Public Law 88-220

AN ACT

December 21, 1963
[H. R. 9139]

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1964, and for other purposes.

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, 1964, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriation Act, 1964.

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, $200,646,000.

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, $198,853,000.

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, $468,275,000.

68 Stat. 47.
70A Stat. 590.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation and equipment of temporary or permanent public works, installations and facilities for activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), 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, $24,000,000; and, in addition, not to exceed $20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

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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, and the Reserve Forces Facilities Acts, to remain available until expended, $4,500,000.

10 USC 2231-2238.

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, and the Reserve Forces Facilities Acts, to remain available until expended, $6,000,000.

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, and the Reserve Forces Facilities Acts, to remain available until expended, $4,000,000.

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, and the Reserve Forces Facilities Acts, to remain available until expended, $5,700,000.

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, and the Reserve Forces Facilities Acts, to remain available until expended, $16,000,000.

LORAN STATIONS, DEFENSE

For construction of additional loran stations by the Coast Guard, to remain available until expended, $20,500,000, which shall be transferred on approval of the Secretary of Defense to the appropriation, "Acquisition, construction, and improvements", Coast Guard.

CONSTRUCTION, ALASKA COMMUNICATION SYSTEM, ARMY

The appropriation available to the Department of the Army for "Construction, Alaska Communication System, Department of the Army" shall not be available for obligation after June 30, 1963.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense Agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges and insurance premiums, as authorized by law, $637,406,000, to be obligated and

expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts: 76 Stat. 237. 42 USC 1594a.

For the Army:
Construction, $34,681,000;
Operation, maintenance, $134,154,000;
Debt payment, $49,242,000.
For the Navy and Marine Corps:
Construction, $68,248,000;
Operation, maintenance, $63,621,000;
Debt payment, $30,323,000.
For the Air Force:
Construction, $61,027,000;
Operation, maintenance, $105,682,000;
Debt payment, $87,832,000.
For Defense Agencies:
Construction, $50,000;
Operation, maintenance, $2,546,000:

Provided, That the unobligated balances in the Family Housing Management Account as of June 30, 1963, shall remain available herein.

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-eighth Congress.

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 contract.

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 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. Expediting construction.

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. Bakeries, laundries, etc.

SEC. 105. Funds appropriated to the military departments for construction are hereby made available for hire of passenger motor vehicles. Motor vehicles.

SEC. 106. 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; 75 Stat. 123.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases for which specific appropriations have not been made. New bases.

SEC. 108. During the current fiscal year, appropriations available for construction of family quarters for personnel shall not be obligated Family quarters.

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. 109. 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 $141,523,000, except for construction pursuant to section 2674 of title 10, United States Code, as amended.

72 Stat. 1459.

Land purchase.

SEC. 110. 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.

Foreign projects.

SEC. 111. 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.

Short title.

SEC. 112. This Act may be cited as the Military Construction Appropriation Act, 1964.

Approved December 21, 1963.

Public Law 88-221

December 21, 1963
[H. R. 7601]

AN ACT

For the relief of the city of Winslow, Arizona.

Winslow, Arizona.
Claims settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to pay $15,868.07 to the city of Winslow, Arizona, in full settlement of all claims against the United States for the Government's fair share of the costs for paving the streets adjacent to the United States property known as the Winslow Dormitory which is a facility for reservation Indian children operated by the Department of the Interior, Bureau of Indian Affairs. The payment shall be made out of funds available to the Bureau of Indian Affairs for the construction of roads.

No part of the payment provided for in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any amount not exceeding $1,000.

Approved December 21, 1963.