

## S 3003

Military Construction Authorization Act for Fiscal Year 2009

**Congress:** 110 (2007–2009, Ended)

**Chamber:** Senate

**Policy Area:** Armed Forces and National Security

**Introduced:** May 12, 2008

**Current Status:** Held at the desk.

**Latest Action:** Held at the desk. (Sep 18, 2008)

**Official Text:** <https://www.congress.gov/bill/110th-congress/senate-bill/3003>

### Sponsor

**Name:** Sen. Levin, Carl [D-MI]

**Party:** Democratic • **State:** MI • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported Original Measure	May 12, 2008

### Subjects & Policy Tags

**Policy Area:**

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
110 S 3001	Related document	<b>Oct 14, 2008:</b> Became Public Law No: 110-417.

Military Construction Authorization Act for Fiscal Year 2009 - **Division B: Military Construction Authorizations** - Military Construction Authorization Act for Fiscal Year 2009 - (Sec. 2002) Terminates all authorizations contained in Titles XXI through XXVI, and Title XXIX of this Act on October 1, 2011, or the date of enactment of an Act authorizing funds for military construction for FY2012, whichever is later, with exceptions.

(Sec. 2003) Makes the effective date of Titles XXI through XXVII, and Title XXIX, of this Division the later of October 1, 2008, or the date of enactment of this Act.

**Title XXI [sic]: Army** - (Sec. 2101) Authorizes the Secretary of the Army to acquire real property and carry out military construction projects in specified amounts at specified installations and locations. Authorizes such Secretary to construct or acquire family housing units, carry out architectural planning and design activities, and improve existing military family housing in specified amounts. Authorizes appropriations to the Army for fiscal years after 2008 for military construction, land acquisition, and military family housing functions of the Army. Limits the total cost of construction projects authorized by this title. Extends certain prior-year construction projects.

**Title XXII: Navy** - (Sec. 2201) Provides, with respect to the Navy, authorizations paralleling those provided for the Army under the previous title.

(Sec. 2205) Amends the Military Construction Authorization Act (MCAA) for Fiscal Year: (1) 2006 to increase the amount authorized for a construction project in Bangor, Washington; and (2) 2007 to increase the amount authorized for projects in Suitland, Maryland, and Whidbey Island, Washington.

**Title XXIII: Air Force** - (Sec. 2301) Provides, with respect to the Air Force, authorizations paralleling those provided for the Army under Title XXI. Extends certain prior-year construction projects.

**Title XXIV: Defense Agencies - Subtitle A: Defense Agency Authorizations** - (Sec. 2401) Authorizes the Secretary of Defense (Secretary) to acquire real property and carry out military construction projects in specified amounts at specified installations and locations. Authorizes the Secretary to carry out certain energy conservation projects. Authorizes appropriations for fiscal years after 2008 for military construction, land acquisition, and military family housing functions of the Department of Defense (DOD). Limits the total cost of construction projects authorized by this title. Extends a certain prior-year construction project.

(Sec. 2404) Amends the MCAA for Fiscal Year 2007 to increase the amount authorized for a project at Fort Detrick, Maryland.

**Subtitle B: Chemical Demilitarization Authorizations** - (Sec. 2411) Authorizes the Secretary to acquire real property and carry out a military construction project in a specified amount at the Blue Grass Army Depot, Kentucky. Authorizes appropriations for fiscal years after 2008 for military construction and land acquisition for chemical demilitarization.

(Sec. 2413) Amends the MCAA for Fiscal Year: (1) 1997 to increase the amount authorized for a project at the Pueblo Army Depot, Colorado; and (2) 2000 to increase the amount authorized for a project at the Blue Grass Army Depot, Kentucky.

**Title XXV: North Atlantic Treaty Organization Security Investment Program** - (Sec. 2501) Authorizes the Secretary to make contributions for the North Atlantic Treaty Organization (NATO) Security Investment Program and authorizes

appropriations for fiscal years after 2008 for such Program.

**Title XXVI: Guard and Reserve Forces Facilities** - (Sec. 2601) Authorizes the Secretary of the military department concerned (Secretary concerned) to acquire real property and carry out military construction projects for the National Guard and reserves.

(Sec. 2606) Authorizes appropriations for fiscal years after 2008 for National Guard and reserve forces for acquisition, architectural and engineering services, and construction of facilities.

(Sec. 2607) Extends certain prior-year construction projects.

(Sec. 2609) Amends the MCAA for Fiscal Year 2008 to increase the amount authorized for a construction project relating to North Kingstown, Rhode Island.

**Title XXVII: Base Closure and Realignment Activities** - (Sec. 2701) Authorizes: (1) appropriations for fiscal years after 2008 for military base closure and realignment activities authorized under the Defense Base Closure and Realignment Act of 1990 and funded through the Department of Defense Base Closure Accounts of 1990 and 2005; and (2) the Secretary to carry out such activities.

(Sec. 2704) Revises base closure and realignment reporting requirement termination dates.

**Title XXVIII: Military Construction General Provisions - Subtitle A: Military Construction Program and Military Family Housing Changes** - (Sec. 2801) Increases from \$2 million to \$3 million the threshold for unspecified minor military construction projects.

(Sec. 2802) Amends the MCAA for Fiscal Year 2004 to extend through FY2009 DOD authority to use operation and maintenance funds for construction projects outside the United States in support of a declared war, national emergency, or other contingency. Allows the use of such authority to construct temporary military facilities in Afghanistan in support of contingency operations in which the United States expect to have a long-term presence. Increases from 30 to 45 days the allotted time for DOD to transmit quarterly reports on the use of such authority.

(Sec. 2803) Directs each Secretary concerned to prescribe regulations to oversee and manage military housing privatization projects under specified requirements, including: (1) monthly site visits and progress reports by the installation asset manager; and (2) prior to commencement of a privatization project, a meeting with the local community involved.

(Sec. 2804) Authorizes the Secretary of a military department to lease to the Secretary military family housing in the National Capital Region, with a specified rental rate.

(Sec. 2805) Directs the Secretary of the Air Force to submit to the congressional defense and appropriations committees a cost-benefit analysis of dissolving Patrick Family Housing LLC (a Florida real estate partnership) without exercising full U.S. rights to recover damages from the partnership. Prohibits such Secretary, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, from dissolving the partnership until submitting such analysis.

**Subtitle B: Real Property and Facilities Administration** - (Sec. 2811) Authorizes the Secretary concerned, or the Secretary of Defense with respect to a defense agency, when engaging in an activity that may or will result in an adverse impact on one or more protected species or habitats, to make payments to a conservation banking program or mitigation

sponsor. Allows such payments for the purpose of facilitating military testing or training activities or military construction.

(Sec. 2812) Excludes water resources development projects of the Corps of Engineers from a requirement that the Secretary concerned notify the defense committees before entering into certain real property transactions.

(Sec. 2813) Amends the National Defense Authorization Act for Fiscal Year 2000 to terminate at the end of FY2012 a restriction placed upon the Department of the Interior with respect to lands adjacent to or beneath certain Utah national defense lands.

**Subtitle C: Land Conveyances** - (Sec. 2821) Authorizes the Secretary to transfer into the Department of Defense Family Housing Improvement Fund proceeds from the sale of certain real property at the Marine Corps Logistics Base, Albany, Georgia, after 30 days' prior notification to the defense and appropriations committees.

**Subtitle D: Energy Security** - (Sec. 2831) Allows military departments to develop any renewable energy resource (currently, only geothermal energy) on military lands.

**Subtitle E: Other Matters** - (Sec. 2841) Directs the Secretary to report to the defense and appropriations committees on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

**Title XXIX: War-Related Military Construction Authorizations - Subtitle A: Fiscal Year 2008 Projects** - (Sec. 2901) Authorizes the Secretary of the Army to acquire real property and carry out military construction projects in specified amounts at specified installations and locations. Authorizes appropriations for fiscal years beginning after 2007 for military construction, land acquisition, and military family housing functions of the Army.

(Sec. 2902) Authorizes the Secretary of the Navy to acquire real property and carry out military construction projects in specified amounts at specified installations and locations. Authorizes appropriations for fiscal years beginning after 2007 for military construction, land acquisition, and military family housing projects of the Navy.

(Sec. 2903) Authorizes the Secretary of the Air Force to acquire real property and carry out military construction projects in specified amounts at specified installations and locations. Authorizes appropriations for fiscal years beginning after 2007 for military construction, land acquisition, and military family housing projects of the Air Force.

(Sec. 2904) Amends the MCAA for Fiscal Year 2008 to terminate one authorized construction project in Iraq, and reduce the amount authorized for four other projects there.

**Subtitle B: Fiscal Year 2009 Projects** - (Sec. 2911) Authorizes the Secretary of the Army to acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities in various locations inside the United States. Authorizes appropriations for fiscal years beginning after 2008 for military construction, land acquisition, and military family housing functions of the Army. Prohibits funds from being obligated for any such project until 14 days after the defense and appropriations committees have received from the Secretary a detailed justification for the project.

(Sec. 2912) Authorizes the Secretary of the Navy to acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities in various locations inside the United States. Authorizes appropriations for fiscal years beginning after 2008 for military construction, land acquisition, and military family housing projects of the Navy. Prohibits funds from being obligated for any such project until 14 days after the defense and appropriations committees have received from the Secretary a detailed justification for the project.

(Sec. 2913) Prohibits any funds from this Act from being obligated or expended to: (1) establish any military installation for the permanent stationing of U.S. Armed Forces in Iraq; or (2) exercise U.S. control of the oil resources of Iraq.

### **Actions Timeline**

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- **Sep 18, 2008:** Received in the House.
- **Sep 18, 2008:** Message on Senate action sent to the House.
- **Sep 18, 2008:** Held at the desk.
- **Sep 17, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S8933)
- **Sep 17, 2008:** Senate struck all after the Enacting Clause and substituted the language of S.3001 amended (Division B only).
- **Sep 17, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 17, 2008:** Passed Senate with an amendment by Unanimous Consent.
- **May 12, 2008:** Introduced in Senate
- **May 12, 2008:** Committee on Armed Services. Original measure reported to Senate by Senator Levin. Without written report.
- **May 12, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 734.