

107TH CONGRESS  
2D SESSION

# H. R. 5011

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IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2002

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

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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, 2003, 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~~  
5 ~~military construction, family housing, and base realign-~~  
6 ~~ment and closure functions administered by the Depart-~~  
7 ~~ment of Defense, for the fiscal year ending September 30,~~  
8 ~~2003, and for other purposes, namely:~~

## 1                   MILITARY CONSTRUCTION, ARMY

2                   (INCLUDING RESCISSIONS)

3           For acquisition, construction, installation, and equip-  
4 ment of temporary or permanent public works, military  
5 installations, facilities, and real property for the Army as  
6 currently authorized by law, including personnel in the  
7 Army Corps of Engineers and other personal services nec-  
8 essary for the purposes of this appropriation, and for con-  
9 struction and operation of facilities in support of the func-  
10 tions of the Commander in Chief, \$1,514,557,000, to re-  
11 main available until September 30, 2007: *Provided*, That  
12 of this amount, not to exceed \$158,664,000 shall be avail-  
13 able for study, planning, design, architect and engineer  
14 services, and host nation support, as authorized by law,  
15 unless the Secretary of Defense determines that additional  
16 obligations are necessary for such purposes and notifies  
17 the Committees on Appropriations of both Houses of Con-  
18 gress of his determination and the reasons therefor: *Pro-*  
19 *vided further*, That of the funds appropriated for “Military  
20 Construction, Army” under Public Law 107-64,  
21 \$5,000,000 are rescinded.

## 22                   MILITARY CONSTRUCTION, NAVY

23                   (INCLUDING RESCISSION)

24           For acquisition, construction, installation, and equip-  
25 ment of temporary or permanent public works, naval in-

1 stallations, facilities, and real property for the Navy as  
2 currently authorized by law, including personnel in the  
3 Naval Facilities Engineering Command and other per-  
4 sonal services necessary for the purposes of this appropria-  
5 tion, \$1,245,765,000, to remain available until September  
6 30, 2007: *Provided*, That of this amount, not to exceed  
7 \$94,825,000 shall be available for study, planning, design,  
8 architect and engineer services, as authorized by law, un-  
9 less the Secretary of Defense determines that additional  
10 obligations are necessary for such purposes and notifies  
11 the Committees on Appropriations of both Houses of Con-  
12 gress of his determination and the reasons therefor.

13           MILITARY CONSTRUCTION, AIR FORCE

14                           (INCLUDING RESCISSION)

15       For acquisition, construction, installation, and equip-  
16 ment of temporary or permanent public works, military  
17 installations, facilities, and real property for the Air Force  
18 as currently authorized by law, \$964,302,000, to remain  
19 available until September 30, 2007: *Provided*, That of this  
20 amount, not to exceed \$78,951,000 shall be available for  
21 study, planning, design, architect and engineer services,  
22 as authorized by law, unless the Secretary of Defense de-  
23 termines that additional obligations are necessary for such  
24 purposes and notifies the Committees on Appropriations

1 of both Houses of Congress of his determination and the  
2 reasons therefor.

3 ~~MILITARY CONSTRUCTION, DEFENSE-WIDE~~  
4 ~~(INCLUDING RESCISSION AND TRANSFER OF FUNDS)~~

5 For acquisition, construction, installation, and equip-  
6 ment of temporary or permanent public works, installa-  
7 tions, facilities, and real property for activities and agen-  
8 cies of the Department of Defense (other than the military  
9 departments), as currently authorized by law,  
10 \$901,066,000, to remain available until September 30,  
11 2007: *Provided*, That such amounts of this appropriation  
12 as may be determined by the Secretary of Defense may  
13 be transferred to such appropriations of the Department  
14 of Defense available for military construction or family  
15 housing as he may designate, to be merged with and to  
16 be available for the same purposes, and for the same time  
17 period, as the appropriation or fund to which transferred:  
18 *Provided further*, That of the amount appropriated, not  
19 to exceed \$45,432,000 shall be available for study, plan-  
20 ning, design, architect and engineer services, as authorized  
21 by law, unless the Secretary of Defense determines that  
22 additional obligations are necessary for such purposes and  
23 notifies the Committees on Appropriations of both Houses  
24 of Congress of his determination and the reasons therefor:  
25 *Provided further*, That of this amount, \$84,400,000 shall

1 not be available until 5 days after the Army notifies the  
2 Senate and House appropriations committees that it is  
3 able to meet milestones for construction of chemical weap-  
4 ons destruction facilities agreed upon by the Office of the  
5 Secretary of Defense and the Office of Management and  
6 Budget.

7       MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

8       For construction, acquisition, expansion, rehabilita-  
9 tion, and conversion of facilities for the training and ad-  
10 ministration of the Army National Guard, and contribu-  
11 tions therefor, as authorized by chapter 1803 of title 10,  
12 United States Code, and Military Construction Authoriza-  
13 tion Acts, \$159,672,000, to remain available until Sep-  
14 tember 30, 2007.

15       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

16       For construction, acquisition, expansion, rehabilita-  
17 tion, and conversion of facilities for the training and ad-  
18 ministration of the Air National Guard, and contributions  
19 therefor, as authorized by chapter 1803 of title 10, United  
20 States Code, and Military Construction Authorization  
21 Acts, \$119,613,000, to remain available until September  
22 30, 2007.

23       MILITARY CONSTRUCTION, ARMY RESERVE

24       For construction, acquisition, expansion, rehabilita-  
25 tion, and conversion of facilities for the training and ad-

1 ministration of the Army Reserve as authorized by chapter  
2 1803 of title 10, United States Code, and Military Con-  
3 struction Authorization Acts, \$99,059,000, to remain  
4 available until September 30, 2007.

5           MILITARY CONSTRUCTION, NAVAL RESERVE

6           For construction, acquisition, expansion, rehabilita-  
7 tion, and conversion of facilities for the training and ad-  
8 ministration of the reserve components of the Navy and  
9 Marine Corps as authorized by chapter 1803 of title 10,  
10 United States Code, and Military Construction Authoriza-  
11 tion Acts, \$75,821,000, to remain available until Sep-  
12 tember 30, 2007.

13           MILITARY CONSTRUCTION, AIR FORCE RESERVE

14           For construction, acquisition, expansion, rehabilita-  
15 tion, and conversion of facilities for the training and ad-  
16 ministration of the Air Force Reserve as authorized by  
17 chapter 1803 of title 10, United States Code, and Military  
18 Construction Authorization Acts, \$75,276,000, to remain  
19 available until September 30, 2007.

20           NORTH ATLANTIC TREATY ORGANIZATION

21                       SECURITY INVESTMENT PROGRAM

22           For the United States share of the cost of the  
23 North Atlantic Treaty Organization Security Investment  
24 Program for the acquisition and construction of military  
25 facilities and installations (including international military

1 headquarters) and for related expenses for the collective  
2 defense of the North Atlantic Treaty Area as authorized  
3 in Military Construction Authorization Acts and section  
4 2806 of title 10, United States Code, \$168,200,000, to  
5 remain available until expended.

6           FAMILY HOUSING CONSTRUCTION, ARMY

7                           (INCLUDING RESCISSION)

8           For expenses of family housing for the Army for con-  
9 struction, including acquisition, replacement, addition, ex-  
10 pansion, extension and alteration, as authorized by law,  
11 \$283,346,000, to remain available until September 30,  
12 2007.

13          FAMILY HOUSING OPERATION AND MAINTENANCE,

14                           ARMY

15          For expenses of family housing for the Army for op-  
16 eration and maintenance, including debt payment, leasing,  
17 minor construction, principal and interest charges, and in-  
18 surance premiums, as authorized by law, \$1,119,007,000.

19          FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

20                           CORPS

21                           (INCLUDING RESCISSION)

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





1 of the Department of Defense Authorization Act, 1991  
2 (Public Law 101-510), \$545,138,000, to remain available  
3 until expended.

#### 4 GENERAL PROVISIONS

5 SEC. 101. None of the funds appropriated in Military  
6 Construction Appropriations Acts shall be expended for  
7 payments under a cost-plus-a-fixed-fee contract for con-  
8 struction, where cost estimates exceed \$25,000, to be per-  
9 formed within the United States, except Alaska, without  
10 the specific approval in writing of the Secretary of Defense  
11 setting forth the reasons therefor.

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

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

22 SEC. 104. None of the funds appropriated in this Act  
23 may be used to begin construction of new bases inside the  
24 continental United States for which specific appropria-  
25 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 percent  
4 of the value as determined by the Army Corps of Engi-  
5 neers or the Naval Facilities Engineering Command, ex-  
6 cept: (1) where there is a determination of value by a Fed-  
7 eral court; (2) purchases negotiated by the Attorney Gen-  
8 eral or his designee; (3) where the estimated value is less  
9 than \$25,000; or (4) as otherwise determined by the Sec-  
10 retary 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, in any NATO member country, or in countries  
16 bordering the Arabian Sea, unless such contracts are  
17 awarded to United States firms or United States firms  
18 in joint venture with host nation firms.

19       SEC. 112. None of the funds appropriated in Military  
20 Construction Appropriations Acts for military construc-  
21 tion in the United States territories and possessions in the  
22 Pacific and on Kwajalein Atoll, or in countries bordering  
23 the Arabian Sea, may be used to award any contract esti-  
24 mated by the Government to exceed \$1,000,000 to a for-  
25 eign contractor. *Provided*, That this section shall not be

1 applicable to contract awards for which the lowest respon-  
2 sive and responsible bid of a United States contractor ex-  
3 ceeds the lowest responsive and responsible bid of a for-  
4 eign contractor by greater than 20 percent: *Provided fur-*  
5 *ther*, That this section shall not apply to contract awards  
6 for military construction on Kwajalein Atoll for which the  
7 lowest responsive and responsible bid is submitted by a  
8 Marshallese contractor.

9       SEC. 113. The Secretary of Defense is to inform the  
10 appropriate committees of Congress, including the Com-  
11 mittees on Appropriations, of the plans and scope of any  
12 proposed military exercise involving United States per-  
13 sonnel 30 days prior to its occurring, if amounts expended  
14 for construction, either temporary or permanent, are an-  
15 ticipated to exceed \$100,000.

16       SEC. 114. Not more than 20 percent of the appro-  
17 priations in Military Construction Appropriations Acts  
18 which are limited for obligation during the current fiscal  
19 year shall be obligated during the last 2 months of the  
20 fiscal year.

21       SEC. 115. Funds appropriated to the Department of  
22 Defense for construction in prior years shall be available  
23 for construction authorized for each such military depart-  
24 ment by the authorizations enacted into law during the  
25 current session of Congress.

1        SEC. 116. For military construction or family housing  
2 projects that are being completed with funds otherwise ex-  
3 pired or lapsed for obligation, expired or lapsed funds may  
4 be used to pay the cost of associated supervision, inspec-  
5 tion, overhead, engineering and design on those projects  
6 and on subsequent claims, if any.

7        SEC. 117. Notwithstanding any other provision of  
8 law, any funds appropriated to a military department or  
9 defense agency for the construction of military projects  
10 may be obligated for a military construction project or  
11 contract, or for any portion of such a project or contract,  
12 at any time before the end of the fourth fiscal year after  
13 the fiscal year for which funds for such project were ap-  
14 propriated if the funds obligated for such project: (1) are  
15 obligated from funds available for military construction  
16 projects; and (2) do not exceed the amount appropriated  
17 for such project, plus any amount by which the cost of  
18 such project is increased pursuant to law.

19        SEC. 118. During the 5-year period after appropria-  
20 tions available to the Department of Defense for military  
21 construction and family housing operation and mainte-  
22 nance and construction have expired for obligation, upon  
23 a determination that such appropriations will not be nec-  
24 essary for the liquidation of obligations or for making au-  
25 thorized adjustments to such appropriations for obliga-

1 tions incurred during the period of availability of such ap-  
2 propriations, unobligated balances of such appropriations  
3 may be transferred into the appropriation “Foreign Cur-  
4 rency Fluctuations, Construction, Defense” to be merged  
5 with and to be available for the same time period and for  
6 the same purposes as the appropriation to which trans-  
7 ferred.

8       SEC. 119. The Secretary of Defense is to provide the  
9 Committees on Appropriations of the Senate and the  
10 House of Representatives with an annual report by Feb-  
11 ruary 15, containing details of the specific actions pro-  
12 posed to be taken by the Department of Defense during  
13 the current fiscal year to encourage other member nations  
14 of the North Atlantic Treaty Organization, Japan, Korea,  
15 and United States allies bordering the Arabian Sea to as-  
16 sume a greater share of the common defense burden of  
17 such nations and the United States.

18       SEC. 120. During the current fiscal year, in addition  
19 to any other transfer authority available to the Depart-  
20 ment of Defense, proceeds deposited to the Department  
21 of Defense Base Closure Account established by section  
22 207(a)(1) of the Defense Authorization Amendments and  
23 Base Closure and Realignment Act (Public Law 100-526)  
24 pursuant to section 207(a)(2)(C) of such Act, may be  
25 transferred to the account established by section

1 2906(a)(1) of the Department of Defense Authorization  
2 Act, 1991, to be merged with, and to be available for the  
3 same purposes and the same time period as that account.

4       SEC. 121. (a) No funds appropriated pursuant to this  
5 Act may be expended by an entity unless the entity agrees  
6 that in expending the assistance the entity will comply  
7 with sections 2 through 4 of the Act of March 3, 1933  
8 (41 U.S.C. 10a–10e, popularly known as the “Buy Amer-  
9 ican Act”).

10       (b) No funds made available under this Act shall be  
11 made available to any person or entity who has been con-  
12 victed of violating the Act of March 3, 1933 (41 U.S.C.  
13 10a–10e, popularly known as the “Buy American Act”).

14       SEC. 122. (a) In the case of any equipment or prod-  
15 ucts that may be authorized to be purchased with financial  
16 assistance provided under this Act, it is the sense of the  
17 Congress that entities receiving such assistance should, in  
18 expending the assistance, purchase only American-made  
19 equipment and products.

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

24       SEC. 123. Subject to 30 days prior notification to the  
25 Committees on Appropriations, such additional amounts

1 as may be determined by the Secretary of Defense may  
2 be transferred to the Department of Defense Family  
3 Housing Improvement Fund from amounts appropriated  
4 for construction in “Family Housing” accounts or con-  
5 struction of military unaccompanied housing projects in  
6 “Military Construction” accounts, to be merged with and  
7 to be available for the same purposes and for the same  
8 period of time as amounts appropriated directly to the  
9 Fund: *Provided*, That appropriations made available to  
10 the Fund shall be available to cover the costs, as defined  
11 in section 502(5) of the Congressional Budget Act of  
12 1974, of direct loans or loan guarantees issued by the De-  
13 partment of Defense pursuant to the provisions of sub-  
14 chapter IV of chapter 169, title 10, United States Code,  
15 pertaining to alternative means of acquiring and improv-  
16 ing military family housing and supporting facilities.

17       SEC. 124. (a) Not later than 60 days before issuing  
18 any solicitation for a contract with the private sector for  
19 military family housing the Secretary of the military de-  
20 partment concerned shall submit to the congressional de-  
21 fense committees the notice described in subsection (b).

22       (b)(1) A notice referred to in subsection (a) is a no-  
23 tice of any guarantee (including the making of mortgage  
24 or rental payments) proposed to be made by the Secretary

1 to the private party under the contract involved in the  
2 event of—

3           (A) the closure or realignment of the installa-  
4           tion for which housing is provided under the con-  
5           tract;

6           (B) a reduction in force of units stationed at  
7           such installation; or

8           (C) the extended deployment overseas of units  
9           stationed at such installation.

10          (2) Each notice under this subsection shall specify  
11 the nature of the guarantee involved and assess the extent  
12 and likelihood, if any, of the liability of the Federal Gov-  
13 ernment with respect to the guarantee.

14          (e) In this section, the term “congressional defense  
15 committees” means the following:

16           (1) The Committee on Armed Services and the  
17           Military Construction Subcommittee, Committee on  
18           Appropriations of the Senate.

19           (2) The Committee on Armed Services and the  
20           Military Construction Subcommittee, Committee on  
21           Appropriations of the House of Representatives.

22          SEC. 125. During the current fiscal year, in addition  
23 to any other transfer authority available to the Depart-  
24 ment of Defense, amounts may be transferred from the  
25 account established by section 2906(a)(1) of the Depart-

1 ment of Defense Authorization Act, 1991 and from funds  
2 appropriated for the operation and maintenance of the  
3 military departments contained in Title II of the Depart-  
4 ment of Defense Appropriations Act, 2003, to the fund  
5 established by section 1013(d) of the Demonstration Cities  
6 and Metropolitan Development Act of 1966 (42 U.S.C.  
7 3374) to pay for expenses associated with the Home-  
8 owners Assistance Program. Any amounts transferred  
9 shall be merged with and be available for the same pur-  
10 poses and for the same time period as the fund to which  
11 transferred.

12       SEC. 126. Notwithstanding this or any other provi-  
13 sion of law, funds appropriated in Military Construction  
14 Appropriations Acts for operations and maintenance of  
15 family housing shall be the exclusive source of funds for  
16 repair and maintenance of all family housing units, includ-  
17 ing general or flag officer quarters: *Provided*, That not  
18 more than \$35,000 per unit may be spent annually for  
19 the maintenance and repair of any general or flag officer  
20 quarters without 30 days advance prior notification to the  
21 appropriate committees of Congress: *Provided further*,  
22 That the Under Secretary of Defense (Comptroller) is to  
23 report annually to the Committees on Appropriations all  
24 operations and maintenance expenditures for each indi-

1 vidual general or flag officer quarters for the prior fiscal  
2 year.

3       ~~SEC. 127.~~ Notwithstanding any other provision of  
4 law, the Secretary of the Navy is authorized to use funds  
5 received pursuant to section 2601 of title 10, United  
6 States Code, for the construction, improvement, repair,  
7 and maintenance of the historic residences located at Ma-  
8 rine Corps Barracks, 8th and I Streets, Washington, D.C.:  
9 *Provided*, That the Secretary notifies the appropriate com-  
10 mittees of Congress 30 days in advance of the intended  
11 use of such funds: *Provided further*, That this section re-  
12 mains effective until September 30, 2006.

13       ~~SEC. 128.~~ Of the funds provided in previous Military  
14 Construction Appropriations Acts, a total of \$44,627,000  
15 is hereby rescinded, as of the date of enactment of this  
16 Act, from the following accounts in the specified amounts  
17 to reflect savings from favorable foreign currency fluctua-  
18 tions:

19               ~~“Military Construction, Army”, \$13,676,000.~~

20               ~~“Military Construction, Navy”, \$1,340,000.~~

21               ~~“Military Construction, Air Force”,~~

22               ~~\$10,281,000.~~

23               ~~“Military Construction, Defense-wide”,~~

24               ~~\$2,976,000.~~

1           “Family Housing Construction, Army”,  
2           \$4,920,000.

3           “Family Housing Construction, Navy”,  
4           \$2,652,000.

5           “Family Housing Construction, Air Force”,  
6           \$8,782,000.

7           SEC. 129. None of the funds made available in this  
8 Act may be transferred to any department, agency, or in-  
9 strumentality of the United States Government, except  
10 pursuant to a transfer made by, or transfer authority pro-  
11 vided in, this Act or any other appropriation Act.

12          SEC. 130. None of the funds made available in this  
13 Act may be used to prepare any documents relating to  
14 the conveyance out of United States ownership of real  
15 property at former Fort Ord, California, intended for use  
16 for housing development, as defined in the redevelopment  
17 plan for Fort Ord.

18          SEC. 131. Amounts appropriated for a military con-  
19 struction project at Camp Kyle, Korea, relating to con-  
20 struction of a physical fitness center, as authorized by sec-  
21 tion 8160 of the Department of Defense Appropriations  
22 Act, 2000 (Public Law 106-79; 113 Stat. 1274), shall be  
23 available instead for a similar project at Camp Bonifas,  
24 Korea.

1       ~~SEC. 132.~~ None of the funds provided in this Act may  
2 be used to relocate the headquarters of the United States  
3 Army, South, from Fort Buchanan, Puerto Rico, to a loca-  
4 tion in the continental United States.

5       This Act may be cited as the “Military Construction  
6 Appropriations Act, 2003”.

7 *That the following sums are appropriated, out of any*  
8 *money in the Treasury not otherwise appropriated for mili-*  
9 *tary construction, family housing, and base realignment*  
10 *and closure functions administered by the Department of*  
11 *Defense, for the fiscal year ending September 30, 2003, and*  
12 *for other purposes, namely:*

13                               *MILITARY CONSTRUCTION, ARMY*

14                                       *(INCLUDING RESCISSION)*

15       *For acquisition, construction, installation, and equip-*  
16 *ment of temporary or permanent public works, military in-*  
17 *stallations, facilities, and real property for the Army as*  
18 *currently authorized by law, including personnel in the*  
19 *Army Corps of Engineers and other personal services nec-*  
20 *essary for the purposes of this appropriation, and for con-*  
21 *struction and operation of facilities in support of the func-*  
22 *tions of the Commander in Chief, \$1,679,212,000, to remain*  
23 *available until September 30, 2007: Provided, That of this*  
24 *amount, not to exceed \$136,835,000 shall be available for*  
25 *study, planning, design, architect and engineer services,*

1 *and host nation support, as authorized by law, unless the*  
2 *Secretary of Defense determines that additional obligations*  
3 *are necessary for such purposes and notifies the Committees*  
4 *on Appropriations of both Houses of Congress of his deter-*  
5 *mination and the reasons therefor: Provided further, That*  
6 *of the funds appropriated for “Military Construction,*  
7 *Army” under Public Law 107–64, \$13,676,000 are re-*  
8 *scinded.*

9 *MILITARY CONSTRUCTION, NAVY*

10 *(INCLUDING RESCISSION)*

11 *For acquisition, construction, installation, and equip-*  
12 *ment of temporary or permanent public works, naval in-*  
13 *stallations, facilities, and real property for the Navy as cur-*  
14 *rently authorized by law, including personnel in the Naval*  
15 *Facilities Engineering Command and other personal serv-*  
16 *ices necessary for the purposes of this appropriation,*  
17 *\$1,216,643,000, to remain available until September 30,*  
18 *2007: Provided, That of this amount, not to exceed*  
19 *\$91,620,000 shall be available for study, planning, design,*  
20 *architect and engineer services, as authorized by law, unless*  
21 *the Secretary of Defense determines that additional obliga-*  
22 *tions are necessary for such purposes and notifies the Com-*  
23 *mittees on Appropriations of both Houses of Congress of his*  
24 *determination and the reasons therefor: Provided further,*

1 *That of the funds appropriated for “Military Construction,*  
2 *Navy” under Public Law 107–64, \$1,340,000 are rescinded.*

3 *MILITARY CONSTRUCTION, AIR FORCE*

4 *(INCLUDING RESCISSION)*

5 *For acquisition, construction, installation, and equip-*  
6 *ment of temporary or permanent public works, military in-*  
7 *stallations, facilities, and real property for the Air Force*  
8 *as currently authorized by law, \$1,175,617,000, to remain*  
9 *available until September 30, 2007: Provided, That of this*  
10 *amount, not to exceed \$87,555,000 shall be available for*  
11 *study, planning, design, architect and engineer services, as*  
12 *authorized by law, unless the Secretary of Defense deter-*  
13 *mines that additional obligations are necessary for such*  
14 *purposes and notifies the Committees on Appropriations of*  
15 *both Houses of Congress of his determination and the rea-*  
16 *sons therefor: Provided further, That of the funds appro-*  
17 *priated for “Military Construction, Air Force” under Pub-*  
18 *lic Law 107–64, \$10,281,000 are rescinded.*

19 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

20 *(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)*

21 *For acquisition, construction, installation, and equip-*  
22 *ment of temporary or permanent public works, installa-*  
23 *tions, facilities, and real property for activities and agen-*  
24 *cies of the Department of Defense (other than the military*  
25 *departments), as currently authorized by law,*

1 \$927,242,000, to remain available until September 30,  
2 2007: Provided, That such amounts of this appropriation  
3 as may be determined by the Secretary of Defense may be  
4 transferred to such appropriations of the Department of De-  
5 fense available for military construction or family housing  
6 as he may designate, to be merged with and to be available  
7 for the same purposes, and for the same time period, as  
8 the appropriation or fund to which transferred: Provided  
9 further, That of the amount appropriated, not to exceed  
10 \$57,789,000 shall be available for study, planning, design,  
11 architect and engineer services, as authorized by law, unless  
12 the Secretary of Defense determines that additional obliga-  
13 tions are necessary for such purposes and notifies the Com-  
14 mittees on Appropriations of both Houses of Congress of his  
15 determination and the reasons therefor: Provided further,  
16 That of the funds appropriated for “Military Construction,  
17 Defense-wide” under Public Law 107–64, \$2,976,000 are  
18 rescinded.

19 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

20 *For construction, acquisition, expansion, rehabilita-*  
21 *tion, and conversion of facilities for the training and ad-*  
22 *ministration of the Army National Guard, and contribu-*  
23 *tions therefor, as authorized by chapter 1803 of title 10,*  
24 *United States Code, and Military Construction Authoriza-*

1 *tion Acts, \$208,482,000, to remain available until Sep-*  
2 *tember 30, 2007.*

3 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

4 *For construction, acquisition, expansion, rehabilita-*  
5 *tion, and conversion of facilities for the training and ad-*  
6 *ministration of the Air National Guard, and contributions*  
7 *therefor, as authorized by chapter 1803 of title 10, United*  
8 *States Code, and Military Construction Authorization Acts,*  
9 *\$217,988,000, to remain available until September 30,*  
10 *2007.*

11 *MILITARY CONSTRUCTION, ARMY RESERVE*

12 *For construction, acquisition, expansion, rehabilita-*  
13 *tion, and conversion of facilities for the training and ad-*  
14 *ministration of the Army Reserve as authorized by chapter*  
15 *1803 of title 10, United States Code, and Military Con-*  
16 *struction Authorization Acts, \$66,487,000, to remain avail-*  
17 *able until September 30, 2007.*

18 *MILITARY CONSTRUCTION, NAVAL RESERVE*

19 *For construction, acquisition, expansion, rehabilita-*  
20 *tion, and conversion of facilities for the training and ad-*  
21 *ministration of the reserve components of the Navy and Ma-*  
22 *rine Corps as authorized by chapter 1803 of title 10, United*  
23 *States Code, and Military Construction Authorization Acts,*  
24 *\$58,671,000, to remain available until September 30, 2007.*

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 1803 of title 10, United States Code, and Military*  
6 *Construction Authorization Acts, \$58,209,000, to remain*  
7 *available until September 30, 2007.*

8        *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*9                                *INVESTMENT PROGRAM*

10        *For the United States share of the cost of the North*  
11 *Atlantic Treaty Organization Security Investment Pro-*  
12 *gram for the acquisition and construction of military facili-*  
13 *ties and installations (including international military*  
14 *headquarters) and for related expenses for the collective de-*  
15 *fense of the North Atlantic Treaty Area as authorized in*  
16 *Military Construction Authorization Acts and section 2806*  
17 *of title 10, United States Code, \$168,200,000, to remain*  
18 *available until expended.*

19                                *FAMILY HOUSING CONSTRUCTION, ARMY*20                                *(INCLUDING RESCISSION)*

21        *For expenses of family housing for the Army for con-*  
22 *struction, including acquisition, replacement, addition, ex-*  
23 *pansion, extension and alteration, as authorized by law,*  
24 *\$282,856,000, to remain available until September 30,*  
25 *2007: Provided, That of the funds appropriated for “Family*

1 *Housing Construction, Army*” under Public Law 107–64,  
2 \$4,920,000 are rescinded.

3 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

4 *For expenses of family housing for the Army for oper-*  
5 *ation and maintenance, including debt payment, leasing,*  
6 *minor construction, principal and interest charges, and in-*  
7 *surance premiums, as authorized by law, \$1,119,007,000.*

8 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*

9 *CORPS*

10 *(INCLUDING RESCISSION)*

11 *For expenses of family housing for the Navy and Ma-*  
12 *rine Corps for construction, including acquisition, replace-*  
13 *ment, addition, expansion, extension and alteration, as au-*  
14 *thorized by law, \$374,468,000, to remain available until*  
15 *September 30, 2007: Provided, That of the funds appro-*  
16 *priated for “Family Housing Construction, Navy and Ma-*  
17 *rine Corps” under Public Law 107–64, \$2,652,000 are re-*  
18 *scinded.*

19 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*

20 *AND MARINE CORPS*

21 *For expenses of family housing for the Navy and Ma-*  
22 *rine Corps for operation and maintenance, including debt*  
23 *payment, leasing, minor construction, principal and inter-*  
24 *est charges, and insurance premiums, as authorized by law,*  
25 *\$867,788,000.*





1 *formed within the United States, except Alaska, without the*  
2 *specific approval in writing of the Secretary of Defense set-*  
3 *ting forth the reasons therefor.*

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

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

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

18 *SEC. 105. No part of the funds provided in Military*  
19 *Construction Appropriations Acts shall be used for purchase*  
20 *of land or land easements in excess of 100 percent of the*  
21 *value as determined by the Army Corps of Engineers or*  
22 *the Naval Facilities Engineering Command, except: (1)*  
23 *where there is a determination of value by a Federal court;*  
24 *(2) purchases negotiated by the Attorney General or his des-*  
25 *ignee; (3) where the estimated value is less than \$25,000;*

1 *or (4) as otherwise determined by the Secretary of Defense*  
2 *to be in the public interest.*

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

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

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

20 *SEC. 109. None of the funds available to the Depart-*  
21 *ment of Defense for military construction or family housing*  
22 *during the current fiscal year may be used to pay real prop-*  
23 *erty taxes in any foreign nation.*

24 *SEC. 110. None of the funds appropriated in Military*  
25 *Construction Appropriations Acts may be used to initiate*

1 *a new installation overseas without prior notification to the*  
2 *Committees on Appropriations.*

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

11       *SEC. 112. None of the funds appropriated in Military*  
12 *Construction Appropriations Acts for military construction*  
13 *in the United States territories and possessions in the Pa-*  
14 *cific and on Kwajalein Atoll, or in countries bordering the*  
15 *Arabian Sea, may be used to award any contract estimated*  
16 *by the Government to exceed \$1,000,000 to a foreign con-*  
17 *tractor: Provided, That this section shall not be applicable*  
18 *to contract awards for which the lowest responsive and re-*  
19 *sponsible bid of a United States contractor exceeds the low-*  
20 *est responsive and responsible bid of a foreign contractor*  
21 *by greater than 20 percent: Provided further, That this sec-*  
22 *tion shall not apply to contract awards for military con-*  
23 *struction on Kwajalein Atoll for which the lowest responsive*  
24 *and responsible bid is submitted by a Marshallese con-*  
25 *tractor.*



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

10 *(TRANSFER OF FUNDS)*

11 *SEC. 118. During the 5-year period after appropria-*  
12 *tions available to the Department of Defense for military*  
13 *construction and family housing operation and mainte-*  
14 *nance and construction have expired for obligation, upon*  
15 *a determination that such appropriations will not be nec-*  
16 *essary for the liquidation of obligations or for making au-*  
17 *thorized adjustments to such appropriations for obligations*  
18 *incurred during the period of availability of such appro-*  
19 *priations, unobligated balances of such appropriations may*  
20 *be transferred into the appropriation "Foreign Currency*  
21 *Fluctuations, Construction, Defense" to be merged with and*  
22 *to be available for the same time period and for the same*  
23 *purposes as the appropriation to which transferred.*

24 *SEC. 119. The Secretary of Defense is to provide the*  
25 *Committees on Appropriations of the Senate and the House*  
26 *of Representatives with an annual report by February 15,*

1 *containing details of the specific actions proposed to be*  
2 *taken by the Department of Defense during the current fis-*  
3 *cal year to encourage other member nations of the North*  
4 *Atlantic Treaty Organization, Japan, Korea, and United*  
5 *States allies bordering the Arabian Sea to assume a greater*  
6 *share of the common defense burden of such nations and*  
7 *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 Department*  
11 *of Defense, proceeds deposited to the Department of Defense*  
12 *Base Closure Account established by section 207(a)(1) of the*  
13 *Defense Authorization Amendments and Base Closure and*  
14 *Realignment Act (Public Law 100–526) pursuant to section*  
15 *207(a)(2)(C) of such Act, may be transferred to the account*  
16 *established by section 2906(a)(1) of the Department of De-*  
17 *fense Authorization Act, 1991, to be merged with, and to*  
18 *be available for the same purposes and the same time period*  
19 *as that account.*

20 *(TRANSFER OF FUNDS)*

21 *SEC. 121. Subject to 30 days prior notification to the*  
22 *Committees on Appropriations, such additional amounts as*  
23 *may be determined by the Secretary of Defense may be*  
24 *transferred to the Department of Defense Family Housing*  
25 *Improvement Fund from amounts appropriated for con-*  
26 *struction in “Family Housing” accounts, to be merged with*

1 *and to be available for the same purposes and for the same*  
2 *period of time as amounts appropriated directly to the*  
3 *Fund: Provided, That appropriations made available to the*  
4 *Fund shall be available to cover the costs, as defined in sec-*  
5 *tion 502(5) of the Congressional Budget Act of 1974, of di-*  
6 *rect loans or loan guarantees issued by the Department of*  
7 *Defense pursuant to the provisions of subchapter IV of chap-*  
8 *ter 169, title 10, United States Code, pertaining to alter-*  
9 *native means of acquiring and improving military family*  
10 *housing and supporting facilities.*

11 *SEC. 122. None of the funds appropriated or made*  
12 *available by this Act may be obligated for Partnership for*  
13 *Peace Programs in the New Independent States of the*  
14 *former Soviet Union.*

15 *SEC. 123. (a) Not later than 60 days before issuing*  
16 *any solicitation for a contract with the private sector for*  
17 *military family housing the Secretary of the military de-*  
18 *partment concerned shall submit to the congressional de-*  
19 *fense committees the notice described in subsection (b).*

20 *(b)(1) A notice referred to in subsection (a) is a notice*  
21 *of any guarantee (including the making of mortgage or*  
22 *rental payments) proposed to be made by the Secretary to*  
23 *the private party under the contract involved in the event*  
24 *of—*



1 *expenses associated with the Homeowners Assistance Pro-*  
2 *gram. Any amounts transferred shall be merged with and*  
3 *be available for the same purposes and for the same time*  
4 *period as the fund to which transferred.*

5       *SEC. 125. Notwithstanding this or any other provision*  
6 *of law, funds appropriated in Military Construction Ap-*  
7 *propriations Acts for operations and maintenance of family*  
8 *housing shall be the exclusive source of funds for repair and*  
9 *maintenance of all family housing units, including general*  
10 *or flag officer quarters: Provided, That not more than*  
11 *\$35,000 per unit may be spent annually for the mainte-*  
12 *nance and repair of any general or flag officer quarters*  
13 *without 30 days advance prior notification to the appro-*  
14 *priate committees of Congress, except that an after-the-fact*  
15 *notification shall be submitted if the limitation is exceeded*  
16 *solely due to costs associated with environmental remedi-*  
17 *ation that could not be reasonably anticipated at the time*  
18 *of the budget submission: Provided further, That the Under*  
19 *Secretary of Defense (Comptroller) is to report annually to*  
20 *the Committees on Appropriations all operations and*  
21 *maintenance expenditures for each individual general or*  
22 *flag officer quarters for the prior fiscal year.*

23       *SEC. 126. (a) REQUESTS FOR FUNDS FOR ENVIRON-*  
24 *MENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL*  
25 *YEARS.—In the budget justification materials submitted to*

1 *Congress in support of the Department of Defense budget*  
2 *for any fiscal year after fiscal year 2003, the amount re-*  
3 *quested for environmental restoration, waste management,*  
4 *and environmental compliance activities in such fiscal year*  
5 *with respect to military installations approved for closure*  
6 *or realignment under the base closure laws shall accurately*  
7 *reflect the anticipated cost of such activities in such fiscal*  
8 *year.*

9       **(b) BASE CLOSURE LAWS DEFINED.**—*In this section,*  
10 *the term “base closure laws” means the following:*

11           (1) *Section 2687 of title 10, United States Code.*

12           (2) *The Defense Base Closure and Realignment*  
13 *Act of 1990 (part A of title XXIX of Public Law 101–*  
14 *510; 10 U.S.C. 2687 note).*

15           (3) *Title II of the Defense Authorization Amend-*  
16 *ments and Base Closure and Realignment Act (Public*  
17 *Law 100–526; 10 U.S.C. 2687 note).*

18       **SEC. 127.** *Of the amount appropriated in this Act*  
19 *under the heading “MILITARY CONSTRUCTION, ARMY”,*  
20 *\$8,000,000 may be provided for a parking garage at Walter*  
21 *Reed Army Medical Center, District of Columbia.*

22       **SEC. 128.** *Of the amount appropriated in this Act*  
23 *under the heading “MILITARY CONSTRUCTION, ARMY”,*  
24 *\$3,000,000 may be provided for an Anechoic Chamber at*  
25 *White Sands Missile Range, New Mexico.*

