

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H.R. 2446

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IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 22), 1993

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, 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,*  
3        That the following sums are appropriated, out of any  
4        money in the Treasury not otherwise appropriated, for the  
5        fiscal year ending September 30, 1994, for military con-  
6        struction functions administered by the Department of  
7        Defense, and for other purposes, namely:

## 1                   MILITARY CONSTRUCTION, ARMY

2           For acquisition, construction, installation, and equip-  
3 ment of temporary or permanent public works, military  
4 installations, facilities, and real property for the Army as  
5 currently authorized by law, including personnel in the  
6 Army Corps of Engineers and other personal services nec-  
7 essary for the purposes of this appropriation, and for con-  
8 struction and operation of facilities in support of the func-  
9 tions of the Commander in Chief, \$837,644,000, to re-  
10 main available until September 30, 1998: *Provided*, That  
11 of this amount, not to exceed \$109,441,000 shall be avail-  
12 able for study, planning, design, architect and engineer  
13 services, as authorized by law, unless the Secretary of De-  
14 fense determines that additional obligations are necessary  
15 for such purposes and notifies the Committees on Appro-  
16 priations of both Houses of Congress of his determination  
17 and the reasons therefor.

## 18                   MILITARY CONSTRUCTION, NAVY

19           For acquisition, construction, installation, and equip-  
20 ment of temporary or permanent public works, naval in-  
21 stallations, facilities, and real property for the Navy as  
22 currently authorized by law, including personnel in the  
23 Naval Facilities Engineering Command and other per-  
24 sonal services necessary for the purposes of this appropria-  
25 tion, \$575,971,000, to remain available until September

1 30, 1998: *Provided*, That of this amount, not to exceed  
2 \$64,373,000 shall be available for study, planning, design,  
3 architect and engineer services, as authorized by law, un-  
4 less the Secretary of Defense determines that additional  
5 obligations are necessary for such purposes and notifies  
6 the Committees on Appropriations of both Houses of Con-  
7 gress of his determination and the reasons therefor.

8           MILITARY CONSTRUCTION, AIR FORCE

9           For acquisition, construction, installation, and equip-  
10 ment of temporary or permanent public works, military  
11 installations, facilities, and real property for the Air Force  
12 as currently authorized by law, \$913,297,000, to remain  
13 available until September 30, 1998: *Provided*, That of this  
14 amount, not to exceed \$63,882,000 shall be available for  
15 study, planning, design, architect and engineer services,  
16 as authorized by law, unless the Secretary of Defense de-  
17 termines that additional obligations are necessary for such  
18 purposes and notifies the Committees on Appropriations  
19 of both Houses of Congress of his determination and the  
20 reasons therefor.

21           MILITARY CONSTRUCTION, DEFENSE-WIDE

22                   (INCLUDING TRANSFER OF FUNDS)

23           For acquisition, construction, installation, and equip-  
24 ment of temporary or permanent public works, installa-  
25 tions, facilities, and real property for activities and agen-

1 cies of the Department of Defense (other than the military  
2 departments), as currently authorized by law,  
3 \$618,770,000, to remain available until September 30,  
4 1998: *Provided*, That such amounts of this appropriation  
5 as may be determined by the Secretary of Defense may  
6 be transferred to such appropriations of the Department  
7 of Defense available for military construction as he may  
8 designate, to be merged with and to be available for the  
9 same purposes, and for the same time period, as the ap-  
10 propriation or fund to which transferred: *Provided further*,  
11 That of the amount appropriated, not to exceed  
12 \$42,405,000 shall be available for study, planning, design,  
13 architect and engineer services, as authorized by law, un-  
14 less the Secretary of Defense determines that additional  
15 obligations are necessary for such purposes and notifies  
16 the Committees on Appropriations of both Houses of Con-  
17 gress of his determination and the reasons therefor.

18 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

19 For construction, acquisition, expansion, rehabilita-  
20 tion, and conversion of facilities for the training and ad-  
21 ministration of the Army National Guard, and contribu-  
22 tions therefor, as authorized by chapter 133 of title 10,  
23 United States Code, and military construction authoriza-  
24 tion Acts, \$203,980,000, to remain available until Septem-  
25 ber 30, 1998.

1       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

2       For construction, acquisition, expansion, rehabilita-  
3       tion, and conversion of facilities for the training and ad-  
4       ministration of the Air National Guard, and contributions  
5       therefor, as authorized by chapter 133 of title 10, United  
6       States Code, and military construction authorization Acts,  
7       \$161,761,000, to remain available until September 30,  
8       1998.

9       MILITARY CONSTRUCTION, ARMY RESERVE

10       For construction, acquisition, expansion, rehabilita-  
11       tion, and conversion of facilities for the training and ad-  
12       ministration of the Army Reserve as authorized by chapter  
13       133 of title 10, United States Code, and military construc-  
14       tion authorization Acts, \$87,825,000, to remain available  
15       until September 30, 1998.

16       MILITARY CONSTRUCTION, NAVAL RESERVE

17       For construction, acquisition, expansion, rehabilita-  
18       tion, and conversion of facilities for the training and ad-  
19       ministration of the reserve components of the Navy and  
20       Marine Corps as authorized by chapter 133 of title 10,  
21       United States Code, and military construction authoriza-  
22       tion Acts, \$28,647,000, to remain available until Septem-  
23       ber 30, 1998.

## 1 MILITARY CONSTRUCTION, AIR FORCE RESERVE

2 For construction, acquisition, expansion, rehabilita-  
3 tion, and conversion of facilities for the training and ad-  
4 ministration of the Air Force Reserve as authorized by  
5 chapter 133 of title 10, United States Code, and military  
6 construction authorization Acts, \$66,136,000, to remain  
7 available until September 30, 1998.

## 8 NORTH ATLANTIC TREATY ORGANIZATION

## 9 INFRASTRUCTURE

10 For the United States share of the cost of North At-  
11 lantic Treaty Organization Infrastructure programs for  
12 the acquisition and construction of military facilities and  
13 installations (including international military head-  
14 quarters) and for related expenses for the collective de-  
15 fense of the North Atlantic Treaty Area as authorized in  
16 military construction Acts and section 2806 of title 10,  
17 United States Code, \$140,000,000, to remain available  
18 until expended.

## 19 FAMILY HOUSING, ARMY

20 For expenses of family housing for the Army for con-  
21 struction, including acquisition, replacement, addition, ex-  
22 pansion, extension and alteration and for operation and  
23 maintenance, including debt payment, leasing, minor con-  
24 struction, principal and interest charges, and insurance  
25 premiums, as authorized by law, as follows: for Construc-

1 tion, \$218,785,000, to remain available until September  
2 30, 1998; for Operation and maintenance, and for debt  
3 payment, \$1,067,922,000; in all \$1,286,707,000.

4 FAMILY HOUSING, NAVY AND MARINE CORPS

5 For expenses of family housing for the Navy and Ma-  
6 rine Corps for construction, including acquisition, replace-  
7 ment, addition, expansion, extension and alteration and  
8 for operation and maintenance, including debt payment,  
9 leasing, minor construction, principal and interest  
10 charges, and insurance premiums, as authorized by law,  
11 as follows: for Construction, \$367,769,000, to remain  
12 available until September 30, 1998; for Operation and  
13 maintenance, and for debt payment, \$781,952,000; in all  
14 \$1,149,721,000.

15 FAMILY HOUSING, AIR FORCE

16 For expenses of family housing for the Air Force for  
17 construction, including acquisition, replacement, addition,  
18 expansion, extension and alteration and for operation and  
19 maintenance, including debt payment, leasing, minor con-  
20 struction, principal and interest charges, and insurance  
21 premiums, as authorized by law, as follows: for Construc-  
22 tion, \$192,197,000, to remain available until September  
23 30, 1998; for Operation and maintenance, and for debt  
24 payment, \$805,847,000; in all \$998,044,000.

## 1           FAMILY HOUSING, DEFENSE-WIDE

2           For expenses of family housing for the activities and  
3 agencies of the Department of Defense (other than the  
4 military departments) for construction, including acquisi-  
5 tion, replacement, addition, expansion, extension and al-  
6 teration, and for operation and maintenance, leasing, and  
7 minor construction, as authorized by law, as follows: for  
8 Construction, \$159,000, to remain available for obligation  
9 until September 30, 1998; for Operation and maintenance,  
10 \$25,711,000; in all \$25,870,000.

## 11           HOMEOWNERS ASSISTANCE FUND, DEFENSE

12           For use in the Homeowners Assistance Fund estab-  
13 lished pursuant to section 1013(d) of the Demonstration  
14 Cities and Metropolitan Development Act of 1966, as  
15 amended (42 U.S.C. 3374), \$151,400,000.

## 16           BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

17           For deposit into the Department of Defense Base  
18 Closure Account established by section 207(a)(1) of the  
19 Defense Authorization Amendments and Base Closure and  
20 Realignment Act (Public Law 100-526), \$27,870,000, to  
21 remain available for obligation until September 30, 1995:  
22 *Provided*, That none of these funds may be obligated for  
23 base realignment and closure activities under Public Law  
24 100-526 which would cause the Department's  
25 \$1,800,000,000 cost estimate for military construction

1 and family housing related to the Base Realignment and  
2 Closure Program to be exceeded: *Provided further*, That  
3 not less than \$19,800,000 of the funds appropriated here-  
4 in shall be available solely for environmental restoration.

5 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

6 For deposit into the Department of Defense Base  
7 Closure Account 1990 established by section 2906(a)(1)  
8 of the Department of Defense Authorization Act, 1991  
9 (Public Law 101-510), \$1,800,500,000, to remain avail-  
10 able until expended: *Provided*, That such funds are avail-  
11 able solely for the approved 1991 base realignments and  
12 closures: *Provided further*, That not less than  
13 \$262,300,000 of the funds appropriated herein shall be  
14 available solely for environmental restoration.

15 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

16 For deposit into the Department of Defense Base  
17 Closure Account 1990 established by section 2906(a)(1)  
18 of the Department of Defense Authorization Act, 1991  
19 (Public Law 101-510), \$1,200,000,000, to remain avail-  
20 able until expended: *Provided*, That such funds will be  
21 available only to the extent an official budget request is  
22 transmitted to the Congress: *Provided further*, That such  
23 funds are available solely for the approved 1993 base  
24 realignments and closures: *Provided further*, That not less

1 than \$300,000,000 of the funds appropriated herein shall  
2 be available solely for environmental restoration.

3 GENERAL PROVISIONS

4 SEC. 101. None of the funds appropriated in Military  
5 Construction Appropriations Acts shall be expended for  
6 payments under a cost-plus-a-fixed-fee contract for work,  
7 where cost estimates exceed \$25,000, to be performed  
8 within the United States, except Alaska, without the spe-  
9 cific approval in writing of the Secretary of Defense set-  
10 ting forth the reasons therefor.

11 SEC. 102. Funds appropriated to the Department of  
12 Defense for construction shall be available for hire of pas-  
13 senger motor vehicles.

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

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

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

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

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

22        SEC. 108. No part of the funds appropriated in Mili-  
23 tary Construction Appropriations Acts may be used for  
24 the procurement of steel for any construction project or  
25 activity for which American steel producers, fabricators,

1 and manufacturers have been denied the opportunity to  
2 compete for such steel procurement.

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

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

11 SEC. 111. None of the funds appropriated in Military  
12 Construction Appropriations Acts may be obligated for ar-  
13 chitect and engineer contracts estimated by the Govern-  
14 ment to exceed \$500,000 for projects to be accomplished  
15 in Japan or in any NATO member country, unless such  
16 contracts are awarded to United States firms or United  
17 States firms in joint venture with host nation firms.

18 SEC. 112. None of the funds appropriated in Military  
19 Construction Appropriations Acts for military construc-  
20 tion in the United States territories and possessions in the  
21 Pacific and on Kwajalein Atoll may be used to award any  
22 contract estimated by the Government to exceed  
23 \$1,000,000 to a foreign contractor: *Provided*, That this  
24 section shall not be applicable to contract awards for  
25 which the lowest responsive and responsible bid of a

1 United States contractor exceeds the lowest responsive  
2 and responsible bid of a foreign contractor by greater than  
3 20 per centum.

4 SEC. 113. The Secretary of Defense is to inform the  
5 Committees on Appropriations and the Committees on  
6 Armed Services of the plans and scope of any proposed  
7 military exercise involving United States personnel thirty  
8 days prior to its occurring, if amounts expended for con-  
9 struction, either temporary or permanent, are anticipated  
10 to exceed \$100,000.

11 (TRANSFER OF FUNDS)

12 SEC. 114. Unexpended balances in the Military Fam-  
13 ily Housing Management Account established pursuant to  
14 section 2831 of title 10, United States Code, as well as  
15 any additional amounts which would otherwise be trans-  
16 ferred to the Military Family Housing Management Ac-  
17 count, shall be transferred to the appropriations for Fam-  
18 ily Housing, as determined by the Secretary of Defense,  
19 based on the sources from which the funds were derived,  
20 and shall be available for the same purposes, and for the  
21 same time period, as the appropriation to which they have  
22 been transferred.

23 SEC. 115. 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. 116. 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. 117. 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. 118. 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 SEC. 119. Of the funds appropriated in this Act for  
4 Operation and maintenance of Family Housing, no more  
5 than \$13,000,000 may be obligated for contract cleaning  
6 of family housing units.

7 (TRANSFER OF FUNDS)

8 SEC. 120. During the five-year period after appro-  
9 priations available to the Department of Defense for mili-  
10 tary construction and family housing operation and main-  
11 tenance and construction have expired for obligation, upon  
12 a determination that such appropriations will not be nec-  
13 essary for the liquidation of obligations or for making au-  
14 thorized adjustments to such appropriations for obliga-  
15 tions incurred during the period of availability of such ap-  
16 propriations, unobligated balances of such appropriations  
17 may be transferred into the appropriation "Foreign Cur-  
18 rency Fluctuations, Construction, Defense" to be merged  
19 with and to be available for the same time period and for  
20 the same purposes as the appropriation to which trans-  
21 ferred.

22 SEC. 121. The Secretary of Defense is to provide the  
23 Committees on Appropriations of the Senate and the  
24 House of Representatives with an annual report by Feb-  
25 ruary 15, containing details of the specific actions pro-

1 posed to be taken by the Department of Defense during  
2 the current fiscal year to encourage other member nations  
3 of the North Atlantic Treaty Organization and Japan and  
4 Korea to assume a greater share of the common defense  
5 burden of such nations and the United States.

6       SEC. 122. (a) Notwithstanding any other provision  
7 of law, the Secretary of the Army shall transfer, no later  
8 than September 30, 1994, without reimbursement or  
9 transfer of funds, to the Architect of the Capitol, a portion  
10 of the real property, including improvements thereon,  
11 known as the Army Research Laboratory, Woodbridge Re-  
12 search Facility, located in Prince William County, Vir-  
13 ginia, consisting of approximately 100 acres, more or less,  
14 as determined under subsection (c).

15       (b) The Architect of the Capitol shall, upon comple-  
16 tion of the survey performed pursuant to subsection (c)  
17 and the transfer effected pursuant to subsection (a), uti-  
18 lize the property to be transferred to provide facilities to  
19 accommodate the varied long term storage and service  
20 needs of the Library of Congress and Legislative Branch.

21       (c) The exact acreage, legal description and appor-  
22 tionment as to the portions of the property to be trans-  
23 ferred under this section shall be determined by a survey  
24 satisfactory to the Architect of the Capitol and the Sec-  
25 retary of the Army.

1       SEC. 123. Proceeds received by the Secretary of the  
2 Navy pursuant to section 2840 of the National Defense  
3 Authorization Act for Fiscal Years 1992 and 1993 (Public  
4 Law 102–190) are appropriated and shall be available for  
5 the purposes authorized in that section.

6       SEC. 124. Defense access roads for Camp Dodge,  
7 Iowa, (86th Street improvements) shall be considered as  
8 fully meeting the certification requirements specified in  
9 section 210 of title 23 of the United States Code.

10 **SEC. 125. COMPLIANCE WITH BUY AMERICAN ACT.**

11       No funds appropriated pursuant to this Act may be  
12 expended by an entity unless the entity agrees that in ex-  
13 pending the assistance the entity will comply with sections  
14 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–  
15 10c, popularly known as the “Buy American Act”).

16 **SEC. 126. SENSE OF CONGRESS; REQUIREMENT REGARD-**  
17 **ING NOTICE.**

18       (a) PURCHASE OF AMERICAN-MADE EQUIPMENT  
19 AND PRODUCTS.—In the case of any equipment or prod-  
20 ucts that may be authorized to be purchased with financial  
21 assistance provided under this Act, it is the sense of the  
22 Congress that entities receiving such assistance should, in  
23 expending the assistance, purchase only American-made  
24 equipment and products.

1 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
2 providing financial assistance under this Act, the Sec-  
3 retary of the Treasury shall provide to each recipient of  
4 the assistance a notice describing the statement made in  
5 subsection (a) by the Congress.

6 **SEC. 127. PROHIBITION OF CONTRACTS.**

7 If it has been finally determined by a court or Federal  
8 agency that any person intentionally affixed a fraudulent  
9 label bearing a “Made in America” inscription, or any in-  
10 scription with the same meaning, to any product sold in  
11 or shipped to the United States that was not made in the  
12 United States, such person shall be ineligible to receive  
13 any contract or subcontract made with funds provided  
14 pursuant to this Act, pursuant to the debarment, suspen-  
15 sion, and ineligibility procedures described in section 9.400  
16 through 9.409 of title 48, Code of Federal Regulations.

17 This Act may be cited as the “Military Construction  
18 Appropriations Act, 1994”.

Passed the House of Representatives June 23, 1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*

HR 2446 RFS—2