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

17 *For construction, acquisition, expansion, rehabilita-*
18 *tion, and conversion of facilities for the training and ad-*
19 *ministration of the Air National Guard, and contributions*
20 *therefor, as authorized by chapter 1803 of title 10, United*
21 *States Code, and Military Construction Authorization Acts,*
22 *\$238,545,000, to remain available until September 30,*
23 *2004.*

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 *1803 of title 10, United States Code, and Military Con-*
6 *struction Authorization Acts, \$105,817,000, to remain*
7 *available until September 30, 2004.*

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 Ma-*
12 *rine Corps as authorized by chapter 1803 of title 10, United*
13 *States Code, and Military Construction Authorization Acts,*
14 *\$31,475,000, to remain available until September 30, 2004.*

15 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

16 *For construction, acquisition, expansion, rehabilita-*
17 *tion, and conversion of facilities for the training and ad-*
18 *ministration of the Air Force Reserve as authorized by*
19 *chapter 1803 of title 10, United States Code, and Military*
20 *Construction Authorization Acts, \$35,864,000, to remain*
21 *available until September 30, 2004.*

22 *NORTH ATLANTIC TREATY ORGANIZATION*

23 *SECURITY INVESTMENT PROGRAM*

24 *For the United States share of the cost of the North*
25 *Atlantic Treaty Organization Security Investment Pro-*

1 *gram for the acquisition and construction of military facili-*
2 *ties and installations (including international military*
3 *headquarters) and for related expenses for the collective de-*
4 *fense of the North Atlantic Treaty Area as authorized in*
5 *Military Construction Authorization Acts and section 2806*
6 *of title 10, United States Code, \$100,000,000, to remain*
7 *available until expended.*

8 *FAMILY HOUSING, ARMY*

9 *For expenses of family housing for the Army for con-*
10 *struction, including acquisition, replacement, addition, ex-*
11 *pansion, 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, \$60,900,000, to remain available until September 30,*
16 *2004; for Operation and Maintenance, and for debt pay-*
17 *ment, \$1,098,080,000; in all \$1,158,980,000.*

18 *FAMILY HOUSING, NAVY AND MARINE CORPS*

19 *For expenses of family housing for the Navy and Ma-*
20 *rine Corps for construction, including acquisition, replace-*
21 *ment, addition, expansion, extension and alteration and for*
22 *operation and maintenance, including debt payment, leas-*
23 *ing, minor construction, principal and interest charges,*
24 *and insurance premiums, as authorized by law, as follows:*
25 *for Construction, \$298,354,000, to remain available until*

1 *September 30, 2004; for Operation and Maintenance, and*
2 *for debt payment, \$895,070,000; in all \$1,193,424,000.*

3 *FAMILY HOUSING, AIR FORCE*

4 *For expenses of family housing for the Air Force for*
5 *construction, including acquisition, replacement, addition,*
6 *expansion, extension and alteration and for operation and*
7 *maintenance, including debt payment, leasing, minor con-*
8 *struction, principal and interest charges, and insurance*
9 *premiums, as authorized by law, as follows: for Construc-*
10 *tion, \$335,034,000, to remain available until September 30,*
11 *2004; for Operation and Maintenance, and for debt pay-*
12 *ment, \$821,892,000; in all \$1,156,926,000.*

13 *FAMILY HOUSING, DEFENSE-WIDE*

14 *For expenses of family housing for the activities and*
15 *agencies of the Department of Defense (other than the mili-*
16 *tary departments) for construction, including acquisition,*
17 *replacement, addition, expansion, extension and alteration,*
18 *and for operation and maintenance, leasing, and minor*
19 *construction, as authorized by law, as follows: for Construc-*
20 *tion, \$50,000, to remain available until September 30,*
21 *2004; for Operation and Maintenance, \$41,440,000; in all*
22 *\$41,490,000.*

1 *FAMILY HOUSING REVITALIZATION TRANSFER FUND*2 *(INCLUDING TRANSFER OF FUND)*

3 *Notwithstanding any other provision of law, for ex-*
4 *penses related to improvements to existing family housing;*
5 *\$25,000,000, to remain available until expended: Provided,*
6 *That the Secretary of Defense may transfer these funds only*
7 *to family housing accounts, within this title: Provided fur-*
8 *ther, That the funds transferred shall be merged with and*
9 *shall be available for the same purposes and for the same*
10 *period, as the appropriation to which transferred: Provided*
11 *further, That the funds shall not be transferred to the De-*
12 *partment of Defense Family Housing Improvement Fund.*

13 *DEPARTMENT OF DEFENSE FAMILY HOUSING*14 *IMPROVEMENT FUND*

15 *For the Department of Defense Family Housing Im-*
16 *provement Fund, \$25,000,000, to remain available until ex-*
17 *pended, as the sole source of funds for planning, adminis-*
18 *trative, and oversight costs incurred by the Housing Revi-*
19 *talization Support Office relating to military family hous-*
20 *ing initiatives undertaken pursuant to 10 U.S.C. 2883, per-*
21 *taining to alternative means of acquiring and improving*
22 *military family housing and supporting facilities.*

23 *BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV*

24 *For deposit into the Department of Defense Base Clo-*
25 *sure Account 1990 established by section 2906(a)(1) of the*

1 *Department of Defense Authorization Act, 1991 (Public*
2 *Law 101-510), \$705,911,000, to remain available until ex-*
3 *pended: Provided, That not more than \$426,036,000 of the*
4 *funds appropriated herein shall be available solely for envi-*
5 *ronmental restoration, unless the Secretary of Defense deter-*
6 *mines that additional obligations are necessary for such*
7 *purposes and notifies the Committees on Appropriations of*
8 *both Houses of Congress of his determination and the rea-*
9 *sons therefor.*

10 **GENERAL PROVISIONS**

11 *SEC. 101. None of the funds appropriated in Military*
12 *Construction Appropriations Acts shall be expended for*
13 *payments under a cost-plus-a-fixed-fee contract for con-*
14 *struction, where cost estimates exceed \$25,000, to be per-*
15 *formed within the United States, except Alaska, without the*
16 *specific approval in writing of the Secretary of Defense set-*
17 *ting forth the reasons therefor.*

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

21 *SEC. 103. Funds appropriated to the Department of*
22 *Defense for construction may be used for advances to the*
23 *Federal Highway Administration, Department of Trans-*
24 *portation, for the construction of access roads as authorized*
25 *by section 210 of title 23, United States Code, when projects*

1 *authorized therein are certified as important to the national*
2 *defense by the Secretary of Defense.*

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

7 *SEC. 105. No part of the funds provided in Military*
8 *Construction Appropriations Acts shall be used for purchase*
9 *of land or land easements in excess of 100 percent of the*
10 *value as determined by the Army Corps of Engineers or*
11 *the Naval Facilities Engineering Command, except: (1)*
12 *where there is a determination of value by a Federal court;*
13 *(2) purchases negotiated by the Attorney General or his des-*
14 *ignee; (3) where the estimated value is less than \$25,000;*
15 *or (4) as otherwise determined by the Secretary of Defense*
16 *to be in the public interest.*

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

23 *SEC. 107. None of the funds appropriated in Military*
24 *Construction Appropriations Acts for minor construction*
25 *may be used to transfer or relocate any activity from one*

1 *base or installation to another, without prior notification*
2 *to the Committees on Appropriations.*

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

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

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

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

1 *SEC. 112. None of the funds appropriated in Military*
2 *Construction Appropriations Acts for military construction*
3 *in the United States territories and possessions in the Pa-*
4 *cific and on Kwajalein Atoll, or in countries bordering the*
5 *Arabian Gulf, may be used to award any contract estimated*
6 *by the Government to exceed \$1,000,000 to a foreign con-*
7 *tractor: Provided, That this section shall not be applicable*
8 *to contract awards for which the lowest responsive and re-*
9 *sponsible bid of a United States contractor exceeds the low-*
10 *est responsive and responsible bid of a foreign contractor*
11 *by greater than 20 percent: Provided further, That this sec-*
12 *tion shall not apply to contract awards for military con-*
13 *struction on Kwajalein Atoll for which the lowest responsive*
14 *and responsible bid is submitted by a Marshallese con-*
15 *tractor.*

16 *SEC. 113. The Secretary of Defense is to inform the*
17 *appropriate committees of Congress, including the Commit-*
18 *tees on Appropriations, of the plans and scope of any pro-*
19 *posed military exercise involving United States personnel*
20 *30 days prior to its occurring, if amounts expended for con-*
21 *struction, either temporary or permanent, are anticipated*
22 *to exceed \$100,000.*

23 *SEC. 114. Not more than 20 percent of the appropria-*
24 *tions in Military Construction Appropriations Acts which*

1 *are limited for obligation during the current fiscal year*
2 *shall be obligated during the last 2 months of the fiscal year.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 115. Funds appropriated to the Department of*
5 *Defense for construction in prior years shall be available*
6 *for construction authorized for each such military depart-*
7 *ment by the authorizations enacted into law during the cur-*
8 *rent session of Congress.*

9 *SEC. 116. For military construction or family housing*
10 *projects that are being completed with funds otherwise ex-*
11 *pired or lapsed for obligation, expired or lapsed funds may*
12 *be used to pay the cost of associated supervision, inspection,*
13 *overhead, engineering and design on those projects and on*
14 *subsequent claims, if any.*

15 *SEC. 117. Notwithstanding any other provision of law,*
16 *any funds appropriated to a military department or de-*
17 *fense agency for the construction of military projects may*
18 *be obligated for a military construction project or contract,*
19 *or for any portion of such a project or contract, at any*
20 *time before the end of the fourth fiscal year after the fiscal*
21 *year for which funds for such project were appropriated if*
22 *the funds obligated for such project: (1) are obligated from*
23 *funds available for military construction projects; and (2)*
24 *do not exceed the amount appropriated for such project,*
25 *plus any amount by which the cost of such project is in-*
26 *creased pursuant to law.*

(TRANSFER OF FUNDS)

1
2 *SEC. 118. During the 5-year period after appropria-*
3 *tions available to the Department of Defense for military*
4 *construction and family housing operation and mainte-*
5 *nance and construction have expired for obligation, upon*
6 *a determination that such appropriations will not be nec-*
7 *essary for the liquidation of obligations or for making au-*
8 *thorized adjustments to such appropriations for obligations*
9 *incurred during the period of availability of such appro-*
10 *priations, unobligated balances of such appropriations may*
11 *be transferred into the appropriation "Foreign Currency*
12 *Fluctuations, Construction, Defense" to be merged with and*
13 *to be available for the same time period and for the same*
14 *purposes as the appropriation to which transferred.*

15 *SEC. 119. The Secretary of Defense is to provide the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives with an annual report by February 15,*
18 *containing details of the specific actions proposed to be*
19 *taken by the Department of Defense during the current fis-*
20 *cal year to encourage other member nations of the North*
21 *Atlantic Treaty Organization, Japan, Korea, and United*
22 *States allies bordering the Arabian Gulf to assume a greater*
23 *share of the common defense burden of such nations and*
24 *the United States.*

(TRANSFER OF FUNDS)

1
2 *SEC. 120. During the current fiscal year, in addition*
3 *to any other transfer authority available to the Department*
4 *of Defense, proceeds deposited to the Department of Defense*
5 *Base Closure Account established by section 207(a)(1) of the*
6 *Defense Authorization Amendments and Base Closure and*
7 *Realignment Act (Public Law 100–526) pursuant to section*
8 *207(a)(2)(C) of such Act, may be transferred to the account*
9 *established by section 2906(a)(1) of the Department of De-*
10 *fense Authorization Act, 1991, to be merged with, and to*
11 *be available for the same purposes and the same time period*
12 *as that account.*

13 *SEC. 121. None of the funds appropriated or made*
14 *available by this Act may be obligated for Partnership for*
15 *Peace Programs or to provide support for non-NATO coun-*
16 *tries.*

17 *SEC. 122. (a) Not later than 60 days before issuing*
18 *any solicitation for a contract with the private sector for*
19 *military family housing the Secretary of the military de-*
20 *partment concerned shall submit to the congressional de-*
21 *fense committees the notice described in subsection (b).*

22 *(b)(1) A notice referred to in subsection (a) is a notice*
23 *of any guarantee (including the making of mortgage or*
24 *rental payments) proposed to be made by the Secretary to*

1 *the private party under the contract involved in the event*
2 *of—*

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

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

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

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

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

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

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

21 *(TRANSFER OF FUNDS)*

22 *SEC. 123. During the current fiscal year, in addition*
23 *to any other transfer authority available to the Department*
24 *of Defense, amounts may be transferred from the account*
25 *established by section 2906(a)(1) of the Department of De-*
26 *fense Authorization Act, 1991, to the fund established by*

1 *section 1013(d) of the Demonstration Cities and Metropoli-*
2 *tan Development Act of 1966 (42 U.S.C. 3374) to pay for*
3 *expenses associated with the Homeowners Assistance Pro-*
4 *gram. Any amounts transferred shall be merged with and*
5 *be available for the same purposes and for the same time*
6 *period as the fund to which transferred.*

7 *SEC. 124. None of the funds appropriated in this Act*
8 *or any other Acts may be used for repair and maintenance*
9 *of any flag and general officer quarters in excess of \$25,000*
10 *without prior notification 30 calendar days in advance to*
11 *the congressional defense committees.*

12 *SEC. 125. With the exception of budget authority for*
13 *“North Atlantic Treaty Organization Security Investment*
14 *Program”, “Family Housing, Army” for operation and*
15 *maintenance, “Family Housing, Navy and Marine Corps”*
16 *for operation and maintenance, “Family Housing, Air*
17 *Force” for operation and maintenance and “Family Hous-*
18 *ing, Defense-Wide” for operation and maintenance, each*
19 *amount of budget authority for the fiscal year ending Sep-*
20 *tember 30, 2000, provided in this Act, is hereby reduced*
21 *by five per centum: Provided, That such reduction shall be*
22 *applied ratably to each account, program, activity, and*
23 *project provided for in this Act.*

24 *SEC. 126. Not later than April 30, 2000, the Secretary*
25 *of Defense shall submit to the congressional defense commit-*

1 *tees a report examining the adequacy of special education*
2 *facilities and services available to the dependent children*
3 *of uniformed personnel stationed in the United States. The*
4 *report shall identify the following:*

5 (1) *The schools on military installations in the*
6 *United States that are operated by the Department of*
7 *Defense, other entities of the Federal government, or*
8 *local school districts.*

9 (2) *School districts in the United States that*
10 *have experienced an increase in enrollment of 20 per-*
11 *cent or more in the past five years resulting from base*
12 *realignments or consolidations.*

13 (3) *The impact of increased special education re-*
14 *quirements on student populations, student-teacher*
15 *ratios, and financial requirements in school districts*
16 *supporting installations designated by the military*
17 *departments as compassionate assignment posts.*

18 (4) *The adequacy of special education services*
19 *and facilities for dependent children of uniformed*
20 *personnel within the United States, particularly at*
21 *compassionate assignment posts.*

22 (5) *Corrective measures that are needed to ade-*
23 *quately support the special education needs of mili-*
24 *tary families, including such improvements as the*

1 *renovation of existing schools or the construction of*
2 *new schools.*

3 (6) *An estimate of the cost of needed improve-*
4 *ments, and a recommended source of funding within*
5 *the Department of Defense.*

6 *SEC. 127. The first proviso under the heading “MILI-*
7 *TARY CONSTRUCTION TRANSFER FUND” in chapter*
8 *6 of title II of the 1999 Emergency Supplemental Appro-*
9 *priations Act (Public Law 106–31) is amended by inserting*
10 *“and to the North Atlantic Treaty Organization Security*
11 *Investment Program as provided in section 2806 of title*
12 *10, United States Code” after “to military construction ac-*
13 *counts”.*

14 *SEC. 128. (a) Notwithstanding any other provision of*
15 *law, no funds appropriated or otherwise made available by*
16 *this Act may be used to carry out conveyance of land at*
17 *the former Fort Sheridan, Illinois, unless such conveyance*
18 *is consistent with a regional agreement among the commu-*
19 *nities and jurisdictions in the vicinity of Fort Sheridan*
20 *and in accordance with section 2862 of the 1996 Defense*
21 *Authorization Act (division B of Public Law 104–106; 110*
22 *Stat. 573).*

23 (b) *The land referred to in paragraph (a) is a parcel*
24 *of real property, including any improvements thereon, lo-*
25 *cated at the former Fort Sheridan, Illinois, consisting of*

1 *approximately 14 acres, and known as the northern Army*
2 *Reserve enclave area, that is covered by the authority in*
3 *section 2862 of the 1996 Defense Authorization Act and has*
4 *not been conveyed pursuant to that authority as to the date*
5 *of enactment of this Act.*

6 *SEC. 129. (a) Notwithstanding any other provision of*
7 *law, no funds appropriated or otherwise made available by*
8 *this Act or any other Act may be obligated or expended for*
9 *any purpose relating to the construction at Bluegrass Army*
10 *Depot, Kentucky, of any facility employing a specific tech-*
11 *nology for the demilitarization of assembled chemical muni-*
12 *tions until the date on which the Secretary of Defense sub-*
13 *mits to the Committees on Appropriations of the Senate and*
14 *House of Representatives a report on the results of the com-*
15 *pleted demonstration of the six alternatives to baseline in-*
16 *cineration for the destruction of chemical agents and muni-*
17 *tions as identified by the Program Evaluation Team of the*
18 *Assembled Chemical Weapons Assessment program.*

19 *(b) In order to provide funding for the completion of*
20 *the demonstration of alternatives referred to in subsection*
21 *(a), the Secretary shall utilize the authority in section 8127*
22 *of the Department of Defense Appropriations Act, 1999*
23 *(Public Law 105–262; 112 Stat. 2333) in accordance with*
24 *the provisions of that section.*

1 *This Act may be cited as the “Military Construction*
2 *Appropriations Act, 2000”.*

Passed the House of Representatives July 13, 1999.

Attest: JEFF TRANDAHL,
Clerk.

Passed the Senate July 14, 1999.

Attest: GARY SISCO,
Secretary.

106TH CONGRESS
1ST SESSION

H. R. 2465

AMENDMENT