Calendar No. 554

106TH CONGRESS 2D SESSION

H. R. 4425

IN THE SENATE OF THE UNITED STATES

 ${\rm May} \ 17, \ 2000$ Received; read twice and placed on the calendar

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, 2001, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

- 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 Depart-
- 5 ment of Defense, for the fiscal year ending September 30,
- 6 2001, and for other purposes, namely:
- 7 MILITARY CONSTRUCTION, ARMY
- 8 For acquisition, construction, installation, and equip-
- 9 ment of temporary or permanent public works, military
- 10 installations, facilities, and real property for the Army as
- 11 currently authorized by law, including personnel in the
- 12 Army Corps of Engineers and other personal services nec-
- 13 essary for the purposes of this appropriation, and for con-
- 14 struction and operation of facilities in support of the func-
- 15 tions of the Commander in Chief, \$869,950,000, to re-
- 16 main available until September 30, 2005: Provided, That
- 17 of this amount, not to exceed \$99,961,000 shall be avail-
- 18 able for study, planning, design, architect and engineer
- 19 services, and host nation support, as authorized by law,
- 20 unless the Secretary of Defense determines that additional
- 21 obligations are necessary for such purposes and notifies
- 22 the Committees on Appropriations of both Houses of Con-
- 23 gress of his determination and the reasons therefor.

1	MILITARY CONSTRUCTION, NAVY
2	For acquisition, construction, installation, and equip-
3	ment of temporary or permanent public works, naval in-
4	stallations, facilities, and real property for the Navy as
5	currently authorized by law, including personnel in the
6	Naval Facilities Engineering Command and other per-
7	sonal services necessary for the purposes of this appropria-
8	tion, \$891,380,000, to remain available until September
9	30, 2005: Provided, That of this amount, not to exceed
10	\$67,502,000 shall be available for study, planning, design,
11	architect and engineer services, as authorized by law, un-
12	less the Secretary of Defense determines that additional
13	obligations are necessary for such purposes and notifies
14	the Committees on Appropriations of both Houses of Con-
15	gress of his determination and the reasons therefor.
16	MILITARY CONSTRUCTION, AIR FORCE
17	For acquisition, construction, installation, and equip-
18	ment of temporary or permanent public works, military
19	installations, facilities, and real property for the Air Force
20	as currently authorized by law, \$703,903,000, to remain
21	available until September 30, 2005: Provided, That of this
22	amount, not to exceed \$56,949,000 shall be available for
23	study, planning, design, architect and engineer services,
24	as authorized by law, unless the Secretary of Defense de-

termines that additional obligations are necessary for such

- 1 purposes and notifies the Committees on Appropriations
- 2 of both Houses of Congress of his determination and the
- 3 reasons therefor.
- 4 MILITARY CONSTRUCTION, DEFENSE-WIDE
- 5 (INCLUDING TRANSFER OF FUNDS)
- 6 For acquisition, construction, installation, and equip-
- 7 ment of temporary or permanent public works, installa-
- 8 tions, facilities, and real property for activities and agen-
- 9 cies of the Department of Defense (other than the military
- 10 departments), as currently authorized by law,
- 11 \$800,314,000, to remain available until September 30,
- 12 2005: Provided, That such amounts of this appropriation
- 13 as may be determined by the Secretary of Defense may
- 14 be transferred to such appropriations of the Department
- 15 of Defense available for military construction or family
- 16 housing as he may designate, to be merged with and to
- 17 be available for the same purposes, and for the same time
- 18 period, as the appropriation or fund to which transferred:
- 19 Provided further, That of the amount appropriated, not
- 20 to exceed \$77,505,000 shall be available for study, plan-
- 21 ning, design, architect and engineer services, as authorized
- 22 by law, unless the Secretary of Defense determines that
- 23 additional obligations are necessary for such purposes and
- 24 notifies the Committees on Appropriations of both Houses
- 25 of Congress of his determination and the reasons therefor.

- 1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD
- 2 For construction, acquisition, expansion, rehabilita-
- 3 tion, and conversion of facilities for the training and ad-
- 4 ministration of the Army National Guard, and contribu-
- 5 tions therefor, as authorized by chapter 1803 of title 10,
- 6 United States Code, and Military Construction Authoriza-
- 7 tion Acts, \$137,603,000, to remain available until Sep-
- 8 tember 30, 2005.
- 9 Military Construction, Air National Guard
- 10 For construction, acquisition, expansion, rehabilita-
- 11 tion, and conversion of facilities for the training and ad-
- 12 ministration of the Air National Guard, and contributions
- 13 therefor, as authorized by chapter 1803 of title 10, United
- 14 States Code, and Military Construction Authorization
- 15 Acts, \$110,585,000, to remain available until September
- 16 30, 2005.
- 17 MILITARY CONSTRUCTION, ARMY RESERVE
- 18 For construction, acquisition, expansion, rehabilita-
- 19 tion, and conversion of facilities for the training and ad-
- 20 ministration of the Army Reserve as authorized by chapter
- 21 1803 of title 10, United States Code, and Military Con-
- 22 struction Authorization Acts, \$115,854,000, to remain
- 23 available until September 30, 2005.

1	MILITARY CONSTRUCTION, NAVAL RESERVE					
2	(INCLUDING RESCISSIONS)					
3	For construction, acquisition, expansion, rehabilit					
4	tion, and conversion of facilities for the training and a					
5	ministration of the reserve components of the Navy ar					
6	Marine Corps as authorized by chapter 1803 of title 10					
7	United States Code, and Military Construction Authoriza					
8	3 tion Acts, \$53,004,000, to remain available until Se					
9	tember 30, 2005: Provided further, That the funds appro					
10	priated for "Military Construction, Naval Reserve" under					
11	Public Law 105–45, \$2,400,000 is hereby rescinded.					
12	MILITARY CONSTRUCTION, AIR FORCE RESERVE					
13	For construction, acquisition, expansion, rehabilita-					
14	tion, and conversion of facilities for the training and ad-					
15	ministration of the Air Force Reserve as authorized by					
16	chapter 1803 of title 10, United States Code, and Military					
17	Construction Authorization Acts, \$43,748,000, to remain					
18	available until September 30, 2005.					
19	NORTH ATLANTIC TREATY ORGANIZATION					
20	SECURITY INVESTMENT PROGRAM					
21	For the United States share of the cost of the North					
22	Atlantic Treaty Organization Security Investment Pro-					
23	gram for the acquisition and construction of military fa-					
24	4 cilities and installations (including international military					
25	headquarters) and for related expenses for the collective					

- 1 defense of the North Atlantic Treaty Area as authorized
- 2 in Military Construction Authorization Acts and section
- 3 2806 of title 10, United States Code, \$177,500,000, to
- 4 remain available until expended.
- 5 Family Housing, Army
- 6 For expenses of family housing for the Army for con-
- 7 struction, including acquisition, replacement, addition, ex-
- 8 pansion, extension and alteration and for operation and
- 9 maintenance, including debt payment, leasing, minor con-
- 10 struction, principal and interest charges, and insurance
- 11 premiums, as authorized by law, as follows: for Construc-
- 12 tion, \$198,505,000, to remain available until September
- 13 30, 2005; for Operation and Maintenance, and for debt
- 14 payment, \$953,744,000; in all \$1,152,249,000.
- 15 Family Housing, Navy and Marine Corps
- 16 For expenses of family housing for the Navy and Ma-
- 17 rine Corps for construction, including acquisition, replace-
- 18 ment, addition, expansion, extension and alteration and
- 19 for operation and maintenance, including debt payment,
- 20 leasing, minor construction, principal and interest
- 21 charges, and insurance premiums, as authorized by law,
- 22 as follows: for Construction, \$419,584,000, to remain
- 23 available until September 30, 2005; for Operation and
- 24 Maintenance, and for debt payment, \$879,208,000; in all
- 25 \$1,298,792,000.

1	Family Housing, Air Force					
2	For expenses of family housing for the Air Force for					
3	construction, including acquisition, replacement, addition					
4	expansion, extension and alteration and for operation as					
5	maintenance, including debt payment, leasing, minor co					
6	struction, principal and interest charges, and insuran					
7	premiums, as authorized by law, as follows: for Constru					
8	tion, \$241,384,000, to remain available until September					
9	30, 2005; for Operation and Maintenance, and for del					
10	payment, \$820,879,000; in all \$1,062,263,000.					
11	Family Housing, Defense-wide					
12	For expenses of family housing for the activities and					
13	agencies of the Department of Defense (other than the					
14	military departments) for construction, including acquis					
15	tion, replacement, addition, expansion, extension and al					
16	teration, and for operation and maintenance, leasing, and					
17	minor construction, as authorized by law, for Operation					
18	and Maintenance, \$44,886,000.					
19	Base Realignment and Closure Account					
20	For deposit into the Department of Defense Base					
21	Closure Account 1990 established by section 2906(a)(1)					
22	of the Department of Defense Authorization Act, 1991					
23	(Public Law 101–510), \$1,174,369,000, to remain avail-					
24	able until expended: Provided, That not more than					

\$865,318,000 of the funds appropriated herein shall be

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

6 GENERAL PROVISIONS

- 7 Sec. 101. None of the funds appropriated in Military
- 8 Construction Appropriations Acts shall be expended for
- 9 payments under a cost-plus-a-fixed-fee contract for con-
- 10 struction, where cost estimates exceed \$25,000, to be per-
- 11 formed within the United States, except Alaska, without
- 12 the specific approval in writing of the Secretary of Defense
- 13 setting forth the reasons therefor.
- 14 Sec. 102. Funds appropriated to the Department of
- 15 Defense for construction shall be available for hire of pas-
- 16 senger motor vehicles.
- 17 Sec. 103. Funds appropriated to the Department of
- 18 Defense for construction may be used for advances to the
- 19 Federal Highway Administration, Department of Trans-
- 20 portation, for the construction of access roads as author-
- 21 ized by section 210 of title 23, United States Code, when
- 22 projects authorized therein are certified as important to
- 23 the national defense by the Secretary of Defense.
- Sec. 104. None of the funds appropriated in this Act
- 25 may be used to begin construction of new bases inside the

- 1 continental United States for which specific appropria-
- 2 tions have not been made.
- 3 Sec. 105. No part of the funds provided in Military
- 4 Construction Appropriations Acts shall be used for pur-
- 5 chase of land or land easements in excess of 100 percent
- 6 of the value as determined by the Army Corps of Engi-
- 7 neers or the Naval Facilities Engineering Command, ex-
- 8 cept: (1) where there is a determination of value by a Fed-
- 9 eral court; (2) purchases negotiated by the Attorney Gen-
- 10 eral or his designee; (3) where the estimated value is less
- 11 than \$25,000; or (4) as otherwise determined by the Sec-
- 12 retary of Defense to be in the public interest.
- 13 Sec. 106. None of the funds appropriated in Military
- 14 Construction Appropriations Acts shall be used to: (1) ac-
- 15 quire land; (2) provide for site preparation; or (3) install
- 16 utilities for any family housing, except housing for which
- 17 funds have been made available in annual Military Con-
- 18 struction Appropriations Acts.
- 19 Sec. 107. None of the funds appropriated in Military
- 20 Construction Appropriations Acts for minor construction
- 21 may be used to transfer or relocate any activity from one
- 22 base or installation to another, without prior notification
- 23 to the Committees on Appropriations.
- SEC. 108. No part of the funds appropriated in Mili-
- 25 tary Construction Appropriations Acts may be used for

- 1 the procurement of steel for any construction project or
- 2 activity for which American steel producers, fabricators,
- 3 and manufacturers have been denied the opportunity to
- 4 compete for such steel procurement.
- 5 Sec. 109. None of the funds available to the Depart-
- 6 ment of Defense for military construction or family hous-
- 7 ing during the current fiscal year may be used to pay real
- 8 property taxes in any foreign nation.
- 9 Sec. 110. None of the funds appropriated in Military
- 10 Construction Appropriations Acts may be used to initiate
- 11 a new installation overseas without prior notification to
- 12 the Committees on Appropriations.
- 13 Sec. 111. None of the funds appropriated in Military
- 14 Construction Appropriations Acts may be obligated for ar-
- 15 chitect and engineer contracts estimated by the Govern-
- 16 ment to exceed \$500,000 for projects to be accomplished
- 17 in Japan, in any NATO member country, or in countries
- 18 bordering the Arabian Gulf, unless such contracts are
- 19 awarded to United States firms or United States firms
- 20 in joint venture with host nation firms.
- 21 Sec. 112. None of the funds appropriated in Military
- 22 Construction Appropriations Acts for military construc-
- 23 tion in the United States territories and possessions in the
- 24 Pacific and on Kwajalein Atoll, or in countries bordering
- 25 the Arabian Gulf, may be used to award any contract esti-

- 1 mated by the Government to exceed \$1,000,000 to a for-
- 2 eign contractor: *Provided*, That this section shall not be
- 3 applicable to contract awards for which the lowest respon-
- 4 sive and responsible bid of a United States contractor ex-
- 5 ceeds the lowest responsive and responsible bid of a for-
- 6 eign contractor by greater than 20 percent: Provided fur-
- 7 ther, That this section shall not apply to contract awards
- 8 for military construction on Kwajalein Atoll for which the
- 9 lowest responsive and responsible bid is submitted by a
- 10 Marshallese contractor.
- 11 Sec. 113. The Secretary of Defense is to inform the
- 12 appropriate committees of Congress, including the Com-
- 13 mittees on Appropriations, of the plans and scope of any
- 14 proposed military exercise involving United States per-
- 15 sonnel 30 days prior to its occurring, if amounts expended
- 16 for construction, either temporary or permanent, are an-
- 17 ticipated to exceed \$100,000.
- 18 Sec. 114. Not more than 20 percent of the appro-
- 19 priations in Military Construction Appropriations Acts
- 20 which are limited for obligation during the current fiscal
- 21 year shall be obligated during the last 2 months of the
- 22 fiscal year.
- 23 (TRANSFER OF FUNDS)
- Sec. 115. Funds appropriated to the Department of
- 25 Defense for construction in prior years shall be available
- 26 for construction authorized for each such military depart-

- 1 ment by the authorizations enacted into law during the
- 2 current session of Congress.
- 3 Sec. 116. For military construction or family housing
- 4 projects that are being completed with funds otherwise ex-
- 5 pired or lapsed for obligation, expired or lapsed funds may
- 6 be used to pay the cost of associated supervision, inspec-
- 7 tion, overhead, engineering and design on those projects
- 8 and on subsequent claims, if any.
- 9 Sec. 117. Notwithstanding any other provision of
- 10 law, any funds appropriated to a military department or
- 11 defense agency for the construction of military projects
- 12 may be obligated for a military construction project or
- 13 contract, or for any portion of such a project or contract,
- 14 at any time before the end of the fourth fiscal year after
- 15 the fiscal year for which funds for such project were ap-
- 16 propriated if the funds obligated for such project: (1) are
- 17 obligated from funds available for military construction
- 18 projects; and (2) do not exceed the amount appropriated
- 19 for such project, plus any amount by which the cost of
- 20 such project is increased pursuant to law.
- 21 (TRANSFER OF FUNDS)
- Sec. 118. During the 5-year period after appropria-
- 23 tions available to the Department of Defense for military
- 24 construction and family housing operation and mainte-
- 25 nance and construction have expired for obligation, upon
- 26 a determination that such appropriations will not be nec-

- 1 essary for the liquidation of obligations or for making au-
- 2 thorized adjustments to such appropriations for obliga-
- 3 tions incurred during the period of availability of such ap-
- 4 propriations, unobligated balances of such appropriations
- 5 may be transferred into the appropriation "Foreign Cur-
- 6 rency Fluctuations, Construction, Defense" to be merged
- 7 with and to be available for the same time period and for
- 8 the same purposes as the appropriation to which trans-
- 9 ferred.
- 10 Sec. 119. The Secretary of Defense is to provide the
- 11 Committees on Appropriations of the Senate and the
- 12 House of Representatives with an annual report by Feb-
- 13 ruary 15, containing details of the specific actions pro-
- 14 posed to be taken by the Department of Defense during
- 15 the current fiscal year to encourage other member nations
- 16 of the North Atlantic Treaty Organization, Japan, Korea,
- 17 and United States allies bordering the Arabian Gulf to as-
- 18 sume a greater share of the common defense burden of
- 19 such nations and the United States.
- 20 (TRANSFER OF FUNDS)
- 21 Sec. 120. During the current fiscal year, in addition
- 22 to any other transfer authority available to the Depart-
- 23 ment of Defense, proceeds deposited to the Department
- 24 of Defense Base Closure Account established by section
- 25 207(a)(1) of the Defense Authorization Amendments and
- 26 Base Closure and Realignment Act (Public Law 100–526)

- 1 pursuant to section 207(a)(2)(C) of such Act, may be
- 2 transferred to the account established by section
- 3 2906(a)(1) of the Department of Defense Authorization
- 4 Act, 1991, to be merged with, and to be available for the
- 5 same purposes and the same time period as that account.
- 6 Sec. 121. (a) No funds appropriated pursuant to this
- 7 Act may be expended by an entity unless the entity agrees
- 8 that in expending the assistance the entity will comply
- 9 with sections 2 through 4 of the Act of March 3, 1933
- 10 (41 U.S.C. 10a–10c, popularly known as the "Buy Amer-
- 11 ican Act'').
- 12 (b) No funds made available under this Act shall be
- 13 made available to any person or entity who has been con-
- 14 victed of violating the Act of March 3, 1933 (41 U.S.C.
- 15 10a–10c, popularly known as the "Buy American Act").
- 16 Sec. 122. (a) In the case of any equipment or prod-
- 17 ucts that may be authorized to be purchased with financial
- 18 assistance provided under this Act, it is the sense of the
- 19 Congress that entities receiving such assistance should, in
- 20 expending the assistance, purchase only American-made
- 21 equipment and products.
- 22 (b) In providing financial assistance under this Act,
- 23 the Secretary of the Treasury shall provide to each recipi-
- 24 ent of the assistance a notice describing the statement
- 25 made in subsection (a) by the Congress.

1	(TRANSFER OF FUNDS)
2	Sec. 123. Subject to 30 days prior notification to the
3	Committees on Appropriations, such additional amounts
4	as may be determined by the Secretary of Defense may
5	be transferred to the Department of Defense Family
6	Housing Improvement Fund from amounts appropriated
7	for construction in "Family Housing" accounts, to be
8	merged with and to be available for the same purposes
9	and for the same period of time as amounts appropriated
10	directly to the Fund: <i>Provided</i> , That appropriations made
11	available to the Fund shall be available to cover the costs,
12	as defined in section $502(5)$ of the Congressional Budget
13	Act of 1974, of direct loans or loan guarantees issued by
14	the Department of Defense pursuant to the provisions of
15	subchapter IV of chapter 169, title 10, United States
16	Code, pertaining to alternative means of acquiring and im-
17	proving military family housing and supporting facilities.
18	Sec. 124. 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. 125. (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 no-
- 4 tice of any guarantee (including the making of mortgage
- 5 or rental payments) proposed to be made by the Secretary
- 6 to the private party under the contract involved in the
- 7 event of—
- 8 (A) the closure or realignment of the installa-
- 9 tion for which housing is provided under the con-
- 10 tract;
- 11 (B) a reduction in force of units stationed at
- such installation; or
- 13 (C) the extended deployment overseas of units
- stationed at such installation.
- 15 (2) Each notice under this subsection shall specify
- 16 the nature of the guarantee involved and assess the extent
- 17 and likelihood, if any, of the liability of the Federal Gov-
- 18 ernment with respect to the guarantee.
- 19 (c) In this section, the term "congressional defense
- 20 committees" means the following:
- 21 (1) The Committee on Armed Services and the
- 22 Military Construction Subcommittee, Committee on
- Appropriations of the Senate.

I	(2) The Committee on Armed Services and the					
2	Military Construction Subcommittee, Committee on					
3	Appropriations of the House of Representatives.					
4	(TRANSFER OF FUNDS)					
5	Sec. 126. During the current fiscal year, in addition					
6	to any other transfer authority available to the Depa					
7	ment of Defense, amounts may be transferred from the					
8	account established by section 2906(a)(1) of the Depart					
9	ment of Defense Authorization Act, 1991, to the fund es-					
10	tablished by section 1013(d) of the Demonstration Cities					
11	and Metropolitan Development Act of 1966 (42 U.S.C.					
12	3374) to pay for expenses associated with the Home-					
13	owners Assistance Program. Any amounts transferred					
14	shall be merged with and be available for the same pur-					
15	poses and for the same time period as the fund to which					
16	transferred.					
17	SEC. 127. Notwithstanding this or any other provi-					
18	sion of law, funds appropriated in Military Construction					
19	Appropriations Acts for operations and maintenance of					
20	family housing shall be the exclusive source of funds for					
21	repair and maintenance of all family housing units, includ-					
22	ing flag and general officer quarters: Provided, That not					
23	more than \$25,000 per unit may be spent annually for					
24	the maintenance and repair of any general or flag officer					
25	quarters without 30 days advance prior notification of the					
26	appropriate committees of Congress: Provided further,					

- 1 That the Under Secretary of Defense (Comptroller) is to
- 2 report annually to the Committees on Appropriations all
- 3 operations and maintenance expenditures for each indi-
- 4 vidual flag and general officer quarters for the prior fiscal
- 5 year.
- 6 SEC. 128. The Army, Navy, Marine Corps, and Air
- 7 Force are directed to submit to the appropriate commit-
- 8 tees of the Congress by July 1, 2001, a Family Housing
- 9 Master Plan demonstrating how they plan to meet the
- 10 year 2010 housing goals with traditional construction, op-
- 11 eration and maintenance support, as well as privatization
- 12 initiative proposals. Each plan shall include projected life
- 13 cycle costs for family housing construction, basic allow-
- 14 ance for housing, operation and maintenance, other associ-
- 15 ated costs, and a time line for housing completions each
- 16 year.
- 17 (TRANSFER OF FUNDS)
- 18 Sec. 129. During fiscal year 2001, in addition to any
- 19 other transfer authority available to the Department of
- 20 Defense, funds appropriated in the Military Construction
- 21 Appropriations Act, 2000 (Public Law 106–52; 113 Stat.
- 22 259) under the heading "MILITARY CONSTRUCTION,
- 23 NAVAL RESERVE" and still unobligated may be trans-
- 24 ferred to the account for "MILITARY CONSTRUCTION,
- 25 Navy". Amounts transferred under this section shall be
- 26 merged with, and be available for the same period as, the

- 1 amounts in the account to which transferred and shall be
- 2 available to construct, under the authority of section 2805
- 3 of title 10, United States Code, an elevated water storage
- 4 tank at the Naval Support Activity Midsouth, Millington,
- 5 Tennessee.
- 6 SEC. 130. Notwithstanding any other provision of
- 7 law, the Secretary of the Navy is authorized to use funds
- 8 received pursuant to section 2601 of title 10, United
- 9 States Code, for the construction, improvement, repair,
- 10 and maintenance of the historic residences located at Ma-
- 11 rine Corps Barracks, 8th and I Streets, Washington, D.C.:
- 12 Provided, That the Secretary notifies the appropriate com-
- 13 mittees of Congress 30 days in advance of the intended
- 14 use of such funds.
- 15 This Act may be cited as the "Military Construction
- 16 Appropriations Act, 2001".

Passed the House of Representatives May 16, 2000.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 554

106TH CONGRESS 2D SESSION

H.R.4425

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, 2001, and for other purposes.

May 17, 2000

Received; read twice and placed on the calendar