

103^D CONGRESS
2^D SESSION

H. R. 4453

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1994

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, 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, 1995, for military con-
6 struction functions administered by the Department of
7 Defense, and for other purposes, namely:

8 MILITARY CONSTRUCTION, ARMY

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Army as
12 currently authorized by law, including personnel in the

1 Army Corps of Engineers and other personal services nec-
2 essary for the purposes of this appropriation, and for con-
3 struction and operation of facilities in support of the func-
4 tions of the Commander in Chief, ~~(1)\$623,511,000~~
5 ~~\$489,076,000~~, to remain available until September 30,
6 1999: *Provided*, That of this amount, not to exceed
7 ~~(2)\$67,700,000~~ ~~\$62,926,000~~ shall be available for study,
8 planning, design, architect and engineer services, as au-
9 thorized by law, unless the Secretary of Defense deter-
10 mines 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, NAVY

15 For acquisition, construction, installation, and equip-
16 ment of temporary or permanent public works, naval in-
17 stallations, facilities, and real property for the Navy as
18 currently authorized by law, including personnel in the
19 Naval Facilities Engineering Command and other per-
20 sonal services necessary for the purposes of this appropria-
21 tion, ~~(3)\$462,701,000~~ ~~\$340,455,000~~, to remain available
22 until September 30, 1999: *Provided*, That of this amount,
23 not to exceed ~~(4)\$47,900,000~~ ~~\$43,380,000~~ shall be avail-
24 able for study, planning, design, architect and engineer
25 services, as authorized by law, unless the Secretary of De-

1 fense determines that additional obligations are necessary
2 for such purposes and notifies the Committees on Appro-
3 priations of both Houses of Congress of his determination
4 and the reasons therefor.

5 MILITARY CONSTRUCTION, AIR FORCE

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Air Force
9 as currently authorized by law, ~~(5)\$514,977,000~~
10 ~~\$525,863,000~~, to remain available until September 30,
11 1999: *Provided*, That of this amount, not to exceed
12 ~~(6)\$55,900,000~~ ~~\$53,886,000~~ shall be available for study,
13 planning, design, architect and engineer services, as au-
14 thorized by law, unless the Secretary of Defense deter-
15 mines that additional obligations are necessary for such
16 purposes and notifies the Committees on Appropriations
17 of both Houses of Congress of his determination and the
18 reasons therefor.

19 MILITARY CONSTRUCTION, DEFENSE-WIDE

20 (INCLUDING TRANSFER 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 ~~(7)~~\$467,169,000 \$561,039,000, to remain available until
 2 September 30, 1999: *Provided*, That such amounts of this
 3 appropriation as may be determined by the Secretary of
 4 Defense may be transferred to such appropriations of the
 5 Department of Defense available for military construction
 6 ~~(8)~~*or family housing* as he may designate, to be merged
 7 with and to be available for the same purposes, and for
 8 the same time period, as the appropriation or fund to
 9 which transferred: *Provided further*, That of the amount
 10 appropriated, not to exceed ~~(9)~~\$45,960,000 \$51,960,000
 11 shall be available for study, planning, design, architect and
 12 engineer services, as authorized by law, unless the Sec-
 13 retary of Defense determines that additional obligations
 14 are necessary for such purposes and notifies the Commit-
 15 tees on Appropriations of both Houses of Congress of his
 16 determination and the reasons therefor.

17 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

18 For construction, acquisition, expansion, rehabilita-
 19 tion, and conversion of facilities for the training and ad-
 20 ministration of the Army National Guard, and contribu-
 21 tions therefor, as authorized by chapter 133 of title 10,
 22 United States Code, and military construction authoriza-
 23 tion Acts, ~~(10)~~\$134,235,000 \$170,479,000, to remain
 24 available until September 30, 1999.

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 ~~(11)\$209,843,000~~ \$257,825,000, to remain available until
 8 September 30, 1999.

9 MILITARY CONSTRUCTION, ARMY RESERVE

10 (12) (TRANSFER OF FUNDS)

11 For construction, acquisition, expansion, rehabilita-
 12 tion, and conversion of facilities for the training and ad-
 13 ministration of the Army Reserve as authorized by chapter
 14 133 of title 10, United States Code, and military construc-
 15 tion authorization Acts, ~~(13)\$39,121,000~~ \$40,870,000, to
 16 remain available until September 30, 1999(14): *Provided,*
 17 *That of the funds appropriated for "Military Construction,*
 18 *Army Reserve, 1992/1996", \$1,500,000 shall be transferred*
 19 *to "Military Construction, Army National Guard, 1992/*
 20 *1996" for the same purposes as the appropriation to which*
 21 *transferred.*

22 MILITARY CONSTRUCTION, NAVAL RESERVE

23 For construction, acquisition, expansion, rehabilita-
 24 tion, and conversion of facilities for the training and ad-
 25 ministration of the reserve components of the Navy and

1 Marine Corps as authorized by chapter 133 of title 10,
2 United States Code, and military construction authoriza-
3 tion Acts, ~~(15)\$12,348,000~~ *\$18,355,000*, to remain avail-
4 able until September 30, 1999.

5 MILITARY CONSTRUCTION, AIR FORCE RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Air Force Reserve as authorized by
9 chapter 133 of title 10, United States Code, and mili-
10 tary construction authorization Acts, ~~(16)\$56,378,000~~
11 *\$45,840,000*, to remain available until September 30,
12 1999.

13 NORTH ATLANTIC TREATY ORGANIZATION

14 INFRASTRUCTURE

15 For the United States share of the cost of North At-
16 lantic Treaty Organization Infrastructure programs for
17 the acquisition and construction of military facilities and
18 installations (including international military head-
19 quarters) and for related expenses for the collective de-
20 fense of the North Atlantic Treaty Area as authorized in
21 military construction Acts and section 2806 of title 10,
22 United States Code, ~~(17)\$119,000,000~~ *\$219,000,000*, to
23 remain available until expended.

1 FAMILY HOUSING, ARMY

2 For expenses of family housing for the Army for con-
 3 struction, including acquisition, replacement, addition, ex-
 4 pansion, extension and alteration and for operation and
 5 maintenance, including debt payment, leasing, minor con-
 6 struction, principal and interest charges, and insurance
 7 premiums, as authorized by law, as follows: for Construc-
 8 tion, **(18)**~~\$160,602,000~~ *\$173,502,000*, to remain available
 9 until September 30, 1999; for Operation and maintenance,
 10 and for debt payment, **(19)**~~\$1,121,208,000~~
 11 *\$1,065,708,000*; in all **(20)**~~\$1,281,810,000~~
 12 *\$1,239,210,000*.

13 FAMILY HOUSING, NAVY AND MARINE CORPS

14 For expenses of family housing for the Navy and Ma-
 15 rine Corps for construction, including acquisition, replace-
 16 ment, addition, expansion, extension and alteration and
 17 for operation and maintenance, including debt payment,
 18 leasing, minor construction, principal and interest
 19 charges, and insurance premiums, as authorized by law,
 20 as follows: for Construction, **(21)**~~\$269,035,000~~
 21 *\$229,295,000*, to remain available until September 30,
 22 1999; for Operation and maintenance, and for debt pay-
 23 ment, **(22)**~~\$853,599,000~~ *\$937,599,000*; in all
 24 **(23)**~~\$1,122,634,000~~ *\$1,166,894,000*.

1 FAMILY HOUSING, AIR FORCE

2 For expenses of family housing for the Air Force for
3 construction, including acquisition, replacement, addition,
4 expansion, extension and alteration and for operation and
5 maintenance, including debt payment, leasing, minor con-
6 struction, principal and interest charges, and insurance
7 premiums, as authorized by law, as follows: for Construc-
8 tion, ~~(24)\$276,482,000~~ *\$273,355,000*, to remain available
9 until September 30, 1999; for Operation and maintenance,
10 and for debt payment, ~~(25)\$801,345,000~~ *\$824,845,000*
11 ~~(26)of which not more than \$14,200,000 may be obli-~~
12 ~~gated for the acquisition of family housing units at Comiso~~
13 ~~AB, Italy; in all (27)\$1,077,827,000~~ *\$1,098,200,000*.

14 FAMILY HOUSING, DEFENSE-WIDE

15 For expenses of family housing for the activities and
16 agencies of the Department of Defense (other than the
17 military departments) for construction, including acquisi-
18 tion, replacement, addition, expansion, extension and al-
19 teration, and for operation and maintenance, leasing, and
20 minor construction, as authorized by law, as follows: for
21 Construction, \$350,000, to remain available for obligation
22 until September 30, 1999; for Operation and maintenance,
23 \$29,031,000; in all \$29,381,000.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

2 For deposit into the Department of Defense Base
3 Closure Account established by section 207(a)(1) of the
4 Defense Authorization Amendments and Base Closure
5 and Realignment Act (Public Law 100-526),
6 \$87,600,000, to remain available for obligation until Sep-
7 tember 30, 1995: *Provided*, ~~(28)~~ That none of these
8 funds may be obligated for base realignment and closure
9 activities under Public Law 100-526 which would cause
10 the Department's \$1,800,000,000 cost estimate for mili-
11 tary construction and family housing related to the Base
12 Realignment and Closure Program to be exceeded: *Pro-*
13 *vided further*, That not less than \$66,800,000 of the
14 funds appropriated herein shall be available solely for en-
15 vironmental restoration.

16 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

17 (INCLUDING TRANSFER OF FUNDS)

18 For deposit into the Department of Defense Base
19 Closure Account 1990 established by section 2906(a)(1)
20 of the Department of Defense Authorization Act, 1991
21 (Public Law 101-510), \$265,700,000, to remain available
22 until expended: *Provided*, That not less than
23 \$138,700,000 of the funds appropriated herein shall be
24 available solely for environmental restoration: *Provided*
25 *further*, That, in addition, not to exceed \$133,000,000

1 may be transferred from “Homeowners Assistance Fund,
2 Defense” to “Base Realignment and Closure Account,
3 Part II”, to be merged with, and to be available for the
4 same purposes and the same time period as that account.

5 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

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), \$2,322,858,000, to remain avail-
10 able until expended: *Provided*, That not less than
11 \$302,700,000 of the funds appropriated herein shall be
12 available solely for environmental restoration.

13 GENERAL PROVISIONS

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

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

24 SEC. 103. Funds appropriated to the Department of
25 Defense for construction may be used for advances to the

1 Federal Highway Administration, Department of Trans-
2 portation, for the construction of access roads as author-
3 ized by section 210 of title 23, United States Code, when
4 projects authorized therein are certified as important to
5 the national defense by the Secretary of Defense.

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

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

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

1 SEC. 107. None of the funds appropriated in Military
2 Construction Appropriations Acts for minor construction
3 may be used to transfer or relocate any activity from one
4 base or installation to another, without prior notification
5 to the Committees on Appropriations.

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

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

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

20 SEC. 111. None of the funds appropriated in Military
21 Construction Appropriations Acts may be obligated for ar-
22 chitect and engineer contracts estimated by the Govern-
23 ment to exceed \$500,000 for projects to be accomplished
24 in Japan or in any NATO member country, unless such

1 contracts are awarded to United States firms or United
2 States firms in joint venture with host nation firms.

3 SEC. 112. None of the funds appropriated in Military
4 Construction Appropriations Acts for military construc-
5 tion in the United States territories and possessions in the
6 Pacific and on Kwajalein Atoll may be used to award any
7 contract estimated by the Government to exceed
8 \$1,000,000 to a foreign contractor: *Provided*, That this
9 section shall not be applicable to contract awards for
10 which the lowest responsive and responsible bid of a
11 United States contractor exceeds the lowest responsive
12 and responsible bid of a foreign contractor by greater than
13 20 per centum.

14 SEC. 113. The Secretary of Defense is to inform the
15 Committees on Appropriations and the Committees on
16 Armed Services of the plans and scope of any proposed
17 military exercise involving United States personnel thirty
18 days prior to its occurring, if amounts expended for con-
19 struction, either temporary or permanent, are anticipated
20 to exceed \$100,000.

21 (TRANSFER OF FUNDS)

22 SEC. 114. Unexpended balances in the Military Fam-
23 ily Housing Management Account established pursuant to
24 section 2831 of title 10, United States Code, as well as
25 any additional amounts which would otherwise be trans-
26 ferred to the Military Family Housing Management Ac-

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

10 (TRANSFER OF FUNDS)

11 SEC. 119. During the five-year period after appro-
12 priations available to the Department of Defense for mili-
13 tary construction and family housing operation and main-
14 tenance 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 obliga-
18 tions incurred during the period of availability of such ap-
19 propriations, unobligated balances of such appropriations
20 may be transferred into the appropriation "Foreign Cur-
21 rency Fluctuations, Construction, Defense" to be merged
22 with and to be available for the same time period and for
23 the same purposes as the appropriation to which trans-
24 ferred.

25 SEC. 120. The Secretary of Defense is to provide the
26 Committees on Appropriations of the Senate and the

1 House of Representatives with an annual report by Feb-
2 ruary 15, containing details of the specific actions pro-
3 posed to be taken by the Department of Defense during
4 the current fiscal year to encourage other member nations
5 of the North Atlantic Treaty Organization and Japan and
6 Korea to assume a greater share of the common defense
7 burden of such nations and the United States.

8 (TRANSFER OF FUNDS)

9 SEC. 121. 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. 122. The second paragraph under the heading,
21 “Family Housing, Navy and Marine Corps” in title XI
22 of Public Law 102-368, is amended by inserting “and the
23 August 8, 1993 earthquake in Guam” immediately after
24 “Typhoon Omar”.

25 SEC. 123. (a) Of the budgetary resources available
26 to the Department of Defense for military construction

1 and family housing accounts during fiscal year 1995,
2 \$10,421,000 are permanently canceled.

3 (b) The Secretary of Defense shall allocate the
4 amount of budgetary resources canceled among the De-
5 partment's military construction and family housing ac-
6 counts available for procurement and procurement-related
7 expenses. Amounts available for procurement and procure-
8 ment-related expenses in each such account shall be re-
9 duced by the amount allocated to such account.

10 (c) For the purposes of this section, the definition
11 of "procurement" includes all stages of the process of ac-
12 quiring property or services, beginning with the process
13 of determining a need for a product or services and ending
14 with contract completion and closeout, as specified in 41
15 U.S.C. 403(2).

16 ~~(29)SEC. 124. COMPLIANCE WITH BUY AMERICAN~~
17 ~~ACT.~~

18 ~~No funds appropriated pursuant to this Act may be~~
19 ~~expended by an entity unless the entity agrees that in ex-~~
20 ~~pending the assistance the entity will comply with sections~~
21 ~~2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-~~
22 ~~10c, popularly known as the "Buy American Act").~~

23 *(INCLUDING RESCISSION AND TRANSFER OF FUNDS)*

24 *SEC. 124. In addition to amounts appropriated or oth-*
25 *erwise made available by this Act, \$25,100,000 is appro-*
26 *priated to the Department of Defense and shall be available*

1 *only for transfer to the United States Coast Guard, to re-*
 2 *main available until expended, to defray expenses for the*
 3 *consolidation of United States Coast Guard functions in*
 4 *Martinsburg, West Virginia, including planning, acquisi-*
 5 *tion, construction, relocation of personnel and equipment*
 6 *and other associated costs: Provided, That of the funds ap-*
 7 *propriated for "Military Construction, Naval Reserve"*
 8 *under Public Law 102-136, \$25,100,000 are rescinded.*

9 **(30)SEC. 125. SENSE OF CONGRESS; REQUIREMENT**
 10 **REGARDING NOTICE.**

11 ~~(a) PURCHASE OF AMERICAN-MADE EQUIPMENT~~
 12 ~~AND PRODUCTS.—In the case of any equipment or prod-~~
 13 ~~ucts that may be authorized to be purchased with financial~~
 14 ~~assistance provided under this Act, it is the sense of the~~
 15 ~~Congress that entities receiving such assistance should, in~~
 16 ~~expending the assistance, purchase only American-made~~
 17 ~~equipment and products.~~

18 ~~(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In~~
 19 ~~providing financial assistance under this Act, the Sec-~~
 20 ~~retary of the Treasury shall provide to each recipient of~~
 21 ~~the assistance a notice describing the statement made in~~
 22 ~~subsection (a) by the Congress.~~

23 *(RESCISSIONS)*

24 *SEC. 125. Of the funds provided in Military Construc-*
 25 *tion Appropriations Acts, the following funds are hereby re-*

1 *scinded from the following accounts in the specified*
2 *amounts:*

3 *“Military Construction, Defense Agencies, 1992/*
4 *1996”, \$30,000,000;*

5 *“Military Construction, Defense Agencies, 1993/*
6 *1997”, \$1,500,000.*

7 **(31)SEC. 126. PROHIBITION OF CONTRACTS.**

8 If it has been finally determined by a court or Federal
9 agency that any person intentionally affixed a fraudulent
10 label bearing a “Made in America” inscription, or any in-
11 scription with the same meaning, to any product sold in
12 or shipped to the United States that was not made in the
13 United States, such person shall be ineligible to receive
14 any contract or subcontract made with funds provided
15 pursuant to this Act, pursuant to the debarment, suspen-
16 sion, and ineligibility procedures described in section
17 9.400 through 9.409 of title 48, Code of Federal Regula-
18 tions.

19 **SEC. 126. LAND CONVEYANCE, NAVAL RESERVE CENTER,**
20 **SEATTLE, WASHINGTON.**

21 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
22 *Navy may convey to the City of Seattle, Washington (in*
23 *this section referred to as the “City”), all right, title, and*
24 *interest of the United States in and to a parcel of real prop-*
25 *erty, together with improvements thereon, consisting of ap-*

1 *proximately 5.09 acres, the location of the Naval Reserve*
2 *Center, Seattle, Washington.*

3 *(b) CONSIDERATION.—(1) As consideration for the con-*
4 *veyance under subsection (a), the City shall pay to the*
5 *United States an amount equal to the fair market value*
6 *(as determined by the Secretary) of the portion of the real*
7 *property to be conveyed under subsection (a) that is de-*
8 *scribed in paragraph (2).*

9 *(2) Paragraph (1) applies to the portion of the parcel*
10 *of real property referred to in subsection (a) that consists*
11 *of approximately 3.67 acres and was acquired by the*
12 *United States from a party other than the City.*

13 *(c) CONDITION.—The conveyance authorized by sub-*
14 *section (a) shall be subject to the condition that the City*
15 *accept the real property in its condition at the time of con-*
16 *veyance.*

17 *(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1)*
18 *The Secretary may not make the conveyance authorized by*
19 *subsection (a) until the commencement of the use by the*
20 *Navy of a Naval Reserve Center that is a suitable replace-*
21 *ment for the Naval Reserve Center located on the property*
22 *to be conveyed.*

23 *(2) The Secretary may not commence construction of*
24 *a facility to be the replacement facility under paragraph*
25 *(1) for the Naval Reserve Center until the Secretary com-*

1 *pletes an environmental impact statement with respect to*
2 *the construction and operation of the facility to be the re-*
3 *placement facility.*

4 *(e) PAYMENT FOR COMMERCIAL USE.—If at any time*
5 *after the conveyance under this section the City ceases uti-*
6 *lizing the real property conveyed under subsection (a) for*
7 *public purposes, and uses such real property instead for*
8 *commercial purposes, the City shall pay to the United*
9 *States an amount equal to the excess, if any, of—*

10 *(1) an amount equal to the fair market value (as*
11 *determined by the Secretary) of the real property re-*
12 *ferred to in subsection (b)(2), and any improvements*
13 *thereon, at the time the City ceases utilizing the real*
14 *property for public purposes, over*

15 *(2) the amount determined by the Secretary*
16 *under subsection (b)(1).*

17 *(f) USE OF PROCEEDS.—Proceeds from the sale shall*
18 *be deposited in the Treasury of the United States.*

19 *(g) DESCRIPTION OF PROPERTY.—The exact acreage*
20 *and legal description of the property to be conveyed under*
21 *this section shall be determined by a survey satisfactory to*
22 *the Secretary. The cost of the survey shall be borne by the*
23 *City.*

24 *(h) ADDITIONAL TERMS AND CONDITIONS.—(1) The*
25 *Navy may scope more than one site.*

1 (2) *The Secretary may require such additional terms*
2 *and conditions in connection with the conveyance under*
3 *this section as the Secretary considers appropriate to pro-*
4 *tect the interests of the United States.*

5 **(32)SEC. 127. LAND TRANSFER, WOODBRIDGE RE-**
6 **SEARCH FACILITY, VIRGINIA.**

7 (a) *REQUIREMENT OF TRANSFER.—Notwithstanding*
8 *any other provision of law, the Secretary of the Army shall*
9 *transfer, without reimbursement, to the Department of the*
10 *Interior, a parcel of real estate consisting of approximately*
11 *580 acres and comprising the Army Research Laboratory*
12 *Woodbridge Facility, Virginia, together with any improve-*
13 *ments thereon.*

14 (b) *USE OF TRANSFERRED PROPERTY.—The Secretary*
15 *of the Interior shall use appropriate parts of this real prop-*
16 *erty for (1) incorporation into the Mason Neck Wildlife Ref-*
17 *uge and (2) work with the local government and the*
18 *Woodbridge Reuse Committee to plan any additional usage*
19 *of the property, including an environmental education cen-*
20 *ter: Provided, That the Secretary of the Interior provide ap-*
21 *propriate public access to the property.*

22 **(33)SEC. 128. SENSE OF THE SENATE ON FUNDING**
23 **FOR MILITARY CONSTRUCTION PROJECTS NOT RE-**
24 **QUESTED IN THE PRESIDENT'S ANNUAL BUDGET**
25 **REQUEST.**

1 (a) *SENSE OF THE SENATE.*—It is the sense of the Sen-
2 ate that, to the maximum extent practicable, the Senate
3 should consider the appropriation of funds for a military
4 construction project not authorized or included in the an-
5 nual budget request of the Department of Defense only if—

6 (1) the project is consistent with past actions of
7 the Base Realignment and Closure process;

8 (2) the project is included in the military con-
9 struction plan of the military department concerned
10 incorporated in the Future Years Defense Program or
11 is authorized;

12 (3) the project is necessary for reasons of the na-
13 tional security of the United States; and

14 (4) a contract for construction of the project can
15 be awarded in that fiscal year.

16 (b) *VIEWS OF THE SECRETARY OF DEFENSE.*—In con-
17 sidering these criteria, the Senate should obtain the views
18 of the Secretary of Defense. These views should include
19 whether funds for a military construction project not in-
20 cluded in the budget request can be offset by funds for other
21 programs, projects, or activities, including military con-
22 struction projects, in the budget request and, if so, the spe-
23 cific offsetting reductions recommended by the Secretary of
24 Defense.

1 (c) *RULE OF CONSTRUCTION.*—*Nothing in this provi-*
2 *sion shall be construed as modifying the provisions of sec-*
3 *tion 2802 of title 10, United States Code.*

4 This Act may be cited as the “Military Construction
5 Appropriations Act, 1995”.

Passed the House of Representatives May 24, 1994.

Attest: DONNALD K. ANDERSON,
Clerk.

Passed the Senate July 15 (legislative day, July 11),
1994.

Attest: MARTHA A. POPE,
Secretary.

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