

***In the Senate of the United States,***

*July 18, 2002.*

*Resolved*, That the bill from the House of Representatives (H.R. 5011) entitled “An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated for mili-*  
3 *tary construction, family housing, and base realignment*  
4 *and closure functions administered by the Department of*  
5 *Defense, for the fiscal year ending September 30, 2003, and*  
6 *for other purposes, namely:*

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

3 *For acquisition, construction, installation, and equip-*  
4 *ment of temporary or permanent public works, military in-*  
5 *stallations, facilities, and real property for the Army as*  
6 *currently authorized by law, including personnel in the*  
7 *Army Corps of Engineers and other personal services nec-*  
8 *essary for the purposes of this appropriation, and for con-*  
9 *struction and operation of facilities in support of the func-*  
10 *tions of the Commander in Chief, \$1,679,212,000, to remain*  
11 *available until September 30, 2007: Provided, That of this*  
12 *amount, not to exceed \$136,835,000 shall be available for*  
13 *study, planning, design, architect and engineer services,*  
14 *and host nation support, as authorized by law, unless the*  
15 *Secretary of Defense determines that additional obligations*  
16 *are necessary for such purposes and notifies the Committees*  
17 *on Appropriations of both Houses of Congress of his deter-*  
18 *mination and the reasons therefor: Provided further, That*  
19 *of the funds appropriated for “Military Construction,*  
20 *Army” under Public Law 107–64, \$13,676,000 are re-*  
21 *scinded.*

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

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

1 *stallations, facilities, and real property for the Navy as cur-*  
2 *rently authorized by law, including personnel in the Naval*  
3 *Facilities Engineering Command and other personal serv-*  
4 *ices necessary for the purposes of this appropriation,*  
5 *\$1,216,643,000, to remain available until September 30,*  
6 *2007: Provided, That of this amount, not to exceed*  
7 *\$91,620,000 shall be available for study, planning, design,*  
8 *architect and engineer services, as authorized by law, unless*  
9 *the Secretary of Defense determines that additional obliga-*  
10 *tions are necessary for such purposes and notifies the Com-*  
11 *mittees on Appropriations of both Houses of Congress of his*  
12 *determination and the reasons therefor: Provided further,*  
13 *That of the funds appropriated for “Military Construction,*  
14 *Navy” under Public Law 107–64, \$1,340,000 are rescinded.*

15 *MILITARY CONSTRUCTION, AIR FORCE*

16 *(INCLUDING RESCISSION)*

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 Air Force*  
20 *as currently authorized by law, \$1,175,617,000, to remain*  
21 *available until September 30, 2007: Provided, That of this*  
22 *amount, not to exceed \$87,555,000 shall be available for*  
23 *study, planning, design, architect and engineer services, as*  
24 *authorized by law, unless the Secretary of Defense deter-*  
25 *mines that additional obligations are necessary for such*

1 *purposes and notifies the Committees on Appropriations of*  
2 *both Houses of Congress of his determination and the rea-*  
3 *sons therefor: Provided further, That of the funds appro-*  
4 *priated for “Military Construction, Air Force” under Pub-*  
5 *lic Law 107–64, \$10,281,000 are rescinded.*

6 *MILITARY CONSTRUCTION, DEFENSE-WIDE*  
7 *(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)*

8 *For acquisition, construction, installation, and equip-*  
9 *ment of temporary or permanent public works, installa-*  
10 *tions, facilities, and real property for activities and agen-*  
11 *cies of the Department of Defense (other than the military*  
12 *departments), as currently authorized by law,*  
13 *\$927,242,000, to remain available until September 30,*  
14 *2007: Provided, That such amounts of this appropriation*  
15 *as may be determined by the Secretary of Defense may be*  
16 *transferred to such appropriations of the Department of De-*  
17 *fense available for military construction or family housing*  
18 *as he may designate, to be merged with and to be available*  
19 *for the same purposes, and for the same time period, as*  
20 *the appropriation or fund to which transferred: Provided*  
21 *further, That of the amount appropriated, not to exceed*  
22 *\$57,789,000 shall be available for study, planning, design,*  
23 *architect and engineer services, as authorized by law, unless*  
24 *the Secretary of Defense determines that additional obliga-*  
25 *tions are necessary for such purposes and notifies the Com-*

1 *mittees on Appropriations of both Houses of Congress of his*  
2 *determination and the reasons therefor: Provided further,*  
3 *That of the funds appropriated for “Military Construction,*  
4 *Defense-wide” under Public Law 107–64, \$2,976,000 are*  
5 *rescinded.*

6 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

7 *For construction, acquisition, expansion, rehabilita-*  
8 *tion, and conversion of facilities for the training and ad-*  
9 *ministration of the Army National Guard, and contribu-*  
10 *tions therefor, as authorized by chapter 1803 of title 10,*  
11 *United States Code, and Military Construction Authoriza-*  
12 *tion Acts, \$208,482,000, to remain available until Sep-*  
13 *tember 30, 2007.*

14 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

15 *For construction, acquisition, expansion, rehabilita-*  
16 *tion, and conversion of facilities for the training and ad-*  
17 *ministration of the Air National Guard, and contributions*  
18 *therefor, as authorized by chapter 1803 of title 10, United*  
19 *States Code, and Military Construction Authorization Acts,*  
20 *\$217,988,000, to remain available until September 30,*  
21 *2007.*

22 *MILITARY CONSTRUCTION, ARMY RESERVE*

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

1 1803 of title 10, United States Code, and Military Con-  
2 struction Authorization Acts, \$66,487,000, to remain avail-  
3 able until September 30, 2007.

4 *MILITARY CONSTRUCTION, NAVAL RESERVE*

5 *For construction, acquisition, expansion, rehabilita-*  
6 *tion, and conversion of facilities for the training and ad-*  
7 *ministration of the reserve components of the Navy and Ma-*  
8 *rine Corps as authorized by chapter 1803 of title 10, United*  
9 *States Code, and Military Construction Authorization Acts,*  
10 *\$58,671,000, to remain available until September 30, 2007.*

11 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

12 *For construction, acquisition, expansion, rehabilita-*  
13 *tion, and conversion of facilities for the training and ad-*  
14 *ministration of the Air Force Reserve as authorized by*  
15 *chapter 1803 of title 10, United States Code, and Military*  
16 *Construction Authorization Acts, \$58,209,000, to remain*  
17 *available until September 30, 2007.*

18 *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*

19 *INVESTMENT PROGRAM*

20 *For the United States share of the cost of the North*  
21 *Atlantic Treaty Organization Security Investment Pro-*  
22 *gram for the acquisition and construction of military facili-*  
23 *ties and installations (including international military*  
24 *headquarters) and for related expenses for the collective de-*  
25 *fense of the North Atlantic Treaty Area as authorized in*

1 *Military Construction Authorization Acts and section 2806*  
2 *of title 10, United States Code, \$168,200,000, to remain*  
3 *available until expended.*

4 *FAMILY HOUSING CONSTRUCTION, ARMY*  
5 *(INCLUDING RESCISSION)*

6 *For expenses of family housing for the Army for con-*  
7 *struction, including acquisition, replacement, addition, ex-*  
8 *pansion, extension and alteration, as authorized by law,*  
9 *\$282,856,000, to remain available until September 30,*  
10 *2007: Provided, That of the funds appropriated for “Family*  
11 *Housing Construction, Army” under Public Law 107–64,*  
12 *\$4,920,000 are rescinded.*

13 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

14 *For expenses of family housing for the Army for oper-*  
15 *ation and maintenance, including debt payment, leasing,*  
16 *minor construction, principal and interest charges, and in-*  
17 *surance premiums, as authorized by law, \$1,119,007,000.*

18 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*

19 *CORPS*

20 *(INCLUDING RESCISSION)*

21 *For expenses of family housing for the Navy and Ma-*  
22 *rine Corps for construction, including acquisition, replace-*  
23 *ment, addition, expansion, extension and alteration, as au-*  
24 *thorized by law, \$374,468,000, to remain available until*  
25 *September 30, 2007: Provided, That of the funds appro-*

1 *priated for “Family Housing Construction, Navy and Ma-*  
2 *rine Corps” under Public Law 107–64, \$2,652,000 are re-*  
3 *scinded.*

4 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*  
5 *AND MARINE CORPS*

6 *For expenses of family housing for the Navy and Ma-*  
7 *rine Corps for operation and maintenance, including debt*  
8 *payment, leasing, minor construction, principal and inter-*  
9 *est charges, and insurance premiums, as authorized by law,*  
10 *\$867,788,000.*

11 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*  
12 *(INCLUDING RESCISSION)*

13 *For expenses of family housing for the Air Force for*  
14 *construction, including acquisition, replacement, addition,*  
15 *expansion, extension and alteration, as authorized by law,*  
16 *\$676,694,000, to remain available until September 30,*  
17 *2007: Provided, That of the funds appropriated for “Family*  
18 *Housing Construction, Air Force” under Public Law 107–*  
19 *64, \$8,782,000 are rescinded.*

20 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*  
21 *FORCE*

22 *For expenses of family housing for the Air Force for*  
23 *operation and maintenance, including debt payment, leas-*  
24 *ing, minor construction, principal and interest charges,*



1 *and insurance premiums, as authorized by law,*  
2 *\$874,050,000.*

3 *FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE*

4 *For expenses of family housing for the activities and*  
5 *agencies of the Department of Defense (other than the mili-*  
6 *tary departments) for construction, including acquisition,*  
7 *replacement, addition, expansion, extension and alteration,*  
8 *as authorized by law, \$5,480,000, to remain available until*  
9 *September 30, 2007.*

10 *FAMILY HOUSING OPERATION AND MAINTENANCE,*  
11 *DEFENSE-WIDE*

12 *For expenses of family housing for the activities and*  
13 *agencies of the Department of Defense (other than the mili-*  
14 *tary departments) for operation and maintenance, leasing,*  
15 *and minor construction, as authorized by law, \$42,395,000.*

16 *DEPARTMENT OF DEFENSE FAMILY HOUSING*  
17 *IMPROVEMENT FUND*

18 *For the Department of Defense Family Housing Im-*  
19 *provement Fund, \$2,000,000, to remain available until ex-*  
20 *pendent, for family housing initiatives undertaken pursuant*  
21 *to section 2883 of title 10, United States Code, providing*  
22 *alternative means of acquiring and improving military*  
23 *family housing, and supporting facilities.*

1           *BASE REALIGNMENT AND CLOSURE ACCOUNT*

2           *For deposit into the Department of Defense Base Clo-*  
3 *sure Account 1990 established by section 2906(a)(1) of the*  
4 *Department of Defense Authorization Act, 1991 (Public*  
5 *Law 101-510), \$645,138,000, to remain available until ex-*  
6 *pended.*

7                           *GENERAL PROVISIONS*

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

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

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

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

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

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

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

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

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

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

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

23       *SEC. 112. None of the funds appropriated in Military*  
24 *Construction Appropriations Acts for military construction*  
25 *in the United States territories and possessions in the Pa-*

1 *cific and on Kwajalein Atoll, or in countries bordering the*  
2 *Arabian Sea, may be used to award any contract estimated*  
3 *by the Government to exceed \$1,000,000 to a foreign con-*  
4 *tractor: Provided, That this section shall not be applicable*  
5 *to contract awards for which the lowest responsive and re-*  
6 *sponsible bid of a United States contractor exceeds the low-*  
7 *est responsive and responsible bid of a foreign contractor*  
8 *by greater than 20 percent: Provided further, That this sec-*  
9 *tion shall not apply to contract awards for military con-*  
10 *struction on Kwajalein Atoll for which the lowest responsive*  
11 *and responsible bid is submitted by a Marshallese con-*  
12 *tractor.*

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

20 *SEC. 114. Not more than 20 percent of the appropria-*  
21 *tions in Military Construction Appropriations Acts which*  
22 *are limited for obligation during the current fiscal year*  
23 *shall be obligated during the last 2 months of the fiscal year.*

24 *(TRANSFER OF FUNDS)*

25 *SEC. 115. Funds appropriated to the Department of*  
26 *Defense for construction in prior years shall be available*

1 *for construction authorized for each such military depart-*  
2 *ment by the authorizations enacted into law during the cur-*  
3 *rent session of Congress.*

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

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

22 *(TRANSFER OF FUNDS)*

23 *SEC. 118. During the 5-year period after appropria-*  
24 *tions available to the Department of Defense for military*  
25 *construction and family housing operation and mainte-*  
26 *nance and construction have expired for obligation, upon*



1 207(a)(2)(C) of such Act, may be transferred to the account  
2 established by section 2906(a)(1) of the Department of De-  
3 fense Authorization Act, 1991, to be merged with, and to  
4 be available for the same purposes and the same time period  
5 as that account.

6 (TRANSFER OF FUNDS)

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

23 SEC. 122. None of the funds appropriated or made  
24 available by this Act may be obligated for Partnership for  
25 Peace Programs in the New Independent States of the  
26 former Soviet Union.



1        *SEC. 123. (a) Not later than 60 days before issuing*  
2 *any solicitation for a contract with the private sector for*  
3 *military family housing the Secretary of the military de-*  
4 *partment concerned shall submit to the congressional de-*  
5 *fense committees the notice described in subsection (b).*

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

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

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

15            *(C) the extended deployment overseas of units*  
16 *stationed at such installation.*

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

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

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



1 *solely due to costs associated with environmental remedi-*  
2 *ation that could not be reasonably anticipated at the time*  
3 *of the budget submission: Provided further, That the Under*  
4 *Secretary of Defense (Comptroller) is to report annually to*  
5 *the Committees on Appropriations all operations and*  
6 *maintenance expenditures for each individual general or*  
7 *flag officer quarters for the prior fiscal year.*

8       *SEC. 126. (a) REQUESTS FOR FUNDS FOR ENVIRON-*  
9 *MENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL*  
10 *YEARS.—In the budget justification materials submitted to*  
11 *Congress in support of the Department of Defense budget*  
12 *for any fiscal year after fiscal year 2003, the amount re-*  
13 *quested for environmental restoration, waste management,*  
14 *and environmental compliance activities in such fiscal year*  
15 *with respect to military installations approved for closure*  
16 *or realignment under the base closure laws shall accurately*  
17 *reflect the anticipated cost of such activities in such fiscal*  
18 *year.*

19       *(b) BASE CLOSURE LAWS DEFINED.—In this section,*  
20 *the term “base closure laws” means the following:*

21             *(1) Section 2687 of title 10, United States Code.*

22             *(2) The Defense Base Closure and Realignment*  
23 *Act of 1990 (part A of title XXIX of Public Law 101–*  
24 *510; 10 U.S.C. 2687 note).*

1           (3) *Title II of the Defense Authorization Amend-*  
2           *ments and Base Closure and Realignment Act (Public*  
3           *Law 100–526; 10 U.S.C. 2687 note).*

4           *SEC. 127. Of the amount appropriated in this Act*  
5           *under the heading “MILITARY CONSTRUCTION, ARMY”,*  
6           *\$8,000,000 may be provided for a parking garage at Walter*  
7           *Reed Army Medical Center, District of Columbia.*

8           *SEC. 128. Of the amount appropriated in this Act*  
9           *under the heading “MILITARY CONSTRUCTION, ARMY”,*  
10          *\$3,000,000 may be provided for an Anechoic Chamber at*  
11          *White Sands Missile Range, New Mexico.*

12          *SEC. 129. Of the amount appropriated in this Act*  
13          *under the heading “MILITARY CONSTRUCTION, AIR*  
14          *FORCE”, \$7,500,000 may be provided for a control tower*  
15          *at Dover Air Force Base, Delaware.*

16          *SEC. 130. Of the amount appropriated in this Act*  
17          *under the heading “MILITARY CONSTRUCTION, ARMY NA-*  
18          *TIONAL GUARD”, \$9,000,000 may be provided for a Joint*  
19          *Readiness Center at Eugene, Oregon.*

20          *SEC. 131. Of the amount appropriated in this Act*  
21          *under the heading “MILITARY CONSTRUCTION, AIR NA-*  
22          *TIONAL GUARD”, \$8,400,000 may be provided for a Com-*  
23          *posite Maintenance Complex, Phase II in Nashville, Ten-*  
24          *nessee.*

- 1 *This Act may be cited as the “Military Construction*
- 2 *Appropriations Act, 2003”.*

Attest:

*Secretary.*



107TH CONGRESS  
2D SESSION

**H. R. 5011**

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**AMENDMENT**