

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3517

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IN THE SENATE OF THE UNITED STATES

JUNE 3, 1996

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, 1997, 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, 1997, 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, \$603,584,000, to re-  
16 main available until September 30, 2001: *Provided*, That  
17 of this amount, not to exceed \$54,384,000 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 (INCLUDING RESCISSIONS)

3 For acquisition, construction, installation, and equip-  
4 ment of temporary or permanent public works, naval in-  
5 stallations, facilities, and real property for the Navy as  
6 currently authorized by law, including personnel in the  
7 Naval Facilities Engineering Command and other per-  
8 sonal services necessary for the purposes of this appropria-  
9 tion, \$724,476,000, to remain available until September  
10 30, 2001: *Provided*, That of this amount, not to exceed  
11 \$50,959,000 shall be available for study, planning, design,  
12 architect and engineer services, as authorized by law, un-  
13 less the Secretary of Defense determines that additional  
14 obligations are necessary for such purposes and notifies  
15 the Committees on Appropriations of both Houses of Con-  
16 gress of his determination and the reasons therefor: *Pro-*  
17 *vided further*, That of the funds appropriated for “Military  
18 Construction, Navy” under Public Law 102–136,  
19 \$6,900,000 is hereby rescinded: *Provided further*, That of  
20 the funds appropriated for “Military Construction, Navy”  
21 under Public Law 102–380, \$2,800,000 is hereby re-  
22 scinded: *Provided further*, That of the funds appropriated  
23 for “Military Construction, Navy” under Public Law 103–  
24 110, \$2,300,000 is hereby rescinded.

## 1           MILITARY CONSTRUCTION, AIR FORCE

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

## 14           MILITARY CONSTRUCTION, DEFENSE-WIDE

15                   (INCLUDING TRANSFER OF FUNDS)

16           For acquisition, construction, installation, and equip-  
17 ment of temporary or permanent public works, installa-  
18 tions, facilities, and real property for activities and agen-  
19 cies of the Department of Defense (other than the military  
20 departments), as currently authorized by law,  
21 \$772,345,000, to remain available until September 30,  
22 2001: *Provided*, That such amounts of this appropriation  
23 as may be determined by the Secretary of Defense may  
24 be transferred to such appropriations of the Department  
25 of Defense available for military construction or family

1 housing as he may designate, to be merged with and to  
2 be available for the same purposes, and for the same time  
3 period, as the appropriation or fund to which transferred:  
4 *Provided further*, That of the amount appropriated, not  
5 to exceed \$12,239,000 shall be available for study, plan-  
6 ning, design, architect and engineer services, as authorized  
7 by law, unless the Secretary of Defense determines that  
8 additional obligations are necessary for such purposes and  
9 notifies the Committees on Appropriations of both Houses  
10 of Congress of his determination and the reasons therefor.

11 DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED

12 HOUSING IMPROVEMENT FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of Defense Military Unaccom-  
15 panied Housing Improvement Fund, \$10,000,000, to re-  
16 main available until expended: *Provided*, That subject to  
17 thirty days prior notification to the Committees on Appro-  
18 priations, such additional amounts as may be determined  
19 by the Secretary of Defense may be transferred to the  
20 Fund from amounts appropriated in this Act for the ac-  
21 quisition or construction of military unaccompanied hous-  
22 ing in “Military Construction” accounts, to be merged  
23 with and to be made available for the same purposes and  
24 for the same period of time as amounts appropriated di-  
25 rectly to the Fund: *Provided further*, That appropriations

1 made available for the Fund in this Act shall be available  
2 to cover the costs, as defined in section 502(5) of the Con-  
3 gressional Budget Act of 1974, of direct loans and loan  
4 guarantees issued by the Department of Defense pursuant  
5 to the provisions of subchapter IV of chapter 169 of title  
6 10, United States Code, pertaining to alternative means  
7 of acquiring and improving military unaccompanied hous-  
8 ing and ancillary supporting facilities.

9       MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

10       For construction, acquisition, expansion, rehabilita-  
11 tion, and conversion of facilities for the training and ad-  
12 ministration of the Army National Guard, and contribu-  
13 tions therefor, as authorized by chapter 133 of title 10,  
14 United States Code, and military construction authoriza-  
15 tion Acts, \$41,316,000, to remain available until Septem-  
16 ber 30, 2001.

17       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

18       For construction, acquisition, expansion, rehabilita-  
19 tion, and conversion of facilities for the training and ad-  
20 ministration of the Air National Guard, and contributions  
21 therefor, as authorized by chapter 133 of title 10, United  
22 States Code, and military construction authorization Acts,  
23 \$118,394,000, to remain available until September 30,  
24 2001.

1           MILITARY CONSTRUCTION, ARMY RESERVE

2           For construction, acquisition, expansion, rehabilita-  
3 tion, and conversion of facilities for the training and ad-  
4 ministration of the Army Reserve as authorized by chapter  
5 133 of title 10, United States Code, and military construc-  
6 tion authorization Acts, \$50,159,000, to remain available  
7 until September 30, 2001.

8           MILITARY CONSTRUCTION, NAVAL RESERVE

9           For construction, acquisition, expansion, rehabilita-  
10 tion, and conversion of facilities for the training and ad-  
11 ministration of the reserve components of the Navy and  
12 Marine Corps as authorized by chapter 133 of title 10,  
13 United States Code, and military construction authoriza-  
14 tion Acts, \$33,169,000, to remain available until Septem-  
15 ber 30, 2001.

16          MILITARY CONSTRUCTION, AIR FORCE RESERVE

17          For construction, acquisition, expansion, rehabilita-  
18 tion, and conversion of facilities for the training and ad-  
19 ministration of the Air Force Reserve as authorized by  
20 chapter 133 of title 10, United States Code, and military  
21 construction authorization Acts, \$51,655,000, to remain  
22 available until September 30, 2001.

1           NORTH ATLANTIC TREATY ORGANIZATION  
2                   SECURITY INVESTMENT PROGRAM

3           For the United States share of the cost of the North  
4 Atlantic Treaty Organization Security Investment Pro-  
5 gram for the acquisition and construction of military fa-  
6 cilities and installations (including international military  
7 headquarters) and for related expenses for the collective  
8 defense of the North Atlantic Treaty Area as authorized  
9 in military construction authorization Acts and section  
10 2806 of title 10, United States Code, \$177,000,000, to  
11 remain available until expended.

12                   FAMILY HOUSING, ARMY

13           For expenses of family housing for the Army for  
14 construction, including acquisition, replacement, addition,  
15 expansion, extension and alteration and for operation and  
16 maintenance, including debt payment, leasing, minor con-  
17 struction, principal and interest charges, and insurance  
18 premiums, as authorized by law, as follows: for Construc-  
19 tion, \$176,603,000, to remain available until September  
20 30, 2001; for Operation and Maintenance, and for debt  
21 payment, \$1,257,466,000; in all \$1,434,069,000.

22                   FAMILY HOUSING, NAVY AND MARINE CORPS

23           For expenses of family housing for the Navy and Ma-  
24 rine Corps for construction, including acquisition, replace-  
25 ment, addition, expansion, extension and alteration and



1 for operation and maintenance, including debt payment,  
2 leasing, minor construction, principal and interest  
3 charges, and insurance premiums, as authorized by law,  
4 as follows: for Construction, \$532,456,000, to remain  
5 available until September 30, 2001; for Operation and  
6 Maintenance, and for debt payment, \$1,058,241,000; in  
7 all \$1,590,697,000.

8                   FAMILY HOUSING, AIR FORCE

9           For expenses of family housing for the Air Force for  
10 construction, including acquisition, replacement, addition,  
11 expansion, extension and alteration and for operation and  
12 maintenance, including debt payment, leasing, minor con-  
13 struction, principal and interest charges, and insurance  
14 premiums, as authorized by law, as follows: for Construc-  
15 tion, \$304,068,000, to remain available until September  
16 30, 2001; for Operation and Maintenance, and for debt  
17 payment, \$840,474,000; in all \$1,144,542,000.

18                   FAMILY HOUSING, DEFENSE-WIDE

19           For expenses of family housing for the activities and  
20 agencies of the Department of Defense (other than the  
21 military departments) for construction, including acquisi-  
22 tion, replacement, addition, expansion, extension and al-  
23 teration, and for operation and maintenance, leasing, and  
24 minor construction, as authorized by law, as follows: for  
25 Construction, \$4,371,000, to remain available until Sep-

1 tember 30, 2001; for Operation and Maintenance,  
2 \$30,963,000; in all \$35,334,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING  
4 IMPROVEMENT FUND  
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of Defense Family Housing Im-  
7 provement Fund, \$35,000,000, to remain available until  
8 expended: *Provided*, That, subject to thirty days prior no-  
9 tification to the Committees on Appropriations, such addi-  
10 tional amounts as may be determined by the Secretary of  
11 Defense may be transferred to the Fund from amounts  
12 appropriated in this Act for construction in “Family  
13 Housing” accounts, to be merged with and to be available  
14 for the same purposes and for the same period of time  
15 as amounts appropriated directly to the Fund: *Provided*  
16 *further*, That appropriations made available to the Fund  
17 in this Act shall be available to cover the costs, as defined  
18 in section 502(5) of the Congressional Budget Act of  
19 1974, of direct loans or loan guarantees issued by the De-  
20 partment of Defense pursuant to the provisions of sub-  
21 chapter IV of Chapter 169, title 10, United States Code,  
22 pertaining to alternative means of acquiring and improv-  
23 ing military family housing and supporting facilities.

## 1 HOMEOWNERS ASSISTANCE FUND, DEFENSE

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

## 7 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

8 For deposit into the Department of Defense Base  
9 Closure Account 1990 established by section 2906(a)(1)  
10 of the Department of Defense Authorization Act, 1991  
11 (Public Law 101-510), \$352,800,000, to remain available  
12 until expended: *Provided*, That not more than  
13 \$223,789,000 of the funds appropriated herein shall be  
14 available solely for environmental restoration, unless the  
15 Secretary of Defense determines that additional obliga-  
16 tions are necessary for such purposes and notifies the  
17 Committees on Appropriations of both Houses of Congress  
18 of his determination and the reasons therefor.

## 19 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

20 For deposit into the Department of Defense Base  
21 Closure Account 1990 established by section 2906(a)(1)  
22 of the Department of Defense Authorization Act, 1991  
23 (Public Law 101-510), \$971,925,000, to remain available  
24 until expended: *Provided*, That not more than  
25 \$351,967,000 of the funds appropriated herein shall be

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

6 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

7 For deposit into the Department of Defense Base  
8 Closure Account 1990 established by section 2906(a)(1)  
9 of the Department of Defense Authorization Act, 1991  
10 (Public Law 101-510), \$1,182,749,000, to remain avail-  
11 able until expended: *Provided*, That not more than  
12 \$200,841,000 of the funds appropriated herein shall be  
13 available solely for environmental restoration, unless the  
14 Secretary of Defense determines that additional obliga-  
15 tions are necessary for such purposes and notifies the  
16 Committees on Appropriations of both Houses of Congress  
17 of his determination and the reasons therefor.

18 GENERAL PROVISIONS

19 SEC. 101. None of the funds appropriated in Military  
20 Construction Appropriations Acts shall be expended for  
21 payments under a cost-plus-a-fixed-fee contract for work,  
22 where cost estimates exceed \$25,000, to be performed  
23 within the United States, except Alaska, without the spe-  
24 cific approval in writing of the Secretary of Defense set-  
25 ting forth the reasons therefor: *Provided*, That the fore-

1 going shall not apply in the case of contracts for environ-  
2 mental restoration at an installation that is being closed  
3 or realigned where payments are made from a Base Re-  
4 alignment and Closure Account.

5       SEC. 102. Funds appropriated to the Department of  
6 Defense for construction shall be available for hire of pas-  
7 senger motor vehicles.

8       SEC. 103. Funds appropriated to the Department of  
9 Defense for construction may be used for advances to the  
10 Federal Highway Administration, Department of Trans-  
11 portation, for the construction of access roads as author-  
12 ized by section 210 of title 23, United States Code, when  
13 projects authorized therein are certified as important to  
14 the national defense by the Secretary of Defense.

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

19       SEC. 105. No part of the funds provided in Military  
20 Construction Appropriations Acts shall be used for pur-  
21 chase of land or land easements in excess of 100 per cen-  
22 tum of the value as determined by the Army Corps of En-  
23 gineers or the Naval Facilities Engineering Command, ex-  
24 cept (a) where there is a determination of value by a Fed-  
25 eral court, or (b) purchases negotiated by the Attorney

1 General or his designee, or (c) where the estimated value  
2 is less than \$25,000, or (d) as otherwise determined by  
3 the Secretary of Defense to be in the public interest.

4 SEC. 106. None of the funds appropriated in Military  
5 Construction Appropriations Acts shall be used to (1) ac-  
6 quire land, (2) provide for site preparation, or (3) install  
7 utilities for any family housing, except housing for which  
8 funds have been made available in annual Military Con-  
9 struction Appropriations Acts.

10 SEC. 107. None of the funds appropriated in Military  
11 Construction Appropriations Acts for minor construction  
12 may be used to transfer or relocate any activity from one  
13 base or installation to another, without prior notification  
14 to the Committees on Appropriations.

15 SEC. 108. No part of the funds appropriated in Mili-  
16 tary Construction Appropriations Acts may be used for  
17 the procurement of steel for any construction project or  
18 activity for which American steel producers, fabricators,  
19 and manufacturers have been denied the opportunity to  
20 compete for such steel procurement.

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

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

5           SEC. 111. None of the funds appropriated in Military  
6 Construction Appropriations Acts may be obligated for ar-  
7 chitect and engineer contracts estimated by the Govern-  
8 ment to exceed \$500,000 for projects to be accomplished  
9 in Japan, in any NATO member country, or in countries  
10 bordering the Arabian Gulf, unless such contracts are  
11 awarded to United States firms or United States firms  
12 in joint venture with host nation firms.

13          SEC. 112. None of the funds appropriated in Military  
14 Construction Appropriations Acts for military construc-  
15 tion in the United States territories and possessions in the  
16 Pacific and on Kwajalein Atoll, or in countries bordering  
17 the Arabian Gulf, may be used to award any contract esti-  
18 mated by the Government to exceed \$1,000,000 to a for-  
19 eign contractor: *Provided*, That this section shall not be  
20 applicable to contract awards for which the lowest respon-  
21 sive and responsible bid of a United States contractor ex-  
22 ceeds the lowest responsive and responsible bid of a for-  
23 eign contractor by greater than 20 per centum.

24          SEC. 113. The Secretary of Defense is to inform the  
25 appropriate Committees of Congress, including the Com-

1 mittees on Appropriations, of the plans and scope of any  
2 proposed military exercise involving United States person-  
3 nel thirty days prior to its occurring, if amounts expended  
4 for construction, either temporary or permanent, are an-  
5 ticipated to exceed \$100,000.

6 SEC. 114. Not more than 20 per centum of the appro-  
7 priations in Military Construction Appropriations Acts  
8 which are limited for obligation during the current fiscal  
9 year shall be obligated during the last two months of the  
10 fiscal year.

11 (TRANSFER OF FUNDS)

12 SEC. 115. Funds appropriated to the Department of  
13 Defense for construction in prior years shall be available  
14 for construction authorized for each such military depart-  
15 ment by the authorizations enacted into law during the  
16 current session of Congress.

17 SEC. 116. For military construction or family housing  
18 projects that are being completed with funds otherwise ex-  
19 pired or lapsed for obligation, expired or lapsed funds may  
20 be used to pay the cost of associated supervision, inspec-  
21 tion, overhead, engineering and design on those projects  
22 and on subsequent claims, if any.

23 SEC. 117. Notwithstanding any other provision of  
24 law, any funds appropriated to a military department or  
25 defense agency for the construction of military projects  
26 may be obligated for a military construction project or



1 contract, or for any portion of such a project or contract,  
2 at any time before the end of the fourth fiscal year after  
3 the fiscal year for which funds for such project were ap-  
4 propriated if the funds obligated for such project (1) are  
5 obligated from funds available for military construction  
6 projects, and (2) do not exceed the amount appropriated  
7 for such project, plus any amount by which the cost of  
8 such project is increased pursuant to law.

9 (TRANSFER OF FUNDS)

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

24 SEC. 119. The Secretary of Defense is to provide the  
25 Committees on Appropriations of the Senate and the  
26 House of Representatives with an annual report by Feb-

1 ruary 15, containing details of the specific actions pro-  
2 posed to be taken by the Department of Defense during  
3 the current fiscal year to encourage other member nations  
4 of the North Atlantic Treaty Organization, Japan, Korea,  
5 and United States allies bordering the Arabian Gulf to as-  
6 sume a greater share of the common defense burden of  
7 such nations and the United States.

8 (TRANSFER OF FUNDS)

9 SEC. 120. During the current fiscal year, in addition  
10 to any other transfer authority available to the Depart-  
11 ment of Defense, proceeds deposited to the Department  
12 of Defense Base Closure Account established by section  
13 207(a)(1) of the Defense Authorization Amendments and  
14 Base Closure and Realignment Act (Public Law 100–526)  
15 pursuant to section 207(a)(2)(C) of such Act, may be  
16 transferred to the account established by section  
17 2906(a)(1) of the Department of Defense Authorization  
18 Act, 1991, to be merged with, and to be available for the  
19 same purposes and the same time period as that account.

20 SEC. 121. No funds appropriated pursuant to this  
21 Act may be expended by an entity unless the entity agrees  
22 that in expending the assistance the entity will comply  
23 with sections 2 through 4 of the Act of March 3, 1933  
24 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-  
25 ican Act”).

1       SEC. 122. (a) In the case of any equipment or prod-  
2 ucts that may be authorized to be purchased with financial  
3 assistance provided under this Act, it is the sense of the  
4 Congress that entities receiving such assistance should, in  
5 expending the assistance, purchase only American-made  
6 equipment and products.

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

11                                   (TRANSFER OF FUNDS)

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

1        This Act may be cited as the “Military Construction  
2 Appropriations Act, 1997”.

Attest:

ROBIN H. CARLE,

*Clerk.*

By LINDA NAVE,

*Deputy Clerk.*