

Public Law 96-130
96th Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes.

Nov. 30, 1979
[H.R. 4391]

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 September 30, 1980, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military
Construction
Appropriation
Act,
1980.

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, 2674, and 2675 of title 10, United States Code, \$725,649,000, of which \$500,000 may be paid for use after 1960 by the Government of the United States of land on Roi-Namur Island, Marshall Islands District of the Trust Territories of the Pacific Islands, as authorized by the Military Construction Authorization Act, 1980, to remain available until September 30, 1984: *Provided*, That of this amount, not to exceed \$50,700,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Notification to
congressional
committees.

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, 2674, 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, \$567,000,000, to remain available until September 30, 1984: *Provided*, That of this amount, not to exceed \$56,049,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Notification to
congressional
committees.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facili-

Notification to congressional committees.

ties for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, \$565,456,000, to remain available until September 30, 1984: *Provided*, That of this amount, not to exceed \$44,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

Notification to congressional committees.

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), as currently authorized in military public works or military construction Acts, and in sections 2673, 2674, and 2675 of title 10, United States Code, \$192,350,000, 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: *Provided further*, That \$39,200,000 shall be transferred to "Military Construction, Defense Agencies, 1979/1983" from "Military Construction, Air Force, 1979/1983": *Provided further*, That of the amount appropriated, not to exceed \$12,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

10 USC 2231
et seq.

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, \$23,700,000, to remain available until September 30, 1984.

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, \$36,000,000, to remain available until September 30, 1984.

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, \$30,000,000, to remain available until September 30, 1984.

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, \$18,300,000, to remain available until September 30, 1984.

10 USC 2231
et seq.

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, \$12,000,000, to remain available until September 30, 1984.

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, \$1,622,122,000, 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, \$500,000;

For the Air Force:

Construction, \$500,000;

For Department of Defense:

Debt payment, \$152,535,000;

Operation, maintenance, \$1,468,587,000:

Provided, That the amounts provided under this head for construction, and for debt payment, shall remain available until September 30, 1984: *Provided further*, That of the amounts appropriated for operation and maintenance, not less than \$645,000,000 shall be available only for the maintenance of real property facilities.

FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For transfer by the Secretary of Defense to appropriations and funds available during fiscal year 1980, or thereafter, for military construction or expenses of family housing for the military departments and Defense agencies, as he determines necessary to provide funds for those appropriations or funds to eliminate losses caused by fluctuations in foreign currency exchange rates that vary from budget submissions, \$100,000,000, and in addition, \$25,000,000 which shall be derived from Family Housing, Defense, to remain available until expended: *Provided*, That funds transferred from this appropriation shall be merged with and be available for the same purpose, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That authorizations or limitations now or hereafter contained within appropriations or other provisions of law limiting the amounts that may be obligated or expended are

31 USC 628-3.

Report to
Congress.

hereby increased to the extent necessary to reflect fluctuations in foreign currency exchange rates from those used in preparing the applicable budget submission: *Provided further*, That the Secretary of Defense shall provide an annual report to the Congress on all transfers made from this appropriation: *Provided further*, That contracts or other obligations entered into payable in foreign currencies may be recorded as obligations based on the currency exchange rates used in preparing budget submissions and adjustments to reflect fluctuations in such rates may be recorded as disbursements are made.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

42 USC 3374.

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), \$1,000,000.

GENERAL PROVISIONS

Prior appropri-
ations.

SEC. 101. Funds appropriated to the Department of Defense 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 Ninety-sixth 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.

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.

Foreign projects.

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.

Family housing limitations.

SEC. 111. Appropriations made available for "Family Housing, Defense" for construction and debt payment prior to September 17, 1978, shall not be available for obligation after September 30, 1983, and such funds shall be accounted for without distinction with funds appropriated for the same purposes in the Military Construction Appropriation Act, 1979.

SEC. 112. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

Notification to Committee on Appropriations.

SEC. 113. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any base realignment or closure activity, until all terms, conditions and requirements of the National Environmental Policy Act have been complied with, with respect to each such activity.

Base realignment or closure activities.

SEC. 114. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

Steel, procurement.

SEC. 115. (a) Funds appropriated under this Act for the Air Force shall be available in an amount not to exceed \$1,000,000 to assist States and local governments in potential MX basing areas in meeting the costs of establishing planning organizations to conduct studies on and develop plans with respect to possible community impacts of the MX program, including studies and plans with respect to environmental and socioeconomic impacts, State and community land use planning, and public facility requirements.

MX bases, community impact studies.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section. The heads of all departments and agencies shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

MX missile basing mode.

SEC. 116. None of the funds appropriated under this Act to continue development of the MX Missile may be used in a fashion which would commit the United States to only one basing mode for the MX missile system.

Short title.

This Act may be cited as the "Military Construction Appropriation Act, 1980".

Approved November 30, 1979.

Sec. 115. None of the funds appropriated under this Act for the MX missile basing mode shall be available in an amount not to exceed \$1,000,000 to State and local government or potential MX basing areas in order to study and develop plans with respect to possible community impacts of the MX program, including studies and plans with respect to environmental and socioeconomic impacts, State and community land use planning, and utility facility requirements.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal systems. The Secretary shall also be authorized to appropriate funds made available under this Act to supplement such systems.

Sec. 114. The funds appropriated under this Act for the MX missile basing mode shall be available in an amount not to exceed \$1,000,000 to State and local government or potential MX basing areas in order to study and develop plans with respect to possible community impacts of the MX program, including studies and plans with respect to environmental and socioeconomic impacts, State and community land use planning, and utility facility requirements.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal systems. The Secretary shall also be authorized to appropriate funds made available under this Act to supplement such systems.

Sec. 113. None of the funds appropriated in this Act for minor construction shall be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

Sec. 112. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any new construction or other activity until all terms, conditions and requirements of the National Environmental Policy Act have been complied with with respect to each such activity.

Sec. 111. None of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel products, fabricated and manufactured, have been shown the opportunity to compete for such steel products.

Sec. 110. None of the funds appropriated under this Act for the MX missile basing mode shall be available in an amount not to exceed \$1,000,000 to State and local government or potential MX basing areas in order to study and develop plans with respect to possible community impacts of the MX program, including studies and plans with respect to environmental and socioeconomic impacts, State and community land use planning, and utility facility requirements.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal systems. The Secretary shall also be authorized to appropriate funds made available under this Act to supplement such systems.

Sec. 109. None of the funds appropriated in this Act shall be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

Sec. 108. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any new construction or other activity until all terms, conditions and requirements of the National Environmental Policy Act have been complied with with respect to each such activity.

Sec. 107. None of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel products, fabricated and manufactured, have been shown the opportunity to compete for such steel products.

Sec. 106. None of the funds appropriated in this Act for minor construction shall be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

Sec. 105. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any new construction or other activity until all terms, conditions and requirements of the National Environmental Policy Act have been complied with with respect to each such activity.

Sec. 104. None of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel products, fabricated and manufactured, have been shown the opportunity to compete for such steel products.

Sec. 103. None of the funds appropriated in this Act for minor construction shall be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committee on Appropriations.

Sec. 102. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any new construction or other activity until all terms, conditions and requirements of the National Environmental Policy Act have been complied with with respect to each such activity.

Sec. 101. None of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel products, fabricated and manufactured, have been shown the opportunity to compete for such steel products.

LEGISLATIVE HISTORY:

- HOUSE REPORTS:** No. 96-246 (Comm. on Appropriations) and No. 96-626 (Comm. of Conference).
- SENATE REPORT** No. 96-407 (Comm. on Appropriations).
- CONGRESSIONAL RECORD**, Vol. 125 (1979):
 - June 18, considered and passed House.
 - Nov. 13, considered and passed Senate, amended.
 - Nov. 16, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
 - Nov. 19, Senate agreed to conference report and concurred in House amendments.