Public Law 94–138
94th Congress

An Act

Nov. 28, 1975
[H.R. 10029]

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Military Construction Appropriation Act, 1976.

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, 1976, and the period ending September 30, 1976, for military construction functions administered by the Department of Defense, and for other purposes, namely:

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, and in sections 2673 and 2675 of title 10, United States Code, $790,025,000, to remain available until expended.

For "Military construction, Army" for the period July 1, 1976, through September 30, 1976, $37,100,000, to remain available until expended.

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, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $770,018,000, to remain available until expended.

For "Military construction, Navy" for the period July 1, 1976, through September 30, 1976, $17,200,000, to remain available until expended.

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, and in sections 2673 and 2675 of title 10, United States Code, $550,644,000, to remain available until expended.

For "Military construction, Air Force" for the period July 1, 1976, through September 30, 1976, $14,000,000, to remain available until expended.

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 Defense Civil Preparedness Agency), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $19,300,000, to remain available until expended; and, in addition,

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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.

For "Military construction, Defense agencies" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $62,700,000, to remain available until expended.

10 USC 2231 *et seq.*

For "Military construction, Army National Guard" for the period July 1, 1976, through September 30, 1976, $1,500,000, to remain available until expended.

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, $63,000,000, to remain available until expended.

For "Military construction, Air National Guard" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

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, $50,300,000, to remain available until expended.

For "Military construction, Army Reserve" for the period July 1, 1976, through September 30, 1976, $2,500,000, to remain available until expended.

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, $36,400,000, to remain available until expended.

For "Military construction, Naval Reserve" for the period July 1, 1976, through September 30, 1976, $400,000, to remain available until expended.

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, $18,000,000, to remain available until expended.

For "Military construction, Air Force Reserve" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

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, $1,332,244,000, 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: 42 USC 1594a-1.

For the Army:
Construction, $95,700,000;
For the Navy and Marine Corps:
Construction, $61,060,000;
For the Air Force:
Construction, $49,400,000;
For Defense agencies:
Construction, $147,000;
For Department of Defense:
Debt payment, $154,503,000;
Operation, maintenance, $971,434,000:

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

For "Family housing, Defense" for the period July 1, 1976, through September 30, 1976, $310,639,000, 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:

For the Army:
Construction, $800,000;
For the Navy and Marine Corps:
Construction, $470,000;
For the Air Force:
Construction, $630,000;
For Department of Defense:
Debt payment, $40,339,000;
Operation, maintenance, $268,400,000:

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

GENERAL PROVISIONS

Prior appropriations.

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for contruction authorized for each such department by the authorizations enacted into law during the first session of the Ninety-fourth Congress.

Contracts.

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.

Construction costs, expedition.

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.

Service facilities.

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 vehicles, hire.
31 USC 638f.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Access roads, construction.
31 USC 700b.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by 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.

New bases.

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

Land purchases or easements.

SEC. 108. 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 Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

Foreign contracts.

SEC. 109. 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.

Family housing limitations.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 111. Funds made available for the period July 1, 1976, through September 30, 1976, shall be available for the same purpose as the corresponding appropriation for fiscal year 1976.

Diego Garcia Island, construction limitation.

SEC. 112. None of the funds appropriated in this Act may be used prior to April 15, 1976, for the purpose of carrying out any military construction project on the island of Diego Garcia; except that $250,000 may be used to procure, construct and install aircraft arresting gear on the island of Diego Garcia.

Short title.

This Act may be cited as the "Military Construction Appropriation Act, 1976".

Approved November 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-530 (Comm. on Appropriations) and No. 94-655 (Comm. of Conference).
SENATE REPORT No. 94-442 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 8, considered and passed House.
Nov. 6, considered and passed Senate, amended.
Nov. 18, House agreed to conference report.
Nov. 19, Senate agreed to conference report.