Public Law 85-852

August 28, 1958
[H. R. 13489]

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes.

Military Construction Appropriation Act, 1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1959, for military construction functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

OFFICE OF THE SECRETARY OF DEFENSE

ADVANCED RESEARCH PROJECTS AGENCY

CONSTRUCTION

For construction as authorized by title IV of the Act of (Public Law), to remain available until expended, not to exceed $50,000,000, to be derived by transfer from funds available to the Office of the Secretary of Defense for advanced research projects.

TITLE II

INTERSERVICE ACTIVITIES

LORAN STATIONS

For construction of additional loran stations by the Coast Guard, to remain available until expended, $20,000,000, which shall be transferred on approval of the Secretary of Defense to the appropriation, "Acquisition, construction, and improvements", Coast Guard.

TITLE III

DEPARTMENT OF THE ARMY

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as authorized by section 102 of the Act of September 28, 1951 (Public Law 155), by section 102 of the Act of July 14, 1952 (Public Law 534), the Act of September 1, 1954 (Public Law 765), the Act of July 15, 1955 (Public Law 161), the Act of August 3, 1956 (Public Law 968), the Act of August 30, 1957 (Public Law 85-241), and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 4774 (d) of title 10, United States Code, and section 3734, Revised Statutes, as amended, to remain available until expended, $230,000,000.

65 Stat. 343; 66 Stat. 609; 68 Stat. 1120; 69 Stat. 329; 70 Stat. 991; 71 Stat. 534.

70A Stat. 269. 40 USC 267.

MILITARY CONSTRUCTION, ARMY RESERVE FORCES

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components, including the Army National Guard of the United States,

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and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 4774 (d) of title 10, United States Code, and section 3734, Revised Statutes, as amended, and land and interest therein may be acquired, constructed, and prosecuted thereon prior to approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended; and hire of passenger motor vehicles; to remain available until expended, $6,250,000.

70A Stat. 120.

70A Stat. 269. 40 USC 267.

50 USC 175.

TITLE IV

DEPARTMENT OF THE NAVY

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as authorized by section 201 of the Act of August 7, 1953 (Public Law 209), sections 201 and 202 of the Act of July 27, 1954 (Public Law 534), the Act of September 1, 1954 (Public Law 765), the Act of July 15, 1955 (Public Law 161), the Act of August 3, 1956 (Public Law 968), the Act of August 30, 1957 (Public Law 85-241), and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 3734, Revised Statutes, as amended, including personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation, to remain available until expended, $295,000,000: *Provided*, That no more than $500,000 of the amount provided in the funding program for "Operational and Training Facilities, Naval Shipyard, Long Beach, California" shall be utilized for protective works until the Secretary of the Navy determines in his judgment that sufficient action has been taken or arrangements made to arrest further subsidence of the shipyard.

67 Stat. 441. 68 Stat. 539,543, 1120; 69 Stat. 329; 70 Stat. 994; 71 Stat. 536. 70A Stat. 590. 40 USC 267.

MILITARY CONSTRUCTION, NAVAL RESERVE FORCES

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps, as authorized by chapter 133 of title 10, United States Code, as amended, and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 3734, Revised Statutes, as amended, and land and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended, to remain available until expended, $8,000,000.

70A Stat. 120.

40 USC 267.

50 USC 175.

TITLE V

DEPARTMENT OF THE AIR FORCE

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as authorized by chapter 133 of title 10, United States Code, by section 302 of the Act of July 14, 1952 (Public Law 534), the Act of April 1, 1954 (Public Law 325), the Act of September 1, 1954 (Public Law 765), the Act of July 15, 1955 (Public Law 161), the Act of August 3, 1956 (Public Law 968), the Act of August 30,

66 Stat. 622; 68 Stat. 48, 1122; 69 Stat. 347; 70 Stat. 1002, 1012.

71 Stat. 550. *Ante*, p. 11.

1957 (Public Law 85-241), the Act of February 12, 1958 (Public Law 85-325), and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 9774 (d) of title 10, United States Code, and section 3734, Revised Statutes, as amended, to remain available until expended, including $4,401,000 to be used only for the construction of a solar furnace at Holloman Air Force Base, $785,000,000, of which $683,000 is for the construction of a dam for the purpose of increasing the water supply for Pease Air Force Base together with the unexpended portion of funds heretofore made available for that purpose.

70A Stat. 590. 40 USC 267.

AIR NATIONAL GUARD

For an additional amount for "Air National Guard", $9,600,000: *Provided*, That funds appropriated under this head in this Act shall be available only for construction as authorized by law.

TITLE VI

GENERAL PROVISIONS

SEC. 601. Funds appropriated to the military departments for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Eighty-fifth Congress.

Cost-plus-a-fixed fee contracts.

SEC. 602. None of the funds appropriated in this chapter shall be expended for payments under a cost-plus-a-fixed-fee contract for work where cost estimates exceed $25,000 to be performed within the continental United States without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Expediting construction.

SEC. 603. None of the funds appropriated in this chapter shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction and the application of economical construction practices.

Bakeries, laundries, etc.

SEC. 604. None of the funds appropriated in this chapter shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Funds for advanced planning.

SEC. 605. Funds appropriated to the military departments for construction are hereby made available for: (1) advance planning, construction design and architectural services, as authorized by section 504 of the Act of September 28, 1951, as amended (69 Stat. 352), (2) acquisition of land, installation of outside utilities, and site preparation for housing projects to be constructed under title VIII of the National Housing Act, as amended, as authorized by section 505 of the Act of September 28, 1951 (65 Stat. 365), and (3) hire of passenger motor vehicles.

31 USC 723.

12 USC 1748i.

SEC. 606. Appropriations to the military departments for construction may be charged for the cost of administration, supervision and inspection of family housing authorized pursuant to title IV of the Act of August 11, 1955 (Public Law 345), in an amount not to exceed three and one-half per centum of the cost of each such project:

69 Stat. 646. 12 USC 1743 *et seq.*

Provided, That such appropriations shall be reimbursed from the proceeds of any mortgage executed on each such project.

SEC. 607. Funds appropriated to the military departments for construction may be used for advances to the Bureau of Public Roads, Department of Commerce, for the purposes of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended, and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), as amended, when projects authorized therein are certified as important to the national defense by the Secretary of Defense. 23 USC 106 and note.

SEC. 608. The family unit costs for family housing including land authorized to be purchased by section 103 of the Act of August 30, 1957 (Public Law 85-241), may exceed by not more than 15 per centum the respective limitations on such costs contained in this Act. 71 Stat. 534.

SEC. 609. None of the funds appropriated in this chapter may be used to begin construction on new bases for which specific appropriations have not been made.

SEC. 610. During the current fiscal year, appropriations available for construction of family quarters for personnel shall not be obligated for such construction at a cost per family unit in excess of $22,000 on housing units for generals or equivalent; $19,800 on housing units for colonels or equivalent; $17,600 on housing units for majors and lieutenant colonels, or equivalent; $15,400 on housing units for second lieutenants, lieutenants, captains, and warrant officers, or equivalent; or $13,200 on housing units for enlisted personnel, except that when such units are constructed outside the continental United States or in Alaska, the average cost per unit of all such units shall not exceed $32,000 and in no event shall the individual cost exceed $40,000.

SEC. 611. No part of the funds contained in this Act shall be used to incur obligations for the planning, design, or construction of facilities for an Air Force Academy the total cost of which will be in excess of $139,797,000. Air Force Academy.

SEC. 612. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 110 per centum of the value as determined by the Corps of Engineers or the Bureau of Yards and Docks, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than $25,000.

SEC. 613. No part of the funds contained in this Act shall be used for the construction of a hospital at the Air Force Academy at a cost in excess of $3,600,000. Hospital.

SEC. 614. Such appropriations of the Department of Defense, available for obligation during the current fiscal year, as may be designated by the Secretary of Defense shall be available for the purposes of section 1 of the Act approved April 3, 1958 (72 Stat. 78): *Provided*, That any such appropriations so utilized shall be accounted for under the limitation established by section 4 of said Act. VIII Olympic Winter Games, 1960.

SEC. 615. This Act may be cited as the "Military Construction Appropriation Act, 1959". Short title.

Approved August 28, 1958.