

# Union Calendar No. 127

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2465

[Report No. 106-221]

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 2, 1999

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

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## 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, 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       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 2000, 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, \$1,223,405,000, to re-  
13 main available until September 30, 2004: *Provided*, That  
14 of this amount, not to exceed \$87,205,000 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, \$968,862,000, to remain available until September  
4 30, 2004: *Provided*, That of this amount, not to exceed  
5 \$65,010,000 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, \$752,367,000, to remain  
16 available until September 30, 2004: *Provided*, That of this  
17 amount, not to exceed \$32,104,000 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 \$755,718,000, to remain available until September 30,  
9 2004: *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 \$33,324,000 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, \$135,129,000, to remain available until Sep-  
5 tember 30, 2004.

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, \$180,870,000, to remain available until September  
13 30, 2004.

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, \$92,515,000, to remain  
20 available until September 30, 2004.

21       MILITARY CONSTRUCTION, NAVAL RESERVE

22       For construction, acquisition, expansion, rehabilita-  
23 tion, and conversion of facilities for the training and ad-  
24 ministration of the reserve components of the Navy and  
25 Marine Corps as authorized by chapter 1803 of title 10,

1 United States Code, and Military Construction Authoriza-  
2 tion Acts, \$21,574,000, to remain available until Sep-  
3 tember 30, 2004.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-  
6 tion, and conversion of facilities for the training and ad-  
7 ministration of the Air Force Reserve as authorized by  
8 chapter 1803 of title 10, United States Code, and Military  
9 Construction Authorization Acts, \$66,549,000, to remain  
10 available until September 30, 2004.

11 NORTH ATLANTIC TREATY ORGANIZATION

12 SECURITY INVESTMENT PROGRAM

13 For the United States share of the cost of the North  
14 Atlantic Treaty Organization Security Investment Pro-  
15 gram for the acquisition and construction of military fa-  
16 cilities and installations (including international military  
17 headquarters) and for related expenses for the collective  
18 defense of the North Atlantic Treaty Area as authorized  
19 in Military Construction Authorization Acts and section  
20 2806 of title 10, United States Code, \$81,000,000, to re-  
21 main available until expended.

22 FAMILY HOUSING, ARMY

23 For expenses of family housing for the Army for con-  
24 struction, including acquisition, replacement, addition, ex-  
25 pansion, 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, \$89,200,000, to remain available until September 30,  
5 2004; for Operation and Maintenance, and for debt pay-  
6 ment, \$1,089,812,000; in all \$1,179,012,000.

7           FAMILY HOUSING, NAVY AND MARINE CORPS

8           For expenses of family housing for the Navy and Ma-  
9 rine Corps for construction, including acquisition, replace-  
10 ment, addition, expansion, extension and alteration and  
11 for operation and maintenance, including debt payment,  
12 leasing, minor construction, principal and interest  
13 charges, and insurance premiums, as authorized by law,  
14 as follows: for Construction, \$312,559,000, to remain  
15 available until September 30, 2004; for Operation and  
16 Maintenance, and for debt payment, \$895,070,000; in all  
17 \$1,207,629,000.

18                           FAMILY HOUSING, AIR FORCE

19           For expenses of family housing for the Air Force for  
20 construction, including acquisition, replacement, addition,  
21 expansion, extension and alteration and for operation and  
22 maintenance, including debt payment, leasing, minor con-  
23 struction, principal and interest charges, and insurance  
24 premiums, as authorized by law, as follows: for Construc-  
25 tion, \$344,996,000, to remain available until September

1 30, 2004; for Operation and Maintenance, and for debt  
2 payment, \$821,892,000; in all \$1,166,888,000.

3                   FAMILY HOUSING, DEFENSE-WIDE

4           For expenses of family housing for the activities and  
5 agencies of the Department of Defense (other than the  
6 military departments) for construction, including acquisi-  
7 tion, replacement, addition, expansion, extension and al-  
8 teration, and for operation and maintenance, leasing, and  
9 minor construction, as authorized by law, as follows: for  
10 Construction, \$50,000, to remain available until Sep-  
11 tember 30, 2004; for Operation and Maintenance,  
12 \$41,440,000; in all \$41,490,000.

13                   DEPARTMENT OF DEFENSE FAMILY HOUSING

14                                   IMPROVEMENT FUND

15           For the Department of Defense Family Housing Im-  
16 provement Fund, \$2,000,000, to remain available until ex-  
17 pended, as the sole source of funds for planning, adminis-  
18 trative, and oversight costs relating to family housing ini-  
19 tiatives undertaken pursuant to 10 U.S.C. 2883, per-  
20 taining to alternative means of acquiring and improving  
21 military family housing, and supporting facilities.

22                   BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

23           For deposit into the Department of Defense Base  
24 Closure Account 1990 established by section 2906(a)(1)  
25 of the Department of Defense Authorization Act, 1991



1 (Public Law 101–510), \$705,911,000, to remain available  
2 until expended: *Provided*, That not more than  
3 \$360,073,000 of the funds appropriated herein shall be  
4 available solely for environmental restoration, unless the  
5 Secretary of Defense determines that additional obliga-  
6 tions are necessary for such purposes and notifies the  
7 Committees on Appropriations of both Houses of Congress  
8 of his determination and the reasons therefor.

### 9 GENERAL PROVISIONS

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

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

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

1 projects authorized therein are certified as important to  
2 the national 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 appropria-  
6 tions have not been made.

7 SEC. 105. No part of the funds provided in Military  
8 Construction Appropriations Acts shall be used for pur-  
9 chase of land or land easements in excess of 100 percent  
10 of the value as determined by the Army Corps of Engi-  
11 neers or the Naval Facilities Engineering Command, ex-  
12 cept: (1) where there is a determination of value by a Fed-  
13 eral court; (2) purchases negotiated by the Attorney Gen-  
14 eral or his designee; (3) where the estimated value is less  
15 than \$25,000; or (4) as otherwise determined by the Sec-  
16 retary of Defense 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  
5 the procurement of steel for any construction project or  
6 activity for which American steel producers, fabricators,  
7 and manufacturers have been denied the opportunity to  
8 compete for such steel procurement.

9       SEC. 109. None of the funds available to the Depart-  
10 ment of Defense for military construction or family hous-  
11 ing during the current fiscal year may be used to pay real  
12 property 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  
16 the 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 Govern-  
20 ment to exceed \$500,000 for projects to be accomplished  
21 in Japan, in any NATO member country, or in countries  
22 bordering the Arabian Gulf, unless such contracts are  
23 awarded to United States firms or United States firms  
24 in joint venture with host nation firms.

1        SEC. 112. None of the funds appropriated in Military  
2 Construction Appropriations Acts for military construc-  
3 tion in the United States territories and possessions in the  
4 Pacific and on Kwajalein Atoll, or in countries bordering  
5 the Arabian Gulf, may be used to award any contract esti-  
6 mated by the Government to exceed \$1,000,000 to a for-  
7 eign contractor: *Provided*, That this section shall not be  
8 applicable to contract awards for which the lowest respon-  
9 sive and responsible bid of a United States contractor ex-  
10 ceeds the lowest responsive and responsible bid of a for-  
11 eign contractor by greater than 20 percent: *Provided fur-*  
12 *ther*, That this section shall not apply to contract awards  
13 for military construction on Kwajalein Atoll for which the  
14 lowest responsive and responsible bid is submitted by a  
15 Marshallese contractor.

16        SEC. 113. The Secretary of Defense is to inform the  
17 appropriate committees of Congress, including the Com-  
18 mittees on Appropriations, of the plans and scope of any  
19 proposed military exercise involving United States per-  
20 sonnel 30 days prior to its occurring, if amounts expended  
21 for construction, either temporary or permanent, are an-  
22 ticipated to exceed \$100,000.

23        SEC. 114. Not more than 20 percent of the appro-  
24 priations in Military Construction Appropriations Acts  
25 which are limited for obligation during the current fiscal

1 year shall be obligated during the last 2 months of the  
2 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  
8 current 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, inspec-  
13 tion, overhead, engineering and design on those projects  
14 and on subsequent claims, if any.

15 SEC. 117. Notwithstanding any other provision of  
16 law, any funds appropriated to a military department or  
17 defense agency for the construction of military projects  
18 may be obligated for a military construction project or  
19 contract, or for any portion of such a project or contract,  
20 at any time before the end of the fourth fiscal year after  
21 the fiscal year for which funds for such project were ap-  
22 propriated if the funds obligated for such project: (1) are  
23 obligated from funds available for military construction  
24 projects; and (2) do not exceed the amount appropriated  
25 for such project, plus any amount by which the cost of  
26 such project is increased 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 obliga-  
9 tions incurred during the period of availability of such ap-  
10 propriations, unobligated balances of such appropriations  
11 may be transferred into the appropriation “Foreign Cur-  
12 rency Fluctuations, Construction, Defense” to be merged  
13 with and to be available for the same time period and for  
14 the same purposes as the appropriation to which trans-  
15 ferred.

16       SEC. 119. The Secretary of Defense is to provide the  
17 Committees on Appropriations of the Senate and the  
18 House of Representatives with an annual report by Feb-  
19 ruary 15, containing details of the specific actions pro-  
20 posed to be taken by the Department of Defense during  
21 the current fiscal year to encourage other member nations  
22 of the North Atlantic Treaty Organization, Japan, Korea,  
23 and United States allies bordering the Arabian Gulf to as-  
24 sume a greater share of the common defense burden of  
25 such nations and 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 Depart-  
4 ment of Defense, proceeds deposited to the Department  
5 of Defense Base Closure Account established by section  
6 207(a)(1) of the Defense Authorization Amendments and  
7 Base Closure and Realignment Act (Public Law 100–526)  
8 pursuant to section 207(a)(2)(C) of such Act, may be  
9 transferred to the account established by section  
10 2906(a)(1) of the Department of Defense Authorization  
11 Act, 1991, to be merged with, and to be available for the  
12 same purposes and the same time period as that account.

13       SEC. 121. No funds appropriated pursuant to this  
14 Act may be expended by an entity unless the entity agrees  
15 that in expending the assistance the entity will comply  
16 with sections 2 through 4 of the Act of March 3, 1933  
17 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-  
18 ican Act”).

19       SEC. 122. (a) In the case of any equipment or prod-  
20 ucts that may be authorized to be purchased with financial  
21 assistance provided under this Act, it is the sense of the  
22 Congress that entities receiving such assistance should, in  
23 expending the assistance, purchase only American-made  
24 equipment and products.

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

5 (TRANSFER OF FUNDS)

6 SEC. 123. Subject to 30 days prior notification to the  
7 Committees on Appropriations, such additional amounts  
8 as may be determined by the Secretary of Defense may  
9 be transferred to the Department of Defense Family  
10 Housing Improvement Fund from amounts appropriated  
11 for construction in “Family Housing” accounts, to be  
12 merged with and to be available for the same purposes  
13 and for the same period of time as amounts appropriated  
14 directly to the Fund: *Provided*, That appropriations made  
15 available to the Fund shall be available to cover the costs,  
16 as defined in section 502(5) of the Congressional Budget  
17 Act of 1974, of direct loans or loan guarantees issued by  
18 the Department of Defense pursuant to the provisions of  
19 subchapter IV of chapter 169, title 10, United States  
20 Code, pertaining to alternative means of acquiring and im-  
21 proving military family housing and supporting facilities.

22 SEC. 124. (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-  
25 partment concerned shall submit to the congressional de-  
26 fense committees the notice described in subsection (b).



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

6 (A) the closure or realignment of the installa-  
7 tion for which housing is provided under the con-  
8 tract;

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

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

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

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

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

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

## (TRANSFER OF FUNDS)

1  
2       SEC. 125. During the current fiscal year, in addition  
3 to any other transfer authority available to the Depart-  
4 ment of Defense, amounts may be transferred from the  
5 account established by section 2906(a)(1) of the Depart-  
6 ment of Defense Authorization Act, 1991, to the fund es-  
7 tablished by section 1013(d) of the Demonstration Cities  
8 and Metropolitan Development Act of 1966 (42 U.S.C.  
9 3374) to pay for expenses associated with the Home-  
10 owners Assistance Program. Any amounts transferred  
11 shall be merged with and be available for the same pur-  
12 poses and for the same time period as the fund to which  
13 transferred.

14       SEC. 126. Notwithstanding this or any other provi-  
15 sion of law, funds appropriated in Military Construction  
16 Appropriations Acts for operations and maintenance of  
17 family housing shall be the exclusive source of funds for  
18 repair and maintenance of flag and general officer quar-  
19 ters: *Provided*, That not more than \$15,000 per unit may  
20 be spent annually for the maintenance and repair of any  
21 general or flag officers quarters without thirty days ad-  
22 vance prior notification of the appropriate committees of  
23 Congress: *Provided further*, That out-of-cycle notifications  
24 are prohibited with the exception of those justified by  
25 emergency or safety-related items: *Provided further*, That

1 the Under Secretary of Defense (Comptroller) is to report  
2 on a quarterly basis to the appropriate committees of Con-  
3 gress all operations and maintenance expenditures for  
4 each individual flag and general officer quarters.

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

13 SEC. 128. Notwithstanding any other provisions in  
14 this Act, the following accounts are hereby reduced by the  
15 specified amounts—

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

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

18 “Military Construction, Air Force”,

19 \$23,511,000;

20 “Military Construction, Defense-wide”,

21 \$23,616,000;

22 “Military Construction, Army National Guard”,

23 \$4,223,000;

24 “Military Construction, Air National Guard”,

25 \$5,652,000;

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

3           “Military Construction, Naval Reserve”,  
4           \$674,000; and

5           “Military Construction, Air Force Reserve”,  
6           \$2,080,000.

7           SEC. 129. The Army, Navy, Marine Corps, and Air  
8 Force are directed to submit to the appropriate commit-  
9 tees of the Congress by June 1, 2000, a Family Housing  
10 Master Plan demonstrating how they plan to meet the  
11 year 2010 housing goals with traditional construction, op-  
12 eration and maintenance support, as well as privatization  
13 initiative proposals. Each plan shall include projected life  
14 cycle costs for family housing construction, basic allow-  
15 ance for housing, operation and maintenance, other associ-  
16 ated costs, and a time line for housing completions each  
17 year.

18           This Act may be cited as the “Military Construction  
19 Appropriations Act, 2000”.

Union Calendar No. 127

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2465**

[Report No. 106-221]

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## **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, 2000, and for other purposes.

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JULY 2, 1999

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