

TITLE XXVIII—MILITARY CONSTRUCTION
GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Energy Savings and Renewable Energy Opportunities at Joint
Bases

The committee directs the Secretary of Defense to submit to the House Committee on Armed Services by March 1, 2007, a report on the potential use of energy conservation measures and renewable energy systems at joint military bases. The report should include energy savings and renewable energy opportunities in the areas of facility infrastructure, energy supply and transmission systems, and vehicles. The committee believes that the Department of Defense's 12 joint bases present new opportunities for energy savings and expects that this report will explore such opportunities and outline a plan of action for exploiting energy conservation and renewable energy options at such locations.

Remediation of Property at the Former Fort Ord, California

Fort Ord was closed as part of the 1991 Base Realignment and Closure (BRAC) round. A March 22, 1995 Memorandum of Understanding between the Army and the Bureau of Land Management (BLM) supported the transfer of approximately 7,500 acres of land from the Army to BLM. Despite entreaties from Congress to expedite plans for remediation of the property and the passage of more than 11 years since the agreement, no definitive protocols or timeline for remediation of the property have been completed. Therefore, the committee directs the Secretary of the Army to engage the BLM on this matter submit a report to the House Committee on Armed Services by November 1, 2006, with a plan for achieving clean up of the BLM lands at the former Fort Ord.

LEGISLATIVE PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY
FAMILY HOUSING CHANGES

Section 2801—Increase in Maximum Annual Amount Authorized
To Be Obligated for Emergency Military Construction

This section would amend section 2803 of title 10, United States Code, to increase from \$45,000,000 to \$60,000,000 the maximum amount of funds the Secretary of Defense may annually obligate using emergency construction authorities.

Section 2802—Applicability of Local Comparability of Room Pat-
tern and Floor Area Requirements to Construction, Acquisition,
and Improvement to Military Unaccompanied Housing

This section would amend section 2826 of title 10, United States Code, to require that floor space in unaccompanied housing be built to standards consistent with local private construction.

Section 2803—Authority To Use Proceeds From Sale of Military Family Housing To Support Military Housing Privatization Initiative

This section would amend section 2831 of title 10, United States Code, to authorize the transfer of proceeds from the handling and disposal of family housing units into the Department of Defense Family Housing Improvement Fund, which is used to support military family housing privatization activities. Current law provides for the transfer of such proceeds to the military family housing management account.

Section 2804—Repeal of Special Requirement for Military Construction Contracts on Guam

This section would repeal section 2864 of title 10, United States Code, which places special limitations on military construction contracts on Guam.

Section 2805—Congressional Notification of Cancellation Ceiling for Department of Defense Energy Savings Performance Contracts

This section would amend section 2865 of title 10, United States Code, to require a notice and wait period for the Secretary of Defense before the award of an energy savings performance contract that contains a cancellation ceiling in excess of \$7,000,000.

Section 2806—Expansion of Authority To Convey Property at Military Installations To Support Military Construction

This section would amend section 2869 of title 10, United States Code, to authorize the secretaries of the military departments to exchange excess property for construction projects, land, housing, or to support agreements to limit encroachments under section 2684a of title 10, United States Code.

Section 2807—Pilot Projects for Acquisition or Construction of Military Unaccompanied Housing

This section would amend section 2881a of title 10, United States Code, to reduce notification and wait periods required before the Secretary of the Navy may enter into a contract for the privatization of unaccompanied housing using the authorities provided by section 2881a. The section would also extend from September 30, 2007 to September 30, 2011, the expiration of the pilot authority provided by section 2881a of title 10, United States Code and increase the number of pilot projects authorized from three to six.

Section 2808—Consideration of Alternative and More Efficient Uses for General Officer and Flag Officer Quarters in Excess of 6,000 Square Feet

This section would amend section 2831 of title 10, United States Code, to require the Secretary of Defense to identify and consider alternative uses for general and flag officer housing units that exceed 6,000 square feet. The committee notes that such large housing units have extraordinary operations, maintenance, and utility costs, and believes that many such large facilities would be more

efficiently utilized for alternative purposes, such as administrative facilities.

Section 2809—Repeal of Temporary Minor Military Construction Program

This section would repeal section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163), which provides for temporary authority to expend minor construction funds at increased limits for construction of child development centers.

Section 2810—One-Year Extension of Temporary, Limited Authority To Use Operation and Maintenance Funds for Construction Projects Outside the United States

This section would extend through 2007 the authority provided by section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), which permits the Secretary of Defense to utilize operation and maintenance funds to construct facilities necessary for temporary operational requirements related to a declaration of war, national emergency, or contingency.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

Section 2821—Consolidation of Department of Defense Authorities Regarding Granting of Easements for Rights-of-Way

This section would consolidate provisions in chapter 159 of title 10, United States Code, which govern the granting of easements for rights-of-way by the Department of Defense and make several technical corrections. This section would make no substantive change to the law.

Section 2822—Authority To Grant Restrictive Easements in Connection With Land Conveyances

This section would authorize the secretaries of the military departments to grant restrictive easements when disposing of certain properties. Such easements would allow for greater protection of historic properties.

Section 2823—Maximum Term of Leases for Structures and Real Property Relating to Structures in Foreign Countries Needed for Purposes Other Than Family Housing

This section would amend section 2675 of title 10, United States Code, to increase from 5 to 10 years the maximum length of lease term the secretary of a military department may enter into for non-housing structures and real properties located in foreign countries.

Section 2824—Consolidation of Laws Relating to Transfer of Department of Defense Real Property Within the Department and to Other Federal Agencies

This section would consolidate provisions in title 10, United States Code, which govern the transfer of real property within the Department of Defense and to other federal agencies. This section would make no substantive change to the law.

Section 2825—Congressional Notice Requirements in Advance of Acquisition of Land by Condemnation for Military Purposes

This section would express the sense of Congress that the Secretary of Defense, when acquiring land for military purposes, should make every effort to do so by purchases from willing sellers, and that the use of condemnation, eminent domain, or seizure procedures should only be employed as a matter of last resort in cases of compelling national security requirements. This section would also amend section 2663 of title 10, United States Code, to require a notice and wait period before the Secretary of Defense may begin condemnation, eminent domain, or seizure procedures to acquire property.

SUBTITLE C—BASE CLOSURE AND REALIGNMENT

Section 2831—Treatment of Lease Proceeds from Military Installations Approved for Closure or Realignment After January 1, 2005

This section would amend section 2667 of title 10, United States Code, to ensure that lease proceeds received at a military installation closed or realigned by a base closure law are deposited into the appropriate base closure and realignment account.

SUBTITLE D—LAND CONVEYANCES

Section 2841—Land Conveyance, Naval Air Station, Barbers Point, Hawaii

This section would require the Secretary of the Navy to dispose of approximately 499 acres at the former Naval Air Station Barbers Point, Hawaii, that are subject to the Ford Island Master Development Agreement, by September 30, 2008.

In addition, the committee is aware that the Navy continues to retain additional property at NAS Barbers Point that was directed for disposal by the 1993 and 1995 Base Realignment and Closure rounds. The committee urges the Secretary of the Navy to return this property to productive use by September 30, 2008, as well.

Section 2842—Modification of Land Acquisition Authority, Perquimans County, North Carolina

This section would amend section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107), as amended, to increase the acreage authorized for acquisition.

Section 2843—Land Conveyance, Radford Army Ammunition Plant, Pulaski County, Virginia

This section would authorize the Secretary of the Army to convey approximately 85 acres at the Radford Army Ammunition Plant in Pulaski County, Virginia to the Virginia Department of Veterans' Services for the purposes of establishing a veterans' cemetery.

SUBTITLE E—OTHER MATTERS

Section 2851—Availability of Community Planning Assistance Relating to Encroachment of Civilian Communities on Military Facilities Used for Training by the Armed Forces

This section would amend section 2391 of title 10, United States Code, to authorize the use of grants for the purposes of addressing encroachment of state-owned and operated national guard facilities that are subject to significant training use by the armed forces.

Section 2852—Prohibitions Against Making Certain Military Airfields or Facilities Available for Use by Civil Aircraft

This section would prohibit the regular use of property at, or conveyance of property for, the civil aviation purposes at Marine Corps Air Station and Marine Corps Base Camp Pendleton, Marine Corps Air Station Miramar, and Naval Air Station North Island, California.

Section 2853—Naming Housing Facility at Fort Carson, Colorado, in Honor of Joel Hefley, a Member of the House of Representatives

This section would require the Secretary of the Army to designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using housing privatization authorities provided by subchapter IV of chapter 169 of title 10, United States Code in honor of Representative Joel Hefley.

Section 2854—Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in Honor of Lane Evans, a Member of the House of Representatives

This section would designate the Navy and Marine Corps reserve center at Rock Island Arsenal, Illinois as the “Lane Evans Navy and Marine Corps Reserve Center.”

Section 2855—Naming of Research Laboratory at Air Force Rome Research Site, Rome, New York, in Honor of Sherwood L. Boehlert, a Member of the House of Representatives

This section would designate the new laboratory building at the Air Force Rome Research Site, Rome, New York as the “Sherwood L. Boehlert Engineering Center.”

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

OVERVIEW

The budget request contained \$15.8 billion for atomic energy defense activities and energy supply of the Department of Energy for fiscal year 2007. Of this amount, \$9.3 billion is for the programs