Public Law 87-302

September 26, 1961
[H. R. 8302]

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

Military Construction Appropriation Act, 1962.

*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, 1962, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, DEPARTMENT OF DEFENSE

For transfer by the Secretary of Defense to appropriations available for military construction, to be used for the purposes of title V of Public Law 87-57, approved June 27, 1961, and to be merged with the appropriations to which transferred, $27,000,000.

*Ante*, p. 108.

LORAN STATIONS, DEPARTMENT OF DEFENSE

For construction of additional loran stations by the Coast Guard, to remain available until expended, $10,000,000, which shall be transferred on approval of the Secretary of Defense to the appropriation, "Acquisition, construction, and improvements", Coast Guard.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, to remain available until expended, $157,934,000.

72 Stat. 1459, 1460.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, 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, $192,278,000.

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 currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, the Act of April 1, 1954 (Public Law 325), without regard to section 9774(d) of title 10, United States Code, to remain available until expended, $498,346,000.

68 Stat. 47.
70A Stat. 590.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve, as authorized by chapter 133 of title 10, United States Code, as amended, the Reserve Forces Facilities Acts, and such additional

10 USC 2231-2238.

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projects as may be authorized by law during the first session of the Eighty-seventh Congress, to remain available until expended, $14,381,000.

MILITARY CONSTRUCTION, NAVAL RESERVE

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, the Reserve Forces Facilities Acts, and such additional projects as may be authorized by law during the first session of the Eighty-seventh Congress, to remain available until expended, $7,000,000. 10 USC 2231-2238.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, the Reserve Forces Facilities Acts, and such additional projects as may be authorized by law during the first session of the Eighty-seventh Congress, to remain available until expended, $4,608,000. 10 USC 2231-2238.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, the Reserve Forces Facilities Acts, and such additional projects as may be authorized by law during the first session of the Eighty-seventh Congress, to remain available until expended, $21,868,750. 10 USC 2231-2238.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, the Reserve Forces Facilities Acts, and such additional projects as may be authorized by law during the first session of the Eighty-seventh Congress, to remain available until expended, $18,275,000. 10 USC 2231-2238.

GENERAL PROVISIONS

SEC. 101. 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 first session of the Eighty-seventh Congress. Prior funds.

SEC. 102. None of the funds appropriated in this Act 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 United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor. Cost-plus-a-fixed-fee contracts.

SEC. 103. None of the funds appropriated in this Act 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 Expediting construction.

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. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning 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.

Motor vehicle hire, etc.

SEC. 105. Funds appropriated to the military departments for construction are hereby made available for: (1) hire of passenger motor vehicles, and (2) the construction, or acquisition by lease or otherwise, of family housing and community facilities projects in foreign countries as authorized by section 407(b) of the Act of September 1, 1954 (68 Stat. 1119), as amended.

5 USC 171z-1.

SEC. 106. 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), as amended, in an amount not to exceed 3½ per centum of the cost of each such project: *Provided*, That such appropriations shall be reimbursed from the proceeds of any mortgage executed on each such project.

69 Stat. 646.
12 USC 1748a-1748g, 1720; 42 USC 1594-1594f.

SEC. 107. 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 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

72 Stat. 908; 74 Stat. 524.

New bases.

SEC. 108. None of the funds appropriated in this Act may be used to begin construction on new bases for which specific appropriations have not been made.

Family quarters.

SEC. 109. 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.

Air Force Academy.

SEC. 110. 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 $140,986,000, except for construction pursuant to section 2674 of title 10, United States Code, as amended.

72 Stat. 1459.

Land purchase.

SEC. 111. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 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. 112. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor. Foreign projects.

SEC. 113. No part of the funds contained in this Act shall be used to incur obligations for the planning, design, or construction of facilities for the Naval Radio Research Station, Sugar Grove, West Virginia, the total cost for which will be in excess of $135,000,000. Construction limitation.

SEC. 114. This Act may be cited as the Military Construction Appropriation Act, 1962. Short title.

Approved September 26, 1961.

## Public Law 87-303

AN ACT

September 26, 1961
[H. R. 2308]

To amend the Ship Mortgage Act, 1920, with respect to its applicability to certain vessels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) paragraph (a) of subsection (D) of the Ship Mortgage Act, 1920 (46 U.S.C. 922), is amended by striking out "of less than two hundred gross tons" and inserting in lieu thereof "of less than twenty-five gross tons". Ship Mortgage Act, 1920, amendment. 49 Stat. 424.

(b) The amendment made by subsection (a) of this section shall not apply to (1) any mortgage in existence on the date of enactment of this Act, or (2) any mortgage placed on a vessel after the date of enactment of this Act under a mortgage on such vessel in existence on the date of enactment of this Act, so long as such existing mortgage remains undischarged. Applicability.

SEC. 2. Paragraph (a) of section 1101 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271), is amended to read as follows: 68 Stat. 1267.

"(a) The term 'mortgage' includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended;". "Mortgage." 41 Stat. 1000. 46 USC 984.

SEC. 3. The proviso at the end of section 511(h) of the Merchant Marine Act, 1936, as amended, is amended to read as follows: "*Provided*, That until January 1, 1962, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1962". 73 Stat. 471. 46 USC 1161.

SEC. 4. The amendment made by the first section of this Act shall take effect December 31, 1961, or on the date of enactment of this Act, whichever date first occurs. Effective date.

Approved September 26, 1961.