

FOIA MARKER

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Folder Title:

Chron File - July 1993 #4 [5]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

46

Row:	Section:	Shelf:	Position:	Stack:
31	3	2	2	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memcon	For the Record. Subject: Memcon of 30 July SecDef Phone Call to Russian MOD Grachev. (1 page)	07/30/1993	P1/b(1)
002a. letter	[Personally Identifiable Information] [partial] (1 page)	06/24/1993	b(6)
002b. letter	[Personally Identifiable Information] [partial] (1 page)	06/17/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 46

FOLDER TITLE:

Chron File - July 1993 #4 [5]

2016-0152-F

vz4445

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

TO: BUMPERS, DALE L
ET AL

FROM: PRESIDENT

DOC DATE: 26 JUL 93
SOURCE REF:

KEYWORDS: DEFENSE BUDGET
CO

DEFENSE POLICY

PERSONS: PENNY, TIMOTHY J
SASSER, JIM

WOOLSEY, LYNN C

SUBJECT: PRES LTR TO SEN BUMPERS & OTHERS RE TRIDENT D-5 MISSILE PROCUREMENT

ACTION: PRES SGD LTRS

DUE DATE: 20 JUL 93 STATUS: C

STAFF OFFICER: HAHN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
NSC CHRON
ROSNER

COMMENTS: _____

DISPATCHED BY RA DATE 7/26 BY HAND W/ATTCH

OPENED BY: NSMEM

CLOSED BY: NSKDB

DOC 4 OF 4

THE WHITE HOUSE

WASHINGTON

July 26, 1993

Dear Dale:

Thank you for your letter proposing that procurement of Trident D-5 submarine-launched ballistic missiles (SLBMs) be terminated after Fiscal Year 1993 (FY93).

As you know, the United States currently plans to deploy a fleet of eighteen Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. My FY94 budget request contains \$1.14 billion to procure the next annual increment of D-5 SLBMs to go aboard the Trident SSBNs. Although the Bottom-Up Review (BUR) is considering a number of options for the Trident SSBN levels below the eighteen currently planned, no decisions have been made to do so.

I appreciate that you are not recommending that we reduce the Trident fleet below eighteen or that we deploy fewer total warheads on these Tridents than the Navy currently plans -- 1,728. Nonetheless, your suggestion that we equip fewer D-5 missiles with more warheads and "detube" our Tridents would open a Pandora's box in terms of proposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to ignore the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unravelling of the meticulously negotiated dismantlement procedures contained in both accords.

For this and other reasons which Secretary Aspin has enunciated in a recent letter to the congressional defense committees, I am opposed to any proposal to terminate D-5 production after FY 1993.

Sincerely,



The Honorable Dale Bumpers
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

July 26, 1993

Dear Mr. Chairman:

Thank you for your letter proposing that procurement of Trident D-5 submarine-launched ballistic missiles (SLBMs) be terminated after Fiscal Year 1993 (FY93).

As you know, the United States currently plans to deploy a fleet of eighteen Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. My FY94 budget request contains \$1.14 billion to procure the next annual increment of D-5 SLBMs to go aboard the Trident SSBNs. Although the Bottom-Up Review (BUR) is considering a number of options for the Trident SSBN levels below the eighteen currently planned, no decisions have been made to do so.

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For this and other reasons which Secretary Aspin has enunciated in a recent letter to the congressional defense committees, I am opposed to any proposal to terminate D-5 production after FY 1993.

Sincerely,



The Honorable Mr. Jim Sasser
Chairman, Committee on the Budget
United States Senate
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

July 26, 1993

Dear Tim:

Thank you for your letter proposing that procurement of Trident D-5 submarine-launched ballistic missiles (SLBMs) be terminated after Fiscal Year 1993 (FY93).

As you know, the United States currently plans to deploy a fleet of eighteen Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. My FY94 budget request contains \$1.14 billion to procure the next annual increment of D-5 SLBMs to go aboard the Trident SSBNs. Although the Bottom-Up Review (BUR) is considering a number of options for the Trident SSBN levels below the eighteen currently planned, no decisions have been made to do so.

I appreciate that you are not recommending that we reduce the Trident fleet below eighteen or that we deploy fewer total warheads on these Tridents than the Navy currently plans -- 1,728. Nonetheless, your suggestion that we equip fewer D-5 missiles with more warheads and "detube" our Tridents would open a Pandora's box in terms of proposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to ignore the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unravelling of the meticulously negotiated dismantlement procedures contained in both accords.

For this and other reasons which Secretary Aspin has enunciated in a recent letter to the congressional defense committees, I am opposed to any proposal to terminate D-5 production after FY 1993.

Sincerely,



The Honorable Timothy J. Penny
U.S. House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

July 26, 1993

Dear Lynn:

Thank you for your letter proposing that procurement of Trident D-5 submarine-launched ballistic missiles (SLBMs) be terminated after Fiscal Year 1993 (FY93).

As you know, the United States currently plans to deploy a fleet of eighteen Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. My FY94 budget request contains \$1.14 billion to procure the next annual increment of D-5 SLBMs to go aboard the Trident SSBNs. Although the Bottom-Up Review (BUR) is considering a number of options for the Trident SSBN levels below the eighteen currently planned, no decisions have been made to do so.

I appreciate that you are not recommending that we reduce the Trident fleet below eighteen or that we deploy fewer total warheads on these Tridents than the Navy currently plans -- 1,728. Nonetheless, your suggestion that we equip fewer D-5 missiles with more warheads and "detube" our Tridents would open a Pandora's box in terms of proposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to ignore the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unravelling of the meticulously negotiated dismantlement procedures contained in both accords.

For this and other reasons which Secretary Aspin has enunciated in a recent letter to the congressional defense committees, I am opposed to any proposal to terminate D-5 production after FY 1993.

Sincerely,



The Honorable Lynn C. Woolsey
U.S. House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

July 24, 1993 00 11:24 P2:07

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter to Senator Bumpers and Others on Trident D-5
Missile Procurement

Purpose

To respond to a letter from Senators Bumpers and Sasser and Representatives Penny and Woolsey (Tab C) recommending that procurement of Trident D-5 submarine-launched ballistic missiles (SLBMs) be terminated after Fiscal Year 1993 (FY93).

Background

The Navy is currently planning on deploying a fleet of eighteen Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. The fourteenth Trident was commissioned earlier this month. Funding for all eighteen have been authorized and appropriated by Congress.

Your FY94 budget request contains \$1.14 billion to procure the next increment of D-5 SLBMs to go aboard the Trident SSBNs. Although the Bottom-Up Review (BUR) is considering a number of options for the Trident SSBN levels below the eighteen currently planned, no decisions have been made. In addition, procurement of D-5 SLBMs in FY94 and FY95 is required in the unlikely event the BUR were to recommend -- and you were to approve -- taking the Trident fleet down to ten boats.

In their letter, Senators Bumpers and Sasser and Representatives Penny and Woolsey do not recommend reducing the Trident fleet below eighteen; nor do they recommend deploying fewer total warheads on these Tridents than the Navy currently plans -- 1,728. Instead, they recommend that to avoid having to procure additional D-5 missiles, we instead equip each D-5 with twice as many warheads as the United States plans under START II (eight vice four) and leave half of the SLBM launchers (or "tubes") on each of the eighteen Tridents empty. To avoid having these empty tubes count against START II ceilings (which would put us in

cc: Vice President
Chief of Staff

violation of the Treaty), the Members recommend that the United States negotiate a "detubing" agreement in the five-nation START implementation body, the Joint Compliance and Implementation Commission (JCIC), under which these launchers would not count even though they had not been dismantled.

The problem with this "detubing" idea is that it would open a Pandora's Box in terms of proposals by our START partners for relief from weapons elimination requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to ignore the strict START SLBM launcher elimination procedures, each of these states would most likely demand a quid pro quo in areas under both START and CFE (the "Conventional Forces in Europe" treaty) where they are already pressing us to simplify or waive weapons elimination requirements. The result could be an unravelling of the meticulously negotiated dismantlement procedures contained in both accords.

For this and other reasons, Secretary Aspin has recently written the congressional defense committees (Tab B) to advise them of his support for continued D-5 SLBM production.

RECOMMENDATION

That you sign the letters at Tab A expressing your opposition to the course of action recommended by the four Senators and Representatives.

Attachments

Tab A	Letters to Members of Congress
Tab B	Secretary of Defense Letter to Defense Committees
Tab C	Incoming Correspondence from Members of Congress

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 21, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT BELL *RB*

SUBJECT: Letter to Senator Bumpers, Et Al, Re Trident
Missile Termination

Senators Bumpers and Sasser and Representatives Penny and Woolsey have written the President (Tab C) to propose that no additional Trident D-5 missiles be procured. The President's FY 1994 budget request includes \$1.14 billion to procure the next annual increment of 24 D-5 missiles. Secretary Aspin has recently written the congressional defense committees (Tab B) expressing his strong support for the President's budget request for D-5 procurement.

Concurrence: *DR* Jeremy Rosner

RECOMMENDATION

That you forward the memo to the President at Tab I recommending that he sign the letters at Tab A to the four Members opposing their proposal.

Attachments

Tab I	Memo to the President
Tab A	Letters to Four Members of Congress
Tab B	Secretary of Defense Letter to Defense Committees
Tab C	Incoming Correspondence from Members



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1000

17 9 JUL 1993

Honorable Sam Nunn
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In advance of the upcoming mark-up of the President's FY 93-94 Defense Budget, I would like to reaffirm the importance I attach to continued Trident II (D-5) missile production.

While the risk of nuclear war is at an all time low, maintaining a robust and credible nuclear deterrent is critical as we work to reduce the residual nuclear threat. Looking out to our nuclear force under START II, the United States will rely more heavily on submarine launched ballistic missiles (SLBMs). Terminating D-5 missile production now would have the following adverse consequences:

The D-5 missile production requested for FY 94 and FY 95 is required to equip the ten Atlantic SSBNs scheduled to carry D-5 missiles, of which five are now operational and the remainder are in various stages of construction. Continued production in these years will be needed even if we were to reduce the number of operational tests to below currently accepted levels. D-5 procurement in FY96 and beyond depends upon future judgments regarding overall Trident submarine force size, the possible D-5 retrofit of C-4 missiles now carried by older Trident submarines, and the size of the operational test program.

Modifying the submarines under construction -- as some have suggested -- to carry C-4 missiles would leave us with brand new SSBNs carrying an aging, less capable missile whose service life is limited.

Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provide a key and unique hedge against future uncertainties.

Finally, ending production would also eliminate incentives for Russia to implement both START I and START II. While we are optimistic that START I and II will ultimately enter into force, it is highly premature and unwise to make force structure decisions now -- such as stopping D-5 missile production -- based on that optimism.

Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

A handwritten signature, likely of J. R. Quinn, is located at the bottom center of the page. The signature is written in dark ink and is somewhat stylized.

THE WHITE HOUSE

WASHINGTON

July 15, 1993

MEMORANDUM FOR WILLIAM ITOH

FROM: HOWARD G. PASTER 
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached is a copy of letter sent to the President from several members of Congress.

Since these letters address national security issues, I would appreciate your assistance in drafting a response.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Enclosure

Congress of the United States
House of Representatives

93 JUL 14 P 6: 18 Washington, DC 20515

July 9, 1993

President Bill Clinton
The White House
1600 Pennsylvania Avenue N.W.
Washington D.C. 20500

Dear Mr. President:

The Trident II (D-5) missile has become a significant issue in the U.S. Congress. This submarine-launched ballistic missile is one of the last remaining nuclear weapon delivery systems still being procured by the U.S. However, vastly improved superpower relations, a reduction in nuclear arsenals under the START agreements, and large federal budget deficits all dictate that we should save billions of dollars by ending procurement of the D-5 missile after FY 1993.

The Department of Defense plans to spend \$4.4 billion for D-5 missile procurement over the next five years. The DoD has requested \$1.2 billion in FY 1994 alone. We have sponsored legislation this year seeking to end procurement of the D-5 missile after FY 1993. With careful planning, we believe that the U.S. can adopt an appropriate mix of warheads and missiles which would save billions of dollars. Part of that planning should involve consultations with the other parties to the START agreements on the possibility of allowing the reduction of the number of Trident II (D-5) missiles on each submarine.

The START agreements between the U.S. and Russia specify the allowed number of deployed strategic nuclear warheads and delivery systems for the two countries. Under START II, the U.S. may deploy a maximum of 1,750 submarine-based nuclear warheads as part of the overall total of 3,500 strategic nuclear warheads.

Currently, the Navy plans to deploy ten Trident II submarines each carrying 24 D-5 missiles (and four nuclear warheads per missile). There are already eight Trident I submarines deployed - each carrying 24 C-4 missiles (and four nuclear warheads per missile). The two Trident fleets would carry a total of 1,728 warheads under this plan - which is just within the START II limits.

Our proposal would retain the Trident I submarine fleet as it is currently configured, but makes an adjustment to the missile and warhead mix of the Trident II submarines. We propose that each of the ten Trident II submarines carry 12 D-5 missiles (and eight nuclear warheads per missile), rather than 24 D-5 missiles (and four nuclear warheads per missile). Our proposal would also result in a total of 1,728 submarine-based nuclear warheads.

The collapse of the Soviet Union should have greatly reduced the number of targets against which our submarine-launched ballistic missiles are aimed. Strategic deterrence can certainly be maintained with the twelve missile per boat option.

According to the START II agreement, the D-5 missile may carry between four and eight warheads each, but each Trident submarine is counted as having 24 missiles regardless of the number of missiles actually deployed on the submarines. Hence, even if the U.S. decided to reduce its D-5 missile procurement and deploy only twelve missiles per submarine, the number of missiles deployed would still be counted at 24 under the START II agreement.

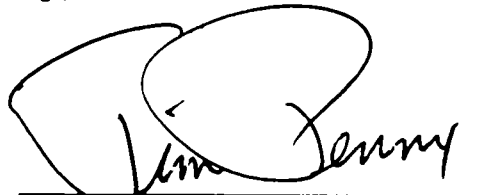
However, the U.S. could seek an understanding with Russia on these counting rules through the Bilateral Implementation Commission or the Joint Compliance and Inspection Commission (most likely avoiding an amendment to START).

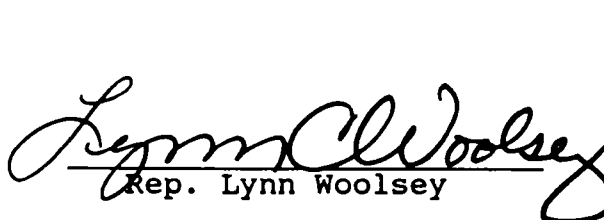
On a related issue, we believe that the planned backfit of the eight Trident I submarines (currently carrying the C-4 missile) to carry the D-5 missile should be canceled. Terminating this unnecessary program would save over \$2 billion and would decrease the need for additional D-5 missiles.

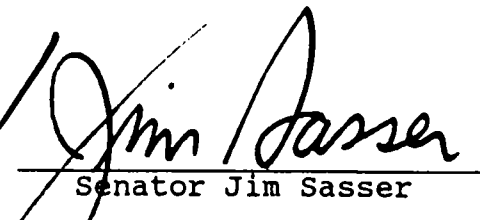
We would appreciate the views of your administration on these issues. Due to the fact that these issues will be debated on the floor of the House and the Senate in the near future, we ask that any comments be sent as soon as possible.

Sincerely,


Senator Dale Bumpers


Rep. Timothy J. Penny


Rep. Lynn Woolsey


Senator Jim Sasser

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9305586
RECEIVED: 28 JUL 93 08

TO: LAKE

FROM: HAHN
BELL

DOC DATE: 27 JUL 93
SOURCE REF:

KEYWORDS: CAL LUNCH
NUCLEAR MATTERS

NAVY
ENVIRONMENT

PERSONS:

SUBJECT: CAL LUNCHEON ITEM -- NAVY SPENT NUCLEAR FUEL

ACTION: NOTED BY LAKE

DUE DATE: 31 JUL 93 STATUS: C

STAFF OFFICER: HAHN

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
HAHN
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEM

CLOSED BY: NSJDA

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9305586

DOC ACTION OFFICER

001 LAKE
001

CAO ASSIGNED ACTION REQUIRED

Z 93072808 FOR DECISION
X 93080508 NOTED BY LAKE

UNCLASSIFIED

REC'd 7/28 1:00am

JWR
7/28

National Security Council
The White House

PROOFED BY: WHL

LOG # 5586

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG WHL AVO _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>1</u>	<u>WHL</u>	
ExecSec			
Staff Director			
D/APNSA	<u>2</u>	<u>cy provided</u>	
APNSA	<u>3</u>	<u>Natl Sec Advisor has seen</u>	
Situation Room			
West Wing Desk	<u>4</u>	<u>WHL</u>	<u>WHL</u>
NSC Secretariat	<u>5</u>		

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:
25 JUL 93 8:42

cc: NS
WHL
7/28

DISPATCH INSTRUCTIONS:

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

5586

July 27, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RB*

FROM: KEITH HAHN *KH*

SUBJECT: C-A-L Luncheon Agenda Item: Navy Spent Nuclear Fuel

Natl Sec Advisor
has seen

The U.S. District Court for Idaho recently issued an injunction concerning spent nuclear fuel activities at the Idaho National Engineering Laboratory (INEL). The injunction ordered DOE to prepare an Environmental Impact Statement (EIS) on all major federal actions involving the transportation, receipt, processing and storage of spent nuclear fuel at INEL. In addition, the court ordered a stop to the receipt, processing and storage of spent nuclear fuel at this site until the EIS is completed.

Senator Warner, Thurmond and others attempted to write legislation that would have exempted INEL from the National Environmental Protection Act (NEPA) requirements for an EIS. This was done without coordination with Senator Kempthorne of Idaho who succeeded in getting the amendment deferred. At his request, SASC has scheduled a hearing for Wednesday with Secretary of the Navy Dalton, Admiral DeMars (the Director of Naval Nuclear Propulsion), Admiral Arthur (the Vice Chief of Naval Operations) and DoE Assistant Secretary Grumbly.

Secretary O'Leary is optimistic that DoE can reach a settlement with the State of Idaho and opposes exemption from NEPA in this case. Clearly this would be the best solution. DoE will not support legislative relief until such time as it becomes clear than an accommodation with the State of Idaho cannot be reached. If legislation becomes necessary, DoE only supports a narrow and tailored solution that focuses specifically on the particular problems created by the injunction against shipment of Navy fuel to INEL during the time needed to complete the EIS.

The EIS covering all operations at INEL will probably take over a year to complete. The injunction remains in place until the State of Idaho is satisfied that all aspects have been adequately addressed. Therefore, the court order could have long-term (3-4 years) implications for DoD:

- Fuel removed from refueled or decommissioned ships will have to be kept in fuel casts on railcars sitting at sidings at the shipyards for the next two years. There is no capacity for storage beyond the next two years.
- Ships awaiting refueling will have to be kept tied alongside the pier until a storage site is available for spent fuel. Several thousand workers will be furloughed until work can continue.
- Local jurisdictions which host Navy yards where spent fuel will be kept in railcars or alongside the pier will likely seek judicial relief from the long-term presence of nuclear fuel.
- Inability to decommission Poseidon nuclear submarines could complicate U.S. compliance with launcher dismantlement requirements pursuant to the SALT I treaty.

The Justice Department will appeal on Friday for a stay on the injunction. DoE will support the appeal.

Concurrence by: Eileen Claussen *in draft*

RECOMMENDATION

That you ask Secretary Aspin his assessment of the national security implications of court order to stop the receipt, processing and storage of spent nuclear fuel at INEL. That you discuss whether to establish an interagency working group to look into this problem or leave the action with DoE.

Attachment

Tab I Defense News Article

U.S. Navy Loses Fuel Storage Option

Senate Decision Denies Service Nuclear Reprieve

By ROBERT HOLZER
And GEORGE LEOPOLD
Defense News Staff Writers

WASHINGTON — A U.S. Navy effort to gain a congressional exemption from a federal environmental law barring the service from continuing to store nuclear fuel in Idaho was stymied July 23 when the Senate Armed Services Committee opted to defer the issue rather than include the exemption in its 1994 defense authorization bill.

Failure to gain relief from Congress after a June 28 injunction imposed by U.S. District Judge Harold Ryan barring the further shipment of spent naval fuel to the Department of Energy's National Engineering Laboratory, Idaho Falls, Idaho, leaves the Navy with few options for disposal, observers said.

The failure to win a congressional exemption from the National Environmental Policy Act of 1969 also could jeopardize service plans to decommission nearly 50 nuclear-powered submarines and surface ships over the next decade, Navy sources said. Shipments of nuclear fuel are barred, pending completion of an environmental impact statement detailing the Navy's future plans for the site, Ryan ruled.

During the Senate panel's July 22 debate over the 1994 defense authorization bill, Sens. Sam Nunn, D-Ga., and James Exon, D-Neb., urged that the provision exempting the Navy from environmental regulations be deleted, pending a hearing on whether the injunction is affecting national security, congressional sources said.

If the hearings with the Energy Department and Navy officials reveal a potential problem, then the issue may be reconsidered on the Senate floor or in the conference committee with the House, the source said.

Sens. Strom Thurmond, R-S.C., ranking minority member in the Senate Armed Services Committee, John Warner, R-Va., and Charles Robb, D-Va., argued for



U.S. submarines such as the USS Baton Rouge (above) may be idled instead of deactivated

because of a federal court injunction that bars the shipment of spent nuclear fuel to a storage facility in Idaho.

the exemption, saying that without it, the Navy might be forced to idle thousands of shipyard workers whose jobs are dependent on overhauling, refueling and decommissioning nuclear-powered warships.

The injunction "is already impacting the Navy and the impact

will grow with time," Navy Secretary John Dalton said in his July 13 confirmation hearing before the Senate committee. "The Navy will experience delays, disruptions to its shipyard industrial base, with the potential loss of many jobs," he said. The Senate confirmed Dalton as Navy secretary July 22.

Navy officials argue that completion of an environmental impact statement could take anywhere from two to four years, leaving the service with few options to dispose of the spent reactor cores from retiring submarines.

See FUEL, Page 28

Senate Leaves Navy in Limbo Over Nuclear Fuel Storage

FUEL, From Page 4

ines and other nuclear-powered ships and submarines now undergoing refueling.

"There are no options, the Navy just has to keep [the reactors] in submarines until the country comes up with a solution as to what it wants to do," Norman Polmar, an independent naval expert here, said July 22.

In response to Ryan's decision, Thomas Grumbly, assistant secretary of energy for environmental restoration and waste management, is expected to announce

on July 26 whether the government will have a legal response to the Idaho ruling, department spokeswoman Amber Jones said July 22.

Meanwhile, the department has begun preparing an environmental impact statement that will include the Naval Nuclear Propulsion Program, Jones added.

Critics of the Navy plan said last week the Navy should seek relief from the injunction through the federal courts rather than by seeking an exemption to environmental laws already approved by Congress.

"The Navy wants to do an end-run around the law," Drew Caputo, an attorney with the Natural Resources Defense Council here, said July 22.

The Idaho decision comes as the Navy is preparing to dramatically increase its nuclear decommissioning activities in preparation for retiring nearly 50 nuclear-powered submarines and surface ships over the next decade as part of the overall reduction in military forces.

Already the injunction is affecting the shipment of spent naval

nuclear reactor fuel. Newport News Shipbuilding, Newport News, Va., was forced to accept a trainload of nuclear fuel resulting from the shipyard's overhaul of the aircraft carrier USS Enterprise, after the company was barred from sending it to the Idaho facility. Other naval shipyards in Washington, Hawaii, Maine and Virginia are facing similar problems over how to dispose of the growing store of nuclear fuel already in their possession.

Storing the fuel poses no immediate problem for Newport

News because the fuel is kept in casks on railcars in a secure area of the shipyard, Jack Garrow, company spokesman, said July 22. "Over time it could affect work," if Newport News cannot undertake additional refuelings of nuclear-powered vessels, he said.

The Navy's shipyards face even more immediate problems because the bulk of their work involves the overhaul and refueling of nuclear-powered submarines.

Staff Writer Phil Finnegan contributed to this report.

Senate Panel Targets Aircraft Cuts

SENATE, From Page 1

port loans totaling up to \$1 billion, according to a congressional source.

The committee also included a provision that the Department of Defense must consider the effect on the U.S. defense industry before giving excess equipment to other countries. The measure reflected industry concerns that the provision of large quantities of weaponry provided virtually free to other nations threatens to undercut the market for new weaponry, a Senate source said.

In another measure to help the industrial base, the Senate Armed Services Committee approved an increase in funding for programs designed to help the defense industry adjust to defense spending cutbacks by developing civilian production. A total of \$281 million was added to the administration's request of \$324 million for programs encouraging the de-

Senate Panel Action on Programs

(Dollars in Millions)

Program	Pentagon Request	SASC Authorized
Procurement		
B-2 Bomber	604	604
B-1 Bomber	163	127
C-17 Airlift Aircraft	2,073	*
F-16 C/D Fighter	725	0
E-8A JSTARS Aircraft	281	477
F/A-18 C/D Fighter	1,493	1,493
F-14 Fighter Upgrades	116	291
Trident II (D-5) Missile	983	983
Tomahawk Cruise Missile	248	248
DDG-51 Destroyer	2,643	2,613
LHD Amphibious Assault Ship	894	894
SH-60/UH-60 Helicopters	573	573
Bradley Base Sustainment Program	192	142
M1 Abrams Tank Upgrade Program	80	168
AH-64 Attack Helicopter	18	178
Research Development		
Brilliant Anti-Armor Submunition	117	117
Comanche Helicopter	367	367

Aspin Tells Leaders Industry Will Shrink

REVIEW, From Page 4

tives, one senior industry executive said July 23.

Pentagon officials told industry executives they anticipate that by the end of the decade there will be only one manufacturer each for aircraft carriers, submarines and tanks, industry executives said. Although Pentagon officials did not specify which companies would survive, they pledged their support to maintain the surviving companies to preserve critical industrial base capabilities, industry executives added.

For instance, there are two submarine manufacturers in the United States, General Dynamic's Electric Boat Division, Groton, Conn., and Newport News Shipbuilding, Newport News, Va. "You could infer that maybe some consolidation was being encouraged indirectly," one shipyard executive said July 23.

Of eight shipyards now in operation there likely will be only two by the end of the decade, and similarly, the number of rocket manufacturers will drop from three to two, the executives said.

ISAF Is Ill-Prepared

NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

STATEMENT OF
THE HONORABLE JOHN H. DALTON
SECRETARY OF THE NAVY
BEFORE THE
SUBCOMMITTEE ON
NUCLEAR DETERRENCE, ARMS CONTROL AND
DEFENSE INTELLIGENCE
OF THE
SENATE ARMED SERVICES COMMITTEE
ON THE
SHIPMENT OF SPENT NUCLEAR FUEL
FROM U.S. NAVY SHIPS AND SUBMARINES TO
THE IDAHO NATIONAL ENGINEERING LABORATORY
JULY 28, 1993

NOT FOR PUBLICATION UNTIL RELEASED BY
THE COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

Mr. Chairman and distinguished members of the Subcommittee, I appreciate the opportunity to appear before you to discuss the issue of shipment of spent nuclear fuel from U.S. Navy ships and submarines to the Idaho National Engineering Laboratory.

I have asked Admiral DeMars -- the Director, Naval Nuclear Propulsion -- to brief you on the details, including the impact if we are barred from shipping spent naval fuel removed from our nuclear-powered submarines and surface ships. He is the Navy's expert in this subject; by law, he has personal, cradle-to-grave responsibility for all naval nuclear propulsion matters.

First, however, I would like to highlight what I see as the most important points from the Navy's standpoint:

- o There has been no change in the way naval spent fuel has been safely transported, processed, or shipped for the past 35 years -- with one significant exception. After core disassembly and examination at the Idaho National Engineering Laboratory, the Department of Energy plans to hold the spent fuel in existing water pits rather than chemically dissolve them to recover the uranium. This change lessens the environmental risk.
- o The Naval Nuclear Propulsion Program has had an exemplary record on health, nuclear safety, and the environment. No evidence has been submitted to show that continued shipment of naval spent fuel poses any significant risk to environment or personnel.
- o The safest and best way to handle naval spent fuel is to remove it promptly from ships and send it to the Idaho National Engineering Laboratory -- the nation's only facility for examination and processing of these cores.
- o The court-ordered ban on nuclear fuel shipments would force the Navy to hold the spent fuel in shipyards, or in ships alongside the dock -- like the Russians do. As Admiral DeMars will explain, this constitutes a significant step backwards. It also wastes money, backs up nuclear fuel in the shipyards that defuel and refuel our nuclear-powered ships, causes job loss at these shipyards, and greatly increases the risk of disruptive intervention by others along the lines of the state of Idaho's action.

- o Contrary to some press reports, the Navy has not asked to be exempted from environmental statutes. We have agreed fully to support the Department of Energy in preparing the extensive and far-reaching environmental impact statement directed by the court. We do not believe, however, that the environmental laws require that we stop naval spent fuel shipments in the interim -- particularly when that approach is so counterproductive and is less conservative from an environmental and safety standpoint.

The court has directed preparation of a comprehensive environmental impact statement covering virtually the entire spectrum of activities at the Idaho National Engineering Laboratory. The Secretary of Energy has committed to do this on an expedited basis and work is already underway. The Navy has committed its full support in this effort.

Under these circumstances, it makes no sense to continue to hold naval spent fuel shipments hostage. My fervent hope is that Governor Andrus will join the Navy and the Department of Energy in petitioning the court to lift the ban until there is evidence that the Departments of Energy and Navy are not living up to these commitments. Meanwhile, the Navy is also pressing ahead for an appeal of the court's ruling.

In summary, the Navy is committed to protecting the environment. We have an excellent track record. Immediately following the ruling in question, the Navy turned around a train carrying a shipment of spent nuclear fuel enroute to Idaho. And we commenced the required environmental impact statement. I am personally committed to the preservation of the environment and I can assure you this administration is likewise committed. The Navy believes the equities compellingly argue in favor of resuming our fuel shipments in the interests of national security. We will support and welcome actions that achieve that objective.

TO: NUNN, SAM

FROM: PRESIDENT

DOC DATE: 29 JUL 93
SOURCE REF:

KEYWORDS: DEFENSE POLICY
CO

AIR FORCE

PERSONS: CARLYLE, TROY

TURNER, LUTHER S

SUBJECT: PRES REPLY TO SEN NUNN RE NY TIMES ARTICLE ON COURT MARTIAL OF 2 AIR
FORCE OFFICERS ON SODOMY CHARGES

ACTION: PRES SGD LTR

DUE DATE: 19 JUL 93 STATUS: 0

STAFF OFFICER: HAHN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
HAHN
NSC/CHRON
ROSNER

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSKDB

CLOSED BY: NSJDA

DOC 5 OF 5

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9305212

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 HAHN
003 LAKE
004 PRESIDENT
005

Z 93071518 PREPARE MEMO FOR LAKE
Z 93072116 FWD TO PRES FOR SIG
Z 93072714 FOR SIGNATURE
X 93080509 PRES SGD LTR

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

004 930727
004 930727
005 930729 NUNN, SAM

VICE PRESIDENT
WH CHIEF OF STAFF

UNCLASSIFIED

TO: PRESIDENT

FROM: NUNN, SAM

DOC DATE: 25 JUN 93
SOURCE REF:

KEYWORDS: DEFENSE POLICY
CO

AIR FORCE

PERSONS: CARLYLE, TROY

TURNER, LUTHER S

SUBJECT: LTR TO PRES FM SEN NUNN RE NEW YORK TIMES ARTICLE ON COURT MARTIAL
OF TWO AIR FORCE OFFICERS ON SODOMY CHARGES

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 19 JUL 93 STATUS: S

STAFF OFFICER: HAHN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
HAHN

FOR CONCURRENCE
BELL
JONES
ROSNER

FOR INFO
GROSS
ITOH
KENNEY

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSKDB

CLOSED BY:

DOC 1 OF 1

National Security Council
The White House

PROOFED BY: _____ LOG # 5212
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG MA A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>7</u>	<u>nan</u>	
ExecSec			
Staff Director			
D/APNSA			
APNSA			
Situation Room			
West Wing Desk	<u>8</u>	<u>MA 7/29</u>	<u>D</u>
NSC Secretariat	<u>9</u>		<u>D</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

29 JUL 93 2:44

DATE: July 29, 1993

DISPATCH INSTRUCTIONS:

National Security Council
The White House

Kec'd 7/22 7:45am
Jul
7/22

PROOFED BY: _____ LOG # 5212
URGENT NOT PROOFED: MA SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG MA A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>1</u>	<u>nan</u>	<u>A</u>
ExecSec			
Staff Director	<u>2</u>	<u>nan</u>	
D/APNSA	<u>3</u>	<u>cy provided</u>	
APNSA	<u>4</u>	<u>HAS APPROVED JUL</u>	
Situation Room			
West Wing Desk	<u>5</u>	<u>MA 7/23</u>	<u>D w/ PASTER</u>
NSC Secretariat	<u>6</u>	<u>MA 7/27</u>	<u>D w/ PODESTA</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

DISPATCH INSTRUCTIONS:

exec sec has disk

THE WHITE HOUSE

WASHINGTON

July 29, 1993

Dear Mr. Chairman:

Thank you for your recent letter referring to the case of two Air Force officers in North Carolina charged with sodomy under the Uniform Code of Military Justice.

My recent policy decision on this issue, conveyed through Secretary Aspin's directive to the military services, allows commanders to "continue to initiate inquiries or investigations, as appropriate, when there is credible information that a basis for discharge or disciplinary action exists." I believe this provision appropriately addresses the concerns about homosexual conduct raised in your letter.

We share a commitment to sustain the readiness of our armed forces as well as to safeguard the individual rights of Americans. I believe our policy on homosexual conduct in the armed forces now strikes an appropriate balance between those two imperatives.

I look forward to continuing to work with you on this and other important issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nunn', with a stylized flourish at the end.

The Honorable Sam Nunn
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

July 27, 1993

83 JUL 27 P2:42

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE
HOWARD PASTER *HP*

SUBJECT:

Letter from Senator Nunn RE: Court-martial of Two
Air Force Officers

Purpose

To respond to a letter from Senator Sam Nunn in which he cites the court-martial of two Air Force officers in North Carolina as a case where alleged homosexual conduct warrants investigation, discharge or other disciplinary actions if the charges are found to be valid.

Background

This letter was written before your recent policy announcement on homosexuals in the military. The Secretary of Defense's policy directs commanders to "... initiate inquiries or investigations, as appropriate, when there is credible information that a basis for discharge or disciplinary action exists." Senator Nunn believes that the issue of whether the testimony of the accuser is credible is a matter for the court-martial to decide. The response to Senator Nunn at Tab A acknowledges that the recently announced policy should accommodate his concerns in this regard.

RECOMMENDATION

That you sign the letter to Senator Nunn at Tab A.

Attachments

Tab A Letter to Senator Nunn
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

SAM NUNN, GEORGIA, CHAIRMAN

J. JAMES EXON, NEBRASKA
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STROM THURMOND, SOUTH CAROLINA
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 WILLIAM S. COHEN, MAINE
 JOHN MCCAIN, ARIZONA
 TRENT LOTT, MISSISSIPPI
 DAN COATS, INDIANA
 BOB SMITH, NEW HAMPSHIRE
 DIRK KEMPTHORNE, IDAHO
 LAUCH FAIRCLOTH, NORTH CAROLINA

ARNOLD L. PUNARO, STAFF DIRECTOR
 ANTHONY J. PRINCIPI, STAFF DIRECTOR FOR THE MINORITY

United States Senate

COMMITTEE ON ARMED SERVICES
 WASHINGTON, DC 20510-6050

93 JUL 9
 P3:33

June 25, 1993

The President
 The White House
 Washington, D.C. 20500

Dear Mr. President:

During a recent telephone conversation, you expressed concern about a story in The New York Times (June 21, 1993) concerning court-martial sodomy charges involving two officers at Pope Air Force Base, North Carolina as an example of the type of issue that might be addressed in the new policies.

From my review, it is clear that the cases discussed in The New York Times article involve conduct. You repeatedly have made it clear that you do not support a change in any of the current policies involving conduct. On May 27, for example, you noted in a CBS interview: "I have not called for any change in the Uniform Code."

Captain Troy Carlyle was convicted of violating Article 125 of the UCMJ (sodomy) and Article 92 (disobeying a lawful order by visiting a bar that had been placed off-limits). He was sentenced to dismissal, and his case is subject to review by the convening authority. If the convening authority approves, the Uniform Code of Military Justice provides him the opportunity to appeal to the Court of Military Review, the Court of Military Appeals, and the Supreme Court. Captain Luther S. Turner has been under investigation for similar offenses, but no decision has been made as to how to proceed.

The primary evidence in these cases consists of the testimony of an individual who alleges that he participated in acts of sodomy with the two officers. The issue of whether his testimony is credible is a matter for the court-martial and appellate authorities to decide.

Reliance on the testimony of an individual as the evidentiary basis for a conviction, however, is not unique to cases involving homosexuality. In many other circumstances, such as allegations of sexual harassment, the direct evidence of the offense frequently will consist of the testimony of one witness, and the case will turn on the credibility of that witness and the credibility of the accused.

I have not reviewed the transcripts, so I make no judgment as to the processing or outcome of these particular cases. I am writing to underscore that these are conduct cases, and that it would be inappropriate to adopt a rule that would preclude investigation, discharge, or other disciplinary actions in conduct cases if warranted by the evidence.

I hope you will find this information useful as you finalize the Administration's policies on this important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam", with a long horizontal flourish extending to the right.

Sam Nunn
Chairman

THE WHITE HOUSE

WASHINGTON

July 12, 1993

MEMORANDUM FOR WILLIAM ITOH
NSC Executive Secretariat

FROM: HOWARD G. PASTER 

SUBJECT: Presidential Correspondence

Attached is a copy of a letter sent to the President from Sam Nunn (D-GA) concerning gays in the military.

Since this letter addresses a national security issue, we would appreciate your assistance in having draft written. Treasury has indicated that they would like to see the draft before it goes out. Please contact Roger Martin (622-0064) before sending anything to the President.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Attachment

Military's Zeal Decried in Sodomy Case

By ERIC SCHMITT

Special to The New York Times

FAYETTEVILLE, N.C., June 16 — In a case that has drawn little public notice but has sent ripples through the Air Force hierarchy, an officer has been convicted of sodomy and another faces similar charges based solely on a gay civilian man's claim that they had sex with him.

The two officers, members of an elite transportation unit here, deny that they are homosexual and that they ever had sex with the man. The officers, Capt. Troy Carlyle and Capt. Luther Turner, say they are victims of a spurned friend.

Air Force investigators have aggressively pursued the cases since the accuser, Richard D. Bullock, made his accusations in June 1992. But they acknowledge that they have made only scant efforts to check the credibility of Mr. Bullock, a 26-year-old paramedic.

More than 20 character witnesses spoke on Captain Carlyle's behalf at his trial in April; among them were his former girlfriends and a former commander, who called the captain one of his best officers.

Nonetheless, with Mr. Bullock as the prosecution's only witness, a jury of six Air Force officers convicted Captain Carlyle of sodomy, a violation of the Uniform Code of Military Justice, the lawbook of the armed services, and expelled him from the service. His ouster is on hold while he appeals the verdict.

Captain Turner's trial is likely to begin in the next few weeks.

For the officers' supporters, and for some senior Air Force officials here and in Washington, the case is a counterpoint to the nationwide debate over what the military's policy on homosexuality should be. Even supporters of the current ban on homosexuals in the military, like Senator Sam Nunn of Georgia, have called for an end to witch hunts by military "sodomy squads." But here at Pope Air Force Base, the two officers and their supporters say, these sodomy cases are being prosecuted with vigor.

That a military jury would convict anyone on such questionable evidence illustrates that the mere accusation of homosexuality can doom an officer.

"I feel my court-martial was one of guilt by association," said Captain Carlyle, a 31-year-old graduate of the Air Force Academy, in an interview in his lawyer's office.

In a compromise announced by President Clinton in January, military discharges for homosexuality have been halted while the issue is studied. But questions of conduct, like sodomy, continue to be prosecuted.

The accusations and verdict have puzzled some senior Air Force officials. In addition to sodomy, Captain Carlyle was charged with frequenting an off-limits bar here and with smoking marijuana. The same jury that convicted him of sodomy and the bar violation acquitted him on the marijuana charge. Mr. Bullock was the source for all the charges.

Captain Carlyle and Captain Turner, also 31, acknowledged going to the bar a couple of times but said they had stopped after finding out it was off-limits. In their defense, they show an

official Air Force list of off-limits businesses that does not include the bar.

Tanya Jackson, an owner of the bar, Oz, which is primarily a gay bar but also draws heterosexuals, said many military personnel in this conservative town ignored the restriction because the club was one of the few in the area that plays alternative music, like grunge. In the three years that Oz has been off-limits, Captain Carlyle's punishment marks the first time the Air Force has enforced its rule against the bar.

Mr. Bullock could not be reached for comment on the case. Relatives said he had moved to Wilmington, N.C., but he is not listed in telephone directories there.

In a deposition taken March 22 by the officers' lawyer, Mark L. Waple, Mr. Bullock said he had made his accusations when he had been in "a state of depression."

Air Force investigators and prosecutors involved in the case declined to comment because of the pending appeal and coming second trial. Privately, though, many Air Force officers familiar with the case express shock and embarrassment at how the Air Force has treated the officers.

The cases are unusual if for no other reason than because the Air Force rarely presses sodomy charges. Last year, the service prosecuted 17 such cases, three of which ended in acquittals. In contrast, the Army last year prosecuted 129 cases; the Navy, 89 cases, and the Marine Corps, 41 cases.

Captain Carlyle, a C-130 cargo plane navigator, and Captain Turner, a C-130 pilot, belonged to the Special Activities Division of the 317th Tactical Airlift Wing, nicknamed Credible Cat, a 20-member unit here that flies top-secret missions. The unit received a special commendation from President George Bush after the Persian Gulf war.

According to fitness reports prepared by a former commander, Lieut. Col. Gregory M. Chase, the officers were commendable. "One of our best officers, Captain Carlyle pursues the goals of excellence in every aspect of his Air Force career," Colonel Chase said in a 1991 report. In a 1992 report about Captain Turner, Colonel Chase said the officer "got the job done in outstanding manner."

Interviews with Captain Carlyle and Captain Turner and reports by investigators give the officers' account of their relationship with Mr. Bullock. It was through a community film club that Captain Carlyle founded here in 1991 that the officers met Mr. Bullock, a Fayetteville native who was an ambulance driver and paramedic.

The three men became friendly,

often going to movies or eating at the house that Captain Turner and Captain Carlyle shared. But beginning in April 1992, the officers said, they became alarmed when Mr. Bullock began spending more time at their house, demanding to be included in activities. They said Mr. Bullock had never made homosexual overtures toward them.

In May, the officers said, they told Mr. Bullock to stop visiting and calling. On June 2, someone vandalized Captain Turner's sports car.

That same night, Mr. Bullock telephoned the officers' commander, Lieut. Col. Victor Powers, and told him that Captain Turner was his lover and that Captain Carlyle had seduced him. In court testimony later, Colonel Powers said, "I had no reason to believe anything he said."

Later that day, though, Mr. Bullock called Special Agent T. Kevin Bolick of the Air Force Office of Special Investi-

BALTIMORE SUN

June 21, 1993 Pg. 2

General was wrong, Schwarzkopf says

Retired Army Gen. H. Norman Schwarzkopf said the Air Force general disciplined for making disparaging public comments about President Clinton acted irresponsibly.

The Air Force said Friday that Maj. Gen. Harold Campbell agreed to retire and accept a fine and letter of reprimand for calling Mr. Clinton a "pot smoking," "womanizing" and "draft dodging" commander in chief during a May speech in the Netherlands.

"It's one thing to discuss among friends and contemporaries," said General Schwarzkopf, who commanded the troops that dislodged Iraqi forces from Kuwait, "but another to make them public."

NAME...from Pg. 4

decades have shown that analysts do not win wars — the military does."

Secretary Aspin should clamp the lid back on this budget-driven Pandora's nightmare. And he should try to preserve today's budget levels, which would sustain a win-win strategy in simultaneously fought wars.

Dov S. Zakheim, a defense consultant, was Deputy Under Secretary of Defense in the second Reagan Administration.

DWELLERS...

from

Pg. 17

mission: a far-fetched fear of spies, or a populace that refuses to tolerate such exercises because the military stubbornly refuses to take their interests into consideration.

According to Mr. Grimes, the military also refuses to set any curfew on its urban-training exercises. "We don't know what time something's going to come up, so we're not going to limit when we train," Mr. Grimes says.

However, it's just as dark at 10 p.m. as at 3 a.m. The military ought to set itself an 11 p.m. curfew on such operations.

gations at Pope, and repeated the accusations. On June 4, Mr. Bolick and another investigator escorted Captain Carlyle from his office, questioned him and demanded that he confess, Captain Carlyle said.

Also on June 4, the same agent confronted Captain Turner, minutes after he climbed out of his C-130 after an 11-hour mission. "They said Troy had confessed to being homosexual," Captain Turner said. "They said if I confessed right then, I could go home." He said he had strongly denied the accusations.

Captain Carlyle and Captain Turner are now in a legal limbo, not officially discharged and the other awaiting trial.

"I feel saddened and betrayed," Captain Carlyle said in the interview. "I makes me wonder what kind of a country I live in."

U.N....from Pg. 3

and with that "there was a rising curve of expectation."

A year ago, Secretary General Boutros-Ghali issued a document called "Agenda for Peace" in which he proclaimed that "a conviction has grown among nations large and small that an opportunity has been regained to achieve the great objectives of the Charter — a United Nations capable of maintaining international peace and security."

Mr. Boutros-Ghali was in a sense recognizing that for the first time since the 1950's, the major world power were more eager in some ways to use the United Nations than to act unilaterally.

"Willingly or not, the U.N. has become the only policeman in the world, an official here said.

Still, Dr. Schoettle said, at just about the time that Mr. Boutros-Ghali presented his "Agenda for Peace," reports "the disillusion started to in."

In part that was because the United Nations was increasingly beset with conflicts in which the major cold-war powers had never played a role — internal wars involving collapsing governments, in Somalia, for example, or ethnic hatred in former Yugoslav republics.

One miscalculation in peacekeeping has been recognized in the case of Angola, where the United Nations was able to oversee elections last year but then was unable to react when rebelled by Jonas Savimbi refused to abide by the results and went back to fighting.

The Clinton Administration has set up a task force to study peacekeeping and is expected to issue some recommendations for making it more effective. Some United States officials argue that the recent record of United Nations troops offers some lessons for the future.

It is widely acknowledged here that the 298-member peacekeeping force in Angola was hampered by its size. If the United Nations had deployed a larger force with a mandate to disarm the factions, those officials say, it might have been successful in preventing Mr. Savimbi's rebels from renewing the attacks.

The lessons learned there are now a sense being applied in Somalia where United Nations forces have attacked the arms depots of the renegade general Mohammed Farah Aidid.

"We've had our down sides," one American official said. "It does mean that peacekeeping has failed, can work if it's done the right way."

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

July 19, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RGB*FROM: KEITH HAHN *KH*SUBJECT: Letter to the President from Senator Nunn RE:
Court Martial of Two Air Force Officers

At Tab B Senator Sam Nunn cites a recent Court Martial in North Carolina as a case where alleged homosexual conduct warrants investigation, discharge or other disciplinary actions if the charges are found to be valid. He does not indicate whether he believes the two Air Force officers involved are innocent or guilty.

The Secretary of Defense's recent guidance on homosexuals in the military states "... commanders will continue to initiate inquiries or investigations, as appropriate, when there is credible information that a basis for discharge or disciplinary action exists." It goes on to direct that they "investigate allegations of violations of the Uniform Code of Military Justice in an even-handed manner without regard to whether the conduct alleged is heterosexual or homosexual or whether it occurs on-base or off-base." The response to Senator Nunn notes that the Secretary's new policy clearly addresses the issue of homosexual conduct while protecting the rights of individuals to a fair hearing.

Concurrence by: Jeremy Rosner *JR*RECOMMENDATION

That you forward the memorandum at Tab I to the President.

Attachments

Tab I	Memorandum for the President
Tab A	Letter to Senator Nunn
Tab B	Incoming Correspondence

TO: KIMBROUGH, WARREN O

FROM: PRESIDENT

DOC DATE: 29 JUL 93
SOURCE REF:

KEYWORDS: MILITARY BASES

MP

PERSONS:

SUBJECT: PRES REPLY TO KIMBROUGH RE NAVAL RESERVE SENTER AT FORT SMITH &
FAYETTEVILLE

ACTION: PRES SGD LTR

DUE DATE: 27 JUL 93 STATUS: C

STAFF OFFICER: JONES

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
JONES
NSC CHRON

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJWF

CLOSED BY: NSJDA

DOC 4 OF 4

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9305434

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 JONES
002 LAKE
003 PRESIDENT
004

Z 93072315 PREPARE MEMO FOR LAKE
Z 93072717 FWD TO PRES FOR SIG
Z 93072817 FOR SIGNATURE
X 93080508 PRES SGD LTR

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 930728
003 930728
004 930729 KIMBROUGH, WARREN O

VICE PRESIDENT
WH CHIEF OF STAFF

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9305434
RECEIVED: 23 JUL 93 15

TO: PRESIDENT

FROM: KIMBROUGH, WARREN O

DOC DATE: 02 JUL 93
SOURCE REF:

KEYWORDS: MILITARY BASES

MP

PERSONS:

SUBJECT: CONCERNS RE NAVAL RESERVE CENTERS AT FORT SMITH & FAYETTEVILLE
ARKANSAS

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 27 JUL 93 STATUS: S

STAFF OFFICER: JONES

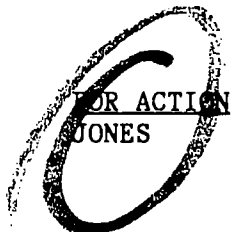
LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
JONES

FOR CONCURRENCE

FOR INFO
BELL

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJWF

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

Rec'd 7/28 7:25am
National Security Council
The White House

JWR
7/28

PROOFED BY: _____ LOG # 5434
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG NA A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>1</u>	<u>W</u>	
ExecSec			
Staff Director	<u>2</u>	<u>NS</u>	
D/APNSA	<u>3</u>	<u>cy provided</u>	
APNSA	<u>4</u>		<u>HAS APPROVED</u> <u>JWR</u>
Situation Room			
West Wing Desk	<u>5</u>	<u>WA 7/28</u>	<u>TO</u> <u>Pres</u>
NSC Secretariat			

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

JUL 28 11:14

DISPATCH INSTRUCTIONS:

OK - JWR
Do we want to
new to the program
in transit?
R
If not, send
forward

National Security Council
The White House

PROOFED BY: _____ LOG # 5434
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG NA A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>6</u>	<u>W</u>	
ExecSec			
Staff Director			
D/APNSA			
APNSA			
Situation Room			
West Wing Desk	<u>7</u>	<u>WA 7/29</u>	<u>D</u>
NSC Secretariat	<u>8</u>		<u>D</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

JUL 28 11:14

DISPATCH INSTRUCTIONS:

DATE: July 29, 1993

THE WHITE HOUSE

WASHINGTON

July 29, 1993

Dear *Warren* Chancellor Kimbrough:

Thank you for your letter regarding the Defense Base Closure and Realignment Commission's Report and their recommendations to close the Naval Reserve Forces of Fort Smith and Fayetteville, Arkansas.

After careful review, which included the analysis and recommendations of Secretary Aspin and General Powell, I found the recommendations contained in the Commission's report on balance to be acceptable. Accordingly, I approved the Commission's recommendations on July 2 and transmitted them to Congress in accordance with the law. The Congress now has 45 days to act upon the base closure list.

I am aware of the difficult choices inherent in this process and the affects it can have on local communities such as Fort Smith and Fayetteville. Current plans call for assigned reservists at Fort Smith and Fayetteville to drill at the Tulsa, Oklahoma, reserve center -- approximately 100 miles away. While I realize the hardship this closure creates, the Department of Defense estimates recurring savings of \$302,000 per year at Fort Smith and \$275,000 per year at Fayetteville. Also, I would hope that the closing Reserve Center facilities will find a quick and productive alternative use in your communities.

I understand your concern about these closures and the impact it will have on Arkansas and the Naval Reservists at Fort Smith. We must take the actions necessary to eliminate excess infrastructure and ensure the strength and readiness of our future military forces. I appreciate your support and ask that you not hesitate to bring important matters such as these to my attention.

Sincerely,

Bill

Mr. Warren O. Kimbrough, Chancellor
Sebastian County Courthouse
Fort Smith, Arkansas 72901

*Say hello to
your family
and our mutual
friends*

THE WHITE HOUSE

WASHINGTON

July 28, 1993

03 JUL 28 P5:19

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE ✓

SUBJECT: Concerns re: Naval Reserve Centers at Fort Smith
and Fayetteville, Arkansas

Purpose

To respond to the letter (Tab C) from Chancellor Kimbrough of Fort Smith, Arkansas, asking you not to accept the closure of the Naval Reserve units at Fort Smith and Fayetteville, Arkansas.

Background

These Naval Reserve unit closures were recommended by DoD and included in the Defense Base Closure and Realignment Commission recommendations that you approved on July 2.

Details of the Fort Smith and Fayetteville closures are at Tab B. The Reservists will have to drive approximately 100 miles to drill at Tulsa, Oklahoma. An annual savings of \$577,000 is estimated by the Department of Defense.

The proposed response (Tab A) points out the need to eliminate excess military infrastructure and thanks Chancellor Kimbrough for his interest in this important matter.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter to Chancellor Kimbrough
Tab B Naval Reserve Closures in Arkansas
Tab C Incoming Correspondence

cc: Vice President
Chief of Staff

NAVAL RESERVE CLOSURES IN ARKANSAS

Naval Reserve Center, Fayetteville

- 5,613 square foot facility with less than 200 drilling (weekend) reservists assigned
- One officer/six enlisted (active duty/"full time") billets will be eliminated *
- Assigned reservists will drill at the Tulsa, Oklahoma, reserve center (about 100 miles away)
- One time cost to implement closure: \$9,000 for military move
- Recurring savings: \$275,000 per year
- Immediate return on investment

Naval Reserve Center, Fort Smith

- 17,302 square foot facility with less than 200 drilling reservists assigned
- One officer/6 enlisted (active duty/"full time") billets will be eliminated *
- Assigned reservists will drill at Tulsa, Oklahoma reserve center (about 116 miles away)
- One time costs to implement closure: \$ 9,000 for military move
\$21,000 shut-down costs
- Recurring savings: \$302,000 per year
- Immediate return on investment

* (which generally means the personnel occupying these billets will be reassigned elsewhere)

TWELFTH CHANCERY CIRCUIT

CRAWFORD AND SEBASTIAN COUNTIES



First Division
Warren O. Kimbrough, Chancellor
Sebastian County Courthouse
Fort Smith, Arkansas 72901

501/782-3035

July 2, 1993

President Bill Clinton
The White House
Washington, D.C. 20500

Re: Continuation of Naval Reserve Centers at
Fort Smith and Fayetteville, Arkansas

Dear President Clinton:

Enclosed is an article from the Southwest Times Record in Fort Smith, which is disturbing to many people, particularly Naval Reservists and their families, Retired Reservists, and Active Duty Navy personnel, the Fleet Reserve, and communities in this state and area which have been strong and loyal supporters of a first line of defense which the Naval Reserve forces of Fort Smith and Fayetteville have always exemplified.

The closing of the Naval Reserve Centers at Fort Smith and Fayetteville, Arkansas, are not an economy move at all. The few active duty Navy personnel involved will be reassigned and the Reservists will be transferred elsewhere to at least Tulsa or Little Rock, which will be difficult for some of them to do. But, the minimal financial costs of these programs will continue elsewhere, rather than here close to the personnel's homes.

The facilities of these two Naval Reserve Units are negligible, cost-wise, and plans have been long ongoing to try to establish a Naval Reserve Center at Fort Chaffee, Arkansas, where buildings and facilities, as well as services for Naval Reservists, Retirees, and their families could be established, or made available without any additional cost to the taxpayers or their government.

I am writing to you because of many years affiliation with the Naval Reserve in this area, to encourage you not to blindly accept the proposal to close these two Naval Reserve facilities, as this is without justification, either by need, or economy. Rather, I hope you will not accept the suggestion of proposed closing

President Bill Clinton
July 2, 1993
Page Two

thereof, but rather that you will assist in the continuation of these two Naval Reserve Units at Fort Chaffee, Arkansas, as suggested, and which is in the best interest and welfare of the Naval Reserve, Navy Resources, and all the many Naval families and Retirees in this state and area.

Your favorable consideration of this request and your kind assistance herewith will be greatly appreciated by many dedicated and concerned citizens.

Sincerely,


Warren O. Kimbrough

WOK/sa
Enclosure

Realignment and Closure (BRAC) Engineering Field Activity under the management of the Southwestern Field Division, NAVFAC, San Diego, California.

Navy Public Works Center, San Francisco, California

Category: Public Works Center
Mission: Public Works Support
One-time Cost: \$37.5 million
Savings: 1994-99 \$ 25.7 million
Annual: \$ 33.9 million
Payback: 2 years

SECRETARY OF DEFENSE RECOMMENDATION

Disestablish the Public Works Center (PWC) San Francisco.

SECRETARY OF DEFENSE JUSTIFICATION

PWC San Francisco's capacity is excess to that required by the DoD Force Structure Plan, and due to other Navy closures and realignments, its principal customer base has been eliminated.

COMMUNITY CONCERNS

The community claimed the Naval Public Works Center in San Francisco provided a greater number of family housing units than any other Navy location. The Navy Public Works Center operates over 7,000 family housing units in the Bay area, many of which were new.

COMMISSION FINDINGS

The Commission found PWC San Francisco provides family housing, utilities, transportation, maintenance, engineering, and planning services to Navy, Marine Corps, Army, Coast Guard, and DOD commands in the San Francisco Bay Area. Because its primary customers in the Bay area are being recommended for closure, PWC San Francisco can also be closed and the customers that remain can receive the necessary services, including family housing, from reconstituted public works departments.

COMMISSION RECOMMENDATION

The Commission finds the Secretary of Defense did not deviate substantially from the force-structure plan and final criteria. Therefore,

the Commission recommends the following: disestablish the Public Works Center (PWC) San Francisco.

Reserve Activities

Navy/Marine Corps Reserve Centers

Category: Reserve Centers
Mission: Support Reserve Activities
One-time Cost: \$ 3.2 million
Savings: 1994-99: \$ 57.1 million
Annual: \$ 13.6 million
Payback: N/A

SECRETARY OF DEFENSE RECOMMENDATION

Close the following Reserve Centers:

Navy/Marine Corps Reserve Centers at:
Fort Wayne, Indiana
Billings, Montana
Abilene, Texas

Naval Reserve Centers at:
Gadsden, Alabama
Montgomery, Alabama
Fayetteville, Arkansas
Fort Smith, Arkansas
Pacific Grove, California
Macon, Georgia
Terre Haute, Indiana
Hutchinson, Kansas
Monroe, Louisiana
New Bedford, Massachusetts
Pittsfield, Massachusetts
Joplin, Missouri
St. Joseph, Missouri
Great Falls, Montana
Missoula, Montana
Atlantic City, New Jersey
Perth Amboy, New Jersey
Jamestown, New York
Poughkeepsie, New York
Altoona, Pennsylvania
Kingsport, Tennessee
Memphis, Tennessee
Ogden, Utah
Staunton, Virginia
Parkersburg, West Virginia

Naval Reserve Facility at:
Alexandria, Louisiana
Midland, Texas

Readiness Command Districts at:
 Olathe, Kansas (REDCOM 18)
 Scotia, New York (REDCOM 2)
 Ravenna, Ohio (REDCOM 5)

SECRETARY OF DEFENSE JUSTIFICATION

The DOD Force Structure Plan requires the reduction of reserve assets as it does active duty assets. These Reserve Centers are being closed because their capacity is excess to the projected Navy/Marine Corps requirements. In arriving at the recommendation to close the Reserve Centers, specific analysis was conducted to ensure that there was either an alternate location available to accommodate the affected reserve population (e.g., realign with an existing reserve center), or demographic support for purposes of force recruiting in the areas to which units were being relocated. This specific analysis, conducted through the COBRA model, supports these closures.

COMMUNITY CONCERNS

Various communities expressed concerns about these closures since no provision appeared to have made to allow for reservists assigned to continue to drill. The communities indicated these activities were below threshold, and closure would result in reservists having nowhere within a reasonable commuting distance to drill. The communities also argued the Navy should have explored consolidation possibilities at some of these sites rather than closures.

COMMISSION FINDINGS

The Commission found that while data calls did not directly assess the mission of these activities, the analysis was nevertheless consistent. When recurring logistics costs for reservists who commute outside a reasonable distance to drill were included in the COBRA, it produced no significant change in return on investment. A Reserve Force comprehensive facilities review with projected repair costs, supported the Secretary's recommendation; even though it did not address specific shortfalls in space requirements for vehicles, controlled equipment, trainers, and other special use spaces. A nation-wide scatter diagram of reserve drill population by

activity preserved a surface reserve presence in all geographic locations of the nation. The proposal minimized disruption in reserve training, and contributory support to the active components, while producing cost efficiencies and enhancing the overall military value of remaining reserve centers.

However, the Commission found variance in the case of Naval and Marine Corps Reserve Center, Billings, Montana. The Marine Corps Reserve indicated it would not be able to man its units if they were forced to compete for recruits at the Armed Forces Reserve Center in Helena where the Navy is consolidating its reserves.

COMMISSION RECOMMENDATION

The Commission finds the Secretary of Defense deviated substantially from criterion 4. Therefore, the Commission recommends the following: close the following Reserve Centers:

Navy/Marine Corps Reserve Centers at:
 Fort Wayne, Indiana
 Abilene, Texas

Naval Reserve Centers at:
 Gadsden, Alabama
 Montgomery, Alabama
 Fayetteville, Arkansas
 Fort Smith, Arkansas
 Pacific Grove, California
 Macon, Georgia
 Terre Haute, Indiana
 Hutchinson, Kansas
 Monroe, Louisiana
 New Bedford, Massachusetts
 Pittsfield, Massachusetts
 Joplin, Missouri
 St Joseph, Missouri
 Great Falls, Montana
 Missoula, Montana
 Atlantic City, New Jersey
 Perth Amboy, New Jersey
 Jamestown, New York
 Poughkeepsie, New York
 Altoona, Pennsylvania
 Kingsport, Tennessee
 Memphis, Tennessee
 Ogden, Utah
 Staunton, Virginia
 Parkersburg, West Virginia

FS Navy center on base closure list

By Steve Tetreault
Times Record Washington Bureau

WASHINGTON — The government's base closing commission will recommend to President Clinton today that the 46-year-old Naval Reserve Center in Fort Smith be shut down as part of a nationwide cutback in military installations.

The Fort Smith center is among 29 Navy reserve centers proposed to be closed. It is one of two installations in Arkansas hit by this year's

base closings. The other is the Navy's reserve center in Fayetteville.

Navy officials had said that closing the Fort Smith center and others across the country would reduce "excess capacity" and bring the Navy's infrastructure in line with a force that is being reduced substantially.

The Navy was not challenged by the Base Closure and Realignment Commission, the independent panel that studied Pentagon base closings and restructurings and

put together its own list that now goes to Clinton and Congress.

Commission spokesperson Chris Cimko said Wednesday the panel agreed with the Navy on all but one of the reserve centers. A Navy-Marine training facility in Billings, Mont., will remain open.

The Fort Smith center has seven people on active duty and trains 180 reservists, according to Cmdr. Peter Wilson, who added that local personnel have not been notified of what may happen to them

once the center is closed.

Navy officials have said active duty personnel would be transferred elsewhere, while training for area reserves will probably be shifted to Little Rock or Tulsa.

The Fort Smith center is one of roughly 165 military installations the base closing commission is recommending be closed or restructured. Clinton has until July 15 to approve the list, which he likely will do. Congress then has 90 days to add its approval. The president and Con-

gress cannot make changes — they must approve or reject the entire list.

The Navy must begin closing the Fort Smith center within two years, although Lt. Cmdr. Mary Copeland, a base closing specialist, said the service intends to move quickly.

"The Navy's philosophical approach is that rather than delay closures, to move out and close things as quickly as possible and turn facilities over to local communities," she said.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

July 27, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT G. BELL *RGB*
FROM: STEVEN R. JONES *SJ*
SUBJECT: Concerns re: Naval Reserve Centers at Fort Smith
and Fayetteville, Arkansas

Chancellor Warren Kimbrough of Fort Smith, Arkansas, has written the President (Tab C) asking him not to accept the closure of the Naval Reserve units at Fort Smith and Fayetteville, Arkansas.

These Naval Reserve unit closures in Arkansas were part of a larger closure of Naval Reserve units nationwide as included in the Defense Base Closure and Realignment Commission recommendations approved by the President on July 2.

Details of the Fort Smith and Fayetteville closures, as recommended by DoD and the Commission, are at Tab B.

The proposed response (Tab A) points out the need to eliminate excess military infrastructure and thanks Chancellor Kimbrough for his interest in this important matter.

Concurrences by: Keith Hahn *KH*

RECOMMENDATION

That you send a memo to the President (Tab I) recommending his signature at Tab A.

Attachments

Tab I Memorandum for the President
Tab A Letter to Chancellor Kimbrough
Tab B Naval Reserve Closures in Arkansas
Tab C Incoming Correspondence

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9305790
RECEIVED: 03 AUG 93 16

TO: LAKE

FROM: ASPIN, L

DOC DATE: 30 JUL 93
SOURCE REF:

KEYWORDS: RUSSIA
DEFENSE POLICY

UKRAINE

PERSONS:

SUBJECT: TELCON OF ASPIN & DEFMIN GRACHEV OF RUSSIA

ACTION: NOTED BY LAKE

DUE DATE: 06 AUG 93 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
BURNS
GOTTEMOELLER
HAHN
CHRON

**DECLASSIFIED
PER E.O. 13526**

12 7-16-0165-6

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSASK

CLOSED BY: NSASK

DOC 1 OF 1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

July 30, 1993

Natl Sec Advisor
has seen

The Honorable Anthony Lake
Assistant to the President
for National Security Affairs
The White House
Washington, DC 20500

Dear Tony:

Attached is the record of a telephone conversation I
had with MOD Grachev earlier today. My purpose was to
give him a rundown of my meetings earlier this week with
MOD Morozov of the Ukraine.

I have also sent a copy to Chris.

Sincerely,

Enclosure

DECLASSIFIED
PER E.O. 13526
1/11/02~~CONFIDENTIAL~~Sec Def Cont Nr. X62131

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memcon	For the Record. Subject: Memcon of 30 July SecDef Phone Call to Russian MOD Grachev. (1 page)	07/30/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 46

FOLDER TITLE:

Chron File - July 1993 #4 [5]

2016-0152-F

vz4445

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

TO: PODESTA, J

FROM: LAKE

DOC DATE: 30 JUL 93
SOURCE REF:

KEYWORDS: MILITARY NOMINATIONS

WH REFERRAL

PERSONS: O'NEIL, MALCOLM

SPANE, ROBERT J

SUBJECT: NSC RESPONSE TO MILITARY NOMINATIONS

ACTION: LAKE SGD MILITARY NOMINATION

DUE DATE: 31 JUL 93 STATUS: C

STAFF OFFICER: BELL

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL

NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEM

CLOSED BY: 'ISJWF

DOC 2 OF 2

WHITE HOUSE STAFFING MEMORANDUM

DATE: 07/26/93

ACTION/CONCURRENCE/COMMENT DUE BY: 7/29

MAJOR GENERAL MALCOLM R. O'NEILL, USA

SUBJECT: MILITARY NOMINATIONS: REAR ADMIRAL ROBERT J. SPANE, USN

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	PASTER	☐	☐
McLARTY	☐	☐	RASCO	☐	☐
NEEL	☐	☐	RUBIN	☐	☐
PANETTA	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
EMANUEL	☐	☐	STEPHANOPOULOS	☐	☐
GEARAN	☐	☐	TYSON	☐	☐
GERGEN	☐	☐	VARNEY	☐	☐
GIBBONS	☐	☐	WATKINS	☐	☐
HALE	☐	☐	WILLIAMS	☐	☐
HERMAN	☐	☐	BELL, Bob	☒	☐
LAKE	☐	☐	Clerk	☐	☒
LINDSEY	☐	☐		☐	☐
McGINTY	☐	☐		☐	☐
MONTOYA	☐	☐		☐	☐
NUSSBAUM	☐	☐		☐	☐

REMARKS:

Do you have any objections?

July 30, 1993

RESPONSE:

The National Security Council staff concurs in the attached military nominations.

Anthony Lake
Anthony Lake

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

THE WHITE HOUSE

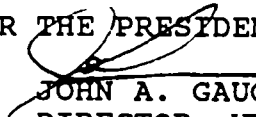
WASHINGTON

July 21, 1993

03 JUL 23 All: 51

MEMORANDUM FOR THE PRESIDENT

FROM:

JOHN A. GAUGHAN

DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT:

Army General Officer Nomination

Forwarded for your approval and signature is the nomination of Major General Malcolm R. O'Neill, United States Army, for appointment to the grade of lieutenant general and a recommendation for his assignment as Director, Ballistic Missile Defense Organization.

The Deputy Secretary of Defense has also recommended that you designate the position of Director, Ballistic Missile Defense Organization, as a position of importance and responsibility to carry the grade of lieutenant general under the provisions of title 10, United States Code, section 601. This is the result of the reorganization of the Strategic Defense Initiative Organization. Consequently, the position of Director, Strategic Defense Initiative Organization, should no longer be designated as a position of importance and responsibility. Your signature on the attached memorandum will signify your approval of this recommendation.

The Deputy Secretary of Defense has attached an evaluation of General O'Neill's performance in joint duty assignments from the Chairman of the Joint Chiefs of Staff.

This nomination was staffed by the Acting Secretary of the Army and approved by the Deputy Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000



17 JUL 1993

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Army General Officer Nomination

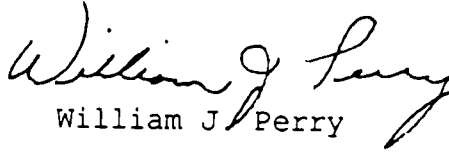
On behalf of the Secretary of Defense, I recommend you establish the position of Director, Ballistic Missile Defense Organization, as a position of importance and responsibility to carry the grade of lieutenant general under the provisions of title 10, United States Code, section 601. This position results from the reorganization of the Strategic Defense Initiative Organization. Consequently, the position of Director, Strategic Defense Initiative Organization, is no longer required. Your signature on this memorandum will constitute your approval.

I also recommend the duties of this new position be assigned to Major General Malcolm R. O'Neill, United States Army and that he be nominated for appointment to the grade of lieutenant general. General O'Neill, who is 53 years of age, is currently serving as Acting Director, Ballistic Missile Defense Organization.

In order to carry out the duties and responsibilities of the proposed assignment, an officer must have demonstrated highly effective performance in a number of senior leadership positions. He must possess an in-depth knowledge of and significant experience in the development and acquisition of strategic and tactical missiles. He must have a thorough understanding of the management of technology research and ballistic missile defense acquisition programs, including authority, accountability, responsibility, direction, funding flow, reporting, and execution. General O'Neill meets these requirements.

The above action will not result in the Army exceeding the number of officers authorized to be serving in the grade of lieutenant general.

As required by title 10, United States Code, section 601(d)(1), I have attached an evaluation of General O'Neill's performance in joint duty assignments from the Chairman of the Joint Chiefs of Staff.


William J. Perry

Attachments

APPROVED _____
President of the United States

DATE _____



THE CHAIRMAN, JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318

MEMORANDUM FOR SECRETARY OF DEFENSE

CN-189-93

24 Jun 93

Through: Deputy Secretary of Defense

Subject: General Officer Nomination

1. In accordance with title 10, United States Code, and DOD Instruction 1320.4, the Acting Secretary of the Army has recommended Major General Malcolm R. O'Neill for assignment as Director, Ballistic Missile Defense Organization (BMDO), and appointment to the grade of lieutenant general.
2. I have reviewed MG O'Neill's performance in four joint duty assignments. As R&D Program Manager, Strategic Technology Directorate, Defense Advanced Research Projects Agency, he was responsible for the definition, management, and coordination of advanced technology programs for space defense and strategic and tactical ballistic missile defense. His technical insight, innovative thinking, and management skills merged a diverse group of technical and management experts into a cohesive and effective team. As Deputy Program Manager, NATO PATRIOT Management Office, MG O'Neill supervised the preparation of decision data for a spectrum of PATRIOT acquisition methods for NATO; the quality and clarity of information presented on this multibillion dollar program served as the basis for three European nations to proceed with their acquisitions. His ability to coordinate a multitude of bilateral and multinational actions simultaneously with US deployment arrangements reflects his unique management skills. As Deputy Director for Programs and Systems, SDIO, his successes in gaining sponsorship of BMD requirements and OSD coordination of the SDI effort, as well as his brilliant testimony before Congress, resulted in his acquiring a \$130M military construction budget in the formation of a new Federally funded R&D center. As Deputy Director, SDIO (later Acting Director, BMDO), he conceived and implemented a complete reorganization of SDIO to more effectively manage both strategic and tactical mission areas, transforming SDIO from a research organization into an acquisition agent for developing and deploying defensive systems mandated by the highest levels of the US Government. I am confident he is well qualified for both advancement and this assignment.
3. I concur with the Acting Secretary of the Army's nomination of MG O'Neill for this assignment and appointment to the grade of lieutenant general. Accordingly, I recommend you forward his nomination to the President approving these actions.

COLIN L. POWELL
Chairman
of the
Joint Chiefs of Staff

Enclosures

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. letter	[Personally Identifiable Information] [partial] (1 page)	06/24/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 46

FOLDER TITLE:

Chron File - July 1993 #4 [5]

2016-0152-F
vz4445

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

The White House

Washington

To the Senate of the United States:

I nominate:

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be Lieutenant General

Major General Malcolm R. O'Neill, (b)(6), United States Army [002a]

THE WHITE HOUSE

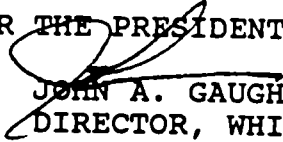
WASHINGTON

July 21, 1993

93 JUL 23 11:51

MEMORANDUM FOR THE PRESIDENT

FROM:


JOHN A. GAUGHAN

DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT:

Navy Flag Officer Nomination

Forwarded for your approval and signature is the nomination of Rear Admiral Robert J. Spane, United States Navy, for appointment to the grade of vice admiral and a recommendation for his assignment as Commander Naval Air Force, U.S. Pacific Fleet.

As required by title 10, United States Code, section 601 (2) (d) (1), the Deputy Secretary of Defense has attached an evaluation of Admiral Spane's performance in a joint duty assignment from the Chairman of the Joint Chiefs of Staff.

This nomination has been staffed by the Acting Secretary of the Navy and was approved by the Deputy Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000



17 JUL 1993

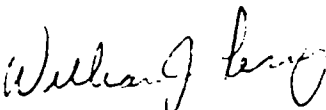
MEMORANDUM FOR THE PRESIDENT

SUBJECT: Navy Flag Officer Nomination

On behalf of the Secretary of Defense, I recommend the assignment of Rear Admiral Robert J. Spane, United States Navy, as Commander Naval Air Force, U. S. Pacific Fleet, a position of importance and responsibility previously designated to carry the grade of vice admiral, and his nomination for appointment to the grade of vice admiral. Admiral Spane, 53 years old, is currently assigned as Director, Manpower and Training Branch, Office of the Chief of Naval Operations. He will succeed Vice Admiral Edwin R. Kohn, Jr., who retired.

In carrying out the duties and responsibilities of this assignment, a flag officer must have demonstrated highly effective performance in a number of senior leadership positions. He must be able to exercise type command functions over all aircraft carriers and naval aircraft assigned to the Pacific Fleet. He must also be able to exercise command of shore activities assigned by the Chief of Naval Operations or Commander in Chief, U. S. Pacific Fleet. Admiral Spane meets these requirements.

Approval of this nomination will not cause the Navy to exceed the number of officers authorized to be serving in the grade of vice admiral. As required by title 10, United States Code, section 601(d)(1), I have attached an evaluation of Admiral Spane's performance in joint assignments from the Chairman of the Joint Chiefs of Staff.


William J. Perry

Attachments



CHAIRMAN, JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-0001

CN-024-93

17 June 1993

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Through: Deputy Secretary of Defense

Subject: Flag Officer Nomination

1. In accordance with the provisions of title 10, United States Code, and DOD Instruction 1320.4, the Acting Secretary of the Navy has recommended Rear Admiral Robert J. Spane for assignment as Commander, Naval Air Force, US Pacific Fleet, and appointment to the grade of vice admiral.
2. I have reviewed Rear Admiral Spane's performance in three joint duty assignments. As Military Assistant for the Assistant Director, Air Warfare, DDR&E, OSD, his ability to grasp the essential elements of a problem and address the pertinent alternatives was very much apparent in developing R&D alternatives. The success of the F-18 program (Navy version of the lightweight fighter) was in part attributed to his in-depth experience and knowledge of fleet operations and his ability to make logical, reasoned inputs based on mature assessments of impacts and alternatives in both technical and operational areas. As Chief, Current Operations Division, USCINCPAC, he readily integrated his in-depth military background with a keen sense of the political realities in the Pacific theater. He is a superb battle commander and warfighter, as evident by his organization and performance during several worldwide joint exercises. As the Director for Operations, USCINCLANT, he was the driving force behind innovative and imaginative solutions not only to real world operational problems but also to exercise and contingency planning. His understanding of joint matters, grasp of sensitive military-political issues, and knowledge of how best to employ operational forces are unsurpassed. He possesses an extremely broad understanding of not only the naval operational issues but also of joint operational and doctrine. I am confident he is well qualified for this assignment and advancement.
3. After consultation with the other members of the Joint Chiefs of Staff, I concur in the Acting Secretary's nomination of RADM Spane for this assignment and appointment to the grade of vice admiral. I recommend you forward the enclosed nomination to the President approving these actions.

A handwritten signature in black ink, appearing to read "C. L. Powell", is positioned above the printed name.

COLIN L. POWELL
Chairman
of the
Joint Chiefs of Staff

Enclosure

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. letter	[Personally Identifiable Information] [partial] (1 page)	06/17/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 46

FOLDER TITLE:

Chron File - July 1993 #4 [5]

2016-0152-F

vz4445

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

The White House

Washington

To the Senate of the United States:

I nominate:

The following named officer for appointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be Vice Admiral

Rear Admiral Robert J. Spane, U. S. Navy, (b)(6) [002b]

TO: PETERSON, R

FROM: ITOH

DOC DATE: 29 JUL 93
SOURCE REF:

KEYWORDS: NAVY

LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: DOD DRAFT BILL PUBLIC VESSEL PLASTIC & SOLID WASTE CONTROL ACT OF
1993

ACTION: KENNEY SGD MEMO

DUE DATE: 30 JUL 93 STATUS: C

STAFF OFFICER: HAHN

LOGREF: 9302110 9304121

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL

EXECSEC

HAHN

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJDA

CLOSED BY: NSJDA

DOC 3 OF 3

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9305519

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 HAHN
002 ITOH
003

Z 93072707 PREPARE MEMO FOR ITOH
Z 93072916 FOR SIGNATURE
X 93080508 KENNEY SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 930729 PETERSON, R

UNCLASSIFIED

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

July 29, 1993

MEMORANDUM FOR RONALD K. PETERSON

FROM:

WILLIAM H. ITO 

SUBJECT:

Defense Draft Bill Public Vessel Plastic and Solid
Waste Control Act of 1993

The National Security Council staff concurs in the Defense draft bill.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 28, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RHB*

FROM:

KEITH HAHN *KH*

SUBJECT:

Defense Draft Bill Public Vessel Plastic and Solid
Waste Control Act of 1993

Tab II provides DoD's response to agency comments on the Navy's legislative proposal dated June 30, 1993 on the Public Vessel Plastic and Solid Waste Control Act. Also attached is a revised legislative proposal dated July 13 which incorporates many of those agency comments.

The current version of the legislative proposal commits the Navy to full compliance with international disposal requirements, including special area (as designated by MARPOL Convention) requirements, at the earliest possible date. It directs the Navy to develop the technology necessary to come into full compliance, and through its reporting provisions, ensures that the Navy program to reach compliance will remain highly visible. Annual reports will be required on discharges which are not in compliance with regulations. Reports are required every five years on available technology, and on the Navy's effort to employ available technology to achieve full compliance.

All agencies are reported to be happy with this draft, although State would like to see a 10-year cap on extensions for compliance for all ships (surface and subsurface). However, it will not oppose this draft on this issue.

Concurrence by:

Jeremy Rosner *Eileen Claussen*
Jeremy Rosner, Eileen Claussen

RECOMMENDATION

That you sign the memorandum at Tab I concurring in the Defense draft bill as modified.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

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

SPECIAL

July 26, 1993

LEGISLATIVE REFERRAL MEMORANDUM

**LRM #D-297
DRAFT #209**

TO: Legislative Liaison Officer -

**COMMERCE - Michael A. Levitt - (202)482-3086 - 324
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
STATE - Julie C. Norton - (202)647-2137 - 225
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
EPA - Thomas C. Roberts - (202)260-5414 - 326
NSC - William H. Itoh - (202)395-3723 - 249**

**FROM: RONALD K. PETERSON (for) *Ronald K. Peterson*
Assistant Director for Legislative Reference**

**OMB CONTACT: Holly FITTER (395-3233)
Secretary's line (for simple responses): 395-6194
Linda WIESMAN (395-6808)**

**SUBJECT: DEFENSE Draft Bill Public Vessel Plastic and
Solid Waste Control Act of 1993**

DEADLINE: 5:00 PM July 28, 1993

**COMMENTS: Attached is Navy's reaction to the last set of
agency comments. If we do not hear to the contrary from you
within the prescribed timeframe we will assume that you have
no objection to clearance of the revised bill as amended.**

**OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President, in
accordance with OMB Circular A-19.**

**Please advise us if this item will affect direct spending or
receipts for purposes of the the "Pay-As-You-Go" provisions of
Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

CC:

**J. Payne
L. Haber
T. Hunt
K. McGinty
H. Paster
T. Davis
B. Burke**

FAX 14pgs

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this
_____ response sheet

JUL 2 ' 3 143 FROM OGC LO

TO OLA

PAGE. 04

**NAVY RESPONSES TO AGENCY
COMMENTS ON 30 JUNE REVISION**

RESPONSES TO COAST GUARD COMMENTS¹

1. - 5. Adopted.

RESPONSES TO NOAA COMMENTS

1. **Special Areas.** A number of comments are lumped together here, but will be addressed separately.

1. Subsection (c) has been modified to apply only to Navy ships.

2. In good faith the Navy cannot agree to a date certain when it will be able to meet all requirements for special areas. We note that these requirements do not arise under the 1973 Convention itself, and thus do not impose similar restrictions on the operational capabilities of any other navy.

3. At the meeting with OMB on 28 April, the Navy made it clear that it could not comply fully with requirements for special areas within 5 years. It was clear that after investing \$900 million in an expedited project to eliminate or reduce discharges of waste from Navy ships, the best technology available could not eliminate certain comparatively benign discharges under some circumstances in special areas.

4. This is due in part because the mission profile of ships in special areas must respond to the needs identified by the President and cannot be predicted. We note that the USS ROOSEVELT recently completed over two months of operations in the Adriatic Sea without a port call in response to unforeseen foreign policy requirements. In an era of expanding commitments and declining resources, such situations will occur more frequently.

5. After discussion of the Navy's need to be ready to respond to such contingencies in special areas, there was agreement that such discharges should be subject to a "no plastic, no floating discharge standard" with the understanding that the Navy would continue to work towards full compliance. In place of a fixed deadline, the Navy agreed to a number of measures to encourage and monitor progress towards full compliance. Section 4 already contains a number of measures to ensure that the Navy will continue to work on minimizing and then eliminating such discharges:

¹ Responses are numbered to correspond to comments where possible.

JUL 20 '93 8:43 FROM OGC ELO

TO OLA

PAGE. 35

6. New subsection 3(e) clearly establishes a goal of full compliance. That is clear and no further repetition or statement of a meaningless data should be required. The legislation already provides for:

7. New subsection 3(e)(1), which directs the Secretary of the Navy to work the problem until it is solved.

(a) New subsection 3(e)(2), which requires the Secretary of the Navy to issue regulations that, notwithstanding the revised special area standard, require compliance with Annex V requirements (including those for special areas) to the extent that the operational capabilities of the ships are not impaired.

(b) New subsection 3(e)(3), which requires the Secretary of Defense to report annually on discharges that are not fully compliant with Annex V, including special area requirements.

(c) New subsection 3(e)(4), which requires the Secretary of Defense to report every five years on possible technological solutions to special area discharges. This is a "report card" on the progress of the Secretary of the Navy, including funding devoted to the problem.

Thus the existing language would establish a comprehensive program to work toward solution of a problem that, at present, is insoluble. It will keep the issue alive and easily accessible to the other agencies and the public through a very meaningful process that will allow application of further measures should the Navy's effort lag. We cannot agree to the suggestion by NOAA.

2. Progress standards. There is no reason to eliminate the enumerated causes, all beyond the control of the Navy, that would extend the final compliance date. This is already an extraordinary provision, and should not be modified. In response to EPA comments, we have made it even clearer that only the progress standards are extended - not the compliance dates.

3. Reports. The language has been modified to clarify that it is the discharges that otherwise would be prohibited that are to be reported. Both subsection (b)(2)(A)iii and (c)(1) are clearly limited to Navy ships. We cannot report location as requested by NOAA because the reports could allow foreign intelligence services to determine classified information regarding the operating areas for submarines. Any reporting that would allow breaking out submarines by location, including location in special areas, is unacceptable. Reporting all discharges in particular special areas is unacceptable because, in the absence of surface ships (which can be tracked by conventional means), any discharges could be linked to submarines. We feel that the

JUL 20 '93 8:44 FROM OGC ELO

TO OLA

PAGE. 26

existing reporting language is sufficient to indicate the degree of Navy compliance with Annex V requirements. The purpose of this report is not to produce research quality information, a project that is beyond the scope.

4. Mixed waste. We do not dispute that the prohibition on disposal of plastic includes disposal of food-contaminated plastic under Regulation 3(1)(a) to Annex V. Plastic wastes are treated differently than garbage, whether food-contaminated or not. The only relief provided the Navy for plastic waste is the 5 year extension to purchase and install plastics processors and the 15 year extension for submarines. Plastics discharges from surface ships, already cut 70%, will diminish further after 1996 as the plastics processors come into the fleet. While we do not plan to revise the much-delayed report for such a revision, we believe that the current draft clearly recognizes the different treatment of plastic - as does the equipment suite we are procuring to come into compliance. Any ambiguity can be clarified in the regulations that the Navy will develop pursuant to sec. 4(e)(2).

5. Specific comments. Comments a. and b. are done. The proposed letter is already at OMB but we have no objection to changing it as indicated. We do not believe that the report, which a number of congressional staffs have already requested, should be revised further.

RESPONSES TO EPA COMMENTS

1. See response to NOAA comment 3.

2. Added language to clarify that the dates for the progress standards are extended. This should be clear enough.

3. Done.

4. As explained in answer 1.b. to NOAA's comments, the language cited can be improved, but the Navy has never held out the possibility of full compliance in special areas within 5 years. We acknowledge that the current language could be read to say that the goal is compliance in special areas in 15 years - which may be too generous or may be unrealistic. We prefer to rely on the other measures of Navy effort in the report and remove specific dates so that earlier compliance is not deterred if the technology (which is not even at the conceptual stage yet) does become available. The language has been so modified.

RESPONSES TO DEPARTMENT OF STATE COMMENTS

1. Taking the handwritten note on the comment previously submitted and then withdrawn on 28 April, we do not share the Department of State's lack of concern because only two areas are

fully in effect. The Navy just completed multilateral operations in the Baltic that were far more extensive than any recent efforts. The projections are that such exercises will continue and expand - making the Department of State historical assessments invalid. Moreover the approach of the Department of State could require emergency legislative relief whenever one of the designated special areas comes into effect. This is a poor plan to deal with an important issue.

JUL 2

0145

FROM OGC ELO

TO OLA

PA E.8

DRAFT

A BILL

Shipboard Plastic and Solid Waste Control Act of 1993

To amend the Act to Prevent Pollution from Ships in order to establish standards for compliance with Annex V to the MARPOL Convention by ships owned or operated by the Department of the Navy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

Section 1. Title. This act may be cited as the Shipboard Plastic and Solid Waste Control Act of 1993.

Section 2. Compliance Deadlines for Department of the Navy Ships.

(a) Subsection 3(b)(2)(A) of the Act to Prevent Pollution from Ships [33 U.S.C. § 1902(b)(2)(A)] is amended by deleting all after the words "shall apply" and inserting the following:

"to ships referred to in paragraph (1)(A) as follows:

(i) After December 31st, 1993 to all such ships except those owned or operated by the Department of the Navy;

(ii) After December 31st, 1998 to all such ships, including those owned or operated by the Department of the Navy except submarines;

(iii) After December 31st, 2008 to all such ships, including those owned by the Department of the Navy and submarines."

Section 3. Special Area Discharges. Section 3 of the Act to Prevent Pollution from Ships [33 U.S.C. § 1902] is amended by renumbering existing subsections (c) and (d) as (d) and (e) respectively and inserting new subsection (c) after subsection (b), as follows:

"(c) Special Area Discharges.

(1) This chapter The requirements of Annex V of the Convention shall not apply to effluent or other discharges from pulpers, comminuters, shredders, compactors aboard

JUL 28 '93 8:46 FROM OGC ELO

TO OLA

PAGE. 1

Shipboard Plastic and Solid Waste Control Act of 1993

submersibles, processors or other waste processing devices from any ship described in subsection (b)(1)(A) that is owned or operated by the Department of the Navy while such ship is located in a special area in effect under Annex V of the Convention unless:

(A) The ship is located within twelve nautical miles of the nearest land;

(B) such effluent or discharges result in the release of floatable material upon the surface of the water; or

(C) such effluent or discharges result in the release of plastic, irrespective of whether it floats."

Section 4. Full compliance measures. Renumbered subsection 3(e) of the Act to Prevent Pollution from Ships [33 U.S.C. 1902(e)] is amended as follows:

"(e) Compliance by Excluded Vessels. The United States hereby establishes a goal of full compliance with the requirements of Annex V to the MARPOL Protocol Convention. To this end:

(1) The Secretary of the Navy shall develop, and, as appropriate, support the development of the practicable technologies for solid waste management aboard ships, including technologies and practices for reduction of the waste stream, necessary to achieve the goal of full compliance established by this subsection at the earliest possible date.

(2) Within twelve months of the effective date of this section, the Secretary of the Navy shall prescribe standards applicable to ships excluded from this chapter by subsection (b)(1) of this section for which he is responsible. Standards prescribed under this subsection shall ensure, so far as is reasonable and practicable without impairing their operations operational capabilities, that such ships, including submersibles and ships in special areas, act in a manner consistent with the requirements of the MARPOL Protocol Annex V of the Convention. The Secretary of the Navy shall revise such standards from time to time in accordance with this subsection unless and until full compliance with the requirements of MARPOL Annex V of the Convention is achieved.

Shipboard Plastic and Solid Waste Control Act of 1993

(3) The Secretary of Defense annually shall report to the Secretary of Commerce, Secretary of State, Secretary of Transportation and the Administrator of the Environmental Protection Agency ~~heads of concerned Federal agencies~~ regarding the amount and nature of discharges from submersibles pursuant to ~~described in subsection (b)(1)(2)(A)(iii) and~~ discharges from ships pursuant to subsection (c)(1), which discharges would not otherwise be authorized under Annex V to the Convention.

(4) Five years from the effective date of this section, and on each five year anniversary thereafter until full compliance with Annex V to the Convention is achieved by all ships under his their control, the Secretary of Defense shall submit to the Secretary of Commerce, Secretary of State, Secretary of Transportation and the Administrator of the Environmental Protection Agency ~~heads of concerned Federal agencies~~ a report:

(A) Reviewing the then-existing technologies for solid waste management aboard ships, including submersibles;

(B) assessing the practicability of employing such technologies in Department of the Navy ships to achieve full compliance with the requirements of Annex V to the Convention by submersibles and by Department of the Navy ships in special areas; and

(C) setting forth the progress of the Department of the Navy, including amounts budgeted, towards achieving full compliance by submersibles and by Navy ships in special areas ~~no later than 15 years from the effective date of this section."~~

Section 5. Progress standards. The Department of the Navy shall vigorously pursue research and development, acquisition and installation of equipment required to meet the compliance deadlines established by Section 2 of this Act.

(a) To ensure timely compliance, the Department of the Navy shall meet the following objective standards:

JUL 2

147 FROM OGC ELO

TO OLA

PAGE.011

Shipboard Plastic and Solid Waste Control Act of 1993

(1) Not later than October 1, 1994, the Department of the Navy shall release a request for proposals for equipment required to allow long term collection and storage of plastic waste aboard its ships (hereinafter, "plastics processor"); and

(2) Not later than July 1, 1996, the Department of the Navy shall install the first production unit of the plastics processor on board a Navy ship; and

(3) Not later than July 1, 1997, the Department of the Navy shall complete installation of plastics processors on board at least half the ships that require such processors to comply with Section 2(a)(ii) of this Act; and

(4) Not later than April 1, 1998, the Department of the Navy shall complete installation of plastics processors on board at least three quarters of the ships that require such processors to comply with Section 2(a)(ii) of this Act.

(b) The dates set forth for meeting the progress standards in subsection (a) shall be extended day for day only to the extent that they cannot be met due to operational commitments ordered by the National Command Authority, failure of the Department of Defense or Congress to provide the funds requested by the Navy for this program, delays resulting from administrative boards or judicial proceedings, or delays caused by failure of a contractor to meet its obligations under the contract, Acts of God, or other circumstances not reasonably within the control of the Department of the Navy.

JUL 28 '93 01:47 FROM OGC ELO

TO OLA

PAGE. 1

Codified Section 1902, As Amended

§ 1902. Ships subject to preventive measures

(a) Included vessels

This chapter shall apply-

(1) to a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

(2) with respect to Annexes I and II to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters of the United States;

(3) with respect to the requirements of Annex V to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States; and

(4) with respect to regulations prescribed under section 1905 of this title, of any port or terminal in the United States.

(b) Excluded vessels

(1) Except as provided in paragraph (2), this chapter shall not apply to-

(A) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

(B) any other ship specifically excluded by the MARPOL Protocol.

(2)(A) Notwithstanding any provision of the MARPOL Protocol, and subject to subparagraph (B) of this paragraph, the requirements of Annex V to the Convention shall apply to ships referred to in paragraph (1)(A) as follows:

(i) After December 31st, 1993 to all such ships except those owned or operated by the Department of the Navy;

(ii) After December 31st, 1998 to all such ships, including those owned or operated by the Department of the Navy except submersibles;

(iii) After December 31st, 2003 to all such ships, including those owned by the Department of the Navy and submersibles.

JUL

'93

147

FROM OGC ELO

TO OLA

PAGE. 1

Codified Section 1902, As Amended

(B) This paragraph shall not apply during time of war or a declared national emergency.

(c) **Special Area Discharges.**

(1) This chapter ~~the requirements~~ of Annex V of the Convention shall not apply to effluent or other discharges from pulpets, comminuters, shredders, compactors aboard submersibles, processors or other waste processing devices from any ship described in subsection (b)(1) ~~that is owned or operated by the Department of the Navy~~ while such ship is located in a special area in effect under Annex V of the Convention unless:

(A) The ship is located within twelve nautical miles of the nearest land;

(B) such effluent or discharges result in the release of floatable material upon the surface of the water; or

(C) such effluent or discharges result in the release of plastic, irrespective of whether it floats.

(d) **Regulations**

The Secretary shall prescribe regulations applicable to ships of a country not a party to the MARPOL Protocol, including regulations conforming to and giving effect to the requirements of Annex V as they apply under subsection (a) of this section, to ensure that their treatment is not more favorable than that accorded ships to parties to the MARPOL Protocol.

(e) **Compliance by Excluded Vessels**

The United States hereby establishes a goal of full compliance with the requirements of Annex V to the MARPOL-Protocol-Convention. To this end:

(1) The Secretary of the Navy shall develop, and, as appropriate, support the development of the practicable technologies for solid waste management aboard ships, including technologies and practices for reduction of the waste stream, necessary to achieve the goal of full compliance established by this subsection at the earliest possible date.

(2) Within twelve months of the effective date of this section, the Secretary of the Navy shall prescribe standards applicable to ships excluded from this chapter by subsection

Codified Section 1902, As Amended

(b)(1) of this section for which he is responsible. Standards prescribed under this subsection shall ensure, so far as is reasonable and practicable without impairing their operations or operational capabilities, that such ships, including submersibles and ships in special areas, act in a manner consistent with the requirements of the ~~MARPOL Protocol Annex V~~ of the Convention. The Secretary of the Navy shall revise such standards from time to time in accordance with this subsection unless and until full compliance with the requirements of ~~MARPOL Annex V~~ of the Convention is achieved.

(3) The Secretary of Defense annually shall report to the Secretary of Commerce, ~~Secretary of State~~, Secretary of Transportation and the Administrator of the Environmental Protection Agency ~~heads of concerned Federal agencies~~ regarding the amount and nature of discharges from submersibles pursuant to ~~described in subsection (b)(1)(2)(A)(iii)~~ and discharges from ships pursuant to subsection (c)(1), which discharges would not otherwise be authorized under Annex V to the Convention.

(4) Five years from the effective date of this section, and on each five year anniversary thereafter until full compliance with Annex V to the Convention is achieved by all ships under ~~its~~ their control, the Secretary of Defense shall submit to the Secretary of Commerce, Secretary of State, Secretary of Transportation and the Administrator of the Environmental Protection Agency ~~heads of concerned Federal agencies~~ a report:

(A) Reviewing the then-existing technologies for solid waste management aboard ships, including submersibles;

(B) assessing the practicability of employing such technologies in Department of the Navy ships to achieve full compliance with the requirements of Annex V to the Convention by submersibles and by Department of the Navy ships in special areas; and

(C) setting forth the progress of the Department of the Navy, including amounts budgeted, towards achieving full compliance by submersibles and by Navy ships in special areas ~~no later than 15 years from the effective date of this section.~~