

Public Law 96-436
96th Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

Oct. 13, 1980
[H.R. 7592]

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, 1981, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military
Construction
Appropriation
Act, 1981.

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, \$857,834,000, of which \$840,000 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, 1985: *Provided*, That of this amount, not to exceed \$74,950,000 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: *And provided further*, That \$4,700,000 of the funds available for planning and design shall be available only for activities related to the conversion of facilities to alternative fuels.

93 Stat. 1017.
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, \$775,273,000, to remain available until September 30, 1985: *Provided*, That of this amount, not to exceed \$63,790,000 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: *Provided further*, That \$1,000,000 of the funds available for planning and design shall be available only to assist State and local governments in community impact planning for the

Notification to
congressional
committees.

fleet submarine support base at Kings Bay, Georgia: *And provided further*, That \$8,100,000 of the funds available for planning and design shall be available only for activities related to the conversion of facilities to alternative fuels.

MILITARY CONSTRUCTION, AIR FORCE

Notification to
congressional
committees.

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, 2674, and 2675 of title 10, United States Code, \$861,125,000, to remain available until September 30, 1985: *Provided*, That of this amount, not to exceed \$139,400,000 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: *Provided further*, That \$5,000,000 of the funds available for planning and design shall be available only to assist State and local governments in community impact planning in potential MX basing areas: *Provided further*, That no part of the funds in this Act may be used to transfer or move chemical or gas weapons into MX impacted areas: *And provided further*, That \$6,000,000 of the funds available for planning and design shall be available only for planning and design for activities related to the conversion of facilities to alternative fuels.

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, \$245,600,000, to remain available until September 30, 1985; 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 of the amount appropriated, not to exceed \$7,000,000 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.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area as authorized in military construction acts, \$250,000,000, to remain available until expended:

Provided, That unexpended balances of funds, as determined by the Secretary of Defense, heretofore appropriated under the headings "Military Construction, Army" and "Military Construction, Defense Agencies" may be transferred to this appropriation.

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, \$42,269,000, to remain available until September 30, 1985.

10 USC 2231 *et seq.*

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, \$83,200,000, to remain available until September 30, 1985.

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, \$43,200,000, to remain available until September 30, 1985.

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, \$33,000,000, to remain available until September 30, 1985.

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, \$21,600,000, to remain available until September 30, 1985.

MILITARY CONSTRUCTION, RESERVE COMPONENTS

GENERALLY

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Armed Forces, \$3,742,000, to be allocated by the Secretary of Defense for the Army Reserve.

FAMILY HOUSING, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

42 USC 1594a-1.

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, \$2,007,893,000, 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, \$82,133,000;

For the Navy and Marine Corps:

Construction, \$86,786,000;

For the Air Force:

Construction, \$53,575,000;

For the Defense Agencies:

Construction, \$468,000;

For the Department of Defense:

Debt payment, \$133,605,000;

Operation, maintenance, \$1,651,326,000;

Provided, That the amounts provided under this head for construction, and for debt payment, shall remain available until September 30, 1985: *Provided further*, That funds previously appropriated under this head in fiscal year 1979 and prior fiscal years for construction in the amount of \$400,000 for the Navy and Marine Corps, and for debt payment in the amount of \$18,251,000 for the Department of Defense shall be transferred and merged in the Family Housing Management Account with, and be available for the same period as, the funds appropriated in this Act for construction and debt service for such departments and agencies, and such funds may be obligated and expended for such purposes: *Provided further*, That of the amounts appropriated for operation and maintenance, not less than \$811,711,000 shall be available only for the maintenance of real property facilities.

GENERAL PROVISIONS

Prior appropriations.

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 second 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.

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.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles. Motor vehicles, hire.
31 USC 638f.

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. Access roads, construction.
31 USC 700b.

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. New bases.

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. Land purchases or easements.

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. None of the funds appropriated in this Act may be used for 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. 112. 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. 113. 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. 42 USC 4321 note.
Steel, procurement.

SEC. 114. None of the funds available to the Department of Defense for military construction during the current fiscal year may be obligated for projects under the authority of section 402 of the Military Construction Authorization Act, 1980, or similar provisions Notification to congressional committees.
93 Stat. 939.

Indian Ocean
dredging.

Solar energy
systems,
installation.

Vandenberg Air
Force Base,
Calif.

MX missile
facilities, design.

Naval medical
facility, San
Diego, Calif.

Consulting
service
contracts.

in prior-year military construction authorization Acts until twenty-one days have passed after the Secretary of Defense has notified the Committees on Appropriations of the Senate and the House of Representatives of the purpose and estimated cost of construction for which these funds are to be used under such authorities.

SEC. 115. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive bid of a United States contractor does not exceed the lowest responsive bid of a foreign contractor by greater than 20 per centum.

SEC. 116. During the current fiscal year none of the funds available to the Department of Defense for military construction or family housing shall be available to furnish or install solar energy systems in new facilities (including family housing) unless such systems can be shown to be cost effective using the sum of all capital and operating expenses associated with the energy system of the building involved over the expected life of such system or during a period of twenty-five years, whichever is shorter, and using marginal fuel costs as determined by the Secretary of Defense and at a discount rate of 7 per centum per year.

SEC. 117. No part of the funds appropriated in this Act for construction of space transportation system facilities at Vandenberg Air Force Base, California, may be obligated until the first rollout of the Space Shuttle has been accomplished.

SEC. 118. No part of the funds appropriated in this Act may be obligated for design of any site-specific facilities for the MX missile system until all terms, conditions, and requirements of the National Environmental Policy Act (42 U.S.C. 4332) are met, which will include a complete analysis of a split basing alternative.

SEC. 119. No part of the funds appropriated in this Act may be used for the design of an area security system for the MX missile system.

SEC. 120. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 121. None of the funds appropriated under this Act to construct facilities required for and associated with a Naval hospital or medical center in San Diego, California, may be used unless such construction is performed on real property in which the interests of the United States is at least fee title: *Provided, however*, That fee title may be subject to a reverter to the City of San Diego in the event and at such time as the United States shall cease to use the property for a site for a Naval hospital or medical center, and for related purposes.

SEC. 122. No part of the funds appropriated in this Act may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 123. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 124. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or

contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 125. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

Overdue debts.

SEC. 126. (a) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

Report to congressional committees.
31 USC 28.
31 USC 2.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Report to Congress.

SEC. 127. No part of the funds appropriated in this Act may be used for the purchase of foreign steel for the construction of the shelters or bases of the proposed MX missile system.

This Act may be cited as the "Military Construction Appropriation Act, 1981".

Short title.

Approved October 13, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1097 (Comm. on Appropriations) and 96-1433 (Comm. of Conference).

SENATE REPORT No. 96-931 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 126 (1980):

June 27, considered and passed House.

Sept. 17, considered and passed Senate, amended.

Sept. 30, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report and concurred in House amendments.