

105TH CONGRESS
1ST SESSION

H. R. 2016

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, 1998, and for other purposes.

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Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, 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 the
3 fiscal year ending September 30, 1998, for military con-
4 struction, family housing, and base realignment and clo-
5 sure functions administered by the Department of De-
6 fense, 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, \$721,027,000, to re-
16 main available until September 30, 2002: *Provided*, That
17 of this amount, not to exceed \$71,577,000 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, \$685,306,000, to remain available until September
9 30, 2002: *Provided*, That of this amount, not to exceed
10 \$46,659,000 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, \$662,305,000, to remain
21 available until September 30, 2002: *Provided*, That of this
22 amount, not to exceed \$45,880,000 shall be available for
23 study, planning, design, architect and engineer services,
24 as authorized by law, unless the Secretary of Defense de-
25 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 \$613,333,000, to remain available until September 30,
12 2002: *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 \$34,350,000 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 133 of title 10,
6 United States Code, and military construction authoriza-
7 tion Acts, \$45,098,000, to remain available until Septem-
8 ber 30, 2002.

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 133 of title 10, United
14 States Code, and military construction authorization Acts,
15 \$137,275,000, to remain available until September 30,
16 2002.

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
21 133 of title 10, United States Code, and military construc-
22 tion authorization Acts, \$77,731,000, to remain available
23 until September 30, 2002.

1 MILITARY CONSTRUCTION, NAVAL RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 133 of title 10,
6 United States Code, and military construction authoriza-
7 tion Acts, \$40,561,000, to remain available until Septem-
8 ber 30, 2002.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air Force Reserve as authorized by
13 chapter 133 of title 10, United States Code, and military
14 construction authorization Acts, \$27,143,000, to remain
15 available until September 30, 2002.

16 NORTH ATLANTIC TREATY ORGANIZATION

17 SECURITY INVESTMENT PROGRAM

18 For the United States share of the cost of the North
19 Atlantic Treaty Organization Security Investment Pro-
20 gram for the acquisition and construction of military fa-
21 cilities and installations (including international military
22 headquarters) and for related expenses for the collective
23 defense of the North Atlantic Treaty Area as authorized
24 in military construction authorization Acts and section

1 2806 of title 10, United States Code, \$166,300,000, to
2 remain available until expended.

3 FAMILY HOUSING, ARMY

4 For expenses of family housing for the Army for con-
5 struction, including acquisition, replacement, addition, ex-
6 pansion, extension and alteration and for operation and
7 maintenance, including debt payment, leasing, minor con-
8 struction, principal and interest charges, and insurance
9 premiums, as authorized by law, as follows: for Construc-
10 tion, \$202,131,000, to remain available until September
11 30, 2002; for Operation and Maintenance, and for debt
12 payment, \$1,148,937,000; in all \$1,351,068,000.

13 FAMILY HOUSING, NAVY AND MARINE CORPS

14 For expenses of family housing for the Navy and Ma-
15 rine Corps for construction, including acquisition, replace-
16 ment, addition, expansion, extension and alteration and
17 for operation and maintenance, including debt payment,
18 leasing, minor construction, principal and interest
19 charges, and insurance premiums, as authorized by law,
20 as follows: for Construction, \$409,178,000, to remain
21 available until September 30, 2002; for Operation and
22 Maintenance, and for debt payment, \$976,504,000; in all
23 \$1,385,682,000.

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 and
5 maintenance, including debt payment, leasing, minor con-
6 struction, principal and interest charges, and insurance
7 premiums, as authorized by law, as follows: for Construc-
8 tion, \$341,409,000, to remain available until September
9 30, 2002; for Operation and Maintenance, and for debt
10 payment, \$830,234,000; in all \$1,171,643,000.

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 acquisi-
15 tion, replacement, addition, expansion, extension and al-
16 teration, and for operation and maintenance, leasing, and
17 minor construction, as authorized by law, as follows: for
18 Construction, \$4,950,000, to remain available until Sep-
19 tember 30, 2002; for Operation and Maintenance,
20 \$32,724,000; in all \$37,674,000.

21 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

22 For deposit into the Department of Defense Base
23 Closure Account 1990 established by section 2906(a)(1)
24 of the Department of Defense Authorization Act, 1991
25 (Public Law 101–510), \$116,754,000, to remain available

1 until expended: *Provided*, That not more than
2 \$105,224,000 of the funds appropriated herein shall be
3 available solely for environmental restoration, unless the
4 Secretary of Defense determines that additional obliga-
5 tions are necessary for such purposes and notifies the
6 Committees on Appropriations of both Houses of Congress
7 of his determination and the reasons therefor.

8 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

9 For deposit into the Department of Defense Base
10 Closure Account 1990 established by section 2906(a)(1)
11 of the Department of Defense Authorization Act, 1991
12 (Public Law 101-510), \$768,702,000, to remain available
13 until expended: *Provided*, That not more than
14 \$398,499,000 of the funds appropriated herein shall be
15 available solely for environmental restoration, unless the
16 Secretary of Defense determines that additional obliga-
17 tions are necessary for such purposes and notifies the
18 Committees on Appropriations of both Houses of Congress
19 of his determination and the reasons therefor.

20 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

21 For deposit into the Department of Defense Base
22 Closure Account 1990 established by section 2906(a)(1)
23 of the Department of Defense Authorization Act, 1991
24 (Public Law 101-510), \$1,175,398,000, to remain avail-
25 able until expended: *Provided*, That not more than

1 ized by section 210 of title 23, United States Code, when
2 projects authorized therein are certified as important to
3 the national defense by the Secretary of Defense.

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

8 SEC. 105. No part of the funds provided in Military
9 Construction Appropriations Acts shall be used for pur-
10 chase of land or land easements in excess of 100 per cen-
11 tum of the value as determined by the Army Corps of En-
12 gineers or the Naval Facilities Engineering Command, ex-
13 cept (1) where there is a determination of value by a Fed-
14 eral court, or (2) purchases negotiated by the Attorney
15 General or his designee, or (3) where the estimated value
16 is less than \$25,000, or (4) as otherwise determined by
17 the Secretary of Defense to be in the public interest.

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

24 SEC. 107. None of the funds appropriated in Military
25 Construction Appropriations Acts for minor construction

1 may be used to transfer or relocate any activity from one
2 base or installation to another, without prior notification
3 to the Committees on Appropriations.

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

10 SEC. 109. None of the funds available to the Depart-
11 ment of Defense for military construction or family hous-
12 ing during the current fiscal year may be used to pay real
13 property taxes in any foreign nation.

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

18 SEC. 111. None of the funds appropriated in Military
19 Construction Appropriations Acts may be obligated for ar-
20 chitect and engineer contracts estimated by the Govern-
21 ment to exceed \$500,000 for projects to be accomplished
22 in Japan, in any NATO member country, or in countries
23 bordering the Arabian Gulf, unless such contracts are
24 awarded to United States firms or United States firms
25 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 per centum: *Provided*
12 *further*, That this section shall not apply to contract
13 awards for military construction on Kwajalein Atoll for
14 which the lowest responsive and responsible bid is submit-
15 ted by a 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 person-
20 nel thirty 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 per centum 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 two 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

1 for such project, plus any amount by which the cost of
2 such project is increased pursuant to law.

3 (TRANSFER OF FUNDS)

4 SEC. 118. During the five-year period after appro-
5 priations available to the Department of Defense for mili-
6 tary construction and family housing operation and main-
7 tenance and construction have expired for obligation, upon
8 a determination that such appropriations will not be nec-
9 essary for the liquidation of obligations or for making au-
10 thorized adjustments to such appropriations for obliga-
11 tions incurred during the period of availability of such ap-
12 propriations, unobligated balances of such appropriations
13 may be transferred into the appropriation “Foreign Cur-
14 rency Fluctuations, Construction, Defense” to be merged
15 with and to be available for the same time period and for
16 the same purposes as the appropriation to which trans-
17 ferred.

18 SEC. 119. The Secretary of Defense is to provide the
19 Committees on Appropriations of the Senate and the
20 House of Representatives with an annual report by Feb-
21 ruary 15, containing details of the specific actions pro-
22 posed to be taken by the Department of Defense during
23 the current fiscal year to encourage other member nations
24 of the North Atlantic Treaty Organization, Japan, Korea,
25 and United States allies bordering the Arabian Gulf to as-

1 sume a greater share of the common defense burden of
2 such nations and the United States.

3 (TRANSFER OF FUNDS)

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

15 SEC. 121. No funds appropriated pursuant to this
16 Act may be expended by an entity unless the entity agrees
17 that in expending the assistance the entity will comply
18 with sections 2 through 4 of the Act of March 3, 1933
19 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
20 ican Act”).

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

1 expending the assistance, purchase only American-made
2 equipment and products.

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

7 (TRANSFER OF FUNDS)

8 SEC. 123. During the current fiscal year, in addition
9 to any other transfer authority available to the Depart-
10 ment of Defense, amounts may be transferred from the
11 account established by section 2906(a)(1) of the Depart-
12 ment of Defense Authorization Act, 1991, to the fund es-
13 tablished by section 1013(d) of the Demonstration Cities
14 and Metropolitan Development Act of 1966 (42 U.S.C.
15 3374) to pay for expenses associated with the Home-
16 owners Assistance Program. Any amounts transferred
17 shall be merged with and be available for the same pur-
18 poses and for the same time period as the fund to which
19 transferred.

20 SEC. 124. Notwithstanding any other provision of
21 law, appropriations made available to the Department of
22 Defense Family Housing Improvement Fund shall be the
23 sole source of funds available for planning, administrative,
24 and oversight costs incurred by the Department of De-
25 fense relating to military family housing initiatives and
26 military unaccompanied housing initiatives undertaken

1 pursuant to the provisions of subchapter IV of chapter
2 169, title 10, United States Code, pertaining to alternative
3 means of acquiring and improving military family housing,
4 military unaccompanied housing, and supporting facilities.

5 This Act may be cited as the “Military Construction
6 Appropriations Act, 1998”.

Passed the House of Representatives July 8, 1997.

Attest:

Clerk.