

relevant
Sections

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL
YEAR 1975

DECEMBER 10, 1974.—Ordered to be printed

Mr. PIKE, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 16136]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16136) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

*Fort Bragg, North Carolina, \$26,170,000.
Fort Campbell, Kentucky, \$9,742,000.
Fort Carson, Colorado, \$27,701,000.*

(1)

"(b) The Secretary of a military department, under regulations established by him and approved by the Secretary of Defense, may use the proceeds from the adjustments or surcharges authorized by subsection (a) to acquire, construct, convert, expand, install, or otherwise improve commissary store facilities at defense installations within the United States and for related environmental evaluation and construction costs, including surveys, administration, overhead, planning, and design."

SEC. 612. Notwithstanding any other provisions of law, proceeds from the sale of recycleable material shall be credited first, to the cost of collection, handling, and sale of the material including purchasing of equipment to be used for recycling purposes and second, to projects for environmental improvement and energy conservation at military camps, posts, and bases establishing recycling programs in accordance with regulations approved by the Secretary of Defense. The amount expended for environmental improvement and energy conservation projects shall not exceed \$50,000 per installation per annum. Any balance shall be returned to the Treasury as miscellaneous receipts. The Secretary of each military department shall make an annual report to Congress on the operation of the program.

SEC. 613. (a) None of the funds authorized to be appropriated by this Act with respect to any construction project at Diego Garcia may be obligated unless—

(1) the President has (A) advised the Congress in writing that all military and foreign policy implications regarding the need for United States facilities at Diego Garcia have been evaluated by him, and (B) certified to the Congress in writing that the construction of any such project is essential to the national interest of the United States;

(2) 60 days of continuous session of the Congress have expired following the date on which certification with respect to such project is received by the Congress, and

(3) neither House of Congress has adopted, within such 60-day period, a resolution disapproving such project.

(b)(1) For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 60-day period.

(2) For purposes of this section, "resolution" means a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ does not approve the proposed construction project on the island of Diego Garcia, the need for which was certified to by the President and the certification with respect to which was received by the _____ on _____.", the first and second blanks being filled with the name of the resolving House and the third blank being filled with the appropriate date.

(c) Subsections (d), (e), and (f) of this section are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subsection

(b)(2) of this section; and they supersede other rules of the

Senate only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(d) A resolution with respect to a proposed construction project of the island of Diego Garcia shall be referred to the Committee on Armed Services of the Senate.

(e)(1) If the Committee on Armed Services of the Senate to which a resolution with respect to a proposed construction project on the island of Diego Garcia has been referred has not reported such resolution at the end of 20 calendar days after its introduction, not counting any day which is excluded under subsection (b)(1) of this section, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same proposed construction project which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution of disapproval with respect to the same proposed construction project.

(2) A motion to discharge under paragraph (1) of this subsection may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f)(1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

SEC. 614. (a) The Secretary of the Army is authorized to convey, without monetary consideration, to the Ozark Public Building Authority, an agency of the city of Ozark, Alabama, all right, title, and interest of the

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 16136) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the Conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On August 9, 1974, the House of Representatives passed H.R. 16136 which is the Fiscal Year 1975 Military Construction Authorization for the Department of Defense and Reserve Components.

On September 11, 1974, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 16136, as passed by the House of Representatives, provided new construction authorization to the military departments and the Department of Defense for Fiscal Year 1975 in the total amount of \$2,935,801,000.

The bill as passed by the Senate provided new authorization in the amount of \$3,027,925,060.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of the Conference between the House and Senate on the differences in H.R. 16136, the Conferees agreed to a new adjusted authorization for military construction for Fiscal Year 1975 in the amount of \$2,984,378,000.

The Department of Defense and the respective military departments had requested a total of \$3,278,380,000 for new construction authorization for Fiscal Year 1975. The action of the Conferees therefore reduces the Departmental request by \$294,002,000.

CHART.—Total Authorization for Appropriation Granted fiscal year 1975

Title I—Army:	
Inside the United States.....	\$491, 695, 000
Outside the United States.....	120, 184, 000
Subtotal.....	611, 879, 000
Title II—Navy:	
Inside the United States.....	¹ 509, 498, 000
Outside the United States.....	41, 458, 000
Subtotal.....	¹ 550, 956, 000

CHART.—Total Authorization for Appropriation Granted fiscal year 1975—Con.

Title III—Air Force:	
Inside the United States.....	² \$307, 786, 000
Outside the United States.....	74, 887, 000
Sec. 302.....	8, 100, 000
Subtotal.....	² 390, 773, 000
Title IV—Defense agencies.....	28, 400, 000
Title V—Military family housing and homeowners assistance.....	1, 244, 603, 000
Total, titles I, II, III, IV and V.....	2, 826, 611, 000
Title VII—Reserve components:	
Army National Guard.....	53, 800, 000
Army Reserve.....	38, 600, 000
Naval and Marine Corps Reserves.....	19, 867, 000
Air National Guard.....	31, 500, 000
Air Force Reserve.....	14, 000, 000
Total.....	157, 767, 000
Grand total granted by titles I, II, III, IV, V and VII.....	2, 984, 378, 000

¹ Excludes \$1,500,000 for land at NAS Pensacola, Florida.

² Excludes \$9,000,000 for Aerospace Corporation, Los Angeles, California.

TITLE I—ARMY

The House had approved new construction authorization in the amount of \$611,653,000 for the Department of the Army. The Senate approved new construction authorization for the Army in the amount of \$644,211,000. The Conferees agreed to a new total for Title I in the amount of \$611,879,000 which is \$32,332,000 below the Senate figure and \$226,000 above the House figure. Among the major items considered in Conference and acted on by the Conferees were the following:

FORT CARSON, COLORADO—LAND ACQUISITION, \$7,292,000

The Army requested a land acquisition project to expand the maneuver area at Fort Carson. Army witnesses testified that this project was Phase I of a multi-phase plan for acquisition of 75,420 acres which the Army said was necessary to obviate the expenditure of over \$3 million per occurrence to transport a division to the nearest installation having sufficient land area to accommodate realistic training by a full division force. The House deleted the authorization request in view of local opposition to further expansion of Fort Carson and the testimony of the Army at the last request for land acquisition in 1965 to the effect that the 1965 acquisition would be all the land ever needed at Fort Carson.

The Senate included the requested amount after special hearings but as a compromise, insisted that the funds be used to acquire only the Phase III portion of the multi-phase Army plan.

In Conference, after a very lengthy discussion, the Conferees agreed that the authorization request would be deleted without prejudice and that the Committee Members and or Committee Staff would make an inspection trip to Fort Carson to determine the priority of the Army's request and the necessity for further expansion of Fort Carson. Conferees believe they would thereby be in a position to better judge the merits of this request in next year's program.

Among the major items originally deleted by either the House or the Senate and restored in the Conference were the following:

NAVAL ACADEMY, ANNAPOLIS, MARYLAND—LUCE HALL ADDITION AND MODERNIZATION, \$6,450,000

The House deleted this particular project believing that it was of a relatively low priority in this year's Navy program. The Senate approved the project.

In Conference, the Senate Conferees pointed out that Luce Hall was built in 1920 and that the mechanical and electrical systems are antiquated and worn out and must be replaced. Further, there is no fire protection system, open stairwells, wooden floors, and interior partitions. They further stated that the antiquated building is environmentally unsatisfactory for academic use.

The House receded.

NAVAL AIR STATION, CECIL FIELD, FLORIDA—AIRCRAFT MAINTENANCE HANGAR, \$5,359,000

The Senate deleted this project believing it can be safely deferred for at least a year. The House approved the project.

In Conference the House Conferees pointed out that Cecil Field is now the master jet base of the Jacksonville-Mayport complex. It is the home port of all Atlantic Fleet light attack squadrons (A-7) and 5 ASW squadrons. There are now two 33-year old obsolete hangars temporarily serving the needs of many of these squadrons. The House Conferees further pointed out that if the Hangar is not provided the readiness and proficiency training of Fleet operational squadrons equipped with modern ASW weapons systems will be impaired.

The Senate receded.

NAVAL TRAINING CENTER, ORLANDO, FLORIDA—BACHELOR ENLISTED QUARTERS, \$4,140,000

This project was deferred by the House without prejudice to a future year's program. The Senate approved the project.

In Conference, the Senate Conferees pointed out that these enlisted quarters were originally required to provide adequate billeting in support of Nuclear Power Training. This training function, which is moving to Orlando from Bainbridge and Mare Island, will comprise approximately 80% of enlisted student billeting requirement at the base.

After a thorough discussion of this project, the House receded.

NAVAL TRAINING CENTER, SAN DIEGO, CALIFORNIA—BACHELOR ENLISTED QUARTERS, \$8,657,000

The House Committee deferred this project without prejudice believing that assets in the area of the Naval Training Center were adequate. The Senate approved the project.

In Conference the Senate Conferees pointed out that the space which is available was constructed between 1922 and 1943 as open bay barracks and have served long beyond their useful life. Many of the inadequate barracks are located directly under the flight path of the commercial airport and practically all are in high noise zone without any acoustic attenuation.

The House receded.

NAVAL UNDERWATER SYSTEMS CENTER, NEWPORT, RHODE ISLAND—WEAPONS DEVELOPMENT BUILDING, \$4,742,000

The Senate Committee added this project during their Committee review of the bill. The House Committee did not review this project.

In Conference, the Senate Conferees pointed out that this Center is the principal RDT&E Center for underwater combat systems. Current and planned weapons programs require the capability to develop and test under controlled conditions, models which can simulate, at low cost, the system or subsystem. They further pointed out that if this facility is not provided, the optimum development of new weapons and components will be precluded through a lack of a coordinated facility capable of full system assembly, integration and analysis.

The House receded.

DIEGO GARCIA—SUPPORT FACILITIES, \$14,802,000

The House Committee added the expansion of facilities project in the amount of \$29,000,000 for the Naval Communications Facility on Diego Garcia. The House Committee believes it is important in carrying out our national policy and in the interest of the United States for the U.S. Navy, from time to time, to have a greater presence in the Indian Ocean. The proposed support facilities will shorten the logistic tail for various task groups that periodically deploy to the Indian Ocean, and reduce the logistic support cost.

The Senate Committee authorized \$14,802,000 for the expansion of the present facilities. Since the Navy did not reclama the Senate money reduction, the House Conferees did not object to the reduction.

DIEGO GARCIA—COMPROMISE LANGUAGE REGARDING FURTHER CONGRESSIONAL ACTION

The Senate inserted language (Section 612; Section 613 of the Conference Report) which requires the President to certify in writing that the need for new expansion facilities had been evaluated by him and that such projects are essential to the national interest of the United States and this certification must be approved by a joint resolution of both Houses.

The House Conferees argued that the Senate language, in effect, would allow legislation by inaction and insisted that some language should be used that would permit either House of Congress to prohibit the obligation of funds for Diego Garcia by a resolution of disapproval of that House.

The House Conferees offered a compromise that none of the funds authorized to be appropriated under this Act for the construction at Diego Garcia could be obligated until certain specified conditions are met. These require that the President certify to the Congress in writing an evaluation by him of the need for, and the essentiality of, these facilities. Further, 60 days of continuous session of Congress must have expired following the certification with the further condition that within that 60 day period either the House or the Senate may pass a resolution of disapproval for the project, thereby precluding obligation of any funds authorized pursuant to this Act for the project.

At the insistence of the Senate Conferees, additional language was added to the conference report which provides in substance that parliamentary tactics aimed at delaying a vote on the Senate floor regarding a resolution of disapproval will be precluded.

Under the circumstances the Senate reluctantly receded and agreed to the compromise language.

TITLE III—AIR FORCE

The House approved \$410,227,000 in new construction authorization for the Department of the Air Force. The Senate approved \$387,906,000.

The Conferees agreed to a new total in the amount of \$399,773,000 which is \$10,454,000 below the House figure and \$11,867,000 above the Senate figure.

Among the major items in Conference which were resolved after much deliberation are:

KELLY AFB, TEXAS—LOGISTICAL MATERIELS STORAGE FACILITY,
\$7,071,000

The Senate approved but the House denied this project. The House was informed that the facility could be safely deferred for at least a year. The Air Force, prior to the program being submitted to Congress, had scheduled this particular project in the FY-77 program but moved it up two years.

The Senate Conferees insisted that this project would reduce the Air Force budget for personnel by 26; fork lift trucks by 10; tugs by 2; trucks and trailers by 2; locomotives by one; and operations and maintenance expenditures on over 1,000 square feet of temporary WW-II storage buildings. Senate Conferees argued that tangible benefits would allow for proposed capital investment to amortize in 3 to 4 years.

The House receded.

M'CLELLAN AFB, CALIFORNIA—LOGISTICAL MATERIELS PROCESSING FACILITY, \$8,856,000

The House deleted this project in its original consideration of the bill because only 2 to 3 years ago some \$400,000 was expended for the rehabilitation of a warehouse for the installation of equipment to handle the workload then at McClellan. House Conferees felt that this building could be utilized for the materiel processing for several more years.

Senate Conferees argued that this project would not be completed for at least one and a half to two years and that upon completion the direct savings that would be obtained from this construction would amortize the capital investment in 2½ years. They further argue that the present high bay facility which is badly needed for storage purposes is not functionally configured for efficient receipt and issue processing. Mechanized material handling systems cannot be properly arranged causing excessive rehandling of materiel with resultant delays, increased costs, and damage.

After a thorough discussion, the House reluctantly receded.

WILLIAMS AFB, ARIZONA—FLIGHT SIMULATOR TRAINING FACILITY,
\$5,313,000

The House Committee deleted this project without prejudice believing that the simulator equipment would not be delivered until after the completion of the facility. House Conferees argued that the construction effort could safely be deferred at least one year without jeopardizing the simulator program which House Conferees agree is essential. Senate Conferees argue that the simulator equipment would be delivered on approximately the completion date of the facility. They further insisted that the present simulator technology permits the duplication of all the airborne pilot experiences and that a reduction of 40 hours of flying time per student would be realized through the use of the simulator. Air Force figures indicate that this change equals to a total reduction of approximately 50,000 flying hours in FY-78 and an annual reduction of almost 150,000 hours when the entire program is implemented at all eight graduate training bases in FY-1982.

Senate Conferees were adamant that the simulator program go forward immediately with no delay, therefore the House reluctantly receded.

ANDREWS AFB, MARYLAND—SPECIAL AIRCRAFT SUPPORT FACILITY,
\$8,770,000

The House deleted this project in view of the fact that the FY-74 program as passed by the Congress authorized \$13.5 million for these airborne support command facilities at Andrews AFB and this authorization was not funded. The Senate bill contained the \$8,770,000.

Senate Conferees argued that the inflationary spiral would make it impossible to proceed with the necessary support facilities at Andrews without the authorization requested by the Air Force. Senate Conferees further argued that by awarding one contract for these facilities instead of separate contracts, the original facilities envisioned could be completed within the money authorized even with today's inflation. They insisted that denial of the FY-75 request would eliminate the proposed maintenance and logistics support facilities. Further, the Air Force's ability to support the airborne command post would be severely impaired and the aircraft down time would increase considerably.

After much discussion the House receded.

ARNOLD ENGINEERING DEVELOPMENT CENTER, TENNESSEE—HIRT FACILITY, \$44,000,000

The House Committee included \$44 million for the HIRT Facility at the AEDC. However, prior to the final Senate action the Air Force revised their estimate from \$44 million to \$94 million. This revised estimate is a result of rapidly escalating construction costs, coupled with extensive increases in lead time for delivery of materials and equipment such as structural steel, electric motors and electric compressors.