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26 APR 1978

OLC #78-1719/1

MEMORANDUM FOR: Deputy Director for Administration

VIA: Director of Logistics

FROM: 25X1 [redacted]
Deputy Chief, Real Estate and Construction Division, OL

SUBJECT: DIA Building Location

REFERENCES: (a) Memo dtd 20 Apr 78 to DDA fr DCI, same subject (ER 78-1219; DD/A 78-0094/2; OL 8 1748)

(b) Memo dtd 3 Nov 77 to DCI fr DC/RECD/OL, subject: Additional Information Regarding Relocation of CIA/DIA Facilities (OL 7 5024)

1. In the recent discussion between the DCI and the Secretary of Defense concerning the DIA Building location, several questions were raised about which the DCI requested further information. The questions are restated and answered below:

a. Question: The Secretary of Defense's staff indicated that it will now take three years to get all the clearances to build in Langley. Please check what they said when we did the original study on this.

Answer: The original study, dated 7 October 1977, and jointly prepared by CIA and DIA (subsequently, at the request of the DCI, superseded by reference (b)) indicated that the construction of the DIA Building at Langley ". . . would delay the DIA project several years while the necessary engineering analyses and, more importantly, Government approvals were obtained." This statement was based on DIA's experience at Bolling (wherein approximately six years were required to obtain these approvals, albeit with several redirections of the entire project) and GSA's advice that 18 months

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is the average time for such approvals. CIA's subsequent study (reference (b)) indicated that if, through the DCI's direct involvement, it could be ensured that Congressional approval and funding and local governmental approvals could all be obtained within a maximum of nine months, the project could be completed by 1982, the then projected DIA project completion date.

b. Question: Outline for me the steps that we would have to go through to get permission to put the DIA Building in Langley and what are my extraordinary authorities in this regard.

Answer: Three basic steps are required: funding and project approval, regulatory agency and public coordination, and design and construction.

(1) Regarding funding and project approval, we believe that as a minimum the full support of the Secretary of Defense and OMB would be required as would the specific approval of Congress. The Office of Legislative Counsel and Comptroller would be in the best position to comment on the specific actions which would be required by each of the parties and, of course, only the DCI is in a position to judge the political feasibility of the proposal.

(2) Regarding regulatory agency and public coordination, as a minimum it would be necessary to coordinate with the Environmental Protection Agency, Council on Environmental Quality, National Capital Planning Commission, Housing and Urban Development, GSA, Fairfax County, Commonwealth of Virginia, and a number of private citizens groups. Of particular concern are delays which might result because of legal actions initiated by affected private citizens or civic groups. The history of the Route 66 Corridor Project is a vivid example of the delays which can result should local government or citizen opposition develop and be pursued within the legal system. Regulatory agency and public coordination must proceed concurrently with project and funding approvals if delays are to be minimized.

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(3) Regarding design and construction, normally, and in compliance with legal and procedural guidelines, such activities would be pursued sequentially and contracted for on a formally advertised, firm, fixed-price basis. In order to complete construction within originally estimated time frames, it would be necessary for the Agency to contract directly on a negotiated, sole source basis for both design and construction, thus permitting these activities to proceed concurrently. Overt CIA construction of the magnitude and type envisioned at Langley would normally be the prerogative of the Administrator of GSA. Based upon certification of operational necessity, it might be possible to bypass GSA citing the DCI's unique authorities permitting expenditure of funds without regard to the provisions of law and regulations as contained in Sections 8.a. and 8.b. of the CIA Act of 1949. This would, of course, have to be confirmed by the Office of General Counsel (OGC). If utilization of these DCI extraordinary authorities is not considered feasible, then previous experience would indicate that direct Congressional or Presidential participation is required. This conclusion is based upon experience with construction of the Headquarters Building itself (in which Congress directly authorized methods of funding and construction) and the conversion of [redacted] (in which direct Presidential intervention permitted extraordinary contractual procedures). 25X1

2. The above is a succinct summary of a legally and politically complex issue. The Office of Logistics, in concert with OGC and other staff elements, can provide further detail as required.

25X1 [redacted]

Att:
Reference (a)

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