Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
MAY, 1996

Mrs. Vucanovich, 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.

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, 1997, and for other purposes.

1 Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,
2 That the following sums are appropriated, out of any
3 money in the Treasury not otherwise appropriated, for the

[FULL COMMITTEE PRINT]
Union Calendar No.
H. R.
[Report No. 104- ]
fiscal year ending September 30, 1997, for military con-
struction, family housing, and base realignment and clo-
sure functions administered by the Department of De-
fense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, military
installations, facilities, and real property for the Army as
currently authorized by law, including personnel in the
Army Corps of Engineers and other personal services nec-
essary for the purposes of this appropriation, and for con-
struction and operation of facilities in support of the func-
tions of the Commander in Chief, $603,584,000, to re-
main available until September 30, 2001: Provided, That
of this amount, not to exceed $54,384,000 shall be avail-
able for study, planning, design, architect and engineer
services, and host nation support, as authorized by law,
unless the Secretary of Defense determines that additional
obligations are necessary for such purposes and notifies
the Committees on Appropriations of both Houses of Con-
gress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, naval in-
installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $724,476,000, to remain available until September 30, 2001: Provided, That of this amount, not to exceed $50,959,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102–136, $6,900,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102–380, $2,800,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 103–110, $2,300,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $678,914,000, to remain
available until September 30, 2001: Provided, That of this
amount, not to exceed $47,387,000 shall be available for
study, planning, design, architect and engineer services,
as authorized by law, unless the Secretary of Defense de-
termines that additional obligations are necessary for such
purposes and notifies the Committees on Appropriations
of both Houses of Congress of his determination and the
reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, installa-
tions, facilities, and real property for activities and agen-
cies of the Department of Defense (other than the military
departments), as currently authorized by law,
$772,345,000, to remain available until September 30,
2001: Provided, That such amounts of this appropriation
as may be determined by the Secretary of Defense may
be transferred to such appropriations of the Department
of Defense available for military construction or family
housing as he may designate, to be merged with and to
be available for the same purposes, and for the same time
period, as the appropriation or fund to which transferred:

Provided further, That of the amount appropriated, not
to exceed $12,239,000 shall be available for study, plan-
ning, design, architect and engineer services, as authorized
by law, unless the Secretary of Defense determines that
additional obligations are necessary for such purposes and
notifies the Committees on Appropriations of both Houses
of Congress of his determination and the reasons therefor.

DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED
HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $10,000,000, to re-
main available until expended: Provided, That subject to
thirty days prior notification to the Committees on Approp-
riations, such additional amounts as may be determined
by the Secretary of Defense may be transferred to the
Fund from amounts appropriated in this Act for the ac-
quision or construction of military unaccompanied hous-
ing in "Military Construction" accounts, to be merged
with and to be made available for the same purposes and
for the same period of time as amounts appropriated di-
rectly to the Fund: Provided further, That appropriations
made available for the Fund in this Act shall be available
to cover the costs, as defined in section 502(5) of the Con-
gressional Budget Act of 1974, of direct loans and loan
guarantees issued by the Department of Defense pursuant
to the provisions of subchapter IV of chapter 169 of title
10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $41,316,000, to remain available until September 30, 2001.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $118,394,000, to remain available until September 30, 2001.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction...
tion authorization Acts, $50,159,000, to remain available until September 30, 2001.

**MILITARY CONSTRUCTION, NAVAL RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $33,169,000, to remain available until September 30, 2001.

**MILITARY CONSTRUCTION, AIR FORCE RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $51,655,000, to remain available until September 30, 2001.

**NORTH ATLANTIC TREATY ORGANIZATION**

**SECURITY INVESTMENT PROGRAM**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized
1 in military construction authorization Acts and section
2 2806 of title 10, United States Code, $177,000,000, to
3 remain available until expended.
4
5 FAMILY HOUSING, ARMY
6 For expenses of family housing for the Army for
7 construction, including acquisition, replacement, addition,
8 expansion, 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, $176,603,000, to remain available until September
13 30, 2001; for Operation and Maintenance, and for debt
14 payment, $1,257,466,000; in all $1,434,069,000.
15
16 FAMILY HOUSING, NAVY AND MARINE CORPS
17 For expenses of family housing for the Navy and Ma-
18 rine Corps for construction, including acquisition, replace-
19 ment, addition, expansion, extension and alteration and
20 for operation and maintenance, including debt payment,
21 leasing, minor construction, principal and interest
22 charges, and insurance premiums, as authorized by law,
23 as follows: for Construction, $532,456,000, to remain
24 available until September 30, 2001; for Operation and
25 Maintenance, and for debt payment, $1,058,241,000; in
26 all $1,590,697,000.
FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $304,068,000, to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, $840,474,000; in all $1,144,542,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,371,000, to remain available until September 30, 2001; for Operation and Maintenance, $30,963,000; in all $35,334,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING

IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, $35,000,000, to remain available until
expended: Provided, That, subject to thirty days prior no-
tification to the Committees on Appropriations, such addi-
tional amounts as may be determined by the Secretary of
Defense may be transferred to the Fund from amounts
appropriated in this Act for construction in “Family
Housing” accounts, to be merged with and to be available
for the same purposes and for the same period of time
as amounts appropriated directly to the Fund: Provided
further, That appropriations made available to the Fund
in this Act shall be available to cover the costs, as defined
in section 502(5) of the Congressional Budget Act of
1974, of direct loans or loan guarantees issued by the De-
partment of Defense pursuant to the provisions of sub-
chapter IV of Chapter 169, title 10, United States Code,
pertaining to alternative means of acquiring and improv-
ing military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund estab-
lished by section 1013(d) of the Demonstration Cities and
Metropolitan Development Act of 1966, as amended (42
U.S.C. 3374), $36,181,000, to remain available until ex-
pended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base
Closure Account 1990 established by section 2906(a)(1)
of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $352,800,000, to remain available until expended: Provided, That not more than $223,789,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $971,925,000, to remain available until expended: Provided, That not more than $351,967,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991
1 (Public Law 101-510), $1,182,749,000, to remain available until expended: Provided, That not more than $200,841,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

Sec. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: Provided, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

Sec. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Sec. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the
Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

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

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.
SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

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

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are
awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.
Sec. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

Sec. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

Sec. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.
SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense” to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.
Sec. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

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

Sec. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.
(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

This Act may be cited as the “Military Construction Appropriations Act, 1997”.
[FULL COMMITTEE PRINT]

Union Calendar No.

104th CONGRESS 2d SESSION

H. R.

[Report No. 104- ]

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, 1997, and for other purposes.

MAY, 1996

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