

FOIA MARKER

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Folder Title:

Chron File - June 1994 #1 [8]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

265

Row:	Section:	Shelf:	Position:	Stack:
31	3	4	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For Anthony Lake from Elisa Harris. Subject: CWC Ratification Strategy. Record ID: 9404702. (3 pages)	06/12/1994	P1/b(1)
001b. memo	For the Assistant to the President for National Security Affairs. Subject: Chemical Weapons Convention (CWC). (2 pages)	06/14/1994	P1/b(1)
002a. memo	For Anthony Lake from Steven Andreasen. Subject: Principals Committee Meeting on ABM/TMD Demarcation, June 14, 1994. Record ID: 9420733. (3 pages)	06/13/1994	P1/b(1)
002b. talking points	Points to be Made for Principals Committee Meeting on ABM/TMD Demarcation. (2 pages)	06/13/1994	P1/b(1)
002c. briefing paper	Duplicate of vz4577_003a. (5 pages)	05/26/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - June 1994 #1 [8]

2016-0152-F

vz4583

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]
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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.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

June 10, 1994

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

ROBERT G. BELL *RGB*

FROM:

ANNE WITKOWSKY *AAW*

SUBJECT:

Major Military Purchases from France

In answer to your query about major military purchases from France over the past several years, we have obtained the following information from DOD. Smaller purchases, around \$1 million or less, are not listed separately.

FY93: \$39.4 Million Total

Major Purchases:

\$14m	F-15 tires
\$ 9m	Engine parts
\$ 4.5m	R&D contracts

FY92: \$60.3 Million Total

Major Purchases:

\$17m	Detector array for satellite system (LOSAT)
\$14.6m	Sonar equipment
\$ 6m	F-15 tires
\$ 5m	C-130 fuselage parts

FY91: \$23.3 Million Total

Major Purchases:

\$11m	C-130 fuselage parts
-------	----------------------

FY90: \$79.9 Million Total

Major Purchases:

\$46m	Sonar equipment
\$ 7.6m	C-130 fuselage parts

FY89: \$239.3 Million Total

Major Purchases:

\$209m	Army tactical communications system
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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 13, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RB*
FROM: KEITH HAHN *KH*
SUBJECT: Schedule Proposal - Presidential Meeting with
Reserve Officers Association, January 1995

The President has been invited to be the keynote speaker at the Reserve Officers Association annual conference at the Washington Hilton Hotel on January 23, 1995. Although this date is well beyond the normal scheduling horizon, we believe that early consideration should be given to this invitation by an important military constituency.

RECOMMENDATION

That you forward the Schedule Proposal at Tab I.

Attachments

Tab I Schedule Proposal
Tab A Incoming Correspondence

THE WHITE HOUSE

4638

WASHINGTON

Schedule Proposal

date ____/____/____

☐ ACCEPT	☐ REGRET	☐ PENDING
---------------------------------	---------------------------------	----------------------------------

TO: Ricki Seidman
Assistant to the President and
Director of Scheduling and Advance

FROM: Anthony Lake

REQUEST: Presidential Speech to the Reserve
Officers Association

PURPOSE: To provide the keynote address to the
annual conference of the Reserve
Officers Association of the United
States.

BACKGROUND: The Reserve Officers Association of the
United States consists of Reserve
Officers of all of the uniformed
services. They represent a large and
increasingly important component of our
armed forces.

PREVIOUS PARTICIPATION: The President addressed this group in
Little Rock in 1986 while governor.

DATE AND TIME: January 23, 1995, 9:00 a.m.

DURATION: Approximately 20 minutes

LOCATION: Washington Hilton Hotel, Washington,
D.C.

PARTICIPANTS: 1200-1500 Reserve officers and ROTC
cadets

OUTLINE OF EVENTS: Speech

REMARKS REQUIRED: Yes

MEDIA COVERAGE: Yes

FIRST LADY'S ATTENDANCE: No

VICE PRESIDENT'S ATTENDANCE: No

cc: Stephanie Streett

SECOND LADY'S ATTENDANCE: No
RECOMMENDED BY: Anthony Lake
CONTACT: Keith Hahn

Attachment
Tab A Incoming Correspondence

006528

24 May 1994

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

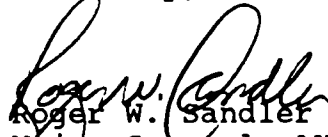
Dear Mr. President:

During the period January 23 to 25, 1995, the 100,000 member Reserve Officers Association of the United States will hold its annual Mid-Winter Conference at the Washington Hilton Hotel in Washington, D.C. I would like to invite you to be our keynote speaker on Monday morning, January 23d at 9:00 A.M. or at a time of your convenience.

The Reserve Officers Association, which you addressed in Little Rock in 1986, while serving as Governor of Arkansas, consists of Reserve Officers of all of the uniformed services. As our Commander-in-Chief, you will have the opportunity of addressing 1200 to 1500 Reserve officers and ROTC cadets.

On behalf of ROA, I would like to thank you in advance for considering this invitation. My point of contact is Mrs. Grace White, phone number (202) 479-2221.

Sincerely,


Roger W. Sandler
Major General, AUS (Ret.)
Executive Director

RWS/gw

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For Anthony Lake from Elisa Harris. Subject: CWC Ratification Strategy. Record ID: 9404702. (3 pages)	06/12/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - June 1994 #1 [8]

2016-0152-F

vz4583

RESTRICTION CODES

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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)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. memo	For the Assistant to the President for National Security Affairs. Subject: Chemical Weapons Convention (CWC). (2 pages)	06/14/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - June 1994 #1 [8]

2016-0152-F

vz4583

RESTRICTION CODES

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

June 13, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

ROBERT BELL *RGB*

FROM:

KEITH HAHN *UH*

SUBJECT:

Invitation for President to Attend Feast of
Friendship in Nettuno, Italy on June 3, 1994

At Tab II the President was invited to attend a buffet lunch hosted by the cities of Nettuno and Anzio, Italy following the memorial service at the Sicily-Rome American Cemetery on June 3, 1994. A reply was prepared by this office prior to the President's departure, but was not acted upon in time. The reply has, therefore, been re-cast as an ex post facto letter of regret.

Concurrences by:

in draft Jeremy Rosner and *in draft* Thomas Boss

RECOMMENDATION

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

Attachments

Tab I Memorandum for the President
Tab A Letter to Mr. Giuseppe Monaco
Tab II Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE

SUBJECT: Invitation to Attend the Feast of Friendship in
Nettuno, Italy on June 3, 1994Purpose

To respond to an invitation from Mr. Giuseppe Monaco, the Mayor of Nettuno, Italy, to attend a buffet lunch offered to U.S. veterans following the commemorative ceremonies at the Sicily-Rome American Cemetery on June 3, 1994.

Background

A reply regretting this event was prepared prior to your departure for Italy on June 1, but was not acted upon in time. The letter has, therefore, been re-cast as an ex post facto regret. Following the commemorative ceremony at the Sicily-Rome American Cemetery near Nettuno and your meeting with U.S. veterans, your schedule precluded your participation in this luncheon. Secretary Christopher and Secretary Perry represented the U.S. at this event.

RECOMMENDATION

That you sign the letter to Giuseppe Monaco at Tab A conveying your regrets.

Attachment

Tab A Letter to Giuseppe Monaco

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Mr. Monaco:

Thank you very much for your kind invitation to take part in the "Feast of Friendship" that was hosted by the towns of Nettuno and Anzio on June 3, 1994. I am told that it was one of the highlights of the day's festivities. Unfortunately, I had to return to Rome shortly after the ceremony at the Sicily-Rome American Cemetery and was unable to attend.

Please accept my regrets for not being able to attend your reception and pass my personal gratitude to the people of Nettuno and Anzio for the friendship they have demonstrated to U.S. veterans and other citizens over the past 50 years.

Sincerely,

Mr. Giuseppe Monaco
Mayor
Nettuno, Italy



Comune di Nettuno
Il Sindaco

3890

April 13th, 1994

Dear Mr President:

On behalf of the towns of Nettuno and Anzio, I would like to invite you and all your Staff to the "Feast of Friendship", a buffet lunch offered to the Veterans of the United States of America, following the memorial service at the Sicily/Rome American Cemetery, on June 3rd next.

The lunch hosted by the cities of Nettuno and Anzio, in the beautiful park inside the Villa Borghese in Nettuno, would be another sign of friendship toward the US Veterans and your country to which we feel united by sincere friendship.

I look forward to meet you in June 3rd and I would be most pleased if you could accept this invitation.

Sincerely,

Giuseppe Monaco

Mayor

President
Bill Clinton U.S.A.
White House
Washington, D.C.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. memo	For Anthony Lake from Steven Andreasen. Subject: Principals Committee Meeting on ABM/TMD Demarcation, June 14, 1994. Record ID: 9420733. (3 pages)	06/13/1994	P1/b(1)

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~~SECRET~~

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20666

PRINCIPALS COMMITTEE MEETING
DATE: June 14, 1994
LOCATION: The Roosevelt Room
TIME: 2:30 - 3:15

ABM/TMD DEMARCATION

Agenda

- I. Introduction.....NSC
- II. Discussion.....All participants
- III. Summary.....NSC

~~SECRET~~

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By VL NARA, Date 1/4/2007
7016-0152 -f

~~SECRET~~

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. talking points	Points to be Made for Principals Committee Meeting on ABM/TMD Demarcation. (2 pages)	06/13/1994	P1/b(1)

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LIST OF PARTICIPANTS

(TO BE PROVIDED)

Withdrawal/Redaction Marker

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002c. briefing paper	Duplicate of vz4577_003a. (5 pages)	05/26/1994	P1/b(1)

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UNCLASSIFIED **URGENT**
FAX TRANSMITTAL SHEET

THE NATIONAL SECURITY COUNCIL
DEFENSE POLICY/ARMS CONTROL
DIRECTORATE

FROM: Bob Bell

PHONE: (202) 395-3330

FAX: (202) 395-1185

TO

FAX

PHONE

Mary E. Hoinkes
ACDA

647-0024

NUMBER OF PAGES INCLUDING COVER SHEET 3

SPECIAL

INSTRUCTIONS:

Deliver Immediately!!

URGENT
UNCLASSIFIED

Compliance of THAAD flight testing during fiscal year 1995

The committee applauds the administration's efforts to seek among the successor states to the former Soviet Union an agreed clarification of permissible limits to the capabilities of Theater Missile Defense (TMD) systems. The committee notes that, at those negotiations, all parties appear prepared in principle to accept a definition of permissible limits that would unambiguously define the U.S. Theater High Altitude Area Defense (THAAD) system as a TMD system. The committee also notes testimony that, absent such relief, the flight testing of the THAAD interceptor missile, now scheduled to begin in November 1994, could raise ABM Treaty compliance issues. The committee is concerned that failure to reach a successful agreement at the ongoing negotiations prior to November 1994 could lead the administration to delay the initial flight testing of the THAAD system, the timely development and deployment of which the Congress has repeatedly supported. Based on US computer simulations, the administration has determined that the THAAD system could possess a "significant" intercept probability against some strategic RVs, but only after the full UOES system is in place, including battle management software to receive cueing information from external sensor sources.

The committee is aware of the following facts regarding the planned THAAD test program:

- The first two THAAD interceptor flight tests will not involve a target re-entry vehicle (RV).
- For the first 6 flight tests, the THAAD interceptor will be controlled only by an existing radar at White Sands.
- For the next four flights, encompassing the full fiscal year 1995 test plan, the THAAD interceptor will be controlled by a demonstration/validation (dem/val) radar system; a prototype (UOES) radar will only be incorporated into the THAAD system thereafter.
- U.S. computer simulations of the capability of each of the above THAAD system configurations show no capability to intercept strategic RVs.
- The maximum velocity of the THAAD interceptor missile is less than that of the deployed Russian SA-12 system, which the administration appears to have accepted as a TMD system.

Finally, even if the fully-developed, deployed THAAD system achieves all planned performance specifications, the U.S.

computer simulations indicate that the defended-area footprint against a strategic RV for the THAAD system will not include the THAAD battery itself; that is, the fully-developed THAAD system will have no self-defense capability against any strategic RV.

The committee understands that a specific review of the compliance of the THAAD dem/val program will be undertaken later this year. The committee strongly reiterates its views as expressed in section 234(a) of the National Defense Authorization Act for Fiscal Year 1994 (P.L. 103-160). The committee urges the administration to adopt reasonable standards for the THAAD dem/val compliance review process, to include comparability of the standards we intend to apply to assessments of the compliance of both US and Russian missile defense systems. For example, the committee will find it difficult to accept a position that the initial flight test of an interceptor missile, which test does not involve any physical target vehicle, can be found to be a "noncompliant" event. The committee would also question the operational military significance of a "defensive system" which is incapable of defending itself from attack.

If the THAAD dem/val compliance review does not determine that the planned dem/val program is fully compliant as proposed, and if the ongoing negotiations are not completed prior to November 1, 1994, the committee directs the Secretary of Defense to provide to the congressional defense committees not later than November 15, 1994, a report on the effects of additional delay on the planned THAAD test program. The report shall set forth for each quarter of fiscal year 1995 his assessment of the changes to the planned flight test schedule necessitated by the delay in completing the negotiations, together with his estimates of the delay in fielding both the UOES capability and the initial operational capability of the THAAD system, and the added cost to the THAAD program of such delay.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO. 2158
CONNECTION TEL 96470024
CONNECTION ID ACDA/OCA
START TIME 06/13 08:55
USAGE TIME 01'25
PAGES 3
RESULT OK

UNCLASSIFIED URGENT
FAX TRANSMITTAL SHEET

THE NATIONAL SECURITY COUNCIL
DEFENSE POLICY/ARMS CONTROL
DIRECTORATE

FROM: Bob Bell

PHONE: (202) 395-3330

FAX: (202) 395-1185

TO

FAX

PHONE

Mary E. Heinke 647-0024
ACDA

NUMBER OF PAGES INCLUDING COVER SHEET 3

SPECIAL

INSTRUCTIONS:

Deliver Immediately!!

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 13, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

~~ROBERT G. BELL~~ *RB*

FROM:

STEVEN R. JONES *SJ*

SUBJECT:

OSTP Proposed Testimony on Polar Satellite
Convergence (LRM #M-1520)

OMB has requested NSC views on the attached OSTP proposed testimony on polar satellite convergence. The testimony explains the conclusions of a recent National Science and Technology Council study and NSTC/PDD on this issue. As explained in the testimony, NOAA and DoD, in conjunction with NASA and potentially in cooperation with EUMETSAT, will converge their polar environmental satellite programs to achieve outyear savings.

On the second page, second full paragraph of the testimony, "National Science and Technology Council" should be inserted prior to Presidential Decision Directive so that there will be no confusion that this is an NSTC study and PDD rather than an NSC PDD.

Because of the immediate suspense, I have already passed this comment to Genevieve Siri in OMB.

Concurrence by:

Jeremy Rosner *JR*RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR JAMES J. JUKES

FROM: WILLIAM H. ITOH

SUBJECT: OSTP Proposed Testimony on Polar Satellite
Convergence (LRM #M-1520)

The NSC staff has reviewed the OSTP proposed testimony and concurs with one recommended change. On the second page, second full paragraph of the testimony, "National Science and Technology Council" should be inserted prior to "Presidential Decision Directive" so that there will be no confusion that this is an NSTC study and PDD rather than an NSC Presidential Decision Directive.

Because of the immediate suspense, this comment has already been provided to the OMB contact, Genevieve Siri.

4651

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

June 9, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1520

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3151 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
STATE - Julia C. Norton - (202)647-4463 - 225
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
NASA - Jeff Lawrence - (202)358-1948 - 219
NEC - Sonyia Matthews - (202)456-6722 - 429
NSC - William H. Itoh - (202)395-3723 - 249

FROM: JAMES J. JUKES (for) *Ji*
Assistant Director for Legislative Reference

OMB CONTACT: Genevieve SIRI (395-3454)
Secretary's line (for simple responses): 395-3454

SUBJECT: OSTP Proposed Testimony on Polar satellite
convergence

DEADLINE: ~~3 PM June 10, 1994~~ MONDAY, JUNE 13, 1994, 11 AM

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:

John Kamensky
Margaret Yao
Ken Schwartz
Harry Meyers
Jeff Payne
Kathy Peroff
Jack Fellows
Sarah Horrigan
Don Gessaman
Arnie Donahue
Tony Wu

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____

_____ Other: _____

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

**TESTIMONY
OF
DR. ROBERT T. WATSON
ASSOCIATE DIRECTOR FOR ENVIRONMENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

BEFORE THE

**COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION
UNITED STATES SENATE**

June 14, 1994

Mr. Chairman and Members of the Subcommittee:

I appreciate this opportunity to appear before you to comment on the Clinton Administration's decision to converge this nation's military and civilian polar-orbiting environmental satellite program into a single national system.

For the past three decades, the United States has operated separate civil and military polar-orbiting environmental satellite systems which collect, process and distribute remotely-sensed meteorological, oceanographic, and space environmental data. The Department of Commerce (DoC) National Oceanic and Atmospheric Administration (NOAA) is responsible for the Polar-Orbiting Operational Environmental Satellite (POES) program. Key aspects of the POES mission include collecting atmospheric data for weather forecasting, global climate research and emergency search and rescue purposes. The Department of Defense (DoD) is responsible for the Defense Meteorological Satellite Program (DMSP). The mission of DMSP is to provide a survivable capability for collection and distribution of global visible and infrared cloud data and other specialized meteorological, oceanographic and solar geophysical data to support military operations.

While the National Aeronautics and Space Administration (NASA) has no operational satellite systems it has initiated a research program called Mission to Planet Earth (MTPE). A key portion of that effort is the Earth Observing System (EOS); a series of five different satellite systems in a variety of orbits measuring various parameters critical to understanding global climate change. One of these satellite series is called the EOS-PM (PM indicating that the satellite passes over the equator in the afternoon). Some of the climate monitoring instruments on EOS-PM are larger, more complex and more capable versions of the operational meteorological instruments currently flying on the NOAA weather satellites.

The President's decision requires the Departments of Commerce and Defense to converge Commerce's POES program and Defense's DMSP. This will result in a single national polar-orbiting operational environmental satellite system which will provide data needed to meet both U.S. civil and national security requirements, and to fulfill international obligations. NASA's EOS-PM development efforts will provide new remote sensing and spacecraft technologies that could improve the operational capabilities of the converged system.

The goal of the converged program is to reduce the cost of acquiring and operating polar-orbiting operational environmental satellites, while continuing to satisfy U.S. operational civil and national

security requirements. The decision implements a recommendation contained in the Vice President's National Performance Review (NPR), published last September. The savings to the American taxpayer are estimated to be up to \$300 million in budget authority and up to \$251 million in outlays from projected levels between fiscal years 1994 and 1999, based on the FY 1994 budget.

The converged program will be conducted in accordance with the following principles:

- the operational environmental data from polar-orbiting satellites are important to the achievements of U.S. economic, national security, scientific, and foreign policy goals;
- assured access to operational environmental data will be provided to meet civil and national security requirements and international obligations;
- the United States will ensure its ability to selectively deny critical environmental data to an adversary during crisis or war yet ensure the use of such data by U.S. and Allied military forces. Such data will be made available to other users when it no longer has military utility; and
- the implementing actions will be accommodated within the overall resource policy guidance of the President.

National Science & Technology Council
The Presidential Decision Directive directs the Department of Commerce, the Department of Defense, and NASA to create an Integrated Program Office (IPO) for the converged polar-orbiting operational satellite system by October 1, 1994. The IPO will be responsible for the management, acquisition, and operation of the converged system. The IPO will be under the direction of a single System Program Director (SPD), and three Associate Directors, each of which will guide a particular functional area. The SPD will be nominated by NOAA and approved by a Triagency Executive Committee (EXCOM); the Associate Directors will be nominated by the appropriate participating agency and approved by the SPD. The Under Secretary-level Executive Committee will act as the Board of Directors for the program. The EXCOM will also coordinate program plans, budgets, and policies and will ensure agency funding commitments are equitable and sustained. The three agencies are developing a process for identifying, validating, and documenting requirements for the converged system. Those requirements will define the system baseline used to develop agency budgets.

The Department of Commerce, through NOAA, will have lead agency responsibility to the Executive Committee for the converged system. NOAA will have lead agency responsibility to support the IPO for satellite operations. NOAA will also have the lead for interfacing with national and international civil user communities, consistent with national security and foreign policy requirements.

The Department of Defense will have lead agency responsibility to support the IPO in major systems acquisitions. NASA will have lead agency responsibility to support the IPO in facilitating the development and insertion of new cost-effective technologies to meet operational requirements.

The U.S. will seek to implement the converged system in a manner that encourages cooperation with foreign governments and international organizations consistent with U.S. requirements. This cooperation will be conducted in support of these requirements in coordination with the Department of State and other interested agencies.

The agencies are intent on converging the two U.S. operational polar meteorological satellite programs. The first major step toward this end is establishing the Integrated Program Office

(IPO). The three agencies have established an Triagency Adhoc Convergence Transition Team (TACTT) to develop the plan to activate the IPO. As a first order of business, the agencies will select the individuals to fill their key IPO positions. The TACTT will at the minimum conduct those planning activities necessary to develop Memorandum of Agreements, locate and occupy a facility for the IPO and further define detailed management and programmatic procedures.

This approach reflects a change in previous interagency working groups because specialized programmatic and technical expertise of each agency will focus upon working together to meet the program's set of combined requirements, and less on the previous narrow specialized perspectives of each parent agency.

The Triagency Steering Committee has captured the spirit of reinventing government, as this group did not limit itself to reusing previous methods and approaches. Rather, the triagency convergence study group identified and analyzed previous lessons learned in search of innovative solutions that would offer the greatest probability of the program's success.

Mr. Chairman, this concludes my prepared statement. I will be glad to answer any questions.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 13, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

~~ROBERT G. BELL~~ *RGB*

FROM:

STEVEN R. JONES *J*

SUBJECT:

Defense Proposed Testimony on Polar Satellite
Convergence (LRM #M-1522)

OMB has requested NSC views on the attached DOD proposed testimony on polar satellite convergence. The testimony explains the conclusions of a recent National Science and Technology Council study on polar satellite convergence, including NOAA and DoD plans to converge their polar environmental monitoring satellite programs. The DoD testimony also discusses the requirement to selectively deny converged data to adversaries in times of crisis.

The proposed testimony follows recent NSTC PDD decisions. Because of the immediate suspense, I have phoned in NSC staff concurrence for this testimony.

Concurrence by:

Jeremy Rosner *JR*RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR JAMES J. JUKES

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Testimony on Polar Satellite
Convergence (LRM #M-1522)

The NSC staff has reviewed the Defense proposed testimony on polar satellite convergence and has no objections.

Because of the immediate suspense, this information was telephoned directly to the OMB contact, Genevieve Siri.

10 PAGES
4670

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

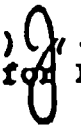
June 9, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1522

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3151 - 324
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
STATE - Julia C. Norton - (202)647-4463 - 225
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
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NEC - Sonyia Matthews - (202)456-6722 - 429
NSC - William H. Itoh - (202)395-3723 - 249
OSTP - Roselis D'Allessandro - (202)456-6014 - 288

FROM: JAMES J. JUKES (for) 
Assistant Director for Legislative Reference

OMB CONTACT: Genevieve SIRI (395-3454)
Secretary's line (for simple responses): 395-3454

SUBJECT: DEFENSE Proposed Testimony on Polar satellite
convergence

DEADLINE: ~~3 PM June 10, 1994~~ MONDAY, JUNE 13, 1994, 11AM

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
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Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

John Kamensky
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Ken Schwartz
Harry Meyers
Jeff Payne
Kathy Peroff
Jack Fellows
Sarah Horrigan
Don Gessaman
Arnie Donahue
Tony Wu
Rich Dalbello

JUN 10 '94 15:28 FROM OSD-LRS

TO JUKES

PAGE.8

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06/10/94 10:38 0301 713 1249

TESTIMONY
OF
GEORGE R. SCHNEITER
DIRECTOR, STRATEGIC AND SPACE SYSTEMS
OFFICE OF THE UNDER SECRETARY OF DEFENSE
(ACQUISITION AND TECHNOLOGY)

BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

June 14, 1994

Mr. Chairman and Members of the Committee:

Like my colleagues, I appreciate the opportunity to appear before you to comment on convergence. Accompanying me today is Mr. Richard McCormick, Deputy Assistant Secretary of the Air Force for Space Plans and Policy. Thank you for recognizing Defense's interest in and commitment to the converged program by virtue of your invitation to join NOAA in testifying at this hearing. As you know, we have previously integrated some elements of the military and civil polar weather satellite programs, but have not reached full convergence. Your interest in the success of the Tri-Agency convergence study was a factor in our success to this point; your continued support as we work to further define the programmatic and budgetary aspects of a converged national program will likewise be very important.

JUN 10 ' 4 15:29 FROM OSD-LRB

TO JUKES

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The Department of Defense is pleased to be a partner, with NOAA and NASA, in this new era of interagency cooperation and interdependence. The decision to converge two operational satellite systems - one civil and one military - into a single national system is a landmark one and is extremely important to both the civilian and national security user communities.

The integrated management structure described by Dr. Baker builds on the inherent expertise of each agency, thus strengthening the converged program. We in the Department of Defense accept the responsibility of supporting the Integrated Program Office (IPO) as lead agency for Acquisition.

In doing so, we will support the IPO by providing the Associate Director for Acquisition, who will be responsible for acquiring and fielding the space, ground, and command, control, and communications segments, as well as be responsible for launch and early on-orbit checkout of the U.S. government spacecraft in the constellation. System acquisition will be conducted under the statutory authorities of the Under Secretary of Defense for Acquisition and Technology. DoD acquisition procedures and infrastructure will be modified as appropriate, to reflect the triagency character of the converged program, and the program's Executive Committee will concur on all significant convergence related decisions. The Department of Defense is well equipped to

JUN 1 '84 15:30 FROM OSD-LRS

TO JUKES

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conduct the acquisition necessary to meet the program cost, performance, and schedule objectives.

The Department will play a significant role in supporting the remainder of the converged program. We will provide the Principal Deputy System Program Director. DoD personnel and facilities will be integral to converged program operations. This will include the use of the Air Force Satellite Control Network, which will also provide an austere mission backup command and control capability at Falcon Air Force Base. The operations concept for the converged program will take into account both the military and civil operational needs.

Both DoD and NOAA vitally need a successful polar-orbiting meteorological satellite program to satisfy national security and civil operational requirements. We are convinced the integrated approach for developing, acquiring, operating and managing the converged program builds an interdependency among the agencies, thereby providing the underpinnings of success. The Executive Committee, in their role as a Board of Directors, reinforces the interdependency of the agencies. As the EXCON provides policy guidance -- and approves the management plan, budget, acquisition strategy, operations concept and baselines -- they will be placing agency stamps of approval on the program.

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FROM OSD-LRS

TO JUKES

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In creating the converged program, the agencies will take core national security requirements that must be satisfied during conflict or war, and merge them with critical civil requirements to forge a single operational system. The Department of Defense has a longstanding requirement for assured, accurate, and timely access to environmental data critical to the operations of U.S. military forces. We have in the past demonstrated our commitment to a sustainable meteorological satellite program as we fielded the Defense Meteorological Satellite Program. The evolution of the converged program represents neither a change in our fundamental requirement nor a change in our commitment to satisfying it.

Key to ensuring that the converged program satisfies critical civil and military operational requirements is the completion of the joint agency validated requirements document. The three agencies have agreed to use a requirements process patterned after that used by the Department of Defense. The joint agency requirements definition process is well underway. This process will ensure the baseline requirements for the converged program are as accountable and as responsive to operational user needs as are the baseline requirements for the current single agency programs.

JUN 10 '94 15:31 FROM OSD-LRS

TO JUKES

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The converged program provides the nation with the opportunity to accomplish its operational meteorological and oceanographic remote sensing missions (both military and civil) in a more cost-effective manner, thus saving money for the taxpayer, the government and each agency. We recognize the potential for further cost savings through a possible partnership with the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) and are working aggressively with NOAA, NASA, and their European partners to determine if U.S. mission requirements can be achieved with the inclusion of the EUMETSAT spacecraft in our converged system. Those requirements for the inclusion of the EUMETSAT spacecraft were developed in concert with NOAA and NASA and are designed to ensure availability of critical data when and where it is needed to support military operations and civil requirements.

Significant among these requirements is the requirement for selective data denial. The United States recognizes the importance of meteorological data to military planning and the execution of military operations. The United States requires the capability to selectively deny data to an adversary during crisis or war, yet ensure use of such data to United States and allied military forces. The decision to deny data would be made at the highest levels of the United States Government. Data would be denied only on a real-time basis. Data will be archived and made

JUN 10 '94 15:31 FROM OSD-LRS

TO JUKES

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available later to support national and international research needs when those data no longer have military utility.

--
If key United States Government requirements can be satisfied, we believe inclusion of the EUMETSAT spacecraft will not adversely impact military operations.

--
Like NOAA, the Department of Defense has not yet fully defined the effect of convergence on future budgets. We recognize there will be some up-front costs to establish the IPO and to initiate concept trade studies. To meet those funding needs, we believe the budget requests for the follow-on programs as contained in the FY95 President's Budget must remain unchanged.

We will continue to work with NOAA and NASA to develop our joint funding needs for the FY96 budget and beyond, and to better define the 1996-through-1999 savings initially estimated in the National Performance Review. The converged program will certainly allow our combined projected budgets for our follow-on programs to be reduced in the long term, while still satisfying DoD mission requirements. Detailed program costs and savings will be developed after the Integrated Operational Requirements Document has been completed.

With the formal establishment of the IPO and Executive Committee

JUN 10 4 15:32 FROM OSD-LRS

TO JUKES

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by October 1, 1994, the mechanism will be in place to ensure each agency can sustain its budgetary commitment to the program. The involvement of the EXCOM members in the system requirements and funding approval processes will ensure the agencies support the budgetary requests in a balanced manner.

We believe this convergence is a true example of how the agencies can reinvent their ability to satisfy critical requirements at reduced cost to the government and taxpayer. We look forward to working with our partners as we proceed down the path of convergence. We are confident that the integrated cooperative approach demonstrated successfully over the past ten months will continue as we move from studying convergence to actually implementing this important endeavor.

Mr. Chairman, this concludes my prepared statement. I will be glad to answer any questions.

703 614 8391

JUN 10 '94 15:28

FROM OSD-LRS

TO JUKES

PAGE.001



DEPARTMENT OF DEFENSE
LEGISLATIVE REFERENCE SERVICE
ROOM 3D282
WASHINGTON, D.C. 20301

FAX FROM LEGISLATIVE REFERENCE SERVICE

TO: GENEVIEVE SIRI-OMR

FROM: JOHN BELTON-LRS

DATE AND TIME: 6-10-94 / 16:35

NUMBER OF PAGES TO FOLLOW: 7

GENEVIEVE,
FOR CLEARANCE PER
PHONON, NEED ASAP.

THANKS
John

Verification Number: (703) 697-1308
Fax Number (703) 614-8391

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 13, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RB*

FROM:

KEITH HAHN *KH*

SUBJECT: Defense Proposed Testimony RE: HR 3300, Natural
Resource Management on Military Lands Act

Tab II provides the proposed Defense testimony concerning land management programs and airspace requirements as contained in HR 3300 (the Sikes Act Amendments), HR 2080 (the Military Land Reform and Reassessment Act) and the recent General Accounting Office report on the management of lands withdrawn for military use. Defense supports HR 3300 and the findings of the GAO report, but not HR 2080 which they believe would adversely affect operational readiness.

Concurrences by:

Eileen Claussen *EC* and Jeremy Rosner *JR*

RECOMMENDATION

That you sign the memorandum at Tab I concurring in the proposed Defense testimony.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Testimony RE: HR 3300, Natural
Resource Management on Military Lands Act

The National Security Council staff concurs in the proposed
Defense testimony.

4684

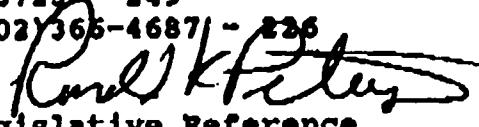
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

URGENT

June 13, 1994

LEGISLATIVE REFERRAL MEMORANDUM**LRM #I-2963****TO: Legislative Liaison Officer -**

AGRIC-CR - Vince Ansell (all testimony) - (202)720-7095 - 230
COMMERCE - Michael A. Levitt - (202)482-3151 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
EPA - Thomas C. Roberts - (202)260-5414 - 326
INTERIOR - Danny Consenstein - (202)208-6706 - 329
NASA - Jeff Lawrence - (202)358-1948 - 219
NSC - William H. Itoh - (202)395-3723 - 249
TRANSPORTATION - Tom Herlihy - (202)365-4687 - 226

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

OMB CONTACT: MIKE GOAD (395-7301)
Secretary's line (for simple responses): 395-6194

SUBJECT: Defense Proposed Testimony RE: HR 3300,
Natural Resource Management on Military Lands
Act

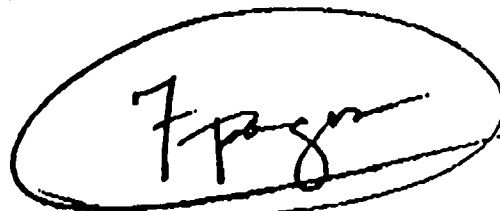
DEADLINE: 10:00 TUESDAY, June 14, 1994

COMMENTS: At the June 15th House Armed Services hearing, Defense will present a statement on several issues, including the Department's position on HR 3300. Only pages 1-5 of the statement pertain to HR 3300, and only those pages are being sent to you for your review. The balance of the Defense statement will be circulated under cover of LRM #I-2959. If you do not respond by the deadline, we will assume that your agency has no comment.

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:
L. Haber
S. Cameron
A. Stigile
N. Gentile



JUN 10 ' 4 15:58 FROM O D-LRS

TO PETERSON

PA .003

Good morning, Mr. Chairman and Members of the Committee. On behalf of Secretary Perry, thank you for the opportunity to testify on the Department of Defense's land management and airspace programs.

DoD is developing a new conservation strategy as part of its Environmental Security program. The office of Environmental Security was created just over a year ago by President Clinton, Vice President Gore and Secretary Perry in order to integrate environmental considerations into defense policies and practices. Environmental Security has six major goals:

- o ensure DoD operations comply with environmental laws;
- o clean up and reduce risk from contaminated sites;
- o be responsible stewards of the land DoD holds in public trust;
- o prevent pollution at the source whenever possible;
- o promote development of dual-use environmental technologies; and
- o protect the safety and health of our military and civilians.

Today, I will focus on our land management programs and airspace requirements. The Department of Defense is the steward for 25 million acres of public land, an area approximately the size of the state of Tennessee. DoD lands represent all of our country's major land types and contain sensitive ecosystems and endangered species, irreplaceable historic and archeological sites, and many other important natural and cultural resources.

The Department faces a challenging task of protecting these resources while supporting the military mission. DoD recognizes that protection of these resources and compliance with environmental laws ensures the continued availability of lands and waters to support training that is critical to mission performance and readiness. As part of this conservation strategy, we are committed to:

- o Comply with all applicable laws and standards for natural resources.
- o Fulfill the military mission in consonance with sound natural resource management policies
- o Identify all significant and sensitive natural resources.
- o Promote ecosystem-based management on all military lands.
- o Provide training, education, and staffing to build a strong conservation ethic.

JUN 18 ' 4 18:

F OM O D-L

TO P TERSON

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- o Enhance coordination and consultation with federal and state agencies and other interested parties.
- o Provide for public access to our conservation programs whenever permitted by mission and resource management constraints.

I will address three topics today that concern our land management programs and airspace requirements: H.R. 3300, the Sikes Act Amendments; H.R. 2080, the Military Land Reform and Reassessment Act; and the recent General Accounting Office report on the management of lands withdrawn for military use. The DoD response to each of these initiatives results from the interplay between our responsibilities to support both national defense and resource conservation goals. The key question in each case is how the initiative will affect our ability to achieve operational readiness and accomplish our military mission, while meeting our obligation to manage all of our resources wisely. Balancing these two public interests leads us to generally support H.R. 3300 and the findings of the GAO Report as vehicles which will enhance our ability to accomplish both missions. However, we cannot support H.R. 2080 because of its severe impact on operational readiness.

H.R. 3300, the Natural Resource Management on Military Lands Act

For more than 30 years, the Sikes Act has proven instrumental in helping the Department manage its unique natural resources. The approximately 250 cooperative fish and wildlife management plans military installations have developed under the Sikes Act in coordination with the U.S. Fish and Wildlife Service and State fish and game agencies have been the cornerstone for many of our natural resources management initiatives.

Ecosystem management represents a new chapter in our understanding of the interrelationships between land and species. The goal of ecosystem management is to restore and maintain the health, sustainability and biological diversity of ecosystems while supporting sustainable economies and communities. This management concept enables us to actively recognize the aims of all of the various program elements, capitalize on their interdependence, and in the execution of the program as a whole, balance priorities and resources.

An example of DoD's commitment to ecosystem management is our new Mojave Ecosystem Management Initiative. This is an unprecedented partnership among all of the military Services, the Department of Interior and the state and local governments and people of California to sustain the unique habitat of these desert lands. The initiative brings together all people and all agencies responsible for the health and welfare of a region to develop an integrated plan to manage the land and species that live there while accounting for social and economic needs. This initiative will support all of our Defense goals: a strong military, a solid economy, and a healthy environment and covers six of our key training ranges - Edwards, China Lake, Fort Irwin, 29 Palms, Chocolate Mountain and Nellis.

JUN 1 ' 4 1 1

FROM OSD-LRB

TO PETERSON

PAGE.

Reauthorization of the Sikes Act will enhance our ability to use an ecosystem management approach. With some exceptions, we support the Sikes Act legislation.

In particular, we support requiring the development and implementation of integrated natural resource management plans for military installations. This is the most effective means of ensuring that resource management decisions on DoD lands are made based on informed consideration of all relevant factors. But plans alone won't get the job done.

The Department also generally supports a number of amendments that would complement development and implementation of integrated plans, including:

- o public participation in the preparation of each integrated management plan.
- o establishment of specific natural resource management goals and objectives.
- o internal review of installation compliance and reporting of those results to Congress.
- o deadlines for adopting integrated management plans.
- o trained DoD personnel to enforce existing fish and wildlife laws on military installations.

While we support establishing a framework to ensure integrated management plans are developed and implemented on military installations, we are concerned about imposing undue burdens on our installations and natural resource managers. In particular, we do not support using Notices of Violation to ensure implementation. Such a remedy is a disparate response to what is not clearly a problem. Not only is this process designed only to apply to the Department of Defense, breaking the parallel with other environmental compliance statutes, but it effectively limits the flexibility the Sikes Act originally intended to grant DoD to manage its lands for military purposes. Additionally, the provisions of subsection 5(a) could damage existing cooperative relationships with the U.S. Fish and Wildlife Service and State fish and game agencies, as well as be difficult and resource-intensive to administer.

The Department of Defense is pursuing an alternative approach to ensure that integrated natural resource management plans are developed and implemented on our military installations.

First, we are committed to ensuring that natural resource laws are given the same priority for programming and budgeting priorities as other environmental laws. Under the Fiscal Year 1996-2001 Defense Planning Guidance, the Military Departments are required to develop an Environmental Security Strategic Plan for conservation that will serve as the basis for programming and budgeting. This plan requires at a minimum:

JUN 18 ' 4 16:01 FROM OSD-L B

TO PETERSON

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"By FY 1996, Components will ensure that at least 60 percent of all Integrated Natural Resource Management Plans, for installations determined by the Component to have sufficient resources to require a management plan, are prepared and implemented to provide for the effective management of natural resources and for the protection of threatened and endangered species, wetlands, and biodiversity. Components will complete inventories of natural and cultural resources entrusted to DoD on a timeline consistent with the National Biological Survey."

We are now in the process of creating a prioritization system for identifying urgent natural resources needs and funding such projects appropriately. Under this system, nonrecurring projects and services required to be in compliance with natural resources regulatory requirements in the current budget fiscal year will be included as one of the highest priorities for funding. Examples of these high priority items include:

- o preparation and implementation of integrated natural resource management plans.**
- o commitments made under special agreements such as the Chesapeake Bay Agreement.**
- o surveys of wetlands or endangered species where current or proposed land use could violate regulatory requirements.**
- o natural resource damage assessments prepared in response to immediate legal requirements.**

Second, we believe that ultimate responsibility for managing the sensitive natural resources on DoD lands lies with the military managers who use those resources. Further, given their expertise in both natural resource conservation and military operations, DoD managers are in the best position to balance the needs of mission accomplishment with natural resource stewardship.

Accordingly we have internal auditing procedures to help ensure that integrated natural resource management plans are developed and implemented. The auditing program includes measures of merit that enable us to establish management goals and to track the military department's progress in achieving those goals. All of the military departments are vigorously pursuing institutional changes to incorporate these measures of merit in their inspections and environmental compliance evaluations.

Of paramount concern to the Defense Department is the ability to continue using our lands to support the military mission. We recognize that even with the best planning, full compliance with environmental laws will sometimes restrict our ability to train. We have historically adjusted our training operations to comply with environmental

laws in numerous ways. We have modified low-level flight routes to accommodate grazing areas. We have scheduled ground activities around sensitive mating and nesting times. We have moved artillery impact areas to respond to critical habitat concerns. We will continue to take such actions when required. However, we cannot support imposing unnecessary restrictions on our lands and are prepared to work with the Committee on the specific language in this bill.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 13, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RBB*

FROM:

PETER FEAVER *PDF*

SUBJECT: Justice Proposed Report Re. HR-3344, Relief for Gamble

Tab II is a proposed report, prepared by the Department of Justice, on HR-3344, a bill "For the relief of Lloyd B. Gamble." Mr. Gamble claims that he was one of 740 service members given LSD as part of an Army research program conducted in 1957. HR-3344 would lift the immunity and pay Mr. Gamble \$254,488 in compensation. The Department of Justice does not support HR-3344, arguing that Mr. Gamble has not availed himself of established avenues for relief within the military such as the Army Board for Correction of Military Records. Moreover, the DOJ argues that waiving the immunity affirmed by the Supreme Court would "establish an unwarranted precedent of preferential treatment for favored litigants."

Concurrences by:

Alan Kreczko *AK* and Jeremy Rosner *JR*RECOMMENDATION

That you sign and forward the memorandum at Tab I indicating NSC staff concurrence in the proposed report.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR JANET R. FORSGREN

FROM: WILLIAM H. ITOH

SUBJECT: Justice Proposed Report Re. HR-3344, Relief for
Gamble

The National Security Council Staff concurs in the proposed
report.

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

June 9, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-2937

TO: Legislative Liaison Officer -

**DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
VA - Robert Coy - (202)273-6666 - 229
NSC - William H. Itoh - (202)395-3723 - 249**

**FROM: JANET R. FORSGREN (for *Janet R. Forsgren*)
Assistant Director for Legislative Reference**

**OMB CONTACT: Melissa COOK (395-3924)
Secretary's line (for simple responses): 395-7362**

**SUBJECT: JUSTICE Proposed Report RE: HR 3344, Lloyd B.
Gamble**

DEADLINE: 3:00PM June 16, 1994

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:

~~XXXXXXXXXX~~

Phebe Vickers

Mary Jo Siolari

Wendell Waites

Justin Kopca

Bob Damus

Alicia Kolaian

Clarissa Cerda

Lorraine Miller

Jennifer Palmieri

Jim Murr

Janet Forsgren

LRM #I-2937

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is simple (e.g., concur/no comment) we prefer that you respond by faxing us this response sheet. If the response is simple and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a secretary.

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

TO: Melissa COOK
 Office of Management and Budget
 Fax Number: (202) 395-6148
 Analyst/Attorney's Direct Number: (202) 395-3924
 Branch-Wide Line (to reach secretary): (202) 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

SUBJECT: JUSTICE Proposed Report RE: HR 3344, Lloyd B.
 Gamble

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur
_____ No objection
_____ No comment
_____ See proposed edits on pages _____
_____ Other: _____
_____ FAX RETURN of _____ pages, attached to this
 response sheet



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable John Bryant
Chairman
Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for giving us the opportunity to comment on H.R. 3344, a bill "For the relief of Lloyd B. Gamble." While we understand the concern of the bill's sponsor for Mr. Gamble, for the reasons contained herein the Department of Justice recommends against enactment of this legislation.

Mr. Gamble's private relief bill is premised on his assertion that he was exposed to lysergic acid diethylamide (LSD) while he was in the military service. It appears that he was one of 740 service members given LSD under medical supervision as part of an Army research program conducted in 1957. The available information indicates that Mr. Gamble has never applied to the Department of Veterans Affairs for benefits to compensate him for residual disabilities attributable to his participation in such research. Compensation is available if such disabilities were incurred or aggravated during military service. Also, we have not been provided any independent verification that the problems Mr. Gamble attributes to the research were caused by it.

As you are aware, the Federal Tort Claims Act is a limited waiver of sovereign immunity. It was enacted by Congress largely because the legislative process is ill-suited to resolve individual personal injury claims. Through the Federal Tort Claims Act, Congress gave the courts the responsibility to apply the law uniformly to all claimants and to ensure that each claim is decided on its factual and legal merits. In granting this limited waiver, Congress provided very specific terms and conditions applicable to the government's consent to suit, and the courts have uniformly held that the Federal Tort Claims Act's limited waiver of sovereign immunity should be strictly construed. If enacted, H.R. 3344 would effectively bypass the Supreme Court decision in Feres v. United States, 340 U.S. 135 (1950), which held that the United States has

06/09/91 12:24 L-WP BRANCH/US 004
not waived sovereign immunity from suits by members of the military who are injured incident to their military service. The Feres Doctrine has recently been reaffirmed by the Supreme Court in United States v. Johnson, 481 U.S. 681 (1987) and in United States v. Stanley, 483 U.S. 669 (1987). The latter suit involved allegations of participation in LSD experiments similar to those made by Mr. Gamble.

H.R. 3344 would establish an unwarranted precedent of preferential treatment for favored litigants. Singling Mr. Gamble out for special treatment would undermine the well-established principle of American jurisprudence that requires the uniform application of the law to all persons. To the extent that he may be able to document service-connected injuries and any resulting disability, he may pursue entitlement to compensation through a petition to the Army Board for Correction of Military Records. However, the case has not been made which would justify a private bill of relief for Mr. Gamble.

Please call on us if we may be of further assistance regarding this or any other matter.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Sheila F. Anthony
Assistant Attorney General

1 of 2 items

CQ's WASHINGTON ALERT 06/09/94

HR3344 Byrne (D-VA) 10/21/93 (60 lines)
Introduced in House

For the relief of Lloyd B. Gamble.

Special typefaces used in this bill version:

// \\ Italic

!! !! Bold roman

Item Key: 8164

103D CONGRESS
1ST SESSION

H. R. 3344

For the relief of Lloyd B. Gamble.

=====

IN THE HOUSE OF REPRESENTATIVES

October 21, 1993

Ms. BYRNE introduced the following bill; which was referred to the
Committee on the Judiciary

=====

A BILL

For the relief of Lloyd B. Gamble.

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

!!SECTION 1. APPROPRIATION OF FUNDS. !!

(a) PAYMENT.--The Secretary of the Treasury shall pay, out of
any money in the Treasury not otherwise appropriated, to Lloyd B.
Gamble of Fairfax, Virginia, the sum of \$253,488.

(b) BASIS.--The payment required by subsection (a) shall be to

compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

!!SEC. 2. SATISFACTION OF CLAIMS. !!

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

!!SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS. !!

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

!!SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES. !!

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.