

105TH CONGRESS  
1ST SESSION

# H. R. 2016

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IN THE SENATE OF THE UNITED STATES

JULY 9, 1997

Received; read twice and referred to the Committee on Appropriations

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## 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.

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 \$353,604,000 of the funds appropriated herein shall be  
2 available solely for environmental restoration, unless the  
3 Secretary of Defense determines that additional obliga-  
4 tions are necessary for such purposes and notifies the  
5 Committees on Appropriations of both Houses of Congress  
6 of his determination and the reasons therefor.

#### 7 GENERAL PROVISION

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 work,  
11 where cost estimates exceed \$25,000, to be performed  
12 within the United States, except Alaska, without the spe-  
13 cific approval in writing of the Secretary of Defense set-  
14 ting forth the reasons therefor: *Provided*, That the fore-  
15 going shall not apply in the case of contracts for environ-  
16 mental restoration at an installation that is being closed  
17 or realigned where payments are made from a Base Re-  
18 alignment and Closure Account.

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

22 SEC. 103. Funds appropriated to the Department of  
23 Defense for construction may be used for advances to the  
24 Federal Highway Administration, Department of Trans-  
25 portation, for the construction of access roads as author-

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:

ROBIN H. CARLE,

*Clerk.*