

APPROVED
JUL 16 1976

87/10/76

THE WHITE HOUSE
WASHINGTON
July 12, 1976

ACTION
Last Day: July 17

Posted
7/16/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *Jac*

SUBJECT:

H.R. 14235 - Military Construction
Appropriation Act, FY 77

Archives
7/16/76

Attached for your consideration is H.R. 14235, sponsored by Representative Sikes, which appropriates \$3,451,306,000 for military construction activities in FY 77.

The total amount appropriated by the bill is \$128,241,000 below the amended budget request of \$3,579,547,000. As detailed in OMB's bill report at Tab A, you vetoed H.R. 12384, the Military Construction Authorization bill, however, availability of funds in this appropriation account is not legally contingent on the passage of the authorization act.

OMB, NSC, Max Friedersdorf, Bill Seidman, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 14235 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H. R. 14235 - Military Construction
Appropriation Act, fiscal year 1977
Sponsor - Representative Sikes (D), Florida

Last Day for Action

July 17, 1976 (Saturday)

Purpose

Appropriates \$3,451,306,000 for military construction activities in fiscal year 1977.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval (informally)

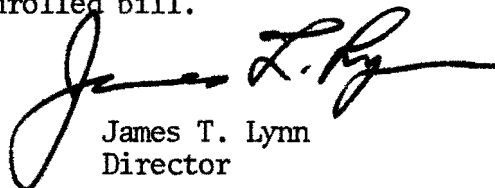
Discussion

The total amount appropriated by the bill is \$128,241,000 below the amended budget request of \$3,579,547,000. The reductions by appropriation account are set forth in the attachment.

These appropriations fund the 1977 military construction program which was reviewed by the Congress. You vetoed H. R. 12384, the Military Construction Authorization Bill, because it contained unacceptable program restrictions in Section 612, which would have established detailed procedures to govern certain base closures, reductions or realignments. However, this bill is a separate legislative entity and contains no objectionable features. We can decide subsequently whether to implement this program now or to wait until an acceptable version of the Military Construction Authorization Bill is passed. Availability of funds in this appropriation account is not legally contingent on the passage of an authorization act.

Recommendation

I recommend that you sign the enrolled bill.


James T. Lynn
Director

Enclosure

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1977

	<u>Budget Estimate</u>	<u>Enrolled Bill</u>	<u>Congressional Change</u>
Appropriation:			
Budget Authority	\$3,467,000,000	\$3,338,759,000	\$-128,241,000
Debt Reduction	112,547,000	112,547,000	No change
	<u>\$3,579,547,000</u>	<u>\$3,451,306,000</u>	<u>\$-128,241,000</u>

By Appropriation Account

Military construction:			
Army	\$ 649,500,000	\$ 580,868,000	\$ -68,632,000
Navy	595,200,000	549,935,000	-45,265,000
Air Force	802,300,000	788,079,000	-14,221,000
Defense Agencies	81,100,000	41,396,000	-39,704,000
By transfer	(20,000,000)	(20,000,000)	(No change)
Army and Air			
National Guards	74,800,000	98,328,000	+23,528,000
Army, Naval and Air			
Force Reserves	73,800,000	88,177,000	+14,377,000
Family Housing:	1,302,847,000	1,304,523,000	+ 1,676,000
1/ Payment of mortgage			
principals on			
Capehart and Wherry			
housing indebtedness	-112,547,000	-112,547,000	No change

Change by Major Element
(In thousands of dollars)

	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Defense Agencies</u>	<u>Total</u>
Regular program	-68,632	-45,265	-14,221	-39,704	-167,822
Reserve program	+20,732	+6,800	+10,373	-0-	+37,905
Family housing	-0-	-0-	+1,676	-0-	+1,676
Total Change	<u>-47,900</u>	<u>-38,465</u>	<u>-2,172</u>	<u>-39,704</u>	<u>-128,241</u>

1/ Amount for debt reduction is not considered budget authority and, therefore, is excluded from the total.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 13

Time: 430pm

FOR ACTION: NSC/S *ok*
Max Friedersdorf *ok*
Ken Lazarus *ok*
Bill Seidman

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 14

Time: 500pm

SUBJECT:

H.R. 14235-Military Construction
Appropriation Act, FY 77

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston ground floor west wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 13

Time: 430pm

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazarus
Bill Seidman ✓

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 14

Time: 500pm

SUBJECT:

H.R. 14235-Military Construction
Appropriation Act, FY 77

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston ground floor west wing

*approval
JWS*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

July 14, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: H.R. 14235 - Military Construction
Appropriation Act, FY 77

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

7/16

To: J. S. [unclear]
7-13-76
4:00 p.m.

JUL 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H. R. 14235 - Military Construction
Appropriation Act, fiscal year 1977
Sponsor - Representative Sikes (D), Florida

Last Day for Action

July 17, 1976 (Saturday)

Purpose.

Appropriates \$3,451,306,000 for military construction activities in fiscal year 1977.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval (informally)

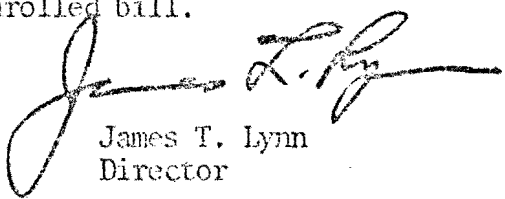
Discussion

The total amount appropriated by the bill is \$128,241,000 below the amended budget request of \$3,579,547,000. The reductions by appropriation account are set forth in the attachment.

These appropriations fund the 1977 military construction program which was reviewed by the Congress. You vetoed H. R. 12384, the Military Construction Authorization Bill, because it contained unacceptable program restrictions in Section 612, which would have established detailed procedures to govern certain base closures, reductions or realignments. However, this bill is a separate legislative entity and contains no objectionable features. We can decide subsequently whether to implement this program now or to wait until an acceptable version of the Military Construction Authorization Bill is passed. Availability of funds in this appropriation account is not legally contingent on the passage of an authorization act.

Recommendation

I recommend that you sign the enrolled bill.


James T. Lynn
Director

Enclosure

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 13

Time: 430pm

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazarus ✓
Bill Seidman

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 14

Time: 500pm

SUBJECT:

H.R. 14235-Military Construction
Appropriation Act, FY 77

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston ground floor west wing

No objection -- Ken Lazarus 7/14/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.


James M. Cannon
For the President

MEMORANDUM

NATIONAL SECURITY COUNCIL

4052

July 14, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis 
SUBJECT: H. R. 14235

The NSC Staff concurs with the proposed enrolled bill H. R. 14235 -
Military Construction Appropriation Act, Fiscal Year 1977.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1977, 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 September 30, 1977, 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, \$580,868,000, 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, \$549,935,000, 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, \$788,079,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

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, \$41,396,000, to remain available until expended; 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 none of the funds appropriated under this paragraph may be expended for the cleanup of Enewetak Atoll until such time as the Secretary of Defense receives certification from appropriate administering authorities of the Trust Territory of the Pacific Islands that an agreement has been reached with the owners of the land of Enewetak Atoll or their duly constituted representatives that this appropriation shall constitute the total commitment of the Government of the United States for the cleanup of Enewetak Atoll.

All feasible economies should be realized in the accomplishment of this project, through the use of military services' construction and support forces, their subsistence, equipment, material, supplies and transportation, which have been funded to support ongoing operations of the military services and would be required for normal operations of these forces. Further, such support should be furnished without reimbursement from military construction funds.

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, \$61,128,000, 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, \$37,200,000, 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, \$53,804,000, 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, \$23,600,000, 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, \$10,773,000 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, \$1,304,523,000, 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, \$34,410,000;

For the Navy and Marine Corps:

Construction, \$35,175,000;

For the Air Force:

Construction, \$10,966,000;

For Defense agencies:

Construction, \$25,000;

For Department of Defense:

Debt payment, \$158,747,000;

Operation, maintenance, \$1,065,200,000:

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

GENERAL PROVISIONS

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-fourth 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.

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.

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.

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.

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.

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.

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. 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.

This Act may be cited as the "Military Construction Appropriation Act, 1977".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*