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(213) 325-0688 FAX: (213) 325-3469

The Honorable James Courter
Chairman
Defense Base Closure and
Realignment Commission
1625 K Street, N.W.
Washington, DC 20006

Dear Jim:

I was alarmed and distressed to read an AP wire story by Lee Linder (reprinted in today's Philadelphia Inquirer) that quoted you as saying "the argument that Philadelphia Shipyard is the most efficient is not contested by anybody."

With all due respect, I and everyone associated with the Long Beach Naval Shipyard contest that statement, and the enclosed charts from the Naval Sea Systems Command (NAVSEA) back us up.

Every method of analysis, as demonstrated by the enclosed charts, concludes that Long Beach is the most cost effective shipyard by far. I urge you to get a complete briefing from the Naval Sea Systems Command (NAVSEA) prior to making any decision about shipyard closures that may be even partially based on Philadelphia's assertions about efficiency.

I remind you and the other Commissioners that the Long Beach Shipyard in March 1991 received a Meritorious Unit Commendation from the Secretary of the Navy for schedule adherence, financial performance and management--the first shipyard in recent memory to receive such an award.

Since we agree that military value factors are the most significant, I would also point out the Long Beach Naval Shipyard's unique military value. It has one of only two drydocks on the West Coast large enough to accomodate aircraft carriers. Also, please note that the Long Beach yard is nuclear safety certified, which allows it to perform work on the non-nuclear components of nuclear ships. Philadelphia has no such certification. If Long Beach were to be closed, it would violate the very wise and longstanding policy enunciated in OPNAVINST 3050.22 that there must be two nuclear carrier capable drydocks on each coast.



~~061561~~
1362
Congress of the United States

House of Representatives

June 5, 1991

SCIENCE, SPACE, AND TECHNOLOGY

SUBCOMMITTEE ON TECHNOLOGY
AND COMPETITIVENESS
SUBCOMMITTEE ON SPACE

DISTRICT OF COLUMBIA
REPUBLICAN CHAIRMAN, SUBCOMMITTEE
ON FISCAL AFFAIRS AND HEALTH
SUBCOMMITTEE ON JUDICIARY
AND EDUCATION

REPUBLICAN RESEARCH COMMITTEE

CO-CHAIRMAN, TASK FORCE ON THE
STRATEGIC DEFENSE INITIATIVE
CO-CHAIRMAN, TASK FORCE ON TERRORISM
AND UNCONVENTIONAL WARFARE

Hon. James Courter
June 5, 1991
Page 2

Long Beach Naval Shipyard is the "best in the Navy". It makes no sense militarily or financially to close it. In fact, shifting its workload to more costly facilities (i.e. any other facility) would violate the entire purpose of the Base Closure Act.

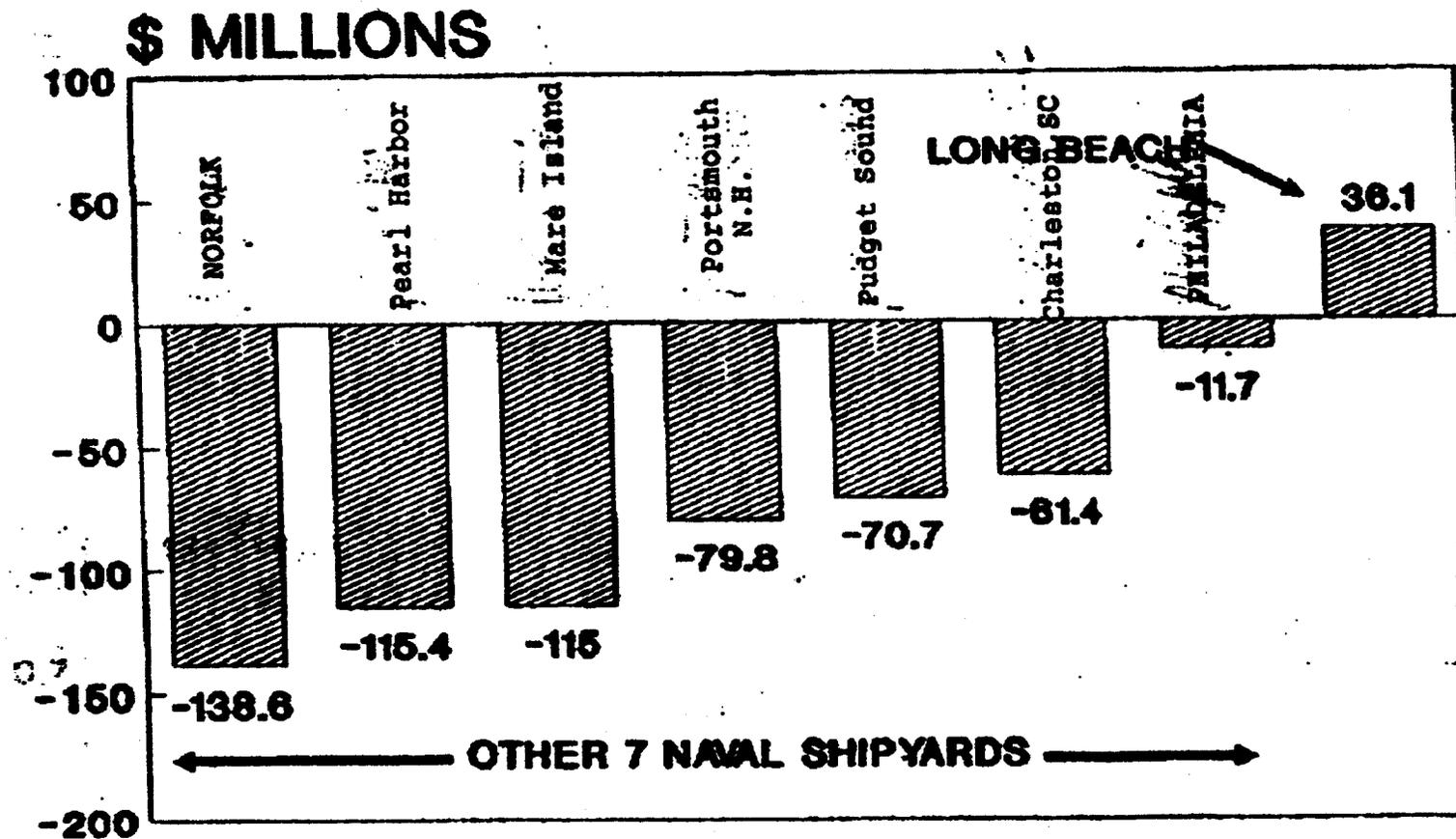
For these reasons, the Commission should drop Long Beach from further consideration for closure tomorrow morning.

Sincerely,

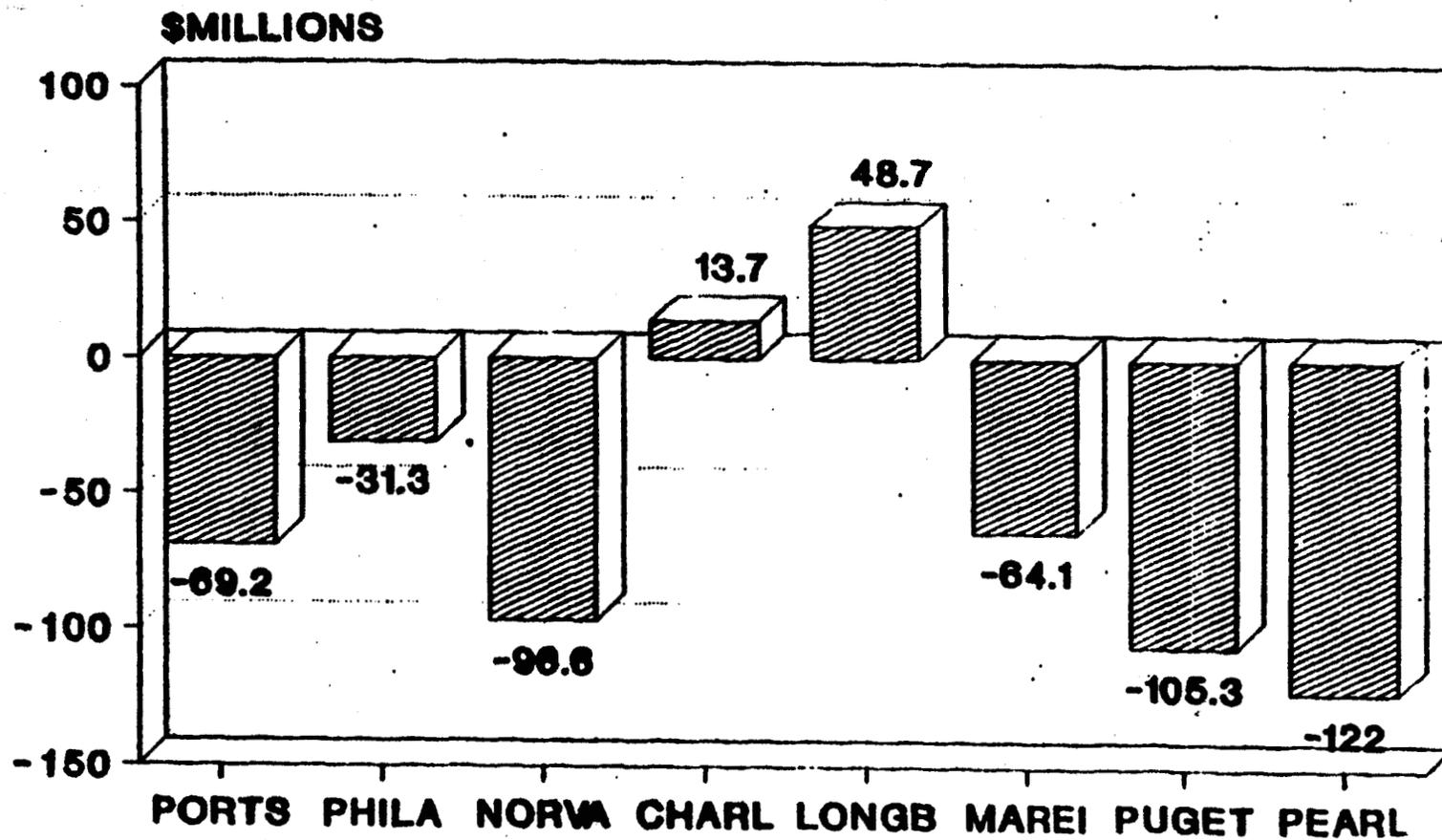
A handwritten signature in black ink that reads "Dana". The signature is written in a cursive, slightly slanted style.

Dana Rohrabacher
Member of Congress

NAVAL SHIPYARDS' FINANCIAL GAINS/LOSSES FISCAL YEAR 1988 THROUGH 1989

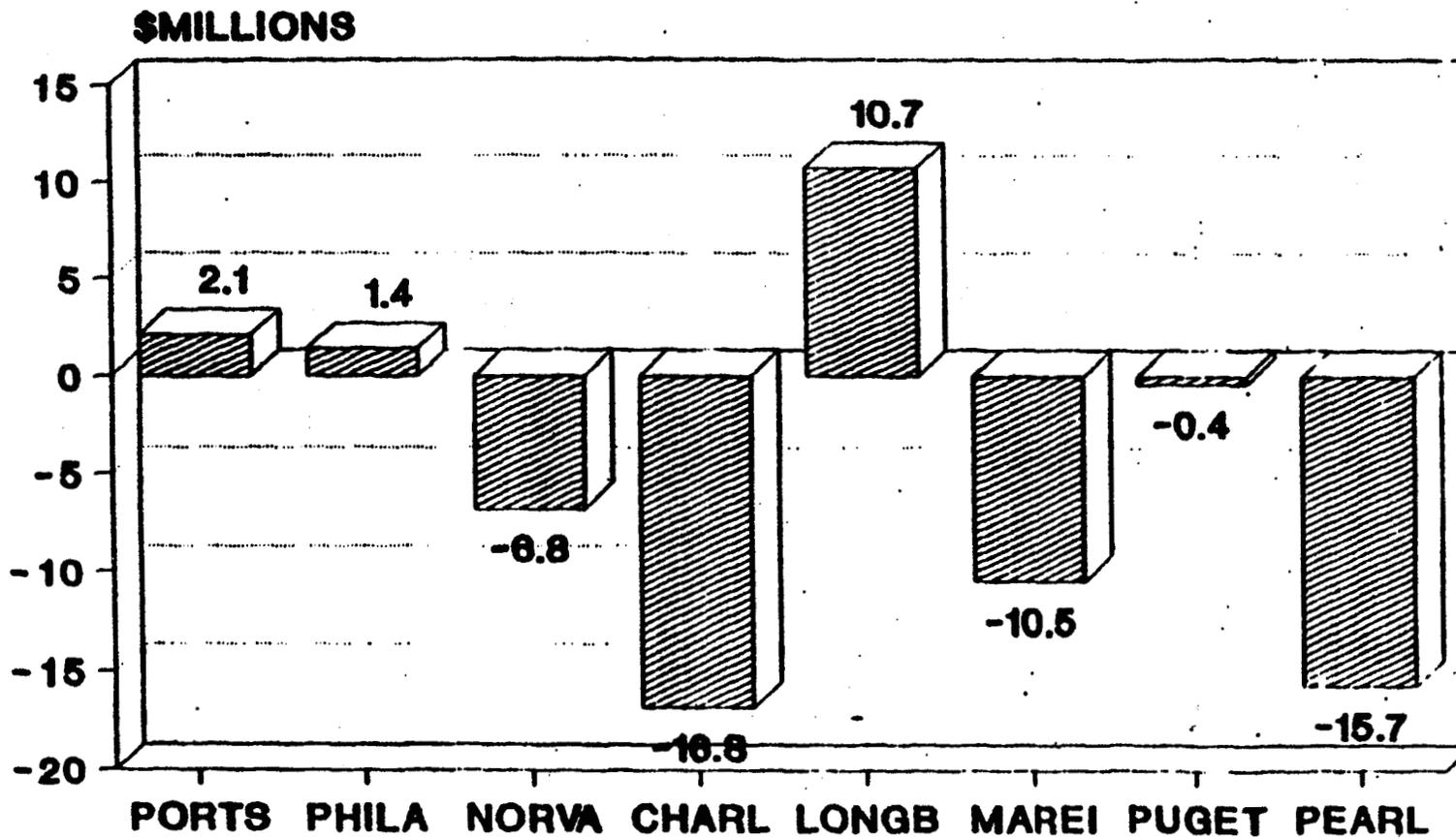


ACTIVITY AOR FYTD 31 DECEMBER 1990



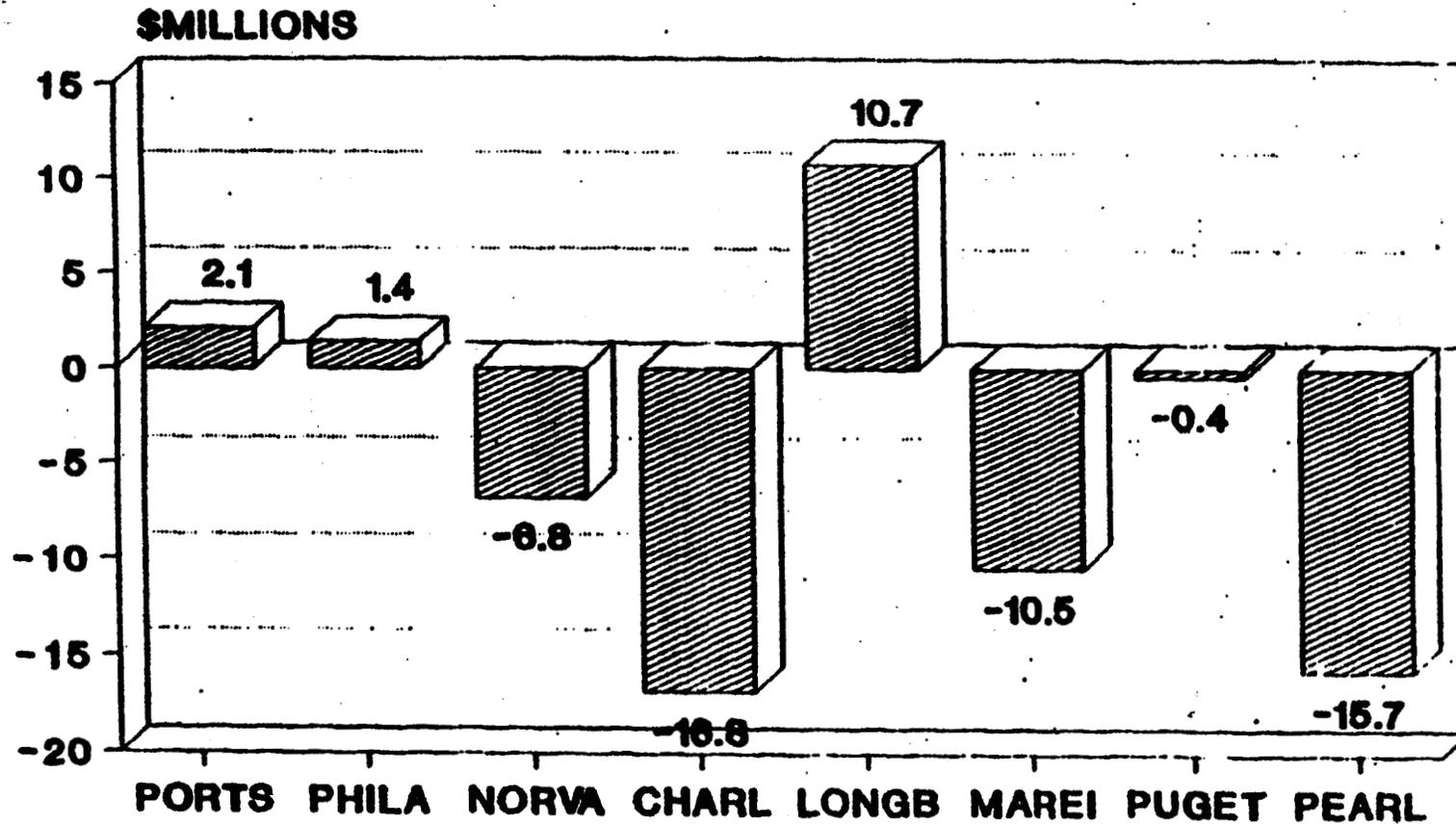
SOURCE: NAVSEA NIFRS

CHANGE IN ADJUSTED AOR FYTD 31 DECEMBER 1990



SOURCE: NAVSEA NIFRS

CHANGE IN ADJUSTED AOR FYTD 31 DECEMBER 1990



SOURCE: NAVSEA NIFRS



**THE SECRETARY OF THE NAVY
WASHINGTON**

The Secretary of the Navy takes pleasure in presenting the
MERITORIOUS UNIT COMMENDATION to

LONG BEACH NAVAL SHIPYARD

for service as set forth in the following

CITATION:

For meritorious service in the performance of its mission from 1 May 1988 to 30 April 1990. Long Beach Naval Shipyard distinguished itself by excelling in the areas of schedule adherence, financial performance, production management, safety, and customer and community service. The men and women of the Shipyard accomplished these significant achievements while in a unique and difficult environment of direct competition with the private sector ship repair industry and in the midst of a downsizing and reorganization effort that was blazing the trail for the Naval Shipyard Community. The Shipyard's personnel responded in a bold, innovative fashion to the demands of competition. By their superb professionalism, total determination, and impressive dedication to duty, the officers, enlisted personnel, and civilian employees of Long Beach Naval Shipyard reflected credit upon themselves and upheld the highest traditions of the United States Naval Service.

Secretary of the Navy

DANA ROHRBACHER

42D DISTRICT, CALIFORNIA

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Congress of the United States
House of Representatives

COMMITTEES:
SCIENCE, SPACE, AND TECHNOLOGY

SUBCOMMITTEE ON TECHNOLOGY
AND COMPETITIVENESS
SUBCOMMITTEE ON SPACE

DISTRICT OF COLUMBIA
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ON FISCAL AFFAIRS AND HEALTH
SUBCOMMITTEE ON JUDICIARY
AND EDUCATION

REPUBLICAN RESEARCH COMMITTEE

CO-CHAIRMAN, TASK FORCE ON THE
STRATEGIC DEFENSE INITIATIVE
CO-CHAIRMAN, TASK FORCE ON TERRORISM
AND UNCONVENTIONAL WARFARE

June 4, 1991

The Honorable James Courter
Chairman
Defense Base Closure and
Realignment Commission
1625 K Street, N.W.
Washington, D.C. 20006-1504

Dear Mr. Chairman:

After months of dialogue with the Navy and your Commission regarding the Navy's proposal to close the Long Beach Naval Station and Hospital, we are dismayed that the Commission is now considering the option of closing the Long Beach Naval Shipyard.

Closing the Long Beach Naval Shipyard, the most cost-effective yard in the Navy, will not improve the Navy's proposals, either from a military effectiveness or a cost savings standpoint. Such a step would cause the loss of one of only two nuclear-capable drydocks on the West Coast, as well as requiring the shifting of work to more costly facilities.

By contrast, considering the Navy's new "strategic homeports" for closure is a good idea. The General Accounting Office has found that stopping construction and closing these facilities would save much more money than closing the Long Beach Naval Station and Hospital, with no reduction in military capability.

The facts are clear. We urge the Commission to choose the superior alternatives of dropping the Long Beach Naval Shipyard from closure consideration, and terminating new construction, rather than closing the Long Beach Naval Station and Hospital.

Sincerely,

Dana Rohrabacher

James M. Anderson

John W. Cox

Esther E. Jones

Wm. V. Squire

Malcolm

Matthew H. Harting

Aris Cox

Edward R. Royal

Robert K. Dorman

George E. Brown

Bill Darnemeyer

David D. Heier

Paul H. Stein

Jerry Lent

Rohrabacher Tells of GAO Report Backing Naval Station

■ **Military:** The congressman says the report arguing against closure of the base was ignored by the Navy and withheld from a presidential commission.

LONG BEACH

By FAYE FIORE
TIMES STAFF WRITER

A report by congressional auditors recommending that it would be unwise to shut down the Long Beach Naval Station and several other bases was ignored by the Navy and withheld from a presidential commission, according to an area congressman who has been battling to keep the Long Beach base open.

Rep. Dana Rohrabacher (R-Long Beach) said last week that his staff struck "a gold nugget" when it obtained a copy of a still-unreleased, 50-plus page report authored by the General Accounting Office. The report recommends that the Navy leave existing bases alone and, instead, shut down six new strategic home ports, five of which are still under construction, the congressman says.

Rohrabacher said the GAO report was forwarded to the Navy on March 13, one month before Long Beach and 30 other major military bases were marked for closure, a move that local officials say will

LOS ANGELES TIMES

HOME PORT

Continued from J1
A final draft of the GAO report has been withheld from Congress pending a response from the Navy, which Rohrabacher charged is "dragging its feet" to conceal critical information and keep the

SECTION	J	SUNDAY
		JUNE 2, 1991
SSB		
		J

102D CONGRESS <i>1st Session</i>	HOUSE OF REPRESENTATIVES	REPORT 102-000
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[FULL COMMITTEE PRINT]

NOTICE.—This report is given out subject to release when consideration of it has been completed by the full Committee. Please check on such action before release in order to be advised of any changes.

DEPARTMENT OF DEFENSE
APPROPRIATIONS BILL, 1992



REPORT
OF THE
COMMITTEE ON APPROPRIATIONS

[To accompany H.R. —]



JUNE , 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1991

42-367

Specifically, this study should evaluate major on-going sharing initiatives, such as in Albuquerque and Tucson, and then design a program which the Administration can submit to Congress for future consideration. This program should consider an in-house assessment of each agency's unique needs, the cost effectiveness of any proposals, a computer system design for administrative, accounting, and management needs, and proposed legislative changes needed to implement this initiative. In addition, this agency should select at several sites a private sector managed care entity to supplement in-house care cost effectively and manage the coordination of agency needs. The Committee recommends the following potential sites for this initiative: Las Vegas, Phoenix, San Antonio, El Paso, Austin, Orlando, and the New York City area.

The Committee has provided \$3,000,000 for the establishment of this agency study and directs the Assistant Secretary of Defense for Health Affairs, in coordination with the VA and the Indian Health Service (IHS) Chief Medical Directors, to actively pursue this initiative. The Department should be prepared to brief the Committee on progress made implementing this study during the fiscal year 1993 hearing cycle.

CHAMPUS DISABLED PATIENTS BENEFIT

The Committee has included \$20,000,000 and general provision language to allow CHAMPUS to be the second payer of benefits after Medicare Part A and B for veterans who are one hundred percent disabled.

The Committee was disturbed to learn that individuals who become one-hundred percent disabled, and their dependents, lose their CHAMPUS eligibility after twenty-nine months. The Committee believes this is wrong, and has taken action to correct this inequity.

HEALTH PROFESSIONS NURSING BONUS EXPANSION

The Department of Defense is authorized under this test program to pay nurse anesthetists a prescribed bonus. In addition, this authorization allowed the Defense Department to extend bonuses to other officer nurses that are critical to meet requirements and require post-baccalaureate training. The Committee has added \$10,000,000 to fund this expansion of the nursing bonus program for fiscal year 1992.

The Committee directs that this test program be expanded from its original scope to include the entire United States.

BASE CLOSURES AND REALIGNMENTS

The Committee is concerned that the Department has not thought out its medical position in regards to base closures and realignments. For example, the Department has proposed to make Mather Hospital an annex to McClellan Air Force Base eleven miles away, instead of building a new hospital. This makes sense to the Committee. Yet, the Department is proposing to close down a hospital in San Francisco at the Presidio and proposing to build a new hospital only eight miles away in Oakland. This seems like a waste of scarce federal resources.

The Department is proposing to close facilities at Orlando Naval Training Center and to downscope operations at MacDill Air Force Base. With the Orlando hospital closing, this will increase medical care required at MacDill, yet MacDill is being downscoped. This does not make sense.

Accordingly, the Committee has revised its general provision concerning military and civilian medical personnel to ensure that no facility can reduce personnel below the level in place in fiscal year 1990. The Committee believes that this provision is necessary until the Department adequately addresses the concerns that this Committee has continually raised highlighting the fact that medical care is not being provided for as economically as possible.

CHAMPUS HOME HEALTH CARE

The Committee is concerned that the CHAMPUS program does not adequately address a comprehensive home health care program. This service can reduce the time and cost associated with inpatient care. The Committee has been advised that limited home health care is being considered for inclusion as a CHAMPUS benefit. Several states now recognize a comprehensive home health care program that provides more services, yet saves money, because it reduces the time that patients spend in hospitals. These services may include, but not be limited to, skilled nursing, physical therapy, speech therapy, occupational therapy, medical social services, home care assistance, medical supplies, durable medical equipment, IV therapy and emergency response systems. The Committee directs the Assistant Secretary of Defense for Health Affairs to investigate the possibility of including comprehensive home health care as a CHAMPUS benefit. A report should be submitted to the Congress along with proposed legislation to implement those findings by February 1, 1992.

NEW ORLEANS HEALTH CARE DEMONSTRATION PROJECT

In previous fiscal years, the Committee has directed the Department to conduct a Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) alternative demonstration project in the greater New Orleans area to enhance existing health care services for military beneficiaries. Despite several attempts, the Department still has not been able to actually begin a demonstration, much to this Committee's consternation.

The Committee reaffirms its serious interest in improving medical care and services in the greater New Orleans area to both active duty and retired military and their dependents. Therefore, the Committee directs the Department to continue to make every effort to test or demonstrate, in the greater New Orleans region, innovative comprehensive health care systems, strategies, or alternative CHAMPUS/CRI-type health care delivery systems that would enhance existing services for both inpatient and outpatient care for all beneficiaries.

Until this demonstration project is implemented, the Assistant Secretary of Defense for Health Affairs shall personally provide the Committee with monthly briefings on the status of this project.

FORT BRAGG MENTAL HEALTH DEMONSTRATION PROJECT

During deliberations on the Desert Storm Supplemental Appropriations Act the Committee noted a large increase in young people requiring care in the Fort Bragg catchment area. The Committee provided \$5,000,000 to cover the additional cost identified to that point. The Committee is encouraged that the number of patients is already declining now that the troops have returned home.

It has come to the Committee's attention that some officials have interpreted the \$12,000,000 reference in the Supplemental report as a cap on the program for fiscal year 1991. The Committee in no way intended to convey that message. That was simply a statement of the best estimate available at the time the report was written.

Mental health services provided under this demonstration project replace traditional CHAMPUS services for eligible beneficiaries who reside in the demonstration catchment area. Children are not permitted to receive mental health services anywhere else. Because these services are an entitlement, the contractor is not allowed to turn away children needing care. We would not want them to. The Army is expected to fund this project as required to fully test the concept and determine if it is something that would benefit the overall military community.

LETTERMAN HOSPITAL

The Committee has added \$44,400,000 to the Bureau of Army Medicine to continue medical care at Letterman Hospital. The Committee is pleased with the Army's willingness to continue to provide an economical level of patient care at this facility until the closure of the Presidio in March 1995. This funding is for increased care provided by the CHAMPUS Reform Initiative contractor, through private contractors, or from the Departments of Veterans Affairs or the Navy.

The Committee was intrigued to see the Secretary of Defense propose in the April 1991 Base Closure and Realignment Report making the 323rd FTW Hospital at Mather Air Force Base, which was included on a previously approved closure list, as an annex to McClellan Air Force Base, some eleven miles away. The Committee applauds this farsighted initiative.

However, this initiative begs the question for other hospitals such as Letterman in San Francisco: Why is the Army closing a perfectly good hospital at the Presidio, when the Navy is proposing to build a new hospital in Oakland only eight miles away? Why doesn't the Navy use Letterman Hospital as an annex to Oakland Naval Hospital like Mather Hospital will be to McClellan?

The Committee directs the Department to review this issue and any other hospitals, such as at MacDill and Orlando, to see if other medical alternatives are available where base medical facilities are scheduled to be closed or reduced in scope. A report should be submitted to the Committee not later than January 15, 1992.

The Committee has expanded its general provision this year to ensure that no individual medical facility is closed or reduced in scope in anyway unless alternative, less costly, medical care can be

TIDEWATER TRI-CAM PROJECT

The Committee is pleased to see that the Assistant Secretary of Defense for Health Affairs has designated the Tidewater region as the first test site for his new coordinated care demonstration. The Committee notes that Tidewater is now the largest catchment area in terms of population, with almost 400,000 beneficiaries.

The Committee is pleased with the efforts of the House Armed Services Committee to improve the provision of health care services to the Tidewater area. In so doing, the House Armed Services Committee has lent a strong endorsement to the efforts of this Committee to address long-standing medical shortfalls that exist in the area. One concern, however, is the length of time needed to fully develop and implement a region-wide system to address such complex issues as access to care and communications among providers of care. This Committee believes that the authorization language allows the Navy to include a CHAMPUS Reform Initiative-type service to augment or initiate changes needed to be made.

Because this will be a long term process, the Committee began in the fiscal year 1991 Desert Storm Supplemental to address Tidewater medical concerns. In the supplemental, the Committee included \$4,000,000 to procure an automated telephone appointment system. Now the Committee strongly urges the Navy to continue to develop and implement this project in stages, and has recommended an additional \$10,000,000 for this effort. Several areas have been identified by both Navy officials and beneficiaries as in need of immediate attention. These include: patient appointment and scheduling systems, cardiac care, and pediatric services.

The Committee is aware of ongoing discussions between civilian pediatric provider groups and Portsmouth Naval Hospital involving a wide variety of joint service and delivery issues, and view this as an excellent candidate for early implementation.

MITCHEL FIELD HEALTH CARE FACILITY

The Committee has again recommended including a general provision requiring that the Mitchel Field Health Care Facility in the State of New York be funded only from the Operation and Maintenance, Navy appropriation, and not included under the congressionally imposed ceiling on the Uniformed Services Treatment Facility (USTF) account.

BROOKS AIR FORCE BASE

The Committee has again included a general provision to prohibit the Air Force Office of Medical Support (AFOMS) from relocating from Brooks Air Force Base to the National Capital Region. This provision is included since the Committee believes that it is more cost efficient to locate personnel outside the National Capital Region. Since the Air Force maintains it is more managerially efficient to collocate AFOMS with the Air Force Surgeon General's office, the Committee encourages the Air Force to submit a plan with the fiscal year 1993 President's budget to relocate the Air

Furthermore, the Committee is concerned with excessive administrative costs and "unallowable" items charged to the indirect cost rates. Therefore, the Committee directs the Department to work with the Office of Management and Budget to develop a more reasonable method of determining overhead rates. While the Committee agrees that a cap on administrative overhead costs may be the best temporary fix, in the long run, the Department needs to ensure that indirect cost rates are equitable and provide for the maintenance of facilities and equipment.

Lastly, in an effort to reduce the backlog of university audits, the Committee has increased funding for DCAA to hire an additional 50 auditors. The Committee views this as a temporary measure until such time as the backlog of audits has been completed. The DCAA is also requested to share these resources with HHS to assist that agency with reducing its backlog of university audits.

DEVELOPING WEAPON SYSTEM REQUIREMENTS

The Committee is increasingly concerned that the process by which weapon system requirements are developed is often flawed by unrealistic requirements and budgets. All too often, the process is driven by the user who challenges the developer and the budget process with unrealistic schedules, funding requests, and technology and performance requirements.

The Committee believes each Service should initiate discussions between the users, developers, and budgeters at an early stage of the process and at the highest levels of the organization, to work out issues associated with weapon system development. The users should work closely with the development and budget community early in the process to ensure that what they require is capable of being delivered within the time frame requested and that performance requirements can be achieved at an affordable cost.

Additionally, the Committee believes that each Service should establish a more formal process by which "trade offs" can be made between cost, performance, and schedule requirements. It is often the piece of paper on which the performance requirements are written, rather than a rational consideration of the validity of the requirements, which drives budgetary decisions. The Committee is not advocating the wholesale abandonment of requirements; it is advocating a rational decision making process in a time of fiscal constraint.

REPROGRAMMING OF RDT&E FUNDS

The Committee agrees to return to previous procedures which require a prior approval reprogramming to Congress when the amount to be transferred is greater than \$4,000,000 or 20 percent of the funding in an RDT&E program element. The Committee directs that this policy shall not apply to Congressional interest items for which DoD must submit a prior approval reprogramming before funding may be reduced or increased for any item so noted on the DD Form 1414.

ENGINE COMPONENT IMPROVEMENT PROGRAM AND HIGH PERFORMANCE ENGINE PROGRAM

The Committee notes that with the action taken by the House Armed Services Committee on Independent Research and Development (IR&D), the Department should reevaluate the percentage share of the funding for the various industry/government engine improvement programs. It may be desirable for industry to increase its share of funding within the parameters of its IR&D program.

U.S. RESEARCH AGREEMENTS WITH FOREIGN COUNTRIES

The Committee has a great interest in continuing joint research with foreign countries when such research is of benefit to the U.S. Armed Services. However, the Department should not consider these joint research efforts above reproach simply because of international interests. The Committee wants to ensure that in a declining defense budget, U.S. companies are not dealt a severe blow while international contracts continue unabated. The Committee notes with interest that fiscal year 1992 financial pressure required the Army to reduce or eliminate many projects which support U.S. companies in order to fund an international interest program called MLRS-TGW.

LABORATORY CONSOLIDATION

The Committee strongly supports the Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories and does not agree with the inclusion of research and development laboratories with the most recent Base Closure list. The Committee believes that the inclusion of research and development laboratories on the Base Closure list is in direct contravention of Congressional direction.

Therefore, the Committee directs the Department not to obligate or expend funds to close or consolidate any research or development laboratory until Congress receives and approves the report of the Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories.

ARMOR/ANTI-ARMOR PROGRAM

Not long ago, the most pressing problem the Army needed to address was defeating advanced Soviet armor. Congress, in response to the Army's request, provided a comprehensive Armor/Anti-Armor program with over \$100,000,000 in various programs throughout the Army, the Marine Corps, and DARPA. The plan was to have technology transition from DARPA into Army and Marine Corps research and development programs. It is a sad commentary on the resolve of the Department that funding for this program has dropped to only \$38,800,000 in 1992.

The resolve of Congress remains strong. The Committee directs that the Secretary of Defense solve the issue of which agency—Army or DARPA—is in charge of this program and ensure that an adequate level of funding is provided in 1993 and future budgets.

If you did not address certain arguments in your oral testimony, the record has remained open for you to do so. The Commission considers testimony submitted at the hearings, as well as testimony and letters submitted subsequently to its Regional and Washington D.C. hearings. Any further arguments that you wish to provide the Commission are encouraged on this, or any other facility under consideration. As you are aware, final deliberations commence on June 27.

The Base Closure and Realignment statute does provide

Matt

Bob Moore
showed look
at this also

Paul

Dear Senator Specter:

The Commission has carefully reviewed the issues discussed in your letters of June 18 and 19, 1991.

The Commission continues to aggressively pursue the receipt of all appropriate documents from all the Services, including the Navy. All these documents are provided to us and made part of the public record, ^{continue to} we encourage all interested parties to comment on them, as you have done in your recent letters. [Since the Defense Base Closure and Realignment Act of 1990 does not discuss the issue of providing information prior to public hearings, we believe that communication with the Commission and its staff through letters or meetings provide ample opportunity to present community arguments and concerns.]

The legislation does, however, provide specific limitations on the percentage of the total Commission staff that can ^{be} detailed from DOD. The staff is currently ~~at~~ ^{on hand} under the 30% limitation. The specific team within the Review and Analysis group that is analyzing Navy and Marine Corps facilities is made up of two civilian direct hires, a detailee from GAO and two ~~DOD~~ ^{Dept of Navy} detailees. The person

on this team performing the analysis of the naval shipyards is one of the civilian direct hire employees.

Transition.

The Commission staff contacted Admiral Hekman, ^{USN (Ret.)} and invited him to meet with the staff to discuss naval shipyard issues. He agreed to discuss the subject by telephone, but declined the invitation to meet in person. Based upon the telephone conversation with our staff member, Admiral Hekman ^{still strongly} supports the position stated in his memorandum provided to both of us by the Navy. If the commission staff needs further input from Admiral Hekman he has agreed to talk with them again by telephone. Although Admiral Hekman chose not to testify at the Philadelphia Regional Hearing and declined to meet with Commission staff, he has provided his position to the Commission through the detailed memorandum ^{and a lengthy} and ^{phone} conversation with staff. I believe that ^{we have} ~~this has~~ provided ^{him numerous} ~~sufficient~~ opportunities ^{ies} to present his information to the Commission.

The Commission appreciates the active involvement of Congress in the base closure process.

Sincerely,
Jim Courten

18 JUN 1991

002860

COMMITTEE
JUDICIARY
APPROPRIATIONS
VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510-3802

June 18, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter
Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

As you know from my oral presentation on May 22, 1991, before your Commission and my follow-up letter of June 6, I am very much concerned about the failure of the Navy Department to provide me and others with important factual materials in advance of the arguments before your Commission in Washington on May 22 and Philadelphia on May 24, 1991. In addition, Congressman Weldon sent to you further information by letter dated June 13.

Obviously, it is impossible to say how much material there is in the Navy files, withheld by the Navy Department, which would support keeping the Philadelphia Navy Yard open.

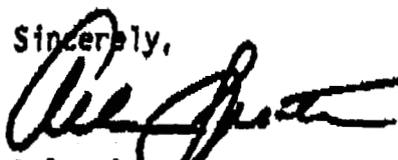
On the state of the record, it is obvious that there has not been compliance by the Navy Department with the Defense Base Closure and Realignment Act of 1990. Beyond failure to comply with the statute, the process has been fatally flawed since there has not been due process with the availability of important information (data in my letter of June 6, Congressman Weldon's letter of June 13, and other data) to me and others for presentation to your Commission at the oral argument.

On the issue of due process and fairness, we are concerned about the presence and positioning of so many people from the Department of Defense on the staff of the Base Closure Commission. By letter dated June 14, 1991, I wrote asking for bios of Mr. Paul Hirsch and the bios of other analysts working on your Navy research team. As a matter of Congressional intent, I think it is fair and accurate to say that Congress never intended Department of Defense personnel to be in key positions on the Commission Staff or in any other position that may affect the objectivity of the base closure process.

With this letter, I am enclosing for you my floor statement of June 17, 1991, which documents the failure of compliance with the statute and Constitutional procedures.

In my judgement, the only remedy at this juncture is to strike the Philadelphia Navy Yard from the base closure list.

Sincerely,



Arlen Specter

United States Senate

WASHINGTON, DC 20510-3902

June 19, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

This will supplement my letter of June 18, because of additional information which has come to my attention as a result of two lengthy telephone conversations with former Admiral Peter M. Hekman, Jr. including one late last night.

As you know, it has been an extremely difficult process to extract material from the Navy Department concerning their decision to close the Philadelphia Navy Shipyard. Only very recently have we found documents prepared by Admiral Hekman which supported keeping the Philadelphia Navy Yard open. Yesterday morning, I talked at length with Admiral Hekman and found that he had important supplemental information to provide on the issue of Navy Yard closures. I talked to him again late last night and requested that he permit me to present him as a witness before the Commission.

Admiral Hekman advised me that he had been urged by Mr. J. Daniel Howard, Undersecretary of the Navy, not to testify before your Commission. A requested had been made to Admiral Hekman to testify at your Philadelphia hearing on May 24, 1991 and Undersecretary of the Navy Howard urged Admiral Hekman not to appear.

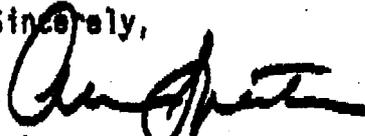
Admiral Hekman advised me that he had told Mr. Howard that he would not appear before the Commission providing all of his materials were submitted to the Commission. From my discussions with Admiral Hekman, it is obvious that all of his materials have not been submitted to the Commission.

In my second conversation with Admiral Hekman yesterday (late last night), he advised me that he had spoken extensively in mid-afternoon yesterday to Mr. Alex Yellin from your Commission. This, according to Admiral Hekman, was his first contact with anyone from the Commission.

The Defense Base Closure Commission
Page 2
June 19, 1991

I request that your Commission call Admiral Hakman as a witness so that I and others can bring out vital information which he has bearing on the closing of the Philadelphia Navy Yard. Fundamental fairness and due process of law mandate that such information be placed before your Commission from his testimony, which we have an opportunity to hear, and then an opportunity to submit our arguments in support of keeping the Philadelphia Navy Yard open.

Sincerely,



Arlen Specter

AS/kr

P.S. I am having this telefaxed so that you will have it at the earliest possible moment.

FROM: ALEX YELLIN
TO: PAUL HIRSCH

SUBJ: SPECTER LETTERS 18/19 JUNE 1991

THE LETTERS INVOLVE A SERIES OF LEGAL QUESTIONS THAT SHOULD BE ANSWERED BY COUNSEL AND NOT R&A STAFF:

* THE NAVY VIOLATED THE LAW BY NOT PROVIDING INFORMATION TO SPECTER PRIOR TO THE HEARINGS.

* WE HAVE TOO MANY DOD DETAILEES IN KEY POSITIONS, IN VIOLATION OF CONGRESSIONAL INTENT.

* BECAUSE THE NAVY PRESSURED ADMIRAL HEKMAN NOT TO TESTIFY AT OUR HEARINGS, WE SHOULD CALL HIM AS A WITNESS.

I HAVE PASSED THE LETTER ON TO BOB MOORE FOR PRIORITY ACTION.

ALEX
20 JUN 91

DOCUMENT ROUTING SLIP		ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
OFFICE OF THE CHAIRMAN					COMMISSION MEMBERS	
CHAIRMAN COURTER			✓	COMMISSIONER BALL		
STAFF DIRECTOR			✓	COMMISSIONER CALLAWAY		
GENERAL COUNSEL				COMMISSIONER CASSIDY		
MILITARY EXECUTIVE				COMMISSIONER LEVITT		
SPECIAL ASSISTANT				COMMISSIONER SMITH		
				COMMISSIONER STUART		
COMMUNICATIONS/PA						
DIRECTOR OF COMMUNICATIONS		✓				
PRESS SECRETARY				REVIEW AND ANALYSIS		
FOIA OFFICER				DIRECTOR OF REVIEW & ANALYSIS		✓
SENATE LIAISON			✓	DEPUTY DIRECTOR		
HOUSE LIAISON			✓	D.O.D. LIAISON		
EXECUTIVE SECRETARIAT				ARMY TEAM LEADER		
				NAVY TEAM LEADER		
ADMINISTRATION				AIR FORCE TEAM LEADER		
DIRECTOR OF ADMINISTRATION				SPECIALTY TEAM LEADER		

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature	Appropriate Action
Prepare Reply for Commissioner's Signature	Comments and/or Recommendations
Prepare Reply for Staff Director's Signature	Clear Reply with
Reply Direct (forward copy to Exec Sec)	Coordinate Reply with

SUBJECT/REMARKS	CLEARANCE SIGNATURE
<p>CONGRESSIONAL SPECTER</p>	

ACTION DUE DATE 21 JUN 1991	ROUTING DATE 19 JUN 1991	RECEIPT DATE 19 JUN 1991	EXEC SEC MAIL DATE
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United States Senate

WASHINGTON, DC 20510-3802

June 18, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter
Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

As you know from my oral presentation on May 22, 1991, before your Commission and my follow-up letter of June 6, I am very much concerned about the failure of the Navy Department to provide me and others with important factual materials in advance of the arguments before your Commission in Washington on May 22 and Philadelphia on May 24, 1991. In addition, Congressman Weldon sent to you further information by letter dated June 13.

Obviously, it is impossible to say how much material there is in the Navy files, withheld by the Navy Department, which would support keeping the Philadelphia Navy Yard open.

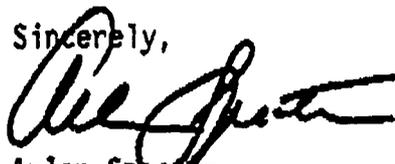
On the state of the record, it is obvious that there has not been compliance by the Navy Department with the Defense Base Closure and Realignment Act of 1990. Beyond failure to comply with the statute, the process has been fatally flawed since there has not been due process with the availability of important information (data in my letter of June 6, Congressman Weldon's letter of June 13, and other data) to me and others for presentation to your Commission at the oral argument. []
Ker
Over

On the issue of due process and fairness, we are concerned about the presence and positioning of so many people from the Department of Defense on the staff of the Base Closure Commission. By letter dated June 14, 1991, I wrote asking for bios of Mr. Paul Hirsch and the bios of other analysts working on your Navy research team. As a matter of Congressional intent, I think it is fair and accurate to say that Congress never intended Department of Defense personnel to be in key positions on the Commission Staff or in any other position that may affect the objectivity of the base closure process. []
Ker
Over

With this letter, I am enclosing for you my floor statement of June 17, 1991, which documents the failure of compliance with the statute and Constitutional procedures.

In my judgement, the only remedy at this juncture is to strike the Philadelphia Navy Yard from the base closure list.

Sincerely,



Arlen Specter

AS/kr
Enclosure

cc: Members Pennsylvania, New Jersey and Delaware Congressional Delegations
w/Enclosure

United States Senate

WASHINGTON, DC 20510-3902

June 19, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

This will supplement my letter of June 18, because of additional information which has come to my attention as a result of two lengthy telephone conversations with former Admiral Peter M. Hekman, Jr. including one late last night.

As you know, it has been an extremely difficult process to extract material from the Navy Department concerning their decision to close the Philadelphia Navy Shipyard. Only very recently have we found documents prepared by Admiral Hekman which supported keeping the Philadelphia Navy Yard open. Yesterday morning, I talked at length with Admiral Hekman and found that he had important supplemental information to provide on the issue of Navy Yard closures. I talked to him again late last night and requested that he permit me to present him as a witness before the Commission.

Admiral Hekman advised me that he had been urged by Mr. J. Daniel Howard, Undersecretary of the Navy, not to testify before your Commission. A requested had been made to Admiral Hekman to testify at your Philadelphia hearing on May 24, 1991 and Undersecretary of the Navy Howard urged Admiral Hekman not to appear.

Admiral Hekman advised me that he had told Mr. Howard that he would not appear before the Commission providing all of his materials were submitted to the Commission. From my discussions with Admiral Hekman, it is obvious that all of his materials have not been submitted to the Commission.

In my second conversation with Admiral Hekman yesterday (late last night), he advised me that he had spoken extensively in mid-afternoon yesterday to Mr. Alex Yellin from your Commission. This, according to Admiral Hekman, was his first contact with anyone from the Commission.

The Defense Base Closure Commission

Page 2

June 19, 1991

I request that your Commission call Admiral Hekman as a witness so that I and others can bring out vital information which he has bearing on the closing of the Philadelphia Navy Yard. Fundamental fairness and due process of law mandate that such information be placed before your Commission from his testimony, which we have an opportunity to hear, and then an opportunity to submit our arguments in support of keeping the Philadelphia Navy Yard open.

LEGAL QUESTION

Sincerely,



Arlen Specter

AS/kr

P.S. I am having this telefaxed so that you will have it at the earliest possible moment.



Senate

BASE CLOSURES

Mr. SPECTER. Mr. President, I have been looking for some time that I might speak without interrupting the Senate's other business concerning the matter of the base closure law and some really startling developments as they relate to the Philadelphia Navy Yard. When I make these comments, obviously as a Pennsylvania Senator, I am vitally concerned about what happens to an installation in my State, but I make the comments about the Philadelphia Navy Yard because of its established value to national defense.

We have just been through a traumatic experience in the gulf war where it is claimed that air power was the critical factor in our victory there. Much of the air power flew off aircraft carriers in the region, and those carriers, to a substantial extent, were rehabilitated under the Philadelphia Navy Yard's service life extension programs.

When the Congress passed the base closure procedures pursuant to a decision by the Congress with the executive to downsize the Department of Defense by some 25 percent over 5 years, there were specific provisions enacted to provide standards and basic fairness in the decisions which were to be made. I submit, Mr. President, that as a result of disclosures which have come to light earlier this month, the Department of the Navy has failed to disclose relevant information in what amounts to grossly inappropriate conduct. I would characterize it only in that manner at this point. The specifics will become clear as I outline precisely what has happened.

Mr. President, a starting point, although not really the beginning point, would be a letter which I sent to the Secretary of the Navy on April 19, 1991, where I asked for certain information which demonstrated that there had been a deviation from the base closure criteria.

Mr. President, I ask unanimous consent that the full text of that letter be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I thank the Chair.

Mr. President, there was concern expressed by a number of us, both in the House and in the Senate, concerning what was happening with respect to the information provided by the Department of Defense. Then the General Accounting Office published a report on May 5, 1991 which has portions which are very pertinent to what we are considering at this moment. At page 46, the General Accounting Office said as follows:

Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendation for closures. However, we reviewed and recalculated the Navy's ship berthing capacity analysis and found that excess capacity would remain even with the closure of the recommended bases.

The Navy's Base Structure Committee, which was charged with making base closure realignment recommendations, began its review of the Navy's basing structure in late January 1991. However, the committee did not fully explain its process to us until May 7, 1991, when it informed us that after review of data prepared by its working group the Base Structure Committee decided that much of its data were biased in favor of keeping bases open and were inadequate for an objective assessment of the Navy's basing needs.

I underscore, Mr. President, the GAO's conclusion that the data was "inadequate for an objective assessment of the Navy's basing needs."

Then at page 48 the General Accounting Office report specified three reasons that the Navy's process were inadequate.

First, due to a lack of supporting documentation, the GAO "could not determine the basis for the committee's military value ratings for Navy installations." Next the GAO found that in explanation committee members stated that "not all yellows are equal" and "not all greens are equal," which was the coding system. So the very basics of the Department of the Navy's conclusions were muddled. And, last, the GAO concluded, "al-

though required by the Office of the Secretary of Defense policy guidance to develop and implement an internal control plan for its base structure reviews, the Navy did not assign responsibility for developing and implementing such a plan."

Mr. President, I ask unanimous consent that at the conclusion of my remarks the full text of pages 46 and 48 be included in the CONGRESSIONAL RECORD, which will save time in the presentation at this moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. I thank the Chair again.

Mr. President, I later wrote Secretary of Defense Cheney by letter dated May 17, 1991, because of a failure of the Department of the Navy to provide information, and this letter bears upon the sequence of events. So I ask unanimous consent at this point that the full text of the letter be printed at the conclusion of my remarks which will enable me to abbreviate the comments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SPECTER. Mr. President, a report was made to me by Mr. Morrie Ruffin of my staff about his continuing efforts to secure information from the Department of the Navy, and his finding that the Navy may have made a calculation not to answer our request until May 24, 1991. The relevancy of that day is that the Base Closure Commission had scheduled a hearing for May 22, in Washington, and a hearing in Philadelphia for May 24. If I did not receive the information until May 24, it would be too late for me to use that information in the presentation of arguments. It is obviously an indispensable matter for due process to have the information to use in argumentation before the Base Closure Commission in objecting to the closure of the Philadelphia Navy Yard.

Mr. President, we could not receive a

copy of that routing slip because the Navy refused to let Mr. Ruffin have it. This sequence is set forth in some detail in a memorandum from Mr. Morrie Ruffin to me dated May 15, 1991, where Mr. Ruffin pointed out "He then mentioned to me that he had a copy of a routing slip attached to the letter which gave a due date for the response of May 24, 1991." But when Mr. Ruffin asked for a copy of the transmittal memo it was refused.

Again my comments can be abbreviated by including this full memo at the conclusion of my remarks. So I ask unanimous consent that it be included at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. SPECTER. Mr. President, slightly out of sequence but relevant structurally, I later obtained a copy of this memorandum from former Secretary of the Navy, Will Ball which shows conclusively that the Navy's intent to answer the inquiries of my letter of April 19, 1991, was to have a response on May 24, 1991, which as I have noted precluded my using the information in scheduled hearings on May 22d and May 24th. I ask unanimous consent that this routing slip be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. SPECTER. Mr. President, in the context of what was happening I was gravely concerned and decided to take this matter up directly with the Secretary of Defense. And there was fortuitously scheduled on May 21, a meeting of the Defense Appropriations Subcommittee where Secretary of Defense Cheney was scheduled to testify for his one appearance, which in the tradition of the Defense Appropriations Subcommittee is scheduled at the conclusion of the other hearings.

At that time, Mr. President, I raised the matter with the Secretary of De-

fense and handed him a letter, which is very brief, as follows:

DEAR DICK: I have decided to hand you this letter with the enclosed memo at today's hearing to be certain you get it forthwith. I am very, very concerned about the Navy's department routing slip which gives a due date of May 24th to my letter of April 19th, 1991, since the response would be too late for my presentation on the Philadelphia Navy yard at either the Washington hearing of May 22nd or the Philadelphia hearing of May 24th. I would appreciate your personal review of the situation and your prompt response with a copy to Secretary of the Navy Garrett.

Later that day, I received a one-page response from the Secretary of the Navy which on its face obviously was totally inadequate. So that the Record may be complete, Mr. President, I ask unanimous consent that the letter from Secretary Garrett to me dated May 21, 1991, together with an enclosed chart be included in the Record at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. SPECTER. Mr. President, on the face of this record, when the Base Closure Commission had its hearing on May 22, 1991, where the evidence was conclusive that the Navy had deliberately withheld information until after the Base Closure Commission hearing on May 22, and did not plan to provide the information to me until May 24, I made a very strong charge which I think was totally supported by the facts: At the May 24 hearing with the Base Closure Commission, I said that the Navy was guilty of fraud, which is the intentional withholding of relevant material. That is a strong charge but I said that and I repeat it today, because I think the facts support it.

Later on May 22, the Base Closure Commission released two documents which supported the assertions I had made about the Navy's failure to reveal relevant documents. It is my conclusion that the Base Closure Commission had these prepared in advance

but they fit hand in glove with the assertions, with the representations and arguments which I have made earlier.

One document, Mr. President, said that the Base Closure Commission found "gaps of information in the Navy process"; that the "staff learned that the Navy's BSC applied—that is the Navy's Base Structure Committee—a great deal of undocumented subjective judgment to a major Navy facility study"; that "despite general explanations of the process, the Commission is still unable to determine if the subjective judgment of the Navy's group was applied fairly and consistently to all bases in all categories in accordance with the force structure plan and the Department of Defense criteria mandated by law."

I ask unanimous consent that the full two-page text be included again at the conclusion of my floor statement today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. SPECTER. I thank the Chair.

Mr. President, then there was an additional document captioned "Chairman Courter today released the following statement"—and it specifies in part "On Monday of this week, members of the Commission staff met for 4½ hours with the Navy's base closure group in an effort to determine how their conclusions were reached."

Then he goes on to say, "The Navy group employed a great deal of subjective judgment in drawing up their list of recommendations for closure and alignment."

Further, Chairman Courter's statement said, "GAO and the commission staff have pointed to an alarming lack of information about the Navy's decisionmaking process."

Mr. President, following the May 22 hearing, where I concluded the Navy had engaged in fraud, and the Base Closure Commission itself had supported the conclusive fact that the Navy had not been as forthcoming

been, many members of the Pennsylvania delegation and I then continued to try to find out precisely what the underlying facts were. We then had access to materials which were supposed to have been in the files of the Department of the Navy, which the Department of Navy had never given to us, and which supported the conclusion that the Philadelphia Navy Yard should remain open.

On June 4, 1991, Congressman WELDON and I met with Department of the Navy personnel and some staff from the Base Closure Commission and went through, in a very protracted meeting lasting almost 2 hours, our sense that the Navy had withheld specific information and that there was a document where a recommendation had been made by responsible naval personnel that the Philadelphia Navy Yard should be kept open.

I then returned, Mr. President, the next day, on June 5, late in the afternoon. The Senate was in session, and we were voting until close to 6 o'clock. I met on that day again with Navy personnel and, at that time, confronted them with a page from a document which had not been turned over to me, or others requesting information. Page 10 of the document, Mr. President, stated:

Closure of the Philadelphia Naval Shipyard, without retention of the large carrier-capable docks, creates a shortfall in dry dock capability for emergent docking of aircraft carriers. The only other carrier capable drydock available on the East Coast under Navy control is at Norfolk Naval Shipyard.

And then the memorandum goes on to point out, "The cost of providing a dedicated dock under contract is considered prohibitive." The upshot of this memorandum, Mr. President, is a factual basis saying that the Philadelphia Navy Yard should remain open.

Mr. President, I ask unanimous consent that the full text of this be printed at the end of my floor statement.

... ..

dered.
(See exhibit 8.)

Mr. SPECTER. After confronting the naval officials present at the meeting, they then gave me a report which contained that page and other pages, with a letter of transmittal dated 5 June 1991.

I emphasize and repeat that this was not given to me until after I had confronted them with the document and the page just referred to.

Mr. President, I ask unanimous consent that the cover letter from Admiral Lang to me dated June 5, 1991, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 9.)

Mr. SPECTER. Two key pages of a very voluminous document, which I am not including in the Record at this time because it is too voluminous, but one key page contains a percentage utilization at naval shipyard dry docks, which shows conclusively that there would be utilization way in excess of 70 percent, which is the standard the Navy has sought to comply with so there would be at least a 30-percent vacancy for emergencies.

I ask unanimous consent that this page be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 10.)

Mr. SPECTER. Here is the cover sheet specified in a letter from Admiral Claman, Commander of Naval Systems Command, Chief of Naval Operations, recommending option two, that the Philadelphia Naval Shipyard be left open.

I ask unanimous consent that the letter be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 11.)

Mr. SPECTER. Mr. President, it seems to me just astounding that, given the status of the law and the requirement that the Navy provide interested members of the Pennsylvania delegation, or other interested parties, including the Base Closure Commission, the Navy would in fact not make such documentation available.

That prompted me to write to the Secretary of Defense on June 6, 1991, asking for his immediate personal action. Let me read a couple of paragraphs:

Dear Secretary of Defense Cheney, I urge your immediate personal action on serious wrongful conduct by Department of Navy personnel in withholding critical information favorable to the Philadelphia Navy Yard. We have now caught Navy personnel redhanded in concealing data which supports keeping the Philadelphia Naval Shipyard open.

On June 4, 1991—

And then I recite the activities Congressman WELDON and I had undertaken, and I recite the critical documents, and then I conclude with the handwritten notation:

Mr. Secretary, this is not evidence of a smoking gun. This is evidence of a firing gun.

Copies were sent to the Secretary of the Navy, relevant naval personnel, and members of the Pennsylvania and New Jersey delegations.

I ask unanimous consent that my letter of June 6, 1991, to Secretary Cheney, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 12.)

Mr. SPECTER. I ask unanimous consent that my letter of the same date to the Defense Base Closure Commission also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 13.)

Mr. SPECTER. Congressman WELDON, Mr. President, then supplemented these findings by locating additional data which favored keeping the Philadelphia Naval Shipyard open. And Congressman WELDON made those documents available to the Base Closure Commission by a letter dated June 13, 1991.

I ask unanimous consent that Congressman WELDON's letter be printed in the RECORD following my floor statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 14.)

Mr. SPECTER. Congressman WELDON forwarded to the Base Closure Commission a memorandum from Admiral Hekman dated December 19, 1990, which said:

While I realize that the Secretary has been briefed and has concurred with the proposal to mothball the Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered.

Admiral Hekman went on to say that the Philadelphia Shipyard ought to be kept open.

I ask unanimous consent that Admiral Hekman's memo be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 15.)

Mr. SPECTER. Admiral Hekman submitted an additional memorandum dated March 15, 1991, where he says in part:

I continue to take the position that retention of a credible repair capability at Philadelphia for naval shipyards homeported in the northeastern area is the most cost-effective solution.

I ask unanimous consent that Admiral Hekman's memorandum dated March 15, 1991, be printed in the RECORD at the conclusion of my floor statement.

FOCUS

the Senate and Members of the House, that we have a right to see in formulating our own judgment as to whether the Navy shipyards should stay open, and in formulating our arguments to be presented to the Base Closure Commission.

This is a matter where I have not yet heard from the Secretary of Defense. This is a matter which may require action by the inspector general of the Department of Defense. But the people of the United States are entitled to answers as to how the Department of Defense is proceeding clearly in violation of the base closure law.

I make these facts available at this time so that my colleagues may have the availability of them, so that the Department of the Navy and the Department of Defense may see that we continue to press for this important information and ultimately for an accounting by the Department of the Navy and the Department of Defense for this grossly inappropriate conduct.

I thank the Chair.

I yield the floor.

EXHIBIT 1

U.S. Senate,
Washington, DC, April 19, 1991.

Hon. H. Lawrence Garrett III,
Secretary, Department of the Navy, The Pentagon, Washington, DC.

Dear Secretary Garrett: Upon reviewing the "detailed analysis" that the Navy is using as justification for making its base closure recommendations, I am extremely concerned by what looks to be a significant deviation from the base closure criteria.

According to Navy documents, during a process called Phase I, all installations were to be evaluated against the first four OSD closure criteria (military value) developed by the Secretary of Defense. This was done. At the end of Phase I, the Base Structure Committee (BSC), the group charged with determining which Navy facilities should close, then excluded from further review those bases "that received an overall rating of 'green' after applying all four military value criteria." In the case of the naval shipyards, the only base that merited exclusions from further review on this basis was NSY Puget Sound.

One would therefore assume that if the Navy were strictly following the base closure criteria, as mandated by law, seven remaining shipyards should have been evaluated during Phase II. However, only one shipyard -- Philadelphia -- was evaluated during Phase II against the final four criteria. The five remaining nuclear shipyards and the one other conventional shipyard (none of which received an overall rating of "green") were summarily excluded from consideration for closure. This decision was based not on the eight criteria developed by the Secretary of Defense, but on criteria the Navy unilaterally and arbitrarily decided was more important.

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According to Navy documents, the BSC excluded the six nuclear capable shipyards from further consideration because of the nuclear workload scheduled for the navy shipyards in the remainder of the century. The documents state that "this scheduling is based upon the best information available and takes into consideration the known force structure reductions."

If this information carried such weight that it allowed the Navy to supersede evaluation against the Secretary of Defense's final criteria, then it is imperative that this "workload" data be made available to Members of Congress, the Base Closure Commission, and the GAO. Accordingly, I hereby request that all documentation concerning both the nuclear and conventional workload for the naval shipyards for the remainder of the century immediately be made part of the public record.

Thank you for your attention to this matter.

My best.

Sincerely,
Arlene Specter.

EXHIBIT 2

CHAPTER 4 -- The Navy's Base Closure and Realignment Process and Associated Recommendations

We were unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment, because the Navy did not adequately document its decision-making process or the results of its deliberations. In addition, the Navy did not establish an internal control plan to ensure the

validity and accuracy of information used in its assessment as required by OSD.

Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures. However, we reviewed and recalculated the Navy's ship berthing, capacity analysis and found that excess capacity would remain, even with the closure of recommended bases.

THE NAVY'S PROCESS AS DESCRIBED BY NAVY OFFICIALS

The Navy's Base Structure Committee, which was charged with making base closure and realignment recommendations, began its review of the Navy's basing structure in late January 1991. However, the Committee did not fully explain its process to us until May 7, 1991, when it informed us that after review of data prepared by its working group, the Base Structure Committee decided that much of the data were biased in favor of keeping bases open and were inadequate for an objective assessment of the Navy's basing needs. Its review, therefore, emphasized a series of briefings and meetings attended by Committee members, Navy and Marine Corps headquarters officials, and representatives of field activities. According to Committee members, decisions made during the process were sometimes made in the presence of everyone in the meetings and were clear to everyone in attendance. In other cases, the decisions were made by the Committee in closed executive sessions. Based on this review, the Committee

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proposed closure and realignment actions to the Secretary of the Navy on March 21, 1991.

We reviewed the charts that were used in the presentations to the Committee. These charts were generally in outline form. Our review of this information showed that presentations were organized by 23 Navy and 6 Marine Corps categories representing the various Navy functions and missions. For example, the category "naval stations" included bases that have deep water harbors and piers and serve as home bases for Navy surface ships and aircraft carriers. The category "naval air stations" included bases that have runways and hangars and serve as home bases for aircraft. Other categories included submarine bases, shipyards, aviation depots, supply centers/depots, Marine Corps bases, Marine Corps air stations, reserve centers, and RDT&E activities.

The Base Structure Committee told us that a capacity analysis was then discussed for each functional category, which compared the 1997 force structure facility requirements against the existing inventory. Critical factors were identified for each category and served as units of measure for capacity. For example, pier space was used as the primary unit of measure for naval stations, and airfield apron and hangar space were used for naval air stations.

Of the eight categories of bases the Committee retained for further closure and realignment analysis, four were retained because the Base Structure Committee identified potential excess capacity: (1) naval stations, (2) naval air stations, (3) shipyards, and (4) Marine Corps air stations. Two other categories -- the training and construction battalion centers categories -- were

retained for further analysis, because they showed potential excess capacity in segments of the overall categories. The medical category was also retained because of the link between medical facilities and major installations that were being evaluated for closure or realignment. Finally, the RDT&E category was retained for analysis based on a mandated requirement to reduce personnel by 20 percent.

A military value rating was then assigned by the Base Structure Committee to each base in all the categories being analyzed [*S7893] except for the medical category. n1 Committee members told us that they rated each installation using the first four DOD selection criteria, which addressed military value, and then they independently assigned each installation an overall color-coded rating.

n1 Three hospitals were reviewed because three installations with hospitals were being considered for closure: Orlando Naval Training Center, Whidbey Island Naval Air Station, and Long Beach Naval Station.

Bases receiving an overall green rating were excluded from further study, according to Committee members. For example, in the naval stations category the bases receiving an overall green were Coronado, Guam, Ingleside, Little Creek, Mayport, Mobile, New York (Staten Island), Norfolk, Pascagoula, Pearl Harbor, Puget Sound/Everett, and San Diego. The Committee continued to evaluate bases that were given an overall rating of yellow or red. Additional bases were excluded from further review because of their unique assets, geographic location, strategic importance, or operational value, leaving 19 bases and the RDT&E category to be evaluated for closure.

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Committee members told us they then performed a "quick estimate" cost-benefit analysis of each of the remaining bases to determine the feasibility of closing them. After making its final decisions, a full COBRA analysis for those closure candidates was conducted. Local economic and environmental impact analyses were also done for the closure candidates.

The Committee proposed closing 11 bases and 10 RDT&E facilities. It also recommended that 1 base and 16 RDT&E facilities be realigned. In addition, three hospitals were proposed to be closed as a result of the Committee's decisions.

GAO'S VIEWS ON THE NAVY'S PROCESS

In addition to the limitations placed on our review by the lack of adequate documentation, we identified three problems with the Navy's process. First, due to the lack of supporting documentation, we could not determine the basis for the Committee's military value ratings for Navy installations. In late March, we received selected data given to the Committee by its Working Group. This information was provided to us, but we were not advised until May 7, 1991, that the Committee had decided that much of this data were biased in favor of keeping bases open. In mid-April, the Base Structure Committee provided us with four additional volumes of material that consisted primarily of briefing charts that were basically outlines of matters and data to be discussed, without any explanation or supporting data. Also, Committee members said they did not prepare minutes of their deliberations.

Second, we identified apparent inconsistencies within the Committee's internal rating process. For example, the Committee had given identical ratings

to two naval stations on each of the first four DOD selection criteria but had assigned an overall rating of green to one and yellow to the other. Similarly, the Committee had assigned identical ratings to six naval air stations for the first four DOD selection criteria. Four bases were assigned an overall rating of yellow and two an overall rating of green. These inconsistencies are significant because any base given an overall rating of green, based on the first four DOD selection criteria, was excluded from further closure or realignment consideration. In explanation, Committee members stated that "not all yellows are equal" and "not all greens are equal." Since the Committee did not document these differences, we could not determine the rationale for its final decisions.

Lastly, although required by OSD policy guidance to develop and implement an internal control plan for its base structure reviews, the Navy did not assign responsibility for developing and implementing such a plan.

GAO'S VIEWS ON THE CLOSURE AND REALIGNMENT RECOMMENDATIONS

Because the Committee did not document the rationale for its decisions, we could not comment on the Committee's closure and realignment recommendations based on the process. As an alternative, we looked at ship berthing capacity of naval stations in comparison to the Force Structure Plan because naval stations are a major category of the Navy's facilities. Also, we have conducted prior work and have ongoing work related to homeporting needs. Data obtained from the Navy's Assistant Chief of Naval Operations (Surface Warfare) showed that the most appropriate indicator for naval station requirements is ship berthing capacity. An analysis of the capacity data showed the Navy will have excess capacity remaining if only the four recommended naval stations are closed.

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The Navy's capacity analysis indicates an inventory of 257.6 thousand feet of berthing (KFB) at naval stations and a requirement of 174.2 KFB, leaving an excess of 83.4 KFB. This excess represents the capacity at naval stations worldwide and also includes some inadequate berthing space. In addition, 14.5 KFB of berthing space is available at facilities other than naval stations.

When we subtracted the 75.2 KFB identified with space associated with (1) overseas facilities, (2) recommended closures, and (3) inadequate berthing facilities, 22.7 KFB of excess berthing capacity remains (see table 4.1).

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Exhibit 3

U.S. Senate,
Washington, DC, May 17, 1991.

Hon. Dick Cheney,
Secretary, Department of Defense,
Washington, DC.

Dear Mr. Secretary: On April 19, 1991, the enclosed letter was FAXed to Secretary Garrett requesting that "all documentation concerning both the nuclear and conventional workload for the naval shipyards for the remainder of the century immediately be made part of the public record." This information has not been provided either to my office, the General Accounting Office or the Base Closure Commission.

I requested that this information be made part of the public record because the Navy has not provided adequate analysis or supporting documentation to justify its decision to exclude from further review for possible closure all of

its shipyards except for the Philadelphia Navy Shipyard. The Navy's decision process is described on page 8 of Tab C in the Navy's "Detailed Analysis" which states that these yards were excluded from review because of "unique" factors relating to the nuclear workload and the availability of drydocks on the West Coast.

At a presentation by the Navy to my staff on Monday, May 13, Navy staff from OP-431 asserted that the Philadelphia Shipyard should be closed based upon projected workload trends. How can any reasonable person analyze a closure recommendation made on this basis without detailed information about availabilities on all of the Navy's ships and the naval shipyard workloads?

Subsequent to the May 13 meeting my office received a computer printout which purports to be the depot level maintenance schedule from FY 1991. Unfortunately this document contains no information on future AEGIS work scheduled for public/private competition and also lacks the results of the April Scheduling Conference, the most recent representation of the Navy's workload.

After my staff informed Navy counsel on May 15, 1991, that we required more current and complete Navy data, they suggested that we provide them with a list of specific requests for documentation. The list follows:

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(1) All information describing availabilities on all Navy vessels, including work scheduled for public/private competition, until the year 2010. This should allow for a more accurate view of the Navy's fleet composition after near-term submarine decommissionings. Since the Navy briefers at the May 13 meeting suggested that Philadelphia should be closed based on projected workload trends, we feel it is important to understand workload trends in the context of the fleets composition beyond the year 2000.

(2) List of changes made to the Navy's workload schedule as a result of the Scheduling conference.

(3) Explanation of why amphibious and auxiliary ships were scheduled to yards other than Philadelphia, and upon what criteria these decisions were based.

(4) Explanation of how the depot maintenance schedule reflects the Navy's projected operational requirements.

(5) Detailed explanation of the Amphibious and Aegis ships for which the Navy's workload is "increasing" as it is stated on page two of Tab C in the Navy's "Detailed Analysis."

As I'm sure you are aware, Section 2903(c)(4) of 10USC 2687, requires the Secretary of Defense to "make available to the Commission and the Comptroller General of the United States all information used by the Department in making its recommendations to the Commission for closures and realignments." The information I requested on April 19, 1991, is absolutely essential not only to understand the Navy's "exclusion" decisions, but to comprehend the Navy's evaluation of installations against the four military value criteria.

Accordingly, unless you can demonstrate to me otherwise, I intend to argue before the Base Closure Commission and inform the President that the Navy has deliberately sought to avoid compliance with the 1990 Defense Base Closure and Realignment Act. Furthermore, I intend to request that based on the Navy's non-compliance its recommendations for closure should be dismissed.

I would appreciate a prompt reply.

Sincerely,
Arlen Specter.

EXHIBIT 4

MEMORANDUM

To: Senator Specter.
From: Mr. Morrie Ruffin.
Date: May 15, 1991.
Re Status of 4/19/91 Request to Secretary Garrett for Additional Information on Navy's "Analysis."

Per your request, I have described the sequence of events pertaining to the Navy's "response" to your letter of 4/19/91. Attached is a copy of the 4/19 letter.

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4/19/91 -- Your office FAXed a copy of the attached letter to Secretary Garrett. The letter requests that all documentation concerning both the conventional and nuclear workload at the naval shipyards for the remainder of the century immediately be made part of the public record. This request was made because the Navy's "detailed analysis" provides no justification for its decision [*S7894] to exclude ALL Navy shipyards from review for closure.

5/7/91 -- Having received no response to your letter and having confirmed that neither the Base Closure Commission nor the General Accounting Office had received any information subsequent to your letter, I called the Senate Navy Liaison office and inquired as to the status of the reply.

5/8/91 -- I received a call from a Mr. Fred Sterns in Assistant Secretary of the Navy for Installations Jackie Schafer's office. I informed Mr. Sterns that we wanted every piece of information available on the Navy's ship maintenance schedule (data on the maintenance schedule for every ship in the Navy). I also suggested that we wanted all other information that would allow the Navy to represent that to do the Navy's nuclear workload the six nuclear Yards should be excluded from review for possible closure. He informed me that this information would be "on your doorstep at 8:00 AM, Monday, May 13, 1991.

5/13/91 -- At 9:30 AM I received a call from Mr. Sterns where upon he stated that he believed he had everything we had asked for and asked when he could send it over. At 11:30 AM I met with a Mr. David Rolfe Herron from Schafer's office, and Capt. Thomas Williams and Ms. Mary MacKinnon from OP-431. At the meeting they presented me with the attached memo marked B. I asked them if they felt

they had complied with the request made in your letter. They said yes. I then asked them if the memo represented "all documentation concerning both the nuclear..." (see highlighted portion of letter) They said no and promised to provide us with more information. I said we wanted it but that it was probably too late.

Following the meeting, I had a conversation with Mr. Herron.

I mentioned to Mr. Herron that he should inform Ms. Schafer that Senator Specter's office was not satisfied with their response to our request. He then mentioned to me that he was in a difficult position because the response to the April 19 did not appear to be a Navy priority. He then mentioned to me that he had a copy of a routine slip attached to the letter which gave a due date for the response of 5/24/91. (5/24 is the date of the regional hearings on PNSY and the last official opportunity for us to make our case before the Base Closure Commission.) I asked Mr. Herron if I could see a copy of the routine slip. He proceeded to remove from his folder a copy of your letter which appeared to have a routine slip attached to it with a due date of 5/24/91. I then asked Mr. Herron if I could borrow the routine slip for a minute whereupon a Mr. Lieban (also from Schafer's office) who had entered the reception area grabbed the letter back from Mr. Herron and quickly forced it into Mr. Herron's brief case. Mr. Lieban said something along these lines: "God knows, you can't have that."

5/14/91 -- In the morning I spoke with Wendy Pensinger, a staffer on the Base Closure Commission, and mentioned the incident with Mr. Herron. She took his name and the names of the two other individuals who accompanied him to our office. In the afternoon, Mr. Lieban delivered to our office a computer print out of the "ship availabilities at all of the Naval's shipyards." This

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document is also barely adequate in that it was outdated and did not include any of the AEGIS work which will be up for Public/Private competition.

5/15/91 -- Spoke with Captain Rice, the Executive Assistance to Ms. Schafer, and Jim Dykstra, the Deputy Assistant Secretary of Defense for Legislative Affairs, and reiterated our request for information.

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EXHIBIT 5

AUTOMATED NAVY ROUTE SLIP

Primary Controlling Office SECNAVAD.

Classification of attachment: Unclassified.

From: Sen. Specter.

Date: 19 APR 91.

Date received: 23 APR 91.

To: SH.

Abstract: Documentation regarding closing of nuclear & conventional shipyards be made part of the public record.

CR1: Closure.

CR2: Shipyard.

CR3: Public

CR4: Documentation.

CR5: Phase I.

CR6: ABC.

Remarks Distribution: 1U006286.

DOC OUT TO: Sen.

Date: 24 MAY 91.

Due to: SECHAVAD.

Date: 10 MAY 91.

Control Center Primary Routing:

To: SECNAV.

FOCUS

PC: G.

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EXHIBIT 6

Department of the Navy,
Washington, DC, May 21, 1991.

Hon. Arlen Specter,
U.S. Senate, Washington, DC.

Dear Senator Specter: Thank you for your letter of April 19, 1991 regarding the Navy's recommendations for base closures.

During Phase I of the Navy's two-phase analytical procedure, Step Five called for the exclusion of facilities distinguished by such factors as unique assets, geography, strategic importance, or operational value. Because the nuclear workload toward the end of the decade includes such a large number of nuclear refuelings on submarines and cruisers, it was determined that the six nuclear-capable shipyards would be excluded from further review.

The Navy's Base Structure Committee evaluated each shipyard and assigned a color code, Green (favors keeping the installation open), Red (favors closure), or Yellow (potential candidate for closure if not sufficient "Red" installations to eliminate excess capacity). The Phase I rankings resulted in four shipyards having an overall rating of "yellow" Charleston, Long Beach, Philadelphia, and Portsmouth. Of these, the two nuclear-capable yards were eliminated as stated above and Long Beach, the other conventional shipyard, was excluded due primarily to the criticality of the large drydock at that facility. This drydock is designated as a backup dock for NIMITZ-class aircraft carriers and nuclear cruisers on the West Coast. Philadelphia Naval Shipyard then

remained the only
shipyard under consideration for closure.

My staff has been in contact with your Legislative Assistant,
Mr. Edmund M.
Ruffin, and has delivered to him additional documentation
concerning both the
nuclear and conventional workload for the naval shipyards for the
remainder of
the century.

As always, if I can be of any further assistance, please let me
know.

Sincerely
H. Lawrence Garrett III,
Secretary of the Navy.

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EXHIBIT 7

[Defense Base Closure and Realignment Commission, May 22, 1991]

COMMISSION DEMANDS EXPLANATION OF NAVY BASE CLOSURE PROCESS

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Chairman Courter today released the following statement: "Last week the General Accounting Office released a report on base closure and realignment. This document made it clear that the methodology designed by the Navy was sound. However, the GAO raised serious questions about the application of this methodology.

"On Monday of this week members of the Commission staff met for four and a half hours with the Navy's base closure group in an effort to determine how their conclusions were reached.

"During this meeting we learned that the Navy group employed a great deal of subjective judgment in drawing up their list of recommendations for closure and realignment. Nobody on the Commission can say yet whether the Navy's judgments were fairly and consistently applied, but we intend to find out.

"We have repeatedly sought clarification from senior Navy representatives. I have publicly asked for minutes, notes and any documentation that would give us an idea of how the service came up with its recommendations. What we have received is inadequate.

"The GAO and the Commission staff have pointed to an alarming lack of information about the Navy's decision-making process. Therefore, we are demanding from the Navy a detailed explanation of the process used to justify its recommendations for closure and realignment.

"On Monday we asked Navy representatives to prepare for the Commission a narrative account of their selection process. We have provided the base closure group with a detailed plan aimed at ensuring a thorough account of the Navy process. We hope the Navy will agree to this plan and comply with

our rigorous
schedule.

"The Commission is determined to follow the GAO's recommendations. If necessary, I will call a special hearing to learn more how the Navy's recommendations were reached.

"It's clear that the Navy maintains significant excess capacity. If Navy representatives cannot prove that their selection criteria were applied evenly, then the Commission is fully prepared to draw up a list of recommendations using methodology designed by the Navy and GAO application guidelines."

PROPOSED DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION COURSE
OF ACTION ON
DEPARTMENT OF NAVY BASE CLOSURE PROCESS

1. Due to gaps of information in the Navy process identified by both Commission staff and the General Accounting Office (GAO), staff of the Base Closure Commission (BCC) met with the Navy base closure group (the Base Structure Committee, or BSC) on Monday, May 20, 1991 to request detailed information on its process. During that meeting, staff learned that the Navy's BSC applied a great deal of undocumented, subjective judgment to a major Navy facilities study (the Vice Chief of Naval Operations, or VCNO study), as well as numerous briefings from field commanders. Despite general explanations of the process, the Commission is still unable to determine if the subjective judgment of the Navy's group was applied fairly and consistently to all bases in all categories in accordance with the Force Structure Plan and Department of

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Defense criteria mandated by law.

2. During its decision-making meetings, the BSC kept no minutes and in its written submittal to the Commission, only briefly explained why bases were on the list.

3. Therefore, the Commission proposes the following course of action. The Navy has pledged its cooperation, and we look forward to its acceptance of this course of action and conformity with the Commission's rigorous schedule.

[*S7895] The BSC must provide written explanations of its decisions, using the Vice Chief of Naval Operations (VCNO) working group study as a baseline. The VCNO working group studied options for base closures beginning in January 1990 and has rated each Navy installation against five weighted criteria called "major factors." The major factors are mission suitability, availability of facilities, quality of facilities, quality of life, and community support. Each rating is supported by verifiable quantitative and qualitative measures. This approach is similar to that used by the other Services. The VCNO study was a significant input to the BSC's decision-making process, which also included briefings from the Navy's major operational commands.

The BSC must provide an explanation of the relationship between the five VCNO major factors and the DoD criteria used by the BSC to rate each installation. Although the BSC used the VCNO study, the BSC translated its ratings to correspond with the military value criteria required by the DoD Federal Register notice. The Commission needs that translation between those two sets of rating criteria to determine the fairness and consistency of the BSC's rating process.

The BSC must provide explanations for the changes it made to the VCNO ratings. The BSC rated some installations differently than the VCNO study based on the briefings it received and its own military judgement. The Commission needs detailed, written explanations for each instance in which the BSC disagreed with the VCNO study's major factor ratings. The explanations must be explicit, verifiable, and, whenever possible, quantifiable.

The BSC must justify its overall installation ratings. The BSC used the military value DoD criteria to assign an overall rating for each Navy installation. The Commission staff needs detailed, written explanations for each of those ratings. Explanations must address how installations were compared with others in the same categories. Explanations must also address those installations excluded from further review based on geography, strategic importance, operational value, and other unique assets.

The BSC must provide the back-up data for the VCNO study. The data on which the VCNO study's ratings are based is needed to verify those ratings and to review the consistency of their application within installation categories. The Commission will provide the BSC with a list of the missing data.

The Commission will review the BSC responses. The information provided by the BSC in response to the above steps will allow the Commission staff to determine whether the BSC's decision methodology substantially deviated from the requirements of Title XXIX.

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The Commission's staff will present options to the Commissioners for any changes to the Navy's list of base closures and realignments.

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EXHIBIT 8

STRATEGIC AND OPERATIONAL CONSEQUENCES

Given the assumption that the Navy's carrier force will be predominantly or entirely nuclear powered in the next century, the work force and most facilities at Philadelphia Naval Shipyard must be considered excess to requirements. There are two east coast facilities capable of conducting all repairs (including nuclear repairs) to aircraft carriers: Norfolk Naval Shipyard and Newport News Shipbuilding and Dry Dock Company. These shipyards are located in the same local area, but the decrease in the threat of nuclear war with the Soviet Union has reduced the necessity for strategic geographical dispersion where sufficient capacity exists. The sunk costs of existing facilities at Philadelphia are significant, and the rare, if not unique, nature of the dry docks, make keeping the dry docks operable (if not operational) a necessity.

Closure of Philadelphia Naval Shipyard, without retention of the large carrier capable dry docks creates a shortfall in dry dock capability for emergent dockings of aircraft carriers. The only carrier capable dry dock available on the east coast, under Navy control is at Norfolk Naval Shipyard, and will be fully utilized. Without the dry docks available at Philadelphia, the only other dock capable of taking an emergent carrier docking is at Newport News Shipbuilding (NNSB). Exhibit C-7 illustrates this situation graphically. This dock is privately owned and its docking schedule is not controlled

by the Navy.

The cost to have NNSB provide a dedicated dock under contract is considered prohibitive. The only alternatives are to use the NNSB dock if available or to physically remove a ship already in dock at Norfolk Naval Shipyard if possible.

The closure departs from a long standing Navy strategic and operational requirement which provided for two Naval shipyards on each coast capable of docking and repairing aircraft carriers. The resultant demand for use of the remaining dock at Norfolk Naval Shipyard would have long term impact on the Navy's flexibility in workload assignments and will reduce the effectiveness of the shore establishment in supporting fleet operational and maintenance requirements. Retention of the Philadelphia drydocks provides backup capability for emergency situations.

The Propeller Facility consists of specialized equipment and 100 highly skilled management, engineering, programming, machine shop and foundry personnel. There is no comparable facility in terms of capacity or capability in the United States, in either the Public or Private sector.

The unique and necessary capabilities represented by NAVSSES as well as the increasing need for berthing for inactive ships mandate that NAVSSES and the NISMF detachment remain.

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EXHIBIT 9

Department of the Navy,
Washington, DC, June 5, 1991.

Senator Arlen Specter,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Specter: As requested during the 4 June 1991 meeting held in the Pentagon enclosures (1), (2) and (3) are submitted.

The COBRA Analysis that was presented to the Navy's Base Structure Committee on 29 March 1991 was based on enclosure (1), COBRA input data supplied on 26 March 1991 by the Naval Sea Systems Command (NAVSEA).

Enclosure (2) was received subsequent to the final COBRA analysis and the presentations to the Navy's Base Structure Committee.

Enclosure (3) reflects a summary of the differences between enclosures (1) and (2) submission.

In forwarding the revised COBRA data on 29 March, NAVSEA highlighted 2 of the options that had previously been discussed with the Base Structure Committee:

Option One: Close and preserve Philadelphia Naval Shipyard; Option Two: Downsize Philadelphia to 1200 men.

The NAVSEA recommendation supported a low-risk approach to ship maintenance. OPNAV's assessment of the military requirement was that Option One provided sufficient capacity along with the rest of the public and private sector on the East Coast to satisfy any concern.

Very respectfully,
J.R. Lang,
REAR ADMIRAL, U.S. NAVY, DIRECTOR, SHIP'S MAINTENANCE AND MODERNIZATION DIVISION.

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EXHIBIT 10

Dry dock utilization for FY-90 at all naval shipyards was in excess of 100% as shown in the table below. This is due to some special cases where there is more than one ship in the dry dock such as the special case of submarine inactivations where these ships can be worked in series without significant impact on operational requirements: or where a ship is in the same dry dock for greater than 10 months at a time, in the case of nuclear ship refuelings. In those latter cases, dry dock maintenance must be deferred until a subsequent period when the dry dock is vacant.

CAPACITY ANALYSIS

The projected utilization rates for the next three years are shown in Exhibits C-2 through C-5 and the table below. While the FY 90 and 91 rates reflect all work assigned in the shipyards, FY 92 through FY 99 projected

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usage do not.

NAVAL SHIPYARD DRYDOCKS PERCENTAGE UTILIZATION BY SHIPYARD MISSION CATEGORY

NOTE: This table is divided, and additional information on a particular entry may appear on more than one screen.

	1990	Fiscal year --	1991
SSN/CGN refueling		125.3	
137.0			
Large/CV/CVN capable		112.3	
102.8			
Other nuclear capable		139.7	
130.0			
Other		78.0	
23.0			
	1992	Fiscal year --	1993
SSN/CGN refueling		86.7	
94.9			
Large/CV/CVN capable		90.1	
95.3			
Other nuclear capable		103.7	
83.7			
Other		36.0	
18.6			
	1994	Fiscal year --	1995
SSN/CGN refueling		72.4	
89.5			
Large/CV/CVN capable		106.9	
84.2			
Other nuclear capable		85.4	
65.3			
Other		5.5	
48.8			
	1996	Fiscal year --	1997
SSN/CGN refueling		94.7	
109.9			
Large/CV/CVN capable		85.5	
103.6			
Other nuclear capable		75.0	
79.7			
Other		26.9	

5.3

	Fiscal year --	
	1998	1999
SSN/CGN refueling		101.3
119.8		
Large/CV/CVN capable		80.2
82.2		
Other nuclear capable		86.9
94.2		
Other		12.5
14.6		

Dry dock #4, at the former Hunters Point Naval Shipyard in San Francisco, a large, CV/CVN capable dry dock, has been used for several years to dock emergent fleet work on the west coast. It will be decommissioned in FY 1991 when a large section of the former naval shipyard is leased to commercial interests in accordance with public law. Dry dock #2, at the Portsmouth Naval Shipyard, a nuclear refueling dry dock, will be unavailable during part of FY 1991 and all of FY 1992 while it undergoes modification.

Dry docks in naval shipyards fall into four categories based upon their contribution to [*S7896] the mission requirements which they satisfy: dry docks in which nuclear submarines or nuclear cruisers may be refueled; nuclear capable dry docks other than refueling dry docks or large dry docks capable of handling aircraft carriers; large, aircraft carrier capable dry docks; and other dry docks.

A primary critical mission of the naval shipyards is the refueling of nuclear submarines and nuclear cruisers. Critical to accomplishing this mission is the

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availability of nuclear refueling dry dock complexes. The projected utilization of the available complexes is shown on Exhibit C-2. Dry dock use can exceed available capacity due to the unique nature of nuclear submarine inactivations, when more than two submarines are in a dry dock at a time.

The usage of the navy dry docks capable of nuclear refueling operations is projected to remain high for the remainder of the century as nuclear submarines undergo refueling operations. While there may be some unused capacity from time to time, this extra capacity may in fact be unusable.

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EXHIBIT 11

Department of the Navy,

Naval Sea Systems Command,
Washington, DC, March 29, 1991.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (OP-43).

Subj: Base closure final documentation.

Encl: (1) Philadelphia Naval Shipyard -- Option 1; (2) Philadelphia Naval Shipyard -- Option 2; (3) TAB A Report Documentation -- Naval Shipyards.

1. Enclosures (1) and (2) provide the COBRA options for the naval shipyards as requested on 28 March 1991. They are as follows:

a. Philadelphia Naval Shipyard -- Option 1: Close and preserve Philadelphia Naval Shipyard in FY 93 after completing the USS CONSTELLATION (CV 64) SLEP and the USS FORRESTAL (CV 59) dry docking availability. Retain the propeller facility, the Navy Inactive Ship Maintenance Facility (NISMF) and the Naval Ship Systems Engineering Station (NAVSSSES) in Philadelphia. Move the USS JOHN F. KENNEDY (CV 67) overhaul to Norfolk Naval Shipyard.

b. Philadelphia Naval Shipyard -- Option 2. Commence realignment of Philadelphia Naval Shipyard in FY 93 and complete downsizing to approximately 1200 people in FY 95. Retain the propeller facility, the Navy Inactive Ship Maintenance Facility (NISMF) and the Naval Ship Systems Engineering Station (NAVSSSES) in Philadelphia.

3. Enclosure (3) provides the revised documentation for the above options.

4. We recommend that option 2 be approved for Philadelphia Naval Shipyard, i.e., that Philadelphia Naval Shipyard be drawn down to a small size activity in the mid 90's as workload declines in order to provide a government controlled CV dry dock site and ship repair capability for the north east.
J.S. Claman,
Rear Admiral, USN.

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EXHIBIT 12

FOCUS

U.S. Senate,
Washington, DC, June 6, 1991.

Hon. Dick Cheney,
Secretary of Defense, Department of Defense, the Pentagon,
Washington, DC.

Dear Secretary of Defense Cheney: I urge your immediate, personal action on serious wrongful conduct by Department of the Navy personnel in withholding critical information favorable to the Philadelphia Navy Yard.

We have now caught Navy personnel "red-handed" in concealing data which supports keeping the Philadelphia Naval Shipyard open.

On June 4, 1991, Congressman Weldon and I met with Navy Department personnel and asked about a report, which we had heard about, favorable to the Philadelphia Naval Shipyard which Naval personnel denied existed. When I received a copy, or at least a part of that report yesterday, I asked for a followup meeting which was held yesterday at 6:00 p.m. at the Pentagon at which time I confronted Navy personnel with the document. At that point, I was handed what appears to be the same document with additional documents with a transmittal letter to me dated June 5.

This is only part of an incredible sequence of events involving false denials and withholding of documents. I know you do not have the time to get into the many, many facets of the Navy Department's wrongful conduct so I will limit this request to the two pages of the document which I enclose.

As you will note, the cover page states:

"We recommend that option 2 be approved for Philadelphia Naval Shipyard, n1 i.e., that Philadelphia Naval Shipyard be drawn down to a small size activity in

the mid 90's as workload declines in order to provide a government controlled CV dry dock site and ship repair capability for the north east."

n1 Downsize, but keep open.

As you will further note, the second page specifies the underlying factual basis which is so favorable to the Philadelphia Naval Shipyard:

"Closure of Philadelphia Naval Shipyard, without retention of the large carrier capable dry docks creates a shortfall in dry dock capability for emergent dockings of aircraft carriers. The only carrier capable dry dock available on the east coast, under Navy control is at Norfolk Naval Shipyard, and will be fully utilized. Without the dry docks available at Philadelphia, the only other dock capable of taking an emergent carrier docking is at Newport News Shipbuilding (NNSB). Exhibit C-7 illustrates this situation graphically. This dock is privately owned and its docking schedule is not controlled by the Navy. The cost to have NNSB provide a dedicated dock under contract is considered prohibitive. The only alternatives are to use the NNSB dock if available or to physically remove a ship already in dock at Norfolk Naval Shipyard if possible.

"The closure departs from a long standing Navy strategic and operational requirement which provided for two Naval shipyards on each coast capable of docking and repairing aircraft carriers."

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When I confronted Navy Department personnel with this material yesterday, Rear Admiral John S. Claman, Deputy Commander for Industrial and Facility Management, replied that this information was in documentation previously provided to my office. After further discussion, Ms. Mary O. MacKinnon, Deputy, Shipyard/Maintenance Policy (OP-431), conceded that the information was in fact not previously provided.

I ask for your personal explanation of this important matter.

After I had a letter hand-delivered to you at the May 22 Appropriations Defense Subcommittee hearing, you replied by letter dated May 24 that Secretary Garrett had responded to the outstanding questions. That was not done by Secretary Garrett's letter dated May 22, and, in fact, the pending questions have not been answered even though Assistant Secretary of the Navy for Installations & Environment Jackie Schafer handed me additional materials at the conclusion of yesterday's meeting.

Mr. Secretary, the Navy Department's integrity is at issue which goes far beyond the subject matter of base closing.

On this state of the record, in light of the Navy Department's failure to provide relevant information to allow for compliance with the terms of the Base Closure Act, it seems to me that the only appropriate course of action is for the Philadelphia Naval Shipyard to be removed from the base closure list, which I ask you to do forthwith.

Sincerely,
Arlen Specter.

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EXHIBIT 13

United States Senate,
Washington, DC, June 6, 1991.

The Defense Base Closure Commission,

Hon. James A. Courter, CHAIRMAN.

Hon. William L. Ball III,

Hon. Howard D. Callaway,

Hon. Duane H. Cassidy,

Hon. Arthur Levitt, Jr.,

Hon. James C. Smith II,
Washington, DC.

Gentlemen: With this letter, I am enclosing for you a copy of my letter to Secretary Cheney of today. This is the tip of the iceberg and my staff and I shall be forwarding to you other information.

FOCUS

At this juncture, I do want to raise one other matter which arose at the June 4 meeting attended by staff from the Base Closing Commission, Navy Department personnel, Congressman Weldon and myself.

In the course of that meeting, we discussed the absence of hard data up to the present time for the Navy's decision to close the Philadelphia facilities notwithstanding your Commission's news releases of May 22. At that time, your staff members, Mr. Matt Behrmann, Mr. Paul Hirsch and Mr. Alex Yellon, advised that the Commission was still acquiring information; and, in addition, was seeking to determine whether the Navy consistently applied its subjective standards on other bases which might be a justification for the use of subjective interpretations on the Navy's decision to close the Philadelphia facilities.

At that time, I raised the question as to whether it was possible realistically, to evaluate the consistency of subjective judgments. I respectfully submit that cannot be done.

If Secretary Cheney does not delete the Philadelphia facilities as called for in my letter to him today, I ask your Commission to delete the Philadelphia facilities from the base closure list since there cannot be an adequate factual basis, as a matter of law under the statute, when it is admitted by all parties that it was a subjective determination.

Sincerely,
Arlen Specter.

House of Representatives,
Washington, DC, June 13, 1991.

The Defense Base Closure Commission,

Hon. James A. Courter, CHAIRMAN.

Hon. William L. Ball III,

Hon. Howard D. Callaway,

Hon. Duane H. Cassidy,

Hon. Arthur Levitt, Jr.,

Hon. James C. Smith II,
Washington, DC.

Gentlemen: Last week, I met with Admiral James Lang, Admiral John Claman and Members of your staff to request internal Navy documentation prepared during the [*S7897] base closure review process. In addition to other data, I requested all base closure correspondence from the recently retired Commander of the Naval Sea Systems Command, Admiral Peter Hekman. I would like to call to your

FOCUS

immediate attention the enclosed memos which I received this afternoon.

As you can see, Admiral Hekman was aware that the Secretary of the Navy was considering a proposal to mothball the Philadelphia Naval Shipyard as early as December 19, 1990. In his memo to the Chief of Naval Operations (CNO), Admiral Hekman said it would be more prudent to downsize the Philadelphia Naval Shipyard than close it. He concluded that "a Navy industrial capability is required in the Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work." This is precisely the argument I have made against the Navy's recommendation to rely on Newport News shipbuilding for emergent work.

One month before the Navy announced its recommendation to close PNSY, Admiral Hekman stated that retention of a downsized Yard is the most cost-effective solution. He specifically noted that retention would provide the fleet with a low-cost, reliable repair capability and help spread the cost of continued operations at the base. At a time when Admiral Hekman was fully aware of the five-year budget plan and proposed reductions he cautioned against and realignment of Philadelphia before FY95. He emphatically stated that realignment of PNSY in FY93 would cause "significant: perturbations to carrier overhauling yard assignments and could result in the East Coast CV overhauling on the West Coast."

I think these statements speak for themselves, and greatly overshadow the confusing, color-coded rating systems and data that the Navy has presented to

date. I am troubled that the Navy would ignore this strong advice and question why it was not made available to the congressional delegation and the Commission before.

After reviewing Admiral Hekman's correspondence and the additional materials I have provided to you, I am confident that you will have all the documentation you need to remove Philadelphia Naval Shipyard from the base closure list.

Thank you for your consideration.

Sincerely,
Curt Weldon,
Member of Congress.

EXHIBIT 15

Department of the Navy,
Washington, DC, December 19, 1990.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (CF-04).

Subj: Realignment data for Philadelphia Naval Shipyard.

Ref: (a) COMNAVSEA 1tr 5000 OPR: 07T3/T0373 Ser: 00/6224 of 20
Nov 10; (b)
CINCLANTFLT 1tr 4700 Ser N436/007378 of 14 Sep 90.

FOCUS

1. In reference (a), I provided information relative to the proposed realignment of Philadelphia Naval Shipyard, while maintaining the propeller shop and foundry, the Naval Ship Systems Engineering Station (NAVSSSES) and the Naval Inactive Ship Maintenance Facility (NISMF). While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas. In reference (b), CINCLANTFLT outlined the history of Atlantic Fleet depot maintenance problems with marginal ship repair contractors. A Navy industrial capability is required in the Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work.

2. Further, recommend that the drawdown of Philadelphia Naval Shipyard to an SRF-size shipyard not be done until FY 95, as the shipyard is required to support scheduled workload until that time.
P.M. Hexman, Jr.

- - - - -

EXHIBIT 16

Department of the Navy,
Washington, DC, March 15, 1991.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (CF-04).

Subj: Realignment of Philadelphia Naval Shipyard.

Ref: (a) CNO 1tr Ser: 431F/1U596599 of 11 Jan 91; (b) NAVSEA 1tr

Ser 00/6312
of 19 Dec 90.

1. In reference (a), you indicated that my recommendation that Philadelphia Naval Shipyard be downsized rather than closed was not accepted by the Base Closure/Realignment Advisory Committee. The fleet needs the capability of a naval shipyard to provide a credible repair capability able to service the Newport, Philadelphia, New York and Earle area, as well as to provide a source of repair when a private sector shipyard is unable to complete the assigned work in the areas, as stated in reference (b).

2. Under the closure option and in interest of clarification, the 30 people mentioned in reference (a) were an estimate of the number of people required to man the drydock in a mothball status. In addition to this, 255 people would be required to man the remaining facilities, 155 to provide residual facilities support and 100 to run the propeller shop and foundry. This compares with approximately 1,200 personnel under the "small repair capability" option: 135 residual facility support, 100 to run the propeller shop and approximately 945 to perform repair work for the fleet. Any required additional support for this facility would be from another larger naval shipyard such as Norfolk Naval shipyard.

FOCUS

3. I continue to take the position that retention of a credible repair capability at Philadelphia for naval ships homeported in the Northeast area is the most cost effective solution:

(1) It provides the fleet with low cost, reliable repair capability,

(2) It helps spread the effects of the costs to Navy Programs of the other repair facilities (foundry, utilities, etc.).

Further, the workload distribution for naval shipyards in the 90's supports full operations at Philadelphia through mid FY 95. As previously briefed, executing a realignment of Philadelphia Naval Shipyard in FY 93 will cause significant perturbations to carrier overhauling yard assignments and could result in an East Coast CV overhauling on the West Coast.
P.M. Hexman, Jr.

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Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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* 30 PAGES 1,260 LINES

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* 6:10 P.M. STARTED 6:19 P.M. ENDED
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SEND TO: ROBERTSON, ALONZO

DEFENSE GENERAL COUNSEL

ADMIN. OFFICE

THE PENTAGON RM. 3D 929

TOF#20217

WASHINGTON DISTRICT OF COLUMBIA 20301-0001



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
 1625 K STREET, N.W. SUITE 400
 WASHINGTON, D. C. 20006-1604
 202-653-0823

JIM COURTER, CHAIRMAN

COMMISSIONERS:
 WILLIAM L. BALL, III
 HOWARD H. CALLAWAY
 GEN. DUANE H. CASSIDY, USAF (RET)
 ARTHUR LEVITT, JR.
 JAMES SMITH II, P.E.
 ROBERT D. STUART, JR.

July 18, 1991

MEMO TO BOB MOORE

FROM: Wendi Lou Petsinger *WLP*
 SUBJ: Phone Calls from Senator Wofford and
 Senator Specter's offices from 4/9 - present.

Per your request, the following is a compilation of the contacts with the Senators from Pennsylvania. The list is not all-inclusive. Somedays were simply too busy to keep the log up-to-date. Also, several conversations occurred with Senator Specter and his staff at hearings. In addition, it is my understanding that Senator Specter's office phoned other commission staff besides those in congressional affairs with great frequency.

Key: R - returned call
 TC - took call
 C - called
 A - specific action requested
 M - left a message
 NA - no answer

Date:	Action:	From:	Office:
4/15	R/met on Hill	Deborah Barger	Specter
4/16	R	Deborah Barger	Specter
4/18	R	Deborah Barger	Specter
4/22	R/M	Deborah Barger	Specter
4/22	R/M	Morrie Ruffin	Specter
4/24	TC	Deborah Barger	Specter
4/24	R/NA	Morrie Ruffin	Specter
4/29	R/M (held for 10 min.)	Deborah Barger	Specter
4/29	R	Deborah Barger & Morrie Ruffin	Specter
4/29	R	Deborah Barger	Specter
5/3	C	Richard Bryers	(Heinz)

Called to see if their office wanted to participate in the witness selection process, or if I should give all their time to Senator Specter. Bryers said that they could not participate by law, and so I could give away their time. I suggested they pass all requests to testify to Deborah or Morrie.

5/3	R	Deborah Barger	Specter
5/3	R	Deborah Barger	Specter
5/13	R/M	Morrie Ruffin	Specter
5/14	R	Morrie Ruffin	Specter

Called every affected House and Senate office on average 2 to 3 times regarding the hearing on the 21st and the 22nd to work out the witness schedule. I worked with the Philly constituency to group their Members as they desired.

5/28	C	Deborah Barger	Specter
5/28	C	Defense L.A./A.A.	Wofford
5/29	TC/A	Morrie Ruffin	Specter
5/29	R	Morrie Ruffin	Specter
5/30	Called every office affected by the new list of options.		
5/30	R/M	Morrie Ruffin	Specter
5/30	R/M	Deborah Barger	Specter
6/3	TC	Morrie Ruffin	Specter
6/10	C	Morrie Ruffin	Specter
6/10	TC	Morrie Ruffin	Specter
6/12	R	Morrie Ruffin	Specter
6/12	TC/A	Morrie Ruffin	Specter
6/19	R	Morrie Ruffin	Specter
6/26	TC	Mark	Specter
7/10	TC/A	Morrie Ruffin	Specter



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6/12	R	Morrie Ruffin	Specter
6/12	TC/A	Morrie Ruffin	Specter
6/19	R	Morrie Ruffin	Specter
6/26	TC	Mark	Specter
7/10	TC/A	Morrie Ruffin	Specter

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

002528

EXECUTIVE SECRETARIAT

CONTROL NUMBER

DOCUMENT ROUTING SLIP		ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
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	CHAIRMAN COURTER					COMMISSIONER BALL
	STAFF DIRECTOR		✓			COMMISSIONER CALLAWAY
	GENERAL COUNSEL		✓			COMMISSIONER CASSIDY
	MILITARY EXECUTIVE					COMMISSIONER LEVITT
	SPECIAL ASSISTANT					COMMISSIONER SMITH
						COMMISSIONER STUART
COMMUNICATIONS/PA						
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	DIRECTOR OF ADMINISTRATION					SPECIALTY TEAM LEADER

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature	✓	Appropriate Action info
Prepare Reply for Commissioner's Signature		Comments and/or Recommendations
Prepare Reply for Staff Director's Signature		Clear Reply with
Reply Direct (forward copy to Exec Sec)		Coordinate Reply with

SUBJECT/REMARKS

CLEARANCE SIGNATURE

TO: Bob Moore
 FR: Eric Crowley (Justice)
 RE: PN:SY - Letter to Kauffman.
 DT: FAX 9-27-91

ACTION DUE DATE

X

ROUTING DATE

9-30-91

RECEIPT DATE

9-27-91

EXEC SEC MAIL DATE



U.S. Department of Justice

002528

Washington, D.C. 20530
CIVIL DIVISION

FEDERAL PROGRAMS BRANCH

FAX TRANSMITTAL COVER SHEET

DATE: 9/27/91

TO: Bob Moore

FAX NUMBER: 653 - ~~03~~ 1028

FROM: Eric Goulian
FAX NUMBER(S) (ROOM 3342)

FTS 368-7960
COMMERCIAL: 202-514-7960

THERE ARE A TOTAL OF 3 PAGES INCLUDING THIS COVER PAGE IN THIS TRANSMITTAL:

Bob - the judge has approved the schedule laid out in the letter. He'll give us a hearing date next week for on or after the 17th.



U.S. Department of Justice

002528

VMG:EGoulian
145-6-3183

Washington, D.C. 20530

Telephone:
(202) 514-3449

SEP 27 1991

VIA FACSIMILE TRANSMISSION

Bruce W. Kauffman, Esquire
Dilworth, Paxson, Kalish & Kauffman
2600 Fidelity Building
Philadelphia, PA 19104-1094

Re: Specter v. Garrett, C.A. No. 91-CV-4322 (E.D. Pa.)

Dear Mr. Kauffman:

I am writing to confirm our agreement concerning further proceedings on plaintiffs' motion for a preliminary injunction and defendants' motion to dismiss. I understand that the court has cancelled the September 30 hearing and agreed to the filing dates set forth below.

First, until the court has ruled on plaintiffs' preliminary injunction motion and defendants' motion to dismiss, neither party will engage in any discovery for any reason following the deposition of Assistant Secretary Schafer on September 26, except as stated herein if either party chooses to rely upon or refer to an affidavit.

Second, both sides will file and serve their respective proposed findings of fact and conclusions of law and supporting papers by October 11, 1991. Responses to these filings will be due on October 17.

Third, if either party intends to rely upon or refer to documents that have not been produced, they will notify the other side no later than October 4 and immediately supply them with copies. If either side intends to rely upon or refer to any affidavit not previously filed which addresses facts known as of October 2, 1991, they will notify the other side no later than that date and will produce the affiant for his or her oral deposition at a mutually convenient time on or before October 7, 1991.

Fourth, the parties will jointly request that the court schedule a hearing on the preliminary injunction motion as soon as possible on or after October 17. Defendants will also request that their motion to dismiss be heard on the date set for

plaintiffs' preliminary injunction motion, or at such earlier time as the court may desire.

Fifth, neither side will call any live witnesses at the hearings on defendants' motion to dismiss or plaintiffs' motion for a preliminary injunction.

If any of the above does not reflect your understanding of our agreement, please contact me immediately.

Very truly yours,

Vincent M. Garvey / by Eric

Vincent M. Garvey
Deputy Director
Federal Programs Branch
Civil Division

Garvey

cc: Judge Buckwalter
(by FAX)

NEWS CLIPS

ASST. SECNAV (INSTALLATIONS & ENVIRONMENT)

DATE: 30 SEPT 1991

Proprietary to the United Press International 1991

September 27, 1991, Friday, BC cycle

SECTION: Regional News

LENGTH: 322 words

HEADLINE: Specter won't give up the shipyard

DATELINE: WASHINGTON

KEYWORD: PA-NAVYYARD

BODY:

If the Philadelphia Naval Shipyard goes down, it will go down fighting, Sen. Arlen Specter, R-Pa., said Friday.

Specter said the Senate has accepted three of his proposals that could make it harder for the Navy to close the shipyard. Under an amendment to the Defense Appropriations Bill, the federal courts in Philadelphia will decide whether the Defense Department complied with the law when it ordered the shipyard closed.

Specter and other members of the Philadelphia-area congressional delegation have sued to prevent the closing. A court hearing is scheduled for next month on whether the Base Closure Commission and the Defense Department complied with the Base Closure Act of 1990.

A second amendment requires the Navy, the Environmental Protection Agency and the Energy Department to submit a plan for disposing of radioactive waste from nuclear-powered aircraft carriers.

Specter said the Navy is only closing the shipyard so it can switch to an all-nuclear fleet, and that there is no sound plan to dispose of waste generate by nuclear carriers.

The plan must include estimates for the next 20 years on the cost of handling and disposing of radioactive materials.

Specter has called the Navy's plan to phase out conventional carriers in favor of nuclear vessels "extravagant and environmentally unsound." He said costs \$5 billion to build a nuclear carrier compared to only \$850 million to totally refit a conventional carrier.

Specter said the Senate also accepted a proposal that could help save the Naval Air Development Center in Warminster.

Specter's amendment requires the Comptroller General to evaluate a Defense Department consolidation plan that would result in the transfer of the center's workers to other bases.

According to Specter, the Navy's projected savings from the realignment "defy logic" and were done in a "helter-skelter, pell-mell" manner.

DISTRIBUTION:

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10TH STORY of Level 1 printed in FULL format.

Copyright (c) 1991 Gannett Company Inc.
GANNETT NEWS SERVICE

September 27, 1991, Friday

LENGTH: 647 words

HEADLINE: SPECTER:DEFENSE BILL AIDS PHILADELPHIA NAVAL SHIPYARD

BYLINE: DENNIS CAMIRE; Gannett News Service

DATELINE: WASHINGTON

KEYWORD: PHILLY

BODY:

Sen. Arlen Specter, R-Pa., said Friday that language in a newly approved defense appropriations bill would make it harder for the Defense Department to close the Philadelphia Naval Shipyard and the Naval Air Development Center at Warminster.

One amendment in the bill, approved by the Senate late Thursday, would make it clear that the federal court in Philadelphia has jurisdiction to decide whether the Defense Base Closure and Realignment Commission and the Defense Department followed the law in recommending the shipyard be closed by 1997.

Specter and other lawmakers involved in a federal lawsuit challenging the decision to close the shipyard were concerned that the court would accept this summer's congressional approval of the base closing recommendation as meaning Congress approved the process used to select bases for closing and the commission and Defense Department's conduct in following the process.

The legislation makes it clear that the base closing law, which establishes the commission and the base closing process, does not preclude any legal action against an agency that violated the law.

"The Congress in this resolution (legislation) is taking no position on whether there has been compliance by the base closure commission and the Department of Defense with the requirements of the statute," Specter said.

The \$ 269.7 billion defense spending bill, which includes the Philadelphia shipyard legislation, now goes into a negotiating process to iron out the differences between the Senate measure and the previously approved House bill which has \$ 270 billion for the Defense Department next year.

Another amendment to the defense bill requires the Navy, the Environmental Protection Agency and the Energy Department to submit a plan for handling and disposing of all nuclear materials coming from nuclear-powered aircraft carriers. The plan would include cost estimates for the next two decades.

Such information could play a role in both the lawsuit and future base closing commission decisions on shipyards since it has not been included in shipyard cost studies in the past.

(c) 1991 GANNETT NEWS SERVICE, September 27, 1991

PAGE

Specter has argued that the Navy wanted to close the Philadelphia shipyard, which overhauls conventionally powered aircraft carriers, as one way to ensure that it achieves an all nuclear-powered carrier fleet. A conventionally powered carrier can undergo a complete overhaul extending its service life by 15 years or more for about \$ 850 million compared to \$ 6 billion to build a new nuclear-powered carrier, Specter said.

In addition, Specter said the Navy has no "sound plan" for the disposal of nuclear waste from the carriers, "a problem which we have so far pretty much swept under the rug."

A third amendment in the defense appropriations bill requires the U.S. Comptroller General to report on the Defense Department's plan, approved by the Base Closing Commission, to consolidate naval laboratories, including the Warminster center. The report would include information on the cost and methods used by the Navy in drafting the plan and the validity of the plan's assumptions about personnel relocation.

Under the base closing recommendations, approved by Congress and President Bush, the Warminster center would lose 2,530 jobs as part of the Navy's plan to close 10 labs and realign 17 others. The Warminster center would move to Patuxent, Md., and be consolidated with other laboratories to form the Naval Warfare Center. The Navy reported the move would cost about \$ 184 million but would save \$ 25.2 million a year in the long run.

Specter said the Navy's assumptions about the savings coming from the realignment of the Warminster center "defy logic" and were done in a "helter-skelter, pell-mell" manner. The Navy underestimated the costs and exaggerated the number of center employees who would transfer to other locations, he said.

SUBJECT: MILITARY; DEFENSE APPROPRIATIONS BILL:PHILADELPHIA NAVAL SHIPYARD:NAVAL AIR DEVELOPMENT CENTER:CLOSING

PAGE

LEVEL 1 - 3 OF 49 STORIES

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Daily Report for Executives

September 30, 1991, Monday

SECTION: CONGRESSIONAL AND PRESIDENTIAL ACTIVITY; Senate; DER No. 189

LENGTH: 1294 words

HEADLINE: Senate Action Sept. 27

BODY:

Met at 9 a.m.

Began consideration of the conference report on S 1722, Emergency Unemployment Compensation Act of 1991, but came to no final resolution.

To reconvene Sept. 30 at 12:30 p.m. to take up S 533, to establish a Department of the Environment as a Cabinet-level position.

Sept. 26

Passed HR 2521, making FY 1992 appropriations for the Department of Defense. During consideration, adopted the following amendments: (1) by a vote of 67-33, Division II, to reduce the amount provided for the rail garrison MX missile program, of Sasser-modified amendment (1193), to reduce the amount provided for the B-2 aircraft program, the rail garrison MX missile program, and the total amount provided for the Strategic Defense Initiative and the Theater Missile Defense Initiative; (2) an Inouye (for Nunn) amendment (1207), to provide additional funding for the strategic environmental research and development program; (3) an Inouye (for Wofford) amendment (1208), to express the sense of the Senate that the Senate is committed to providing income tax relief to middle income families; (4) an Inouye (for Dixon) amendment (1209) to committee amendment on page 9, line 17, to set aside certain funds for the Army; (5) an Inouye (for Bumpers) amendment (1210), to provide funding for development of advanced superconducting multi-chip module and diamond substrate material technologies; (6) an Inouye (for Mitchell) amendment (1211) to committee amendment on page 9, line 17, to set aside certain funds for the United States Office for POW/MIA Affairs in Hanoi; (7) an Inouye (for Specter) amendment (1213), to require a report on the Department of Defense plan to consolidate Navy research, development, test and evaluation, engineering, and fleet support activities set forth in the 1991 Defense Base Closure & Realignment Commission's recommendations; (8) an Inouye (for Specter) amendment (1214), to require a report to Congress on the human health risks associated with overhaul work on nuclear-powered aircraft carriers; (9) Specter modified amendment (1216), to express the sense of the Senate in relation to responsibilities and duties by the Defense Base Closure Commission; subsequently, the amendment was further modified; (10) an Inouye (for Seymour) amendment (1217), to set aside certain funds for the new paratrooper support program of the Marine Corps; (11) an Inouye (for Mack) amendment (1218) to provide for the continuation of pay for deceased aviation officers of the Persian Gulf war; (12) an Inouye/Stevens amendment (1219), of a technical nature; (13) a Stevens amendment (1220), to make funds available for personnel relocation costs associated with the closure of United States military

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facilities in the Republic of the Philippines; (14) a Boren amendment (1221), require the establishment of a national security scholarships, fellowships, a grants program; subsequently, the amendment was modified; (15) a Bumpers modified amendment (1222), to establish a ban on imports from companies that assisted Iraq in developing weapons of mass destruction; (16) a Bumpers modified amendment (1223), to limit funding for the brilliant pebbles program; (17) a Bumpers amendment (1224), to direct the president to consult with Japan and other U.S. allies to seek a consensus on negotiating objectives with the Soviet Union on changes to be made in the ABM Treaty; (18) by a unanimous vote of 99-0, Wirth modified amendment (1212), to prohibit the Department of Defense contracting with foreign persons that support the Arab boycott of Israel; (19) an Inouye (for Nunn/Warner) amendment (1225), to make a technical correction; (20) an Inouye (for Kassebaum) amendment (1226), to provide for a study by the National Academy of Sciences regarding the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union; (21) a Bingaman amendment (1227), to establish the National Commission on the Future Role of Nuclear Weapons in the United States National Security Strategy; (22) an Inouye (for Breaux) amendment (1228), to provide that funds appropriated in FY 1991 for the procurement of the advanced video processor units and associated display heads shall be made available to the Department of Navy; (23) an Inouye (for Biden) amendment (1229), to establish the Joint Commission on Reduction of Nuclear Weapons; (24) an Inouye (for Warner) amendment (1230), to provide funds for the Marine Corps modernization initiative; (25) a Roth modified amendment (1231), relating to the conveyance of closed military installations to neighboring communities; (26) an Inouye (for Bingaman) amendment (1232), relating to unobligated balances available to the National Defense Stockpile Transaction Fund; (27) an Inouye (for Riegle) amendment (1233), to provide that funds transferred to carry out the objectives of the Public Works and Development Act of 1965 are used for the purposes for which they are appropriated; (28) an Inouye (for Bingaman) amendment (1234), to establish procedures for cooperative agreements undertaken by the Defense Advanced Research Projects Agency; (29) an Inouye (for Kassebaum) amendment (1235), to provide funds for the refurbishment and modernization at rallyard facilities at Fort Riley, Kansas; and (30) a Stevens amendment (1236), to provide funds for the modernization of the Poker Flat Rocket Range. Also during debate, by a vote of 10-90, tabled a McCain amendment (1206), to terminate the Seawolf (SSN-21) class submarine program; and by a vote of 58-41, tabled a Bradley amendment (1215), to express the sense of the Congress with respect to the preparation by the secretary of defense of an additional multiyear defense program incorporating certain proposed budget reductions. Insisted on its amendments, requested a conference with the House, and appointed the following conferees: Sens. Inouye, Hollings, Johnston, Byrd, Leahy, Sasser, DeConcini, Bumpers, Lautenberg, Harkin, Stevens, Garn, Kasten, D'Amato, Rudman, Cochran, Specter, Domenici, and Hatfield.

Discharged the Judiciary Committee from further consideration and passed S.J. 172, to authorize and request the president to proclaim each of the months of November 1991 and 1992, as "National American Indian Heritage Month," after agreeing to a Ford (for Inouye) amendment (1237), to limit the designation of the month of November as "National American Indian Heritage Month" to two calendar years.

Passed S 1766, relating to the jurisdiction of the U.S. Capitol Police.

Insisted on its amendments to HR 972, to make permanent the legislative

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reinstatement following the decision of *Duro v. Reina* (U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians; subsequently agreed to a conference with the House, and appointed as conferees Sens. Inouye, DeConcini, Burdick, Daschle, Conrad, Reid, Simon, Aka Wellstone, McCain, Murkowski, Cochran, Gorton, Domenici, Kassebaum, and Nickl

Receded from its amendments 1, 2, and 3 to HR 3291, making FY 1992 appropriations for the District of Columbia, clearing the measure for the president.

Disagreed to the House amendments to S 1722, to provide emergency unemployment compensation; subsequently agreed to a conference with the House, and appointed as conferees Sens. Bentsen, Mitchell, Riegle, Packwood, and Dole.

Received from the president a message transmitting an extension of the nation emergency declared with respect to the expiration of the Export Administratic Act, referred to the Banking Committee.

Confirmed the nomination of John J. Easton Jr. to be Energy Department general counsel.

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LENGTH: 1001 words

HEADLINE: EPA IDENTIFIES 182 HAZARDOUS WASTE SITES AT THE PHILADELPHIA NAVAL SHIPYARD

BYLINE: By Nicole Weisensee, States News Service

DATELINE: WASHINGTON

KEYWORD: NAVYARD

BODY:

There are 182 hazardous waste sites at the Philadelphia Naval Shipyard, according to a newly released report by the Environmental Protection Agency.

However, an EPA official cautioned that it is unlikely that most of the 182 sites will have to be cleaned up.

"This is just an assessment," said Paul Gotthold, section chief for the EPA Pennsylvania Resource Conservation and Recovery Act's (RCRA) permit section. "Essentially what the document is is our evaluation of the facility as it exists today."

The 300-page report draws no conclusions and does not include a cost estimate, but lists every site that deals with hazardous waste, each site's history (if any) of EPA violations and its subsequent compliance or noncompliance with the law, and whether it is still in operation.

The EPA report was filed under the auspices of RCRA, a 1980 act which authorizes the EPA to require cleanup of landfills and other sites that contain hazardous waste. It identified 44 different kinds of hazardous waste at the Navy Yard.

Because many of the sites listed are self-contained buildings that store hazardous wastes, they have no direct contact with the environment and therefore would not require clean up under the RCRA law.

But the sites that the EPA determines are endangering the environment will have to be cleaned up, regardless of whether the Navy Yard closes, Gotthold said.

The yard is scheduled to close by 1997, but a lawsuit is pending by the Philadelphia-area congressional delegation that alleges the Navy violated the due process clause of the U.S. Constitution and the base closure when it decided to close the Navy Yard.

The EPA's investigation of the yard is completely separate from the base closure issue. The fact that the report has come out during the base closure process is purely coincidental, Gotthold said.

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"It just happened to be its (the Navy Yard's) turn," he said, adding that the EPA primarily investigates large, industrial sites. "In the Philadelphia regional office, we have 55 of these going on right now throughout a five-state region. It doesn't matter if the base closes or stays open, this (report) is independent of that."

The large number of hazardous waste sites at the 1,425-acre naval complex is not unusual and not all of these will have to be cleaned up, Gotthold said. The EPA is mainly concerned with those sites that have not been in operation since before 1980, because RCRA does not cover those, he said.

But the EPA listed all 182 sites in its report "to get it on record and to say we looked at everything because there will be public meetings" once the process is complete, he said.

"Sometimes when you look you find problems with something that's in current operation," he added. "But generally, most of our problems will be in areas that have not been in operation for 10 years. And I expect that to be the same thing here at the Navy Yard."

This report represents the first stage of the process. The next stage, which should be complete next spring, involves taking an in-depth look at all the sites and deciding which ones have to be cleaned up, Gotthold said.

The final step is the clean up itself. The Navy is responsible for the cleanup costs, which have no price tag as yet.

The Navy could not comment on the EPA report because it hadn't seen it yet, Navy spokesman said.

Separate studies have been done that look at the cost of environmental cleanup if the yard shuts down. Captain Arthur Clark, the Navy Yard's commander, has estimated the cost to be \$161 million, although he cautioned it was only a rough estimate.

Those costs would include such things as cleaning up asbestos and polychlorinated biphenyl (PCB), which is not under the jurisdiction of the EPA, Gotthold said. Therefore, the environmental costs of shutting down the Navy Yard are completely separate from this report, he said.

"The kind of things we look at are environmental situations where there's contact between a hazardous waste and the environment," he said. "If you're tearing things down, you get into questions about asbestos, about PCB's, that normally wouldn't get involved with. So, it seems to me if they're going to level the place, there would be more environmental costs, but not in the purview of what the EPA does," he said.

An example of a site listed in the report that will probably have to be cleaned up is a four-acre landfill where gas cylinders, the contents of which are unknown, were disposed of from the 1940s to the 1970s.

It is located west of the Girard Point Incinerator -- a portion of which lies underneath the Interstate-95 bridge.

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The site has been the subject of a number of studies and investigations. An Initial Assessment Study (IAS) was conducted by the Naval Energy and Environmental Support Activity (NEESA) from 1982-83.

The 1983 report noted the proximity of the disposal area to the Schuylkill River and pointed out that the disposed gas cylinders "may be in direct . . . contact with the river."

An April 1987 report concluded that heavy metals contaminants are migrating to the Schuylkill River. In addition, a soil analysis conducted that year found asbestos at 12 percent over EPA-permitted levels. It also found high concentrations of poly aromatic hydrocarbons, which is a suspected cancer-causing chemical.

This site has also been targeted for cleanup by the Navy under its Installation Restoration Program (IRP), but has so far taken no corrective measures.

"We're (the EPA) looking at it, too, because the law under which EPA operates makes no distinction between private and government facilities," Gotthold said. "We'll go in to establish our authority to require a cleanup. If it turns out the DOD (Department of Defense) is ahead of us and wants to clean it up, that's fine."

"We're not going to make them do it over or better," he continued. "It's just that they have a responsibility to comply with these laws and we have a responsibility to make sure they do it."

Cost of Closing the NAOC

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Mr. INOUE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert in the appropriate place:

(A) The Comptroller General of the United States shall issue a report on the Department of Defense plan to consolidate Navy Research, Development, Test and Evaluation, Engineering, and Fleet Support Activities set forth in the 1991 Base Closure and Realignment Commission's recommendations which:

(i) evaluates cost data and methodology used in formulating the consolidation plan, and any new variables resulting from recommendations made by the 1991 Base Closure and Realignment Commission;

(ii) evaluates the validity of all personnel relocation assumptions contained in the plan; and

(iii) evaluates the consolidation plan in light of changing force structure requirements.

(B) The Secretary of Defense shall provide a report to Congress on the findings set forth in the Comptroller General's report which shall include identification of inconsistencies between the Comptroller General's report and the findings and recommendations submitted by the Department of Defense to the 1991 Base Closure and Realignment Commission.

(C) The Secretary of the Navy shall make available for review to the Comptroller General of the United States immediately upon enactment of this Act all documents generated after January 1, 1989, and prior to September 1, 1991, pertaining to or referencing the issue of consolidation of Department of the Navy Research and Development activities.

Mr. SPECTER. Mr. President, today the Senate adopted an amendment which had been cleared on both sides of the aisle which had been submitted by this Senator which provides for certain reports by the Comptroller General of the United States in connection with the research and development and testing laboratories consolidation programs. This amendment has been prompted by the fact that there has been virtually no examination of the underlying cost factors by the Department of the Navy in coming to its conclusions on consolidation of Navy laboratories.

My own concern has arisen in the general context of national defense but with specific reference to the Naval Air Development Center in Warminster, PA, where there is good reason to believe that a close examination will show it to be inordinately expensive and counterproductive to reallocate, realign, and in effect close most of the Naval Air Development Center in Warminster, PA.

At one juncture, the Department of Defense had estimated that it would cost \$184 million to make the shifts, and later that was increased to something in the \$300 million range. It may well be that a factual analysis will show that is much higher even than \$300 million.

There is another major factor which has not been adequately weighed and that is the factor that most of the

technical and professional personnel in the Naval Air Development Center at Warminster will not move on any relocation so that this examination may well provide a factual basis at a later day for some further consideration by the Congress.

The General Accounting Office, which was required by statute to evaluate and report on the analysis conducted by the individual services, reported that they were, "unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment because the Navy did not adequately document its decisionmaking process or the results of its deliberations."

The GAO also stated that: "Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures."

Since the lab commission has stated that they are not examining the feasibility and costs associated with individual alignments, it is necessary to insist on an objective evaluation of the assumptions used in the Navy's proposed research and development consolidation plan.

I suggest further, Mr. President, that there has been a significant shift in defense force structure and projected planning necessitated by the recent developments in the Soviet Union.

There had been some consideration by this Senator and others to hold up implementation of consolidation of the Naval Air Development Center, for example, but it was decided to take a lesser approach or a slightly different approach, calling on the GAO, the Comptroller General of the United States, to issue the reports which will evaluate cost data and methodology used in formulating the consolidation plan to evaluate the validity of the personnel relocation assumptions contained in the plan and to evaluate the consolidation plan in light of the changing force structure requirements.

We have moved ahead on base closures, Mr. President, in a way which defies logic, at least in the opinion of this Senator, and we have enormous needs, especially on research and development. We have a facility, for example, at the Naval Air Development Center in Warminster, PA, which has a centrifuge, which is a testing device located very near granite, which cannot be duplicated anywhere else. We have an ejection mechanism there which was the only one available for testing ejection of pilots from planes in the gulf war where they had the very heavy chemical warfare equipment.

There is a real issue as to wisdom in terms of the helter-skelter pell-mell way in which it was processed and what was done with facilities like the Naval Air Development Center at Warminster. This study will take a hard look at what has been done with a view toward a reevaluation depend-

ing on which facts are disclosed in the course of that study.

Mr. INOUE. This matter has been discussed by both managers. We are able to accept it.

The PRESIDING OFFICER. Is there further discussion on this amendment offered by the distinguished senior Senator from Hawaii?

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1212

Mr. SIMON. Mr. President, I just want to comment briefly on the amendment offered by my colleague from Colorado, which I am pleased to be a cosponsor of, and specifically the response of the Defense Department where, in the middle of the letter, they use the phrase "Israeli intransigence."

It is very interesting that there is absolutely no criticism of the Arab countries who have refused to recognize Israel, who have had the Arab boycott. It is a whole series of things. I mention this simply because there has been in the Defense Department and in the State Department a tilt in almost every kind of a situation toward wherever the power is and wherever the numbers are. That is true in the Israeli-Arab situation; it is why Congress has had to have some balance here. It is true in the Greek-Turkish situation. It is a whole series of things.

I simply hope that our friends in the Pentagon and our friends at the State Department will try to see that key personnel have old war battles as they approach this problem. It is something that is very, very basic.

I ask unanimous consent, Mr. President, to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE NEEDS

Mr. SIMON. I thank the Chair.

Mr. President, I heard our colleague from Michigan speak about health care needs. Every day Members of the Senate run into these problems where people face just overwhelming problems.

Just a few days ago, I was in Putnam County, IL. The Presiding Officer knows where that is. It is the tiniest county in our State.

A woman was there carrying a child with disabilities. Obviously, sever

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know is coming, which is lower defense spending.

I hope that the Senate will accept this amendment. I hope that the information that will be provided from this amendment will help us during next year's appropriations bill. When some people come to the floor to cut defense spending below the level the appropriators want, and I guarantee that is going to be inevitable, they will be making cuts that the Defense Department has identified as they prioritized things. If you are going to cut, these are the areas in which we think the cuts should be made and these are the implications for our capabilities and force structure.

He who has the information often has the power. In this case we are asking the Defense Department who has the information to share their views with us.

Mr. President, I strongly urge the adoption of the amendment. I am prepared to yield back the remainder of my time, if the distinguished Senator from Hawaii is prepared to make his motion.

The PRESIDING OFFICER. The Senator from New Jersey yields back the remainder of his time.

The Chair recognizes the distinguished Senator from Hawaii.

Mr. INOUE. Mr. President, if any time is remaining I am pleased to yield back the time.

The PRESIDING OFFICER. No time is remaining.

Mr. INOUE. What is the pending business?

The PRESIDING OFFICER. The pending question is the Bradley amendment.

Mr. INOUE. Mr. President, I move to table.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii to lay on the table the amendment of the Senator from New Jersey. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.
Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—58

Alaska	Cochran	Domenici
Beard	Cohen	Durenberger
Breaux	Craig	Exon
Bryan	D'Amato	Ford
Burdick	Danforth	Garn
Burns	DeConcini	GleNN
Byrd	Dixon	Gore
Chafee	Dodd	Gramm
Coats	Dole	Grassley

Hatch	Mack	Shelby
Fein	McCain	Simpson
Felms	McConnell	Smith
Hollings	Murkowski	Specter
Inouye	Nickles	Stevens
Johnston	Nunn	Symms
Kassebaum	Presler	Thurmond
Kasten	Raid	Wallace
Lieberman	Roth	Warner
Lott	Hudman	
Lugar	Beymour	

NAYS—41

Adams	Graham	Packwood
Baucus	Earl	Pell
Bentsen	Hatfield	Fryor
Biden	Jeffords	Riegle
Bingaman	Kennedy	Robb
Boren	Kerry	Rockefeller
Bradley	Kerry	Eastford
Brown	Kohl	Strommen
Bumpers	Lautenberg	Sasser
Conrad	Leahy	Simon
Crapton	Levin	Wellstone
Daschle	Mikulski	Wirth
Fowler	Mitchell	Wofford
Gorton	Moyihan	

NOT VOTING—1

Metzenbaum

So the motion to lay on the table the amendment (No. 1215) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending business is the Wirth amendment, No. 1212.

The senior Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I ask unanimous consent the pending business be temporarily set aside to permit the Senate to consider other measures related to the bill.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from Hawaii to set aside amendment No. 1212 by the senior Senator from Colorado to consider other amendments relating to the bill?

Mr. WIRTH. Reserving right to object, and I will not object.

I just want to know what kind of amendments we are talking about. The Senator from Colorado is just concerned about making sure we act upon this amendment.

Mr. INOUE. These are amendments that have been cleared by both sides and should take no more than 4 minutes.

Mr. WIRTH. I thank the distinguished chairman. I will not object.

Mr. STEVENS. Just returning to the Senator from Colorado, there is a subsequent suggestion that negotiations are ongoing. I am grateful to the Senator from Colorado for his consideration of the suggestions that are coming from the Department of Defense.

I am hopeful we will be able to work this out so we may accept the Senator's amendment very soon. That rests with the Senator from Colorado, however, I might add.

Mr. WIRTH. I will not object. I withdraw my reservation. Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii?

Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. KEKEXEY). The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1216

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. MITCHELL, Mr. COHEN, Mr. WOFFORD, Mr. BRADLEY, and Mr. DIXON, proposes an amendment numbered 1216.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the pending bill, add the following:

"It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the acceptance of the recommendations issued by the Base Closure Commission."

Mr. SPECTER. Mr. President, this amendment is being submitted on behalf of Senator MITCHELL, Senator COHEN, Senator WOFFORD, Senator BRADLEY, and I believe Senator DIXON, and myself. It has been cleared on both sides of the aisle.

By way of a very brief statement, it provides that in acting on the joint resolution of disapproval of the Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Commission and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act, so that the relevant courts, Federal courts, will have jurisdiction on any challenge on procedural deficiencies.

As I say, I have discussed it broadly in the Senate, with the distinguished chairman and ranking member.

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[From the Virginia-Pilot, Apr. 1, 1991]
WASTE SITES FACE MASSIVE CLEANUP TASK
 (By Al Roberts)

As the Navy's nuclear-powered warships send more uranium fuels, reactor parts and other radioactive wastes ashore, they're counting on the U.S. Department of Energy to dispose of the material at remote, inland dumps.

But the Energy Department—which traditionally has taken naval wastes to its weapons plants in Idaho Falls, Idaho; Richland, Wash.; and Aiken, S.C.—faces serious environmental problems at those sites.

The government has been stockpiling waste since the 1950s, and the waste is beginning to leak from corroding steel drums and clay trenches and cracked concrete tanks. More than a dozen radioactive elements, from cobalt to plutonium to uranium, have already escaped into the environment.

From the Idaho National Engineering Laboratory in Idaho Falls, where the Navy sends its spent nuclear fuel, a 40-square-mile "plume" of tritium is migrating through groundwater flows toward the Snake River. The Hanford Nuclear Reservation in Washington state, which buries scrapped naval reactors, has dumped millions of gallons of radioactive waste into the ground. And the Savannah River Site in South Carolina, which handles other naval wastes, also is leaking radiation.

Cleaning up those sites and 11 other weapons plants—to make room for more spoils from naval shipyards and other nuclear operations—will be a \$200 billion task. But the Energy Department is under rising pressure to allow other groups, such as the Environmental Protection Agency, to accelerate the cleanup.

"Little actual cleanup work has been done," the Office of Technology Assessment, an analytical arm of Congress, said in a 212-page report to the lawmakers in February. "... Effective cleanup of the weapons complex in the next several decades is unlikely, and ... significant policy initiatives are required if those prospects are to be improved."

[From the Virginia-Pilot, Apr. 1, 1991]
"Big E" Reactors a Big Pain, Say Veteran Refuelers

(By Al Roberts)

Newport News.—Imagine eight nuclear reactors being taken apart—piece by piece—in your back yard.

That's exactly what is happening aboard the aircraft carrier Enterprise, which began refueling its nuclear reactors this winter at Newport News Shipbuilding.

The shipyard won't comment on the process. But shipyard retirees, who refueled the "Big E," from 1969 to 1971, said the refueling and overhaul, which began in November and is expected to continue through May 1994, will be an ordeal.

"You have to pretty much tear the ship up to refuel it," said shipyard retiree Jack B. Davis, who helped plan the previous refueling. "There's a lot of stuff you have to remove, and then you have to put it all back again."

During the 3¼-year process, retirees said, teams of workers will spend roughly six months dismantling each reactor plant, take a day or two to refuel it, then spend six months reassembling the system.

Throughout the process, workers will wear awkward body suits and breathe through stifling gas masks to protect themselves from radiation. One false move—turning a wrench one too many times around a valve, or firing a blowtorch one millimeter

too far into a pipe—could release harmful doses of radioactivity, retirees said.

First, workers will disconnect the reactors from steam generators, turbines, cooling systems and other related equipment. They'll have to divert thousands of gallons of radioactive liquid and gas, much of it sealed under explosive pressure, into holding areas or disposal tanks. Once the pipes are purged, workers will open up miles of pipeline, break through hundreds of valve seals and dismantle thick steel fixtures to get to the reactor.

Then comes the switching of the uranium fuel core itself, which contains the most deadly levels of radioactivity.

Because the workers will be opening up the reactor for the first time in two decades, exposing themselves to its radioactivity, they'll want to move quickly. Ideally, they'll remove the spent fuel core and place it in a steel shipping cask, then install a fresh fuel core and close up the reactor, in a matter of hours.

While they rebuild the ship's reactors, retirees say, other workers will be dealing with the radioactive wastes sent ashore. The Enterprise is expected to leave behind enough waste to throw off at least 25 million curies of radioactivity. That's half of the roughly 50 million curies the Chernobyl reactor explosion released over the Soviet Union. And it's about 8,000 times as much as Virginia's 600 power plants, hospitals and other nuclear industries ship to disposal sites in a year.

Some of that waste, such as the spent fuel or reactor parts, will be solid and easily managed. Other wastes, such as the cooling water from the reactors, will be liquid. Some will give off intense radiation, enough to kill a worker within days, while some will emit negligible radiation.

The most dangerous wastes, the eight spent fuel cores, will each hold as much as 3 million curies of radioactivity—enough to contaminate all of Newport News or build a nuclear bomb.

To protect the spent fuel from accidents and terrorists, each core will be stashed in a steel cask, and each cask will be set in a railroad boxcar on the grounds of Newport News Shipbuilding. Eventually, the boxcars will form a train to a disposal site in Idaho Falls, Idaho.

The bulk of the waste, however, will be parts, tools, protective clothing, rags and other materials that have been exposed to the reactors and their fuels. Each piece of waste may have absorbed as little as one-millionth of a curie of radioactivity and pose a negligible threat. But there will be vast volumes of that low-level waste, which could combine to emit dangerous radiation.

For that reason, the waste will be packaged in special polyethylene barrels or steel boxes. It will then be carried away in tractor trailers, traveling west on Route 58 and south on Interstate 95, to a disposal site near Aiken, S.C.

[From the Virginia-Pilot, Apr. 1, 1991]
NUCLEAR NAVY SAILS IN FOR REPAIRS, RAISES CONCERNS

(By Al Roberts)

NORFOLK.—The Navy plans to refuel, overhaul or scrap about one-third of its nuclear-powered ships in the 1990s, bringing an unprecedented—and potentially dangerous—rush of nuclear work into local naval bases and shipyards.

Among the Navy's 137 nuclear-powered ships afloat, at least 40 are due to bring their reactors into Hampton Roads and other ports for work in this decade. Those reactors, which reportedly suffered few accidents while running at sea, will run much

higher risks during operations on land. Navy veterans say.

The metal-shrouded reactors, having contained billions of atomic chain reactions for 15 to 30 years, now literally glow with radioactivity, experts say. As the reactors are dismantled in shipyards the risk increases, experts say, that their pent-up radiation will be accidentally unleashed on sailors, shipbuilders, civilians or the environment.

Naval reactor work also will generate radioactive wastes, like the byproducts of commercial nuclear plants, that must be carefully controlled for centuries to come. But control of such wastes has already proven to be a problem for the Navy, federal studies say.

In 1988, for instance, the Navy's Radiological Affairs Support Office in Yorktown sent out 423 questionnaires to Navy installations, asking about their inventories of radioactive waste. Only 212 replied, and at least one-fourth of those that did not reply are known to store radioactive waste. The survey showed only 9,000 cubic feet of radioactive waste stored at Navy sites. But other federal records show that bases and shipyards generate as much as 58,000 cubic feet every year—at least 20,000 cubic feet of it in Hampton Roads.

"For these reasons," the General Accounting Office concluded in a report to Congress in March 1990, "the Navy does not precisely know the amount and types of waste stored or disposed of by its various installations."

The Navy's future challenges in dealing with radioactive waste go beyond Hampton Roads and its shipyards. The service sends its worst wastes to be recycled, stored or dumped at nuclear weapons factories in South Carolina, Idaho and Washington state. But those sites, as well as 11 others in the nuclear weapons complex, have become environmental disaster zones.

The largest site, near Aiken, S.C., already stores 21 million cubic feet of solid wastes and 35 million gallons of liquid spoils—enough radioactive material to fill the Scot's arena in Norfolk 25 times. The material contains at least 800 million curies of radioactivity, or roughly 16 times what the Chernobyl reactor explosion released over the Soviet Union. And much of that radioactivity is slowly leaking into the air, soil, water and sediments on the north bank of the Savannah River.

Last week the latest evidence of the military's waste problem was reported by the Environmental Protection Agency. The EPA said that engineers, rushing to build nuclear bombs in the 1950s, poured millions of gallons of radioactive waste into the ground at the Hanford Nuclear Reservation near Richland, Wash. Some of that waste, dumped into crude ground trenches, will retain half its radioactivity for 212,000 years, experts say.

Environmentalists, legislators and regulators have reacted to such reports by forcing the weapons plants to launch a \$200 billion cleanup. As the sites devote more money and personnel to handle existing wastes, however, they will have fewer resources to accept new wastes being generated by the Navy.

At the same time, the Navy will be generating more waste than ever. The spoils will have to sit in interim storage at bases, shipyards or other support facilities, experts say, until they can be sent for permanent burial at the weapons plants.

"The risks are enormous—no doubt about it—absolutely enormous," said Capt. William E. Yates, former commander of the nuclear-powered submarines Sargo, Snook and John Adams.

The aircraft carrier *Enterprise*, being refueled in Newport News, offers the most dramatic example. The *Enterprise* is expected to generate enough waste to throw off at least 25 million curies of radioactivity—about half the roughly 50 million curies the Chernobyl reactor explosion released over the Soviet Union, killing hundreds of people and contaminating more than 2 million homes.

"A severe accident could literally destroy a city, and that's not widely realized," said Dr. W. Jackson Davis, a nuclear physicist at University of California and a native of Portsmouth. "... It's not just life that you're risking—you're risking whole cities."

Recognizing the risks at hand, the General Accounting Office, an investigative arm of Congress, this winter began reviewing the Navy's schedule of reactor work.

"With the size of the activity going on," GAO investigator Brad H. Hathaway said, "we felt we should at least take a preliminary look."

That inquiry will inevitably focus on Hampton Roads, said Hathaway, who helped investigate the explosion aboard the battleship *Iowa*. While politicians boast that the port is host the largest naval complex in the world, public records show that it also handles the most naval reactors and radioactive wastes.

The Norfolk Naval Station is home base to 31 nuclear-powered ships: 23 submarines, four aircraft carriers and four guided-missile cruisers. The ships perform routine reactor maintenance at the base and generate as much as 10,000 cubic feet of radioactive waste a year, according to Navy records. That's enough waste to fill a one-story, two-bedroom home from floor to ceiling.

Newport News Shipbuilding has built 56 nuclear-powered warships—43 subs, seven carriers and six cruisers. It's now building 13 more, including 10 submarines and 3 carriers. Meanwhile, the yard is expected to refuel, overhaul or scrap at least 20 naval reactors in this decade. The yard's increasing work on reactors will dramatically increase its radioactive waste handlings, now running about 15,000 cubic feet a year.

The Norfolk Naval Shipyard in Portsmouth, which has overhauled 34 nuclear-powered subs and cruisers since 1967, has not refueled a reactor since 1973. That has cut its radioactive waste to about 10,000 cubic feet a year. But waste volume will rise sharply with the yard's scheduled refuelings of one ship every two years, beginning with the guided-missile cruiser *South Carolina*.

The Naval Supply Center in Norfolk, the Naval Weapons Station in Yorktown and other support facilities store and ship radioactive materials. Hampton Roads' military facilities also export and import radioactive waste to and from military bases overseas, records show.

The Military Traffic Management Command, based in Washington, D.C., recorded 177 radioactive shipments between Hampton Roads and foreign ports from June 1989 through September 1990. About 100 of the shipments, identified simply as "radioactive material," were not wastes but rather supplies, such as uranium-tipped artillery shells going to Army bases in Europe, records indicated. But at least 50 other shipments were more mysterious, and their contents and destination were not identified in military records made available to this newspaper. Repeated requests over the past 10 months for more details went unmet.

All told, the piers, shipyards and support facilities in Hampton Roads are host to the largest collection of nuclear reactors in the world.

"You have quite a large concentration of reactors in Norfolk. If you proposed to put

them on land, people would be appalled, but people don't see ships that way," said Damien Durrant, an activist with Greenpeace, an environmental organization that opposes nuclear reactors and weapons.

The public still does not "see ships for what they are: basically, a smaller nuclear plant," Durrant said. "We kind of regard it as a blind spot in the public's perception."

Ironically, naval reactors are more dangerous—by design—than commercial ones.

Land-based reactors rumble along like eight-cylinder, carbureted muscle cars gulping down leaded gasoline. But oceangoing reactors wind up like four-cylinder, turbo-charged speedsters on high-octane fuel. Commercial units can boost electricity output over several days, but naval reactors must propel ships from 6 knots to 30 knots in a matter of minutes.

While the Navy reactors run hotter, they are not as thoroughly protected from overheating and other dangerous conditions. Because they must fit into smaller spaces, such as on submarines, they cannot be shielded behind as many layers of concrete, steel and water.

That leaves little margin for error in the design, construction and operation of oceangoing reactors. The greatest risk however, is refueling them, experts agree.

"Everybody feels most vulnerable during a refueling operation," said Capt. James T. Bush, former commander of the ballistic missile submarine *Simon Bolivar*.

The *Enterprise* poses the ultimate challenge. It is the oldest nuclear-powered ship the U.S. has and is propelled by some of the most antiquated reactors on either sea or land. Those reactors, which have been running virtually nonstop since the carrier scrambled jets over Vietnam, are being refueled for the first time in 20 years.

Asked about the process of refueling, officials at Newport News Shipbuilding referred all questions to the Naval Sea Systems Command. The command declined to provide details.

"It's like having eight submarines in there at one time. It's just a massive job," said shipyard retiree Jack B. Davis, who was secretary of the joint military-civilian panel that planned the *Enterprise's* last refueling, from 1969 to 1971.

Because the "Big E" was the first nuclear-powered surface ship, naval engineers generously endowed it with eight reactors. Designers have since put only one or two reactors in each warship.

"The *Enterprise* was horribly overbuilt," Davis said. "They never had a nuclear-powered ship, and they didn't know how much power they'd need to push that damned thing."

The *Enterprise's* reactors also are outdated.

"Nuclear reactors through the years have changed a whole lot," said an engineer involved in the design of the *Enterprise* reactors, who asked not to be named. "New engineering studies revealed different things... Of course, we learned our lessons from that, when the new ones came along."

As the Navy brings its older nuclear-powered warships into port for refueling, however, it inevitably surrenders some control over their reactor operations and radioactive wastes, Navy veterans say. While fewer than 100 sailors control the *Enterprise's* reactors at sea, for instance, at least 1,000 sailors, shipbuilders and contractors and refueling them in port.

"Being in a shipyard during a refueling, is a real tough time to maintain the controls," said Capt. Yates, former skipper of the sub *John Adams*. "You've got people coming and going, people on leave, and, during all

of that, you've got to keep control of what's going on."

Sailors said such pressures caused problems on at least three nuclear-powered ships during visits to shipyards last year. At Newport News Shipbuilding, sailors have reported radioactive releases during refueling of the reactors on the carrier *Enterprise*; the Navy and the shipyard had not responded to requests for more details on the claims as of late last week. At the Norfolk Naval Shipyard in Portsmouth and the Puget Sound Naval Shipyard in Bremerton, Wash., sailors said they took shortcuts in running the reactors in the submarine *Finback* and the carrier *Mintz*. Publicly, the Navy expresses immense pride in its nuclear safety record, both at sea and on land. But some veterans of the nuclear Navy say that it hides all but the worst accidents—such as the 1963 sinking of the submarine *Thresher*—behind the curtain of "national security."

"Every time anything went wrong in the Navy program, we had to sign another piece of paper to say we'd never talk about it," said Robert D. Pollard, a former nuclear safety engineer on the sub *Sargo*, based in Pearl Harbor, Hawaii. Pollard now works for the Union of Concerned Scientists in Cambridge Mass. "They use the security thing not for security reasons but to hide stuff."

Federal agencies, state governments and the public are given few opportunities to verify the Navy's claims of a stellar safety record.

The Environmental Protection Agency, for instance, has jurisdiction to search for radiation leaks around Navy bases and shipyards. And the EPA does periodically analyze water, sediment and algae samples at these sites. But the agency must settle for samples gathered by the military, rather than collecting its own. It also analyzes them according to military standards, rather than more exacting civilian ones.

State governments are equally restricted in their ability to judge safety in the nuclear Navy.

Virginia's state officials express a mixture of confidence and concern. Most say they are confident that naval reactors could meet the safety standards applied to land-based plants. But they also say they are uncomfortable taking that on faith.

The Virginia Department of Emergency Services, for example, is charged with protecting the public from a nuclear accident. The agency keep track of radioactive waste shipments by power plants, hospitals and other civilian outfits. But the agency has no military jurisdiction.

"I guess it makes us nervous," said the department's technological hazards expert, James D. Holloway. "We know what's out there and where we are taking waste from the civilian side. And I guess we would like to be tracking (the military), too."

Like the EPA, the state Department of Health, which monitors radioactivity in the environment, has less access to military sites than to commercial ones.

Every year, for instance, the department's Bureau of Radiological Health takes hundreds of samples from near Virginia Power's reactors at Surry and Lake Anna. But the bureau must settle for only a handful of samples, gathered by Navy personnel, from around naval piers and shipyards in Hampton Roads. And it has never inspected those sites the way it inspects civilian facilities.

"We just don't have the staffing to send people out to those (Navy) sites," said Leslie Foldes, the bureau's director.

In January, the agency resumed monitoring of the waters around the Norfolk Naval Shipyard, which is preparing to refuel the guided-missile cruiser *South Carolina*. But

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the Bureau of Radiological Health must rely on Navy personnel to gather water samples.

"I'm confident they can do as good a job," said Foldesi, who witnessed two refuelings as a sailor aboard nuclear-powered submarines from 1970 to 1976. "I know they take elaborate measures to make sure that no materials are released."

But other states are taking more aggressive measures.

The state of Washington, which is home to about 15 nuclear-powered ships, complained last fall about its lack of access to Navy sites. When radiation has been released at Navy yards there, the state has not been allowed to watch the cleanup.

"They are up-front with the fact that incidents have occurred," said Terry R. Strong, director of the Division of Radiation Protection in the Washington state Health Department. "But we don't have any regulatory authority, and they don't invite us onto the base."

If the states had their way, they would exercise more oversight over the military, Strong said.

"I guess that, if we go back to the issue of credibility, it would be to the Navy's benefit to say, 'I'll come on here,'" Strong said.

Mr. SPECTER. Mr. President, these articles detail the enormous potential environmental hazard which is in the offing from the scraping or overhaul of nuclear powered ships. And the details of these articles, which cite authoritative sources, disclose that the radioactive potential is many, many times the problems at Chernobyl, and that there are many communities in our society in Idaho, in South Carolina, in Nevada, in Washington, and in Oregon where there are enormous risks involved in our failure to deal with this issue of nuclear waste.

Rather than submit the amendment, which would hold up on the funds for the *Enterprise* until this study has been completed, this Senator elected to take the route of the amendment which has been submitted and agreed to calling for the study so we can find out what is going to be happening.

But I think this is an issue which the Congress and the country will have to face up to because of enormous environmental risk factors, and these reports should shed some very considerable light on a real problem and will enable us to address this issue in an intelligent way in the future.

Mr. President, I thank my colleague from Hawaii, Senator INOUE, the distinguished chairman, and the ranking member, Senator STEVENS, for their cooperation in working through these amendments, and the staffs for their help with respect to the same amendments.

I thank the chair, and I yield the floor.

AMENDMENT NO. 1217

(Purpose: To set aside \$3,000,000 for the New Parent Support Program of the Marine Corps)

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be temporarily set aside to consider measures affecting the bill.

I send to the desk an amendment in behalf of Senator Seymour of Califor-

nia, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii (Mr. Inouye), for Mr. Seymour, proposes an amendment numbered 1217.

Mr. INOUE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 3, strike out the period and insert in lieu thereof: "Provided further, That of the funds appropriated in this paragraph, \$3,000,000 shall be available for the New Parent Support Program."

Mr. SEYMOUR. Mr. President, I rise to offer an amendment to the fiscal year 1992 defense appropriations bill that would assist the Marine Corps in its critical search for the most effective methods to arrest the symptoms of child abuse within military families.

Perhaps of all institutions in our society, the armed services are most vulnerable to the pains and disasters of child abuse. Military parents, and especially enlisted personnel, frequently change homes, lifestyles, and schools. Many of their children, therefore, miss the classic American experience of growing up in a stable neighborhood with familiar friends and role models.

To its credit, the Marine Corps has initiated a program at Camp Pendleton, CA that tries to improve these circumstances for young children. Over the last 2 years, the Marines and the Children's Health Center and Hospital of San Diego have cooperated on an effort modeled after the famous Parent Aide Program to furnish a broad range of clinical, educational, in-home, and counseling services to eliminate the potential causes of child abuse. The program now reaches more than 350 children in approximately 200 Camp Pendleton families.

Most of the existing Department of Defense programs that focus on this problem react to the incident of child abuse after it occurs. The Camp Pendleton project, however, reaches out to expectant mothers and those with infants in the interest of preventing the social and psychological causes of this tragedy.

My amendment, Mr. President, provides \$3 million out of existing Marine Corps operation and maintenance funds so that the Marine can begin the process of establishing this program at all 18 of their world-wide facilities.

This child abuse prevention miracle of Camp Pendleton, therefore, can become the miracle of the Marine Corps and a model for the entire Department of Defense.

I understand, Mr. President, that this amendment has been cleared by the distinguished managers of the bill. I particularly want to recognize the

outstanding leadership that Senator INOUE has provided in fostering military family advocacy programs. Our All-Volunteer Forces and their dependents have two committed and effective champions in both the chairman and distinguished ranking member of the Defense subcommittee, Senator STEVENS.

Mr. President, I thank the managers once again for their cooperation, and I urge the adoption of the amendment.

Mr. INOUE. I commend the Senator for his amendment. As he is aware, I have long been interested in the detection and prevention of child abuse. I believe that I may, without being immodest, take some credit for the establishment in the Department of Defense of the Family Advocacy Program, which addresses the detection and prevention of both child and spouse abuse in all the military services. This is a successful program, and I would not like to see its scope or authority weakened by the Marine Corps program which the Senator is proposing.

May I ask the Senator to clarify the intent of his amendment. Do I understand correctly that the amendment is intended to disseminate a child-abuse-prevention program which has proved to be successful at a Marine Corps base in California?

Mr. SEYMOUR. The Senator is correct.

Mr. INOUE. Do I further understand that the Marine Corps program which the Senator is proposing is in consonance with the Family Advocacy Program now in existence?

Mr. SEYMOUR. Yes; that is correct. This program is intended to supplement and strengthen the Family Advocacy Program.

Mr. INOUE. As the Senator is aware, the Family Advocacy Program, administered by the Assistant Secretary of Defense for Force Management and Personnel, is the body which establishes policy for child abuse and spouse abuse detection and prevention programs. Is it the Senator's intention that the new Marine Corps program fall under the jurisdiction of the Assistant Secretary, as other Marine Corps child abuse programs do at the present time?

Mr. SEYMOUR. The Senator from Hawaii is correct. I believe that the proposed Marine Corps program will be a welcome addition to the current Department of Defense Family Advocacy Program, and I would certainly expect that it would be administered in the same fashion as other child abuse prevention programs now in existence.

Mr. INOUE. I thank the Senator. Mr. President, this measure has been studied by both sides, and we find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Base Closing Process

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NATIONAL SECURITY EDUCATION TRUST FUND

For the National Security Education Trust Fund established by section 804 of the National Security Act of 1947, \$180,000,000 of funds provided elsewhere in this Act, which shall be available for the purposes set out in subsection (b) of such section.

AMENDMENT NO. 1216, AS FURTHER MODIFIED

Mr. STEVENS. Mr. President, I send a modification of amendment No. 1216 to the desk on behalf of Senator SPECTER.

THE PRESIDING OFFICER. The amendment is so modified.

Mr. INOUE. Mr. President, this matter has been cleared by both sides.

The amendment (No. 1216), as further modified, is as follows:

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission.

Mr. INOUE. Mr. President, I ask unanimous consent that no further amendments be in order.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have consulted with the managers of the bill and with, through staff, the distinguished Republican leader. I am advised that the current status of the bill is that there are no further amendments in order other than those which had previously been agreed to be excepted, specifically the amendment of the Senator from Delaware, and that there is no request on either side for a rollcall vote on final passage.

I note the presence of the distinguished Republican leader, and I am going to momentarily ask him to comment on and confirm what I have just stated.

If that is the case, and if no other Senator seeks a rollcall vote on final passage, then it is the desire of the managers, with which I concur, and with which I believe the Republican leader concurs, that we can proceed to complete action on this bill momentarily without the necessity of a rollcall vote.

Unless we receive an indication in the next few minutes from a Senator—and I hope there will be no such indication—then it is the intention of the managers to complete action shortly and to pass the bill by voice vote. I would like to invite the distinguished Republican to comment.

Mr. DOLE. I thank the majority leader. The majority leader is correct.

I think on this side there is no problem with that, as long as we can be assured there will be a vote on the conference report, a record vote.

Mr. MITCHELL. Yes. It has always been my intention to have a record vote on the conference report, and obviously that would be agreeable at this time. This follows consultation with the managers, and so I inquire of them whether this procedure is agreeable to them.

Mr. STEVENS. It is entirely agreeable with this Senator.

Mr. INOUE. It is agreeable here.

However, if the leader will yield—

Mr. MITCHELL. Yes.

Mr. INOUE. I ask unanimous consent that I be permitted to vitiate the unanimous consent making all amendments out of order, because I have just been advised there is one remaining amendment to be submitted by Mrs. KASSERBAUM.

Mr. STEVENS. It is a technical amendment.

Mr. INOUE. It is cleared by both sides.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, then Senators should be aware that we will proceed shortly to final passage of the pending bill, and that unless some Senator seeks a rollcall vote, it will be by voice vote. If a Senator does seek it, we will have to bring everybody back. So Senators should be aware that that possibility exists, although I think it is extremely unlikely, we not having received any indication throughout all this period of discussion as to a vote on final passage.

So I encourage the managers to proceed to final passage as soon as possible and complete action on the bill.

Mr. DOLE. Mr. President, I wonder if the majority leader might indicate what the program would be for tomorrow and Monday. I would say in advance we have had a discussion in the Senator's office, and we have sort of set forth some possibilities that could happen. It would probably be good news for some of our colleagues.

We have not received agreement yet, but I can tell the majority leader we are still trying on this side.

Mr. MITCHELL. Mr. President, the distinguished Republican leader and I and others have discussed the schedule prospectively for tomorrow, Monday, and the next several days, and included in the list of items which we earlier described last Friday, and since as the measures to be completed prior to the forthcoming recess are the family and medical leave bill, the Unemployment Compensation Reform Act, which now would be in the form of a conference report, the EPA Cabinet level status bill, and the Federal facilities bill, my hope is that we can get agreement to proceed to one or more of those bills on tomorrow and Monday and do it in a way that would

permit us not to have any votes on Monday.

We have not completed our discussions yet—both Senator DOLE and I have been discussing the matter with other Senators—but it is my hope that we can reach an agreement that would make that possible although we do not yet have that understanding. The bills which I have mentioned would be among those to be included for immediate consideration should we be able to reach agreement.

Mr. DOLE. Mr. President, if in fact we could reach an agreement between now and sometime early morning, if it works, we hope it might work, then there probably will not be any rollcall votes tomorrow or Monday.

Mr. MITCHELL. That is possible. But we are not in a position to state that yet because we do not have agreement on any of the measures which we have described, there being a number of Senators to be consulted on each of them.

Mr. DOLE. I thank the majority leader.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER (Mr. Dole). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, earlier today there had been an agreement on an amendment, the sense-of-the-Senate resolution where there had been a change made after the amendment had been accepted. When a question was raised later, there was a subsequent modification of the amendment. I want to make a very brief statement so that the Record is clear on what occurred with the technical amendment which the managers have submitted.

Mr. President, the original amendment provided as follows. Perhaps the best way to handle this is to ask unanimous consent that I may submit the amendment in its original form for the Record at this point. I ask unanimous consent that it appear in the Record in its original form.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMENDMENT NO. 1216

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the acceptance of the recommendations issued by the Base Closure Commission.

Mr. SPECTER. There was then a change in the amendment, which was adopted, which struck the words "the integrity of"—

Mr. INOUE. Will the Senator yield?

Mr. SPECTER. I will.

Mr. INOUE. That amendment has already been cleared and adopted by the Senate.

Mr. SPECTER. Yes, I know. I thank the distinguished chairman. I want to make sure that the Record is clear on what we have done.

After the original language had been apparently agreed to, there was some concern, and the language was stricken on "the integrity of" and the word "acceptance" was changed to "approval". Then there was a concern as to the additional words of the base closure process so that, in its final form, the amendment which was accepted reads as follows:

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply Congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission.

That is the language which was modified in the technical amendment by the managers. I just wanted to be sure—I could not be on the floor when that technical amendment was offered—that this sequence is understood because, as explained before and as agreed to, the purpose is that the recommendations of the base closure commission as to the closure of specific bases has been accepted by the Congress, but the Congress has not taken any position as to whether the procedural requirements of the act have been complied with by the commissioner of the Department of Defense.

So that is a question open yet for judicial interpretation on pending litigation.

I just wanted to make that statement.

I thank the Chair. I thank my distinguished colleague.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business, the Roth amendment, be temporarily set aside to permit the submission of an amendment in behalf of Senator KASSEBAUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1235

Mr. INOUE. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mrs. KASSEBAUM, proposes an amendment numbered 1235.

Mr. INOUE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

"OPERATION AND MAINTENANCE, ARMY

": Provided further, That of the funds appropriated under this heading, \$8.8 million shall be available for the refurbishment and modernization at existing rallyard facilities at Fort Riley, Kansas."

Mr. INOUE. Mr. President, this amendment has been cleared by both managers.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1235) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RICHARD COLLINS' BIRTHDAY

Mr. INOUE. Mr. President, I have just been advised that today happens to be the birthday of the subcommittee's staff director, Mr. Richard Collins.

So, if I may, in behalf of the U.S. Senate, I extend to him our congratulations and to thank him for helping us pass this bill.

Mr. STEVENS. I join with that. He is a courageous man. He still has his beard and mustache.

[Laughter.]

The PRESIDING OFFICER. The Chair informs the distinguished manager of the bill that the Senator in the chair, acting in his capacity as a Senator from Connecticut, would also like to join in that recognition since the distinguished gentleman being recognized is from Connecticut. Without objection, the request is granted.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be set aside to permit the Senator from Texas to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, as you know, I am a strong supporter of the V-22 Osprey. I am also a firm believer in the need to continue to modernize our defense forces. For these reasons, I am very concerned about the small level of funding provided for the V-22 in this Defense appropriations bill, and the decision to restart a CH-46E production line that has been closed for nearly 20 years.

This bill will not improve the Marines' medium-lift capability. In fact, it will only delay the V-22 program, increase its cost, and unnecessarily prevent our troops from receiving in a timely fashion the equipment they need. The development team has already accomplished many successful flight and aircraft carrier tests. We need to maintain momentum on this important program. I hope we can resolve this issue in conference and keep the V-22 program moving ahead, rather than resurrecting programs from the distant past.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that Senator BUMPERS be added as an original co-sponsor of amendment 1230.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1236

Mr. STEVENS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1236.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

We have been holding hearings on it here in Washington. I have held hearings on it in Michigan. We are getting good feedback on that issue, but we cannot get the President and this administration to engage on this topic.

That leads to another article in today's paper. This one on the front page of the Washington Post. The headline on this, "Bush on Health Care: Case Study in Caution," and then this subheadline, "White House, GOP Debate Political Risks of Taking on the Issue."

Now you have to hear this article to believe it. I am just going to quote some of the paragraphs out of it.

It says in here, in the article over about three columns into it, "Bush likely to do nothing concrete this year"—this is on health care—"and will not make a serious proposal until after the election." After the election.

Instead, at most, he will make some speeches addressing the problem in broad philosophical outlines and endorsing Republican-oriented incremental steps, such as incentives for small businesses to provide insurance.

"What is really essential to make a debate happen in 1992 is that (the) Democrats have a plan," said one senior administration official, dismissing the idea that Bush, because he is the president, should go first on an overhaul of the system. "Until that happens, there is no reason for the president to come forward and take the heat."

One wonders why anybody runs for the job if they are not willing to step up to these problems.

Let me go down a little further in the article.

Behind the White House's current posture on health care is a vigorous debate within the White House and the Republican Party over the fundamental question of whether Bush gains more politically by leading the way on the issue or by remaining basically silent.

And then it says, here in another paragraph:

"If you run a 'Morning Again in America' campaign, can you turn around in a month or a year and say we have this terrible problem and many of you are going to have to sacrifice to fix it?"

Then it drops down further. It references a friend of mine, Bob Teeter, a political adviser of the President who comes from Michigan. That paragraph reads this way:

Robert M. Teeter, Bush's senior political strategist, has made the point in several internal discussions that large structural problems in American society get solved gradually. The public, he has argued, must first be convinced that a crisis is impending and persuaded to back hard solutions before the political impetus for big change comes.

While Teeter is said to have argued like Darman and others, that Bush needs to begin publicly discussing the health care problem, he too is said to be averse to any immediate broad White House proposal as neither politically necessary or wise.

Now why does the health care issue have to be handled in the context of that kind of politics? We need a health care reform plan now because people are going without health care now

People in this country are dying because they do not have health care. This kind of back and forth on the politics of whether it is put over until the next election year—it is time we see some administration leadership on this issue; some leadership from the President on this issue.

There is one hopeful sign in that regard. I have talked about this issue, and I said many times I consider the President a friend of mine. It says here at the end, "Some who have talked to Bush about health care say he genuinely cares about the issue. One said, 'It was one of three subjects he kept bringing up' at Camp David in August." Maybe that is a sign of hope because this President, working with this Senate and Members on both sides of the aisle, can get a health care plan developed and put in place before the next Presidential election.

I want to see it done because it needs to be done. Let us get that done and let us take that accomplishment to the voters in 1992. Let us not give them a lot of sidesteps and a lot of nonsense and a lot of fluff and avoid the issue until another time.

As this story in the New York Times says today, 90 percent of the American people want this issue addressed. How many does it take before we finally get some leadership out of the administration on this issue? Ninety percent is about as much as you can hope to get in the country.

Incomes are going down, as this census data shows. The middle class is being squeezed. The number of people without health insurance are going up. The problems are out there and the time to lead is now. The time to lead is now.

Let us not put this in this kind of debate about Presidential politics and whether the thing is put aside based on political strategy. Let us get out there and lead and do something for the American people. That is why people have been elected to these jobs, and that is to get out front and lead.

Finally on this comment the President is supposed to have made yesterday, is quoted as making, calling the unemployment compensation extension plan that we passed here in the Senate with 69 votes—apparently said to a Republican fundraiser in New Jersey that he thought our bill was "garbage," although many Republicans voted for it as well. It is not garbage and I will tell you that, there are unemployed workers in this country, 9 million of them, many now who have exhausted their unemployment benefits, who literally do not have the income to eat properly.

We have people in this country today who are literally finding their food in dumpsters. I am talking about picking through garbage to find something to eat. That is a cold fact. It is happening in this town. Go to the grocery stores and go to the fast food outlets and they will tell you the food they discard at the end of the day and

people are starving and getting ill because the extended unemployment benefits are garbage. They are not garbage, they are absolutely essential for the people of this country who have lost their jobs. Their jobs have not come back. They need the income. There is \$8 billion in the trust fund and they need it to hold their lives together.

That kind of demeaning comment is just wrong. It is unfair. It does no credit to the administration or to the President when he uses that kind of phraseology about something that is so essential to the life and well-being of working people who are out of work and their ability to provide for their families; to make sure their children have something to eat. It is not garbage.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Alaska seek recognition?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

The remarks of Mr. GRAHAM pertaining to the introduction of S. 1763 and S. 1764 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions."

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be temporarily set aside to permit consideration of matters relating to the bill.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

AMENDMENT NO. 1213

Mr. INOUE. Mr. President, I refer to the desk an amendment on behalf of Mr. SPECTER, the Senator from Pennsylvania, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUE), for Mr. SPECTER, proposes an amendment numbered 1213.

S 13776

CONGRESSIONAL RECORD — SENATE

September 26, 1991

Mr. INOUE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert in the appropriate place:

(A) The comptroller General of the United States shall issue a report on the Department of Defense plan to consolidate Navy Research, Development, Test and Evaluation, Engineering, and Fleet Support Activities set forth in the 1991 Base Closure and Realignment Commission's recommendations which:

(i) evaluates cost data and methodology used in formulating the consolidation plan, and any new variables resulting from recommendations made by the 1991 Base Closure and Realignment Commission;

(ii) evaluates the validity of all personnel relocation assumptions contained in the plan; and

(iii) evaluates the consolidation plan in light of changing force structure requirements.

(B) The Secretary of Defense shall provide a report to Congress on the findings set forth in the Comptroller General's report which shall include identification of inconsistencies between the Comptroller General's report and the findings and recommendations submitted by the Department of Defense to the 1991 Base Closure and Realignment Commission.

(C) The Secretary of the Navy shall make available for review to the Comptroller General of the United States immediately upon enactment of this Act all documents generated after January 1, 1989, and prior to September 1, 1991, pertaining to or referencing the issue of consolidation of Department of the Navy Research and Development activities.

Mr. SPECTER. Mr. President, today the Senate adopted an amendment which had been cleared on both sides of the aisle which had been submitted by this Senator which provides for certain reports by the Comptroller General of the United States in connection with the research and development and testing laboratories consolidation programs. This amendment has been prompted by the fact that there has been virtually no examination of the underlying cost factors by the Department of the Navy in coming to its conclusions on consolidation of Navy laboratories.

My own concern has arisen in the general context of national defense but with specific reference to the Naval Air Development Center in Warminster, PA, where there is good reason to believe that a close examination will show it to be inordinately expensive and counterproductive to reallocate, realign, and in effect close most of the Naval Air Development Center in Warminster, PA.

At one juncture, the Department of Defense had estimated that it would cost \$184 million for the shifts, and later that was increased to some-
in the \$300 million range. It may be that a factual analysis will show that is much higher even than \$300 million.

There is another factor which has not been adequately weighed and that is the factor that most of the

technical and professional personnel in the Naval Air Development Center at Warminster will not move on any relocation so that this examination may well provide a factual basis at a later day for some further consideration by the Congress.

The General Accounting Office, which was required by statute to evaluate and report on the analysis conducted by the individual services, reported that they were, "unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment because the Navy did not adequately document its decisionmaking process or the results of its deliberations."

The GAO also stated that: "Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures."

Since the lab commission has stated that they are not examining the feasibility and costs associated with individual alignments, it is necessary to insist on an objective evaluation of the assumptions used in the Navy's proposed research and development consolidation plan.

I suggest further, Mr. President, that there has been a significant shift in defense force structure and projected planning necessitated by the recent developments in the Soviet Union.

There had been some consideration by this Senator and others to hold up implementation of consolidation of the Naval Air Development Center, for example, but it was decided to take a lesser approach or a slightly different approach, calling on the GAO, the Comptroller General of the United States, to issue the reports which will evaluate cost data and methodology used in formulating the consolidation plan to evaluate the validity of the personnel relocation assumptions contained in the plan and to evaluate the consolidation plan in light of the changing force structure requirements.

We have moved ahead on base closures, Mr. President, in a way which defies logic, at least in the opinion of this Senator, and we have enormous needs, especially on research and development. We have a facility, for example, at the Naval Air Development Center in Warminster, PA, which has a centrifuge, which is a testing device located very near granite, which cannot be duplicated anywhere else. We have an ejection mechanism there which was the only one available for testing ejection of pilots from planes in the gulf war where they had the very heavy chemical warfare equipment.

There is a real issue as to wisdom in terms of the helter-skelter pell-mell way in which it was processed and what was done with facilities like the Naval Air Development Center at Warminster. This study will take a hard look at what has been done with a view toward a reevaluation depend-

ing on which facts are disclosed in the course of that study.

Mr. INOUE. This matter has been discussed by both managers. We are able to accept it.

The PRESIDING OFFICER. Is there further discussion on this amendment offered by the distinguished senior Senator from Hawaii?

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1212

Mr. SIMON. Mr. President, I just want to comment briefly on the amendment offered by my colleague from Colorado, which I am pleased to be a cosponsor of, and specifically the response of the Defense Department where, in the middle of the letter, they use the phrase "Israeli intransigence."

It is very interesting that there is absolutely no criticism of the Arab countries who have refused to recognize Israel, who have had the Arab boycott. It is a whole series of things. I mention this simply because there has been in the Defense Department and in the State Department a tilt in almost every kind of a situation toward wherever the power is and wherever the numbers are. That is true in the Israel-Arab situation; it is why Congress has had to have some balance here. It is true in the Greek-Turkish situation. It is a whole series of things.

I simply hope that our friends in the Pentagon and our friends at the State Department will try to see that key personnel have old war battles as they approach this problem. It is something that is very, very basic.

I ask unanimous consent, Mr. President, to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE NEEDS

Mr. SIMON. I thank the Chair. Mr. President, I heard our colleague from Michigan speak about health care needs. Every day Members of the Senate run into these problems where people face just overwhelming problems.

Just a few days ago, I was in Putnam County, IL. The Presiding Officer knows where that is. It is the tiniest county in our State.

A woman was there carrying a child with disabilities. Obviously, severe

problems. She and her husband have insurance, but their costs have exceeded the health insurance. They have lost their home. They have \$27,000 worth of medical and hospital bills. She said, what can you do for me?

Right now, I have to tell her I cannot do anything for her.

I was in the little town of Findlay, IL, near Shelbyville, IL. I had a town meeting, and a woman got up and said, "I run an antique store. We discovered that our daughter has diabetes. They have increased our health insurance to \$1,600 a month and no other insurance company will give us insurance. We cannot afford \$1,600 a month."

They are without health insurance. The stories just go on and on.

Today, we learned that this past year, 1.3 million more Americans are now without any health insurance. Every year at least a million more Americans do not have health insurance. We have to face up to this problem.

I commend my colleague from Michigan for standing up and for his leadership, as well as the leadership of Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER. This thing has to be attended to.

Let me just add, Mr. President, I will be, in the next few weeks, introducing long-term care legislation. That is not addressed in the bill that they have introduced.

Nine years from now there are going to be a million more Americans in nursing homes than there are right now, and 30 percent of people going to nursing homes do not need to go to nursing homes with at-home care.

I will be introducing a bill that has with it, candidly, a half-percent increase in Social Security because we have to pay for this. But we just cannot continue to blissfully go along ignoring problems. Oh, we get taken care of, and a lot of people who have better incomes in this country are taken care of, but all kinds of Americans are slipping through the cracks and we cannot continue to ignore them. That is what we are doing now, and that has to stop.

I thank the Chair.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FISCAL YEAR 1952

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending matter is the Specter amendment No. 1213 offered by the distinguished senior Senator from Hawaii.

Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I have reviewed the amendment in its revised form, and I have no objection.

The PRESIDING OFFICER. The distinguished senior Senator from Alaska has no objection to the amendment.

Is there further discussion on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1213) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1214

Mr. INOUE. Mr. President, I send to the desk another amendment by Mr. SPECTER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. WIRTH. Mr. President, if I might just understand the pending business.

Mr. INOUE. We have set it aside temporarily.

Mr. WIRTH. Just for consideration of the Specter amendment; is that correct?

Mr. INOUE. Yes.

The PRESIDING OFFICER. There is a unanimous-consent request to set aside the amendment of the distinguished senior Senator from Colorado while we do these amendments. Is that the understanding of the managers?

Mr. WIRTH. That is the understanding of the Senator from Colorado, with the understanding that we can return to that business at any time.

The PRESIDING OFFICER. The distinguished senior Senator from Hawaii has sent a Specter amendment to the desk. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. Inoué) for Mr. SPECTER, proposes an amendment numbered 1214.

Mr. INOUE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:
SEC. OVERHAUL OF THE U.S. ENTERPRISE.

The Comptroller General of the United States shall issue a report no later than July 1, 1952, on the Navy's current plan for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers. The report shall include cost evaluations and projections for the next 20 years based on the current Navy plan and a list of the specific locations under consideration as disposal or reprocessing sites.

(b) REPORT ON HEALTH EFFECTS.—Not later than September 30, 1952, the Secretary of Health and Human Services, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

Mr. INOUE. Mr. President, this matter has been reviewed by both managers, and we find it acceptable.

The PRESIDING OFFICER. Is there any future debate on the Specter amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1214) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wirth amendment No. 1212.

Mr. BRADLEY addressed the Chair. The PRESIDING OFFICER. The distinguished senior Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, if the distinguished managers are willing, I ask unanimous consent that the Wirth amendment be temporarily laid aside so that I might offer an amendment. I would be prepared to agree to a time agreement if the managers of the bill would like to so agree.

Mr. STEVENS. Mr. President, reserving the right to object, this Senator has not read the amendment. May we have a copy of the amendment?

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from New Jersey that the Wirth amendment (1212) be temporarily set aside to consider an amendment to be offered by the senior Senator from New Jersey? Is there objection?

Mr. INOUE. Mr. President, reserving the right to object, this Senator has not read the amendment. May we have a copy of the amendment?

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from New Jersey that the Wirth amendment (1212) be temporarily set aside to consider an amendment to be offered by the senior Senator from New Jersey? Is there objection?

Mr. INOUE. Mr. President, reserving the right to object, this Senator has not read the amendment. May we have a copy of the amendment?

The PRESIDING OFFICER. The senior Senator from New Jersey is recognized.

Mr. STEVENS. Mr. President, reserving the right to object, that is agreeable with me if it is on a motion to table the amendment, with the understanding that if it is not tabled there would still be time for debate on the amendment.

The PRESIDING OFFICER. Will the distinguished senior Senator from New Jersey make his request to accommodate the suggestions by the distinguished senior Senator from Alaska?

Mr. BRADLEY. I submit by my request.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from New Jersey? Without objection, the distinguished senior Senator from New Jersey is recognized on the agreement of 30 minutes.

Mr. INOUE. Mr. President, further unanimous consent that a second-degree amendment not be in order before the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the distinguished senior Senator from

know is coming, which is lower defense spending.

I hope that the Senate will accept this amendment. I hope that the information that will be provided from this amendment will help us during next year's appropriations bill. When some people come to the floor to cut defense spending below the level the appropriators want, and I guarantee that is going to be inevitable, they will be making cuts that the Defense Department has identified as they prioritized things. If you are going to cut, these are the areas in which we think the cuts should be made and these are the implications for our capabilities and force structure.

We are not the information often has the power. In this case we are asking the Defense Department who has the information to share their views with us.

Mr. President, I strongly urge the adoption of the amendment. I am prepared to yield back the remainder of my time. If the distinguished Senator from Hawaii is prepared to make his motion.

The PRESIDING OFFICER. The Senator from New Jersey yields back the remainder of his time.

The Chair recognizes the distinguished Senator from Hawaii.

Mr. INOUE. Mr. President, if any time is remaining I am pleased to yield back the time.

The PRESIDING OFFICER. No time is remaining.

Mr. INOUE. What is the pending business?

The PRESIDING OFFICER. The pending business is the Bradley amendment.

Mr. INOUE. Mr. President, I move to table.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii to lay on the table the amendment of the Senator from New Jersey. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORT. I announce that the Senator from Colorado [Mr. METZENBAUM] is present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber?

The legislative clerk announced as 58 yeas and 41 nays.

The PRESIDING OFFICER. Are there any other Senators in the Chamber?

The legislative clerk announced as 58 yeas and 41 nays.

The legislative clerk announced as 58 yeas and 41 nays.

The legislative clerk announced as 58 yeas and 41 nays.

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The legislative clerk announced as 58 yeas and 41 nays.

Hatch	Mack	Shelby
Heflin	McCain	Strom
Helms	McConnell	Timmons
Hollings	Markowski	Walt
Inouye	Nickles	Wicker
Johnston	Obama	Wright
Kawabuchi	Reid	Wynn
Kay	Roberts	
Kelley	Scott	
Kennedy	Strom	
Kerrey	Talbot	
Kinross	Torric	
Koch	Wicker	
Kotani	Wicker	
Kucinich	Wicker	
Lieberman	Wicker	
Lott	Wicker	
Lugar	Wicker	

NAYS—11

Adams	Graham	Proxmire
Baucus	Harkin	Reid
Bentsen	Hatch	Strom
Biden	Jeffords	Talbot
Bigman	Kennedy	Torric
Boren	Kerry	Wicker
Bradley	Kelly	Wicker
Brown	Kohl	Wicker
Bumpers	Laurenberg	Wicker
Conrad	Leahy	Wicker
Cranston	Levin	Wicker
Davies	Manchin	Wicker
Dodd	Mitchell	Wicker
Feinstein	Moynihan	

NOT VOTING—1

Metzenbaum

So the motion to lay on the table the amendment (No. 1215) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending business is the Wirth amendment, No. 1212.

The senior Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I ask unanimous consent the pending business be temporarily set aside to permit the Senate to consider other measures related to the bill.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from Hawaii to set aside amendment No. 1212 by the senior Senator from Colorado to consider other amendments relating to the bill?

Mr. WIRTH. Reserving right to object, and I will not object.

I just want to know what kind of amendments we are talking about. The Senator from Colorado is just concerned about making sure we act upon this amendment.

Mr. INOUE. These are amendments that have been cleared by both sides and should take no more than 4 minutes.

Mr. WIRTH. I thank the distinguished chairman. I will not object.

Mr. STEVENS. Just turning to the Senator from Colorado, there is a subsequent suggestion that negotiations are ongoing. I am grateful to the Senator from Colorado for his consideration of the suggestions that are coming from the Department of Defense.

I am hopeful we will be able to work this out so we may accept the Senator's amendment very soon. That rests with the Senator from Colorado. However, I might add.

Mr. WIRTH. I will not object. I withdraw my reservation. Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii?

Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1216

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read the title of the bill.

The Senator from Pennsylvania (Mr. SPECTER), for himself, Mr. COHEN, Mr. WOFFORD, Mr. DIXON, proposes an amendment numbered 1216.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position as to whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted as an implied congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990 but only the acceptance of the recommendations issued by the Base Closure Commission.

Mr. SPECTER. Mr. President, this amendment is being submitted on behalf of Senator Mitchell, Senator Coats, Senator Wofford, Senator Bradley, and I believe Senator Dixon, and myself. It has been cleared on both sides of the aisle.

By way of a very brief statement, it provides that in acting on the joint resolution of disapproval of the Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Commission and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act, so that the relevant courts, Federal courts, will have jurisdiction on any challenge on procedural deficiencies.

As I say, I have discussed it broadly in the Senate, with the distinguished chairman and ranking member.

Strom	Cochran	Strom
Burd	Cohen	Strom
Brock	Cruz	Strom
Bryant	D'Amato	Strom
Burford	Danforth	Strom
Byrd	DeConcini	Strom
Chafee	Duren	Strom
Coats	Dodd	Strom
	Dole	Strom

Mr. INOUE. Mr. President, this matter has been cleared by both sides. We find no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there was also an amendment agreed to when this Senator stepped out of the Chamber for a moment or two relating to an investigation by the Comptroller General of the United States and the issuing of a report on the Navy's current plan for the handling and disposal of all nuclear or radioactively contaminated materials from nuclear-powered aircraft carriers.

That had been agreed to in the absence of the distinguished Senator from Virginia [Mr. WARNER] whom I had contacted in advance of the proposal. But Senator WARNER had to be necessarily absent from the floor for a few minutes. It may be that Senator WARNER has an objection to that. If he does, this Senator will be prepared to vitiate the order of approval of that amendment. I wanted to put that on the record. I have not been able to contact Senator WARNER in the interim.

Mr. President, I need a moment to review slight modifications to the amendment which was just proposed. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, reverting back to the amendment No. 1216, which I had represented had been cleared on both sides of the aisle, that was in fact true. But then a question was raised about striking two words and changing one other word which maintains the same purpose, which is in effect to say that the joint resolution of disapproval of the 1991 Base Closure Commission's recommendations are approved as to the recommendations as to base closures, but the Congress in this resolution is taking no position on whether there has been compliance by the Base Closure Commission and the Department of Defense with the requirements of the statute; that is, the Defense Base Closure and Realignment Act of 1990, which the courts have jurisdiction over to make a determination as to

whether or not there has been such compliance.

So at this time, Mr. President, I modify my amendment by sending the modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in the pending bill, add the following:

"It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the base closure process and takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission."

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUE. Mr. President, the Armed Services Committee and the Appropriations Committee both have looked over the amendment. We find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1216) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I would like to take just a few more moments on matters which we had discussed. I had said that the Senate had approved amendment No. 1214, which provides that:

"... The Comptroller General of the United States shall issue a report no later than July 1, 1992, on the Navy's current plan for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers.

The report shall include cost evaluations and projections for the next 20 years, based on a current Navy plan and a list of specific locations under consideration as disposal or reprocessing sites.

Paragraph B. A report on health effects not later than September 30, 1992. The Secretary of Health and Human Services shall transmit to Congress a report on the human health risks associated with work on nuclear-powered aircraft carriers.

Mr. President, this Senator had filed earlier an amendment which provided for a different approach. I ask unanimous consent that at this point there be inserted in the Record a copy of the amendment which I decided not to

include so that the RECORD will be clear as to the approach which the adopted amendment has taken.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in the bill insert the following:

SEC. . . . LIMITATION ON OVERHAUL OF THE U.S. ENTERPRISE.

(a) LIMITATION.—No funds shall be obligated for the complex overhaul of the U.S. Enterprise (CVN-65) or any other nuclear aircraft carrier until the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of Energy have jointly submitted a comprehensive plan, which includes annual cost estimates for the next 20 years, for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers. This plan shall include a list of the specific locations under consideration as disposal or reprocessing sites and shall be developed in consultation with the host States and affected States of any potential site. An unclassified report detailing such plans shall be provided to Congress to accompany the notice of certification.

(b) REPORT OF HEALTH EFFECTS.—Not later than September 30, 1992, the Secretary of Health and Human Services, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

Mr. SPECTER. Mr. President, the amendment which was not pursued had provisions that no funds would "be obligated for the complex overhaul of the U.S. Enterprise, or any other nuclear aircraft carrier, until the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of Energy submitted a joint comprehensive plan which included annual cost estimates for the next 20 years for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers."

"The plan should include a list of the specific locations under consideration for disposal or reprocessing sites, and shall be developed in consultation with the host States and affected States of any potential site."

Mr. President, there is an enormous underlying problem in our country today involving nuclear waste, and it is a problem which we have so far pretty much swept under the rug. Rather than make an extensive statement on this issue at this time—and I would not do so unless there is a challenge to the amendment which has been agreed to—I would ask unanimous consent that two articles be printed in the RECORD from the Virginia Pilot dated April 1, 1991.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Congress of the United States
House of Representatives
Washington, DC 20515

COMMUNITIES
TELEVISION AFFAIRS
CIVIL RIGHTS
TRAINED SERVICES
INVESTIGATIVE ASSISTANTS
FIELD CLEANING

**** TELECOMMUNICATIONS COVER PAGE ****

DATE: 7 OCT TIME: 11:10

TOTAL NUMBER OF PAGES FOLLOWING THIS COVER PAGE: 5
(Please notify ASAP if all pages are not received)

PLEASE DELIVER TO

NAME: PAUL HIRSCH

TELEPHONE/TELECOPIER NUMBER: 683-1028

FROM AL BEMIS

NAME: _____

TELEPHONE/TELECOPIER NUMBER: (202) 225-3375

COMMENTS: I ONLY FOUND 2 AMENDMENTS
BY SPECTOR ON THE SENATE FLOOR
THAT PERTAINED TO BASE CLOSURE
1213 & # 1216

APPROPRIATIONS

Finessing Fight Over Embassy, Hill Clears Spending Measure

State Department to decide Moscow facility's fate; Republicans try in vain to kill 'pork' projects

After yet another fight about what to do with the half-built, bug-riddled U.S. Embassy in Moscow, Congress on Oct. 3 sent the president a \$22 billion spending bill for the Departments of Commerce, Justice and State.

Appropriations Committee conferees had decided on Oct. 2 to resolve the six-year-long question over whether to raze or remodel the embassy by opting to build a new one next door. But angry House members, objecting to the plan's estimated cost of \$220 million and saying they were left out of the decision, voted 175-231 the next day to reject the plan. (Vote 293, p. 2910)

"This is a world-class waste of money," said Olympia J. Snowe, R-Maine, arguing that Washington first should decide what to do with the existing embassy facility.

Instead, the House voted to leave the embassy decision to the State Department, but with the condition that whatever the plan decided upon, the department report back to Congress. Unwilling to tie up the underlying measure, which also funds the federal judiciary, the Senate agreed. Both chambers passed the bill (HR 2608 — H Rept 102-233) by voice votes.

Overall, the measure provides about \$2.6 billion more than the fiscal 1991 appropriation, including \$9.3 billion for the Department of Justice; \$3 billion for Commerce; \$3.8 billion for the State Department; and \$2.3 billion for the federal judiciary.

Aside from the fierce debate over the Moscow embassy, most of the House action was devoted to pork-barrel projects that Republicans attempted unsuccessfully to strike from the bill: an FBI automated fingerprint-identification laboratory in West Virginia, a new materials-development center in Iowa and grants for small businesses throughout the country.

By Joan Biskupic



STATE DEPARTMENT

The unfinished embassy building in Moscow, riddled with eavesdropping devices, has been on hold for six years.

APPROPRIATIONS '92



Embassy Dilemma

Construction of the Moscow embassy began in 1979, but the discovery of listening devices throughout the building stopped construction in 1985. The embassy has remained in limbo while Congress and the Reagan and Bush administrations debated what to do. (1990 Almanac, pp. 760, 881)

Competing proposals have centered on tearing down the embassy and rebuilding it from its foundation or adding new, secure top floors. (Weekly Report, pp. 2176, 1602)

Last year, in the fiscal 1991 appropriation, Congress rebuffed the administration's request for funds for razing and rebuilding the facility and limited the State Department to \$3.8 million to begin a design study. Early this year, the administration first asked for funds to rebuild.

But Neal Smith, D-Iowa, who heads the House Appropriations Subcommittee on Commerce, Justice and State, opposes tearing down the facility as too costly.

To woo Smith, the State Depart-

ment scaled back its request, supporting the "top hat" approach to add secure floors. The House bill this year left the embassy's fate up to the State Department and ordered it to report to Congress on its decision.

The Senate, however, took a different tack. Its appropriations bill would have directed the department to raze and rebuild the embassy and provided \$130 million for that purpose.

Conferees on the measure agreed Oct. 2 on a compromise: \$100 million toward a new building.

During House debate the next day, Snowe and others complained that the proposal had been sprung on them and they needed to study it.

"Formal cost estimates or engineering studies have not been conducted as they have in the tear down and rebuild process, for example," said Snowe, who has wanted the building torn down and replaced. Snowe is the ranking Republican on the Foreign Affairs Subcommittee on International Operations.

Defending the deal, Smith said the State Department has estimated that a new, 60,000-square-foot building would cost an eventual \$220 million. "It will cost more money to tear down the partially completed building and rebuild it than this new option will cost," he said.

Smith added that if the old building were redone there would still be a chance that bugs in the foundation might not be eliminated.

But he did not persuade the majority.

Smith then offered to amend the bill to leave the decision on the embassy to the State Department, with notification to Congress. The amendment was adopted by voice vote.

'Pork-Barrel Projects'

Dan Burton, R-Ind., a frequent opponent of appropriations projects, attacked first a proposed \$48 million automated fingerprinting system for the new FBI headquarters in Clarksburg, W.Va. That is in the home state of Senate Appropriations Committee Chairman Robert C. Byrd, whose goal is to bring home at least \$1 billion in projects. (Weekly Report, p. 2682)

Burton accurately predicted that his move to strike the project would be shot down, but he implored the House to send "a signal that we mean business around this place." He added,

APPROPRIATIONS

Conferees Agree Quickly On Military Spending

*Domestic projects will get savings from cuts
to Bush's requests for overseas projects*

House and Senate conferees took only seven minutes Oct. 3 to adopt a compromise version of the fiscal 1992 military construction appropriations bill. The committee staff had crafted compromises on more than 300 items that were in disagreement on the \$8.5 billion bill.

The measure (HR 2426 — H Rept 102-236) now heads for the House floor, where quick approval is expected.

The conference went by so quickly that Bill Lowery, R-Calif., ranking member on the House Military Construction Appropriations Subcommittee, nearly missed it by arriving a few minutes late.

One of the few topics of discussion at the conference was technical language concerning a new road into Andrews Air Force Base in Maryland. At issue was a waiver that was left out of the draft version but that subcommittee Chairman W. G. "Bill" Hefner, D-N.C., wanted included.

The provision would waive a requirement that the secretary of Defense certify the need for the road project at Andrews. The \$6 million for the project was already included in the bill, but the waiver provision that conferees adopted was necessary to proceed with the construction.

Cutting Overseas

The bill would provide only a portion of the amount President Bush wanted for overseas construction projects and for the annual U.S. contribution to NATO's infrastructure account. Savings from these cuts would go to domestic programs — largely for reserve and National Guard units.

While Bush wanted \$358.8 million for the NATO account — the kitty that funds projects at bases used by the alliance — the conference agreed to give him only \$225 million. That amount is \$66 million more than the



Hefner

Sasser

House originally proposed and \$29 million less than the Senate bill provided. (*Background, Weekly Report*, pp. 2639, 1455, 1387)

As in previous years, the conference report contains language that would prevent any unobligated funds in the NATO account from being spent on an air base in Crotone, Italy. The base, already under construction, is designed to house a wing of U.S. fighter planes that are being evicted from a base in Madrid.

But Congress is opposed to the project because of its high cost — especially when domestic bases across the country are being closed to save money. According to the Senate report, even if fewer U.S. planes than originally anticipated are based at Crotone, the project would require an additional \$150 million in U.S. contributions over the next few years.

As for other overseas projects, the conference cut more than a third from the \$289 million Bush had requested. The biggest, to build better family housing at Kwajalein Atoll in the Pacific, would get \$47.4 million of the \$77.4 million the Pentagon wanted.

Because of the closure of some overseas bases, the conferees also made across-the-board reductions in worldwide construction projects for the services. Of the \$478.9 million Bush wanted for small, unspecified jobs, the conferees approved \$362.98 million.

The Defense Department also would get less than it wanted to house the B-2 stealth bomber. Bush asked for \$49.5 million for weapons storage

areas, a survival equipment facility and other support structures for the controversial plane.

The House approved each of the 14 construction projects for the B-2 but made a \$10 million across-the-board reduction. The Senate included no money in its bill for the project. The conferees provided \$29.5 million.

The conference deleted funds that the administration had requested in February for bases that the Defense Base Closure and Realignment Commission has since voted to close, and the conferees shifted those funds to the bases the commission spared. (*Base closings, Weekly Report*, p. 1845)

The Orlando, Fla., Naval Training Center, which had been slated for closure by the Pentagon but was spared by the commission, would get \$21.4 million for two child-care centers, new barracks, a warehouse and a mess hall.

But \$5 million that had been requested for the Air National Guard units at Rickenbacker Air Force Base in Ohio was deleted from the bill. Rickenbacker is scheduled to close in the next five years.

Most of the projects that were included in one chamber's version of the bill but not in the other's managed to survive the conference. For example, the \$44.3 million in the Senate bill for projects in West Virginia, home state of Appropriations Committee Chairman Robert C. Byrd, made the cut. So did a \$22.2 million, House-passed project for barracks at Fort Bliss, Texas. Members paid for these programs with cuts in the overseas construction accounts.

In addition to resolving the items in disagreement, the conference included more than \$16 million in additional projects in the final report that were not in either the House or Senate measures.

Of that, \$9.6 million would go to build an aerial cable range, strung between mountains, for target practice at White Sands Missile Range in New Mexico. The rest would go for firing-range improvements at Army National Guard locations in California and Mississippi.

While Hefner acknowledged the need to move forward on the environmental cleanup of domestic bases that are closing, the House did not agree to the Senate funding level.

Jim Sasser, D-Tenn., Hefner's counterpart in the Senate, wanted to provide \$971.6 million for base-closing procedures, but the House had approved \$758.6 million. The conference took the House-passed figure, which is \$25 million more than Bush requested. ■

By Elizabeth A. Palmer

October 1, 1991

MEMORANDUM

TO: Chairman Courter
FR: Jamie Gallagher 
RE: Senate DoD Appropriations bill (HR 2521)

The Senate passed the DoD appropriations bill on September 26, and they are now moving to Conference. However, Senate Majority Leader Mitchell has announced that the Senate will have an extended Columbus Day recess from October 4 through October 15. This means that Conference may not be completed before the end of the month.

The Defense Appropriations bill did not contain much that related directly to the Commission. However, as I will discuss later, Floor amendments by Senator Specter did relate directly to the Commission and the pending lawsuit over PNSY. I will briefly summarize the provisions that I have found so far that affect either us or the base closure process.

Letterman Army Medical Center - The House version of the bill called for delaying the phase-down of this hospital at the Presidio in San Francisco. Although the Presidio is not scheduled to close until 1995, DoD has been phasing down the hospital as the number of personnel is lowered. The House directed the Army to maintain 185 beds at LAMC. The Senate disagreed and stayed with the Administration request for 100 beds since they found that less than that number of beds are occupied on a daily basis. Also, CHAMPUS coverage is available in the San Francisco area. However, the Senate did direct the Army to work with the Department of Veterans Affairs to see if the DVA wants to acquire the facility.

Office of Economic Adjustment (OEA) - OEA requested \$4.9 million for Fiscal Year 1992 and the Senate adjusted that figure upward by \$2.5 million. They did so out of concern that DoD was not aggressively providing communities with needed assistance.

Defense Environmental Restoration Program (DERP) - The Senate agreed to fund DERP at the \$1.2 billion with \$69 million to be transferred to the 1990 Base Closure account. The Administration requested about \$900,000,000 less than that, but appears to be willing to live with that figure. In the Committee Report, they go into detail about the Model Base Closure Cleanup Program and how the entire process needs to be accelerated. I can provide you with a copy of the report if you want additional information.

Native American Governments - Sec. 8015 of the bill requires DoD to treat governments of native American tribes as local and State governments for purposes of disposing of real property under the provisions of the Base Closures and Realignments Act.

Five Year Plan - Sec. 8063 of the bill requires the SecDef to provide a 5-year review of the force structure, funding, and economic consequences expected from any base closure plan submitted to Congress after enactment of the act.

Army Corps of Engineers - Sec. 8119 prohibits the obligation of funds to implement the Commission-approved reorganization plan until such a plan is specifically authorized by law. This is their attempt to retroactively take away the Commission's jurisdiction over the Corps. It now becomes a legal question, and the courts may ultimately have to decide this issue.

Property Conveyance - Sec. 8125 grants authority to the SecDef to convey land to states or local communities for free in order to assist in economic recovery.

USS Kennedy - In Sec. 8128, the Committee included a provision that would require funds already enacted for Kennedy SLEP at PNSY to be obligated immediately for a complex overhaul. The Committee required that the overhaul allow the Kennedy to serve until at least 2010.

FLOOR ACTION

Senator Specter passed three amendments on the Floor which could have an impact on the Commission.

I. The first Specter amendment would recognize the jurisdiction of the U.S. District Court for the Eastern District of Pennsylvania to rule on whether or not the Base Closure Commission and DoD complied with the Base Closure Act of 1990 in ordering the closure of PNSY.

The amendment states further that the Senate, in accepting the recommendations made by the Base Closure Commission, takes no position on whether the Commission or the Navy complied with the law. That compliance is left to the courts to decide.

II. The second Specter amendment is an attempt to prolong the life of PNSY by requiring the Navy, EPA, and the Department of Energy to submit a comprehensive plan on our nuclear aircraft carrier fleet. The amendment calls for including within the plan annual cost estimates for the next 20 years for the handling and disposal of all nuclear and radioactively contaminated materials for the entire fleet of nuclear-powered aircraft carriers.

Specter claims that the Navy plans do away with all conventional carriers without fully considering the high costs and possible environmental concerns. Specter argues that the Navy is blinded by its desire to close PNSY at any cost.

III. The third Specter amendment relates to the lab issue and requires U.S. Comptroller General to issue a report on the Navy's R&D lab consolidation plan.

That report must contain the cost data and methodology used by the Navy in formulating the consolidation plan and any new variables that the Commission may use in its validation process.

The amendment also calls for an evaluation of the consolidation plan in light of the changing force structure requirements. Finally, the SecDef is required to report to Congress on any inconsistencies that the Comptroller General may find in its report.

cc: Paul
Ben
Cary



U.S. Department of Justice

*Tele Phone
514 1285*

Washington, D.C. 20530

CIVIL DIVISION

FAX TRANSMITTAL COVER SHEET

DATE: 10/2/91

TO: Bob Moore, Esq.

FAX NUMBER: 653 - 1028

FROM: Mark W. Balle
Fax Nos. (202) 514-0280 (LOCAL) -- 368-0280 (FTS)
(202) 514-7973 (LOCAL) -- 367-7973 (FTS)

THERE ARE TOTAL OF 4 PAGES INCLUDING THE COVER SHEET IN THIS TRANSMISSION.

*Bob - can I chat w/ you about
#1-7 when you get a chance?*

Thanks

Dilworth, Paxson, Kalish & Kauffman
To: Mark W. Batten, Esquire

Page 2

3. Request that the Commission identify all data, other than that received during the public hearings, that the Commission relied upon in deciding to recommend that the Philadelphia Shipyard be closed.

4. Request that Commission identify all documents to confirm that the Commission examined private shipyards on the West Coast.

5. Request that the Commission produce all drafts of a Commission's Report to the President in its files or the personal files of the Commissioners.

6. Request for all documents that reflect that the Commission considered the cost of emergency drydocking at Newport News and the cost of doing shipyard work at Newport News and "different parts of the United States."

7. Request that the Commission identify all documents that analyzed the Navy's ability to do emergency work in Philadelphia if the shipyard was mothballed.

8. Hekman dep. ex. 7, request that the pages withheld because of attorney-client or secret classification be shown in camera to the Court.

9. Hekman dep. ex. 8, request that the defendants identify the date of the exhibit and who prepared the document.

10. Request for one page summary prepared by or at the direction of Admiral Claman referenced by Admiral Hekman at his deposition at p.51.

11. Hekman dep. ex. 11, request that the defendants identify the author and date of the document.

12. Hekman dep. ex. 12, request that the defendants identify the source, author and date of document.

None of the foregoing requests is burdensome and the defendants have certainly had ample time to ascertain the information requested. We must therefore insist that such requests be complied with as soon as possible given the present schedule for the filing of findings of fact and briefs.

By letters dated September 9 and 17, 1991, I also requested that the Justice Department permit Senator Specter, Congressman Andrews or their staff to review documents withheld as classified or "secret" since these individuals have the appropriate clearance. To date, we have had no response to our request. This request is patently reasonable. Only if these individuals determined that certain documents were necessary to the injunction hearing would the issue have to be raised with the

Dilworth, Paxson, Kalish & Kauffman
To: Mark W. Batten, Esquire

Page 3

Court. As such, the "secret" classification of the documents would not be unnecessarily compromised.

This letter will also confirm our discussion yesterday afternoon regarding our proposed revisions to the proposed protective order. It is my understanding that the Justice Department has agreed to incorporate our revisions. Please send a revised draft of the Protective Order to David or my attention as soon as possible. Thank you.

I look forward to discussing the above matters with you today.

Very truly yours,

151

Camille Wolf Spinello

CJW:bb
cc: David H. Pittinsky
Via Fax



U. S. Department of Justice
Civil Division

October 3, 1991
8:49 AM
9 Page(s)

To : Bob Moore
Base Closure Commission

File # : 9-653-1028

From : GUTMAN

Subject : Specter

Comments:

We're now starting to put together our proposed findings of fact and conclusions in lay and opposition to PI brief. I've got the Commission section. Attached is a very rough draft of my section of the brief. Proposed findings and conclusions will be on their way to you shortly. My brief section will be annotated with citations to the record. Please give me your comment. Also, send over any errata sheets and depo signature pages you may have gotten back from your people. Finally, we want also put together an appendix of relevant deposition pages for the court. By the middle of next week, if you or the deponents identify any deposition pages that you particularly want in the appendix, please let me know. Thank much, Jeff Gutman, 514 4775

Depos. List

Combs

LIST OF TRANSCRIPTS OF DEPOSITIONS AS OF 10/2

John Coulter
Hirsch
Mellin
Anastiel
MAT B.
Admiral John S. Claman, USN
Captain Arthur Clark, USN
Patrick Brennan
Admiral Peter M. Lehman, USN
Admiral James R. ...
Stephen Francis ...
Mary Olga Mackin
Charles P. ...
Jacqueline ...
George Tsavara

TO: SENIOR STAFF
FROM: BOB MOORE *BM*
DATE: OCTOBER 3, 1991

I would appreciate your comments and corrections concerning the attached document. After just a cursory glance of the document, I have found a number of errors. Please mark any additional mistakes you might find, along with your remarks on its content. The document will eventually be filed with the Court.

Thanks

The Base Closure Commission Did Not Violate the Base Closure Act.

In Count 2 of their Complaint, plaintiffs advance three claims against the Commission. First, plaintiffs contend that the Commission violated the Act by receiving Navy documents and by meeting with Navy officials after the May 24, 1991 regional hearing in Philadelphia. Second, they claim that the Commission failed to ensure that the General Accounting Office performed its statutory duties. Third, plaintiffs broadly claim that the Commission illegally approved of the Secretary of Defense's recommendation to close the Shipyard despite GAO's assessment of the Navy selection process and certain asserted flaws in the Navy process alleged in Count 1. Each of these claims are either factually unsupported or legally irrelevant.¹

The Act Does Not Require Commission Staff Meetings to Be Conducted Publicly or Prohibit the Commission From Receiving Information After a Particular Regional Hearing.

Congress intended the Base Closure Commission to serve as an independent, apolitical review body, functioning between the Executive and Legislative Branches to eliminate the political maneuvering which characterized earlier and largely unsuccessful base closure efforts. The Commission, however, was not designed

¹ Plaintiffs also assert that the Commission exceeded its statutory authority by considering privately-owned naval shipyards in its analysis. In their Amended Complaint, plaintiffs cite no provision of the Act that they contend has been violated, and for good reason. The Act nowhere prohibits the Commission from considering the existence, capacity, availability or location of privately-owned shipyards in making its recommendations for shipyard closures.

as an adjudicative body with subpoena power to obtain information and testimony and with formal trial-type processes to reach its recommendations to the President. Rather, the Commission obtained its information through public hearings, from the military services and by operation of its remarkable policy of openness which invited the public and its political representatives to view all the Commission's unclassified information and to rebut it in face-to-face meetings, written correspondence or phone calls up until the Commission's final deliberations. The Commission's able staff obtained, organized and analyzed data and provided its analysis to the Commissioners, who then made base closure recommendations to the President.

With regard to public hearings, the Act requires that each meeting of the Commission, other than those in which classified information is discussed, be open to the public, { 2903(e)(2)(A), and that the Commission conduct public hearings on the Secretary of Defense's recommendations after receiving them on April 15, 1991. Section 2903(d). In accordance with these provisions, each meeting of the seven-person Commission, other than those in which classified information was presented or discussed, was completely open to the public. In fact, many of these meetings were shown on C-SPAN. In addition, between April 15 and June 30, 1991, the day before the Commission presented its recommendations to the President, the Commission conducted twenty-eight public hearings in Washington, D.C. or at regional sites, to obtain information and opinion from citizens, their elected

representatives, the military, the GAO and countless other persons or organizations. Plaintiffs can hardly contend that the Commission's punishing schedule of conducting a public hearing on the average of every three days somehow violates the Act.

Rather, the plaintiffs complain that the Commission, or its staff, obtained information from the Navy and met with Navy officials after the May 24, 1991 regional hearing in Philadelphia. While true, individual Commissioners and/or staff members met with and received information not only from the Navy after May 24, but also from the plaintiffs and citizens and organizations in the Philadelphia area until the Commission's final deliberations. Surely plaintiffs do not mean to suggest that, when individual Commissioners and staff members met with the congressional plaintiffs and their staffs after May 24 to obtain additional information and argument, the Commission violated the Act.²

There is simply no requirement in the Act that the Commission discontinue its efforts to obtain, or refuse to receive, information from any military service, or from any citizen or their elected representatives, after any particular regional hearing. Under the strict timetable established by Congress, the Commission received the Secretary of Defense's

² Members of the Commission staff met with members of the Navy's Base Structure Committee and staff on May 20, 22, 24 and 29. Although the Act did not, of course, require meetings of Commission staff to be open to the public, the Commission's Chairman determined that Members of Congress or their staffs could attend the meetings if they provided a written request to do so. Courter Depo. at 86-87. None did.

recommendations on April 15 and was required to report to the President on July 1, 1991. The Commission's first regional hearing took place in San Francisco on May 6, 1991. Congress cannot possibly have intended for the Commission's information gathering efforts suddenly to cease only three weeks into their work simply because it conducted a regional hearing. Nor could Congress have intended the Commission to call a regional hearing every time an additional fact or argument relating to a local military installation was presented to the Commission.

Instead, apart from requiring that the Commission hold some public hearings and that the Commission's meetings be public -- requirements which have indisputably been satisfied -- Congress gave the Commission substantial discretion to structure its information gathering and analysis efforts. With the exception of classified information, the Commission's efforts were remarkably open. Until the final weekend of deliberations, the Commission's files, which contained information from the Navy as well as from the plaintiffs, were open for public inspection and copying.

Plaintiffs suggest that they could not comment on material received by the Commission from the Navy after May 24 at the regional hearing in Philadelphia. As plaintiffs well know, however, the regional hearing was not the only opportunity plaintiffs had to offer the Commission its views. The plaintiffs could have, and did, review and copy any unclassified document, received from the Navy or any other source, in the Commission's

files at any time, whether before or after May 24, 1991.

Plaintiffs seized the opportunity to comment on these materials and offer responsive information to individual Commissioners and commission staff after May 24 and until the Commission's final deliberations. Any suggestion that plaintiffs were somehow unable to rebut or supplement information provided by the Navy, or any other source, after May 24 is nonsense.

In short, the Commission or its staff did obtain additional information from the Navy, as well as from plaintiffs, after the May 24, 1991 regional hearing in Philadelphia. The Commission would have been derelict in its responsibility to provide the best possible recommendations to the President if it refused to accept or obtain helpful and relevant information from any source at any time. The Commission's tireless efforts to gather needed data hardly violated the Act.

Although the General Accounting Office Satisfied Its Statutory Responsibilities, the Commission Had No Statutory Obligation to Ensure that It Did So.

Plaintiffs assert that the Commission failed to ensure that the GAO assisted it in its review and analysis of the Secretary's recommendations in violation of { 2903(d)(5)(A) and failed to ensure that the GAO submitted its report to the Commission and Congress in violation of { 2903(d)(5)(B). Plaintiffs misread the Act's requirements and ignore the factual record.

Pursuant to { 2903(d)(5)(A), the GAO is required to assist the Commission in the Commission's review and analysis of the Secretary's recommendations "to the extent requested" by the

107-00731

Commission. Although the Commission was not required to seek GAO's help, it did so. Upon request, the GAO provided four full-time and one-part time employee to assist the Commission. In addition, the GAO complied with the Commission's request that GAO employees in regional GAO offices conduct on-site data verifications in twenty-nine naval facilities, including the Shipyard. The Commission exercised the option in { 2903(d)(5)(A) to call on the GAO for help and the GAO provided this assistance. The Commission therefore did not violate { 2903(d)(5)(A).

Section { 2903(d)(5)(B) required the GAO to provide the Congress and the Commission and report containing a detailed analysis of the Secretary's recommendations and selection process by May 15, 1991. The provision does not require the Commission to assist GAO in this effort or to ensure that GAO completes the report which is to be submitted to the Commission itself. In any event, the GAO did prepare such a report. Plaintiffs appear to suggest that the Commission has a statutory duty to ensure that the military services fully cooperate with GAO's efforts to prepare its report. The statute, however, has no such requirement. The Commission therefore did not violate { 2903(d)(5)(B).

The Commission Properly Determined that the Secretary's Recommendation to Close the Philadelphia Naval Shipyard Did Not Substantially Deviate From the Selection Criteria and Force Structure Plan.

Finally, plaintiffs sweepingly allege that the Commission violated the Act by accepting the Secretary's recommendation to close the Shipyard despite the GAO's criticism of the Navy

process for making closure recommendations and the Navy's alleged failure to follow statutory requirements for making these recommendations. Above, we demonstrated that the Navy's selection process not only complied with the Act, but its recommendation to close the Shipyard was fully justified. Plaintiffs' attempt to bootstrap their claims against the Navy as challenges to the Commission's recommendations should be rejected on that ground alone. Nonetheless, plaintiffs' claims against the Commission's work are meritless as the Commission's efforts to review and analyze the Secretary's recommendations to close naval installations in general and the Shipyard in particular were thorough, reasonable and legal.

Like the GAO, the Commission initially believed that it did not have sufficient information and documentation from the Navy to analyze the process by which the Navy's Base Structure Committee employed the VCNO study and arrived at its recommendations. Plaintiffs will no doubt contend that these initial difficulties suffice to invalidate the Navy's recommendations, but in doing so, plaintiffs would ask this Court simply to ignore the Commission's work.

From May 20 to May 29, Commission staff met with the Base Structure Committee and Navy staff in order to better understand the Navy selection process. The Commission staff asked the Navy to prepare a "crosswalk" between the criteria it employed in its VNCO study and the criteria required by the Act. The Commission also asked the Navy to detail the reasons for any differences

between the VCNO study rating and the BSC's recommendations. Commission staff also met with Navy officials, including Navy employees who dealt with naval shipyards, to obtain additional factual information on naval facilities or explanation of materials already received.

The Commission found that the Navy fully cooperated with its efforts to obtain information. After reviewing and analyzing reams of documents, the Commission and its staff was fully able to understand the process by which the Navy selected bases, including the Shipyard, for closure. The Commission concluded that the data upon which the Navy relied was sufficiently accurate to render reasonable closure recommendations. The Commission also found that the Navy's selection process was a good one.

With regard to naval shipyards in particular, the Commission's independent analysis revealed that excess capacity existed in the naval shipyard category. The Commission determined that future workload requirements would not permit the closure of one of the six nuclear-capable naval shipyards. The Commission ultimately concluded that of the Navy's recommendations substantially deviated from the selection criteria and force structure plan, but such was not the case with the Shipyard. The Commission's considered judgment was that the Secretary of Defense's recommendation to close the Shipyard did not substantially deviate from the selection criteria and force structure plan.

For ditgohat

VOTE INFORMATION

HOUSE

HR 4739 DoD Authorization for Fiscal Year 1991 - Conference Report

10/24/90 (Vote No. 2517:271-156)

Passed 271-156

Voting "yes" on this measure were:

Foglietta
Coughlin
Weldon

[Rob Andrews (NJ-1) was elected on November 5, 1990 to finish out Gov. Florio's unexpired term and for a full term beginning in January 1991]

SENATE

HR 4739 DoD Authorization for Fiscal Year 1991 - Conference Report

10/26/90 (Vote No. 2320:80-17)

Passed 80-17

Voting "yes" on this measure were:

Biden
Lautenberg
Specter
Heinz*

Voting "no" on this measure were:

Bradley
Roth

30 min
30 min

opening & rebuttal

250
①

9:47 Don Anderson

(motion to Dismiss)

Hearing
10:25

APA doesn't apply when act protects judicial review.

^{suggest} Presumption of Action Review under APA - don't you agree

Accept allegations in motion to dismiss as accurate.

Quality of the act

- asking you how to enjoin the action of the President
non-revokability under statute &

15.

Mr. Kaufman - it is revokable.

Judge - its not necessary a final decision

Kaufman - even if statute says no jud review, 3rd circuit cases allow

for jud review.
preclusion of review → must show by clear & convincing evidence that there is no jud review

Judge - only issues I can be review it
going out → procedural questions.

Kaufman - purpose is to close bases → court found 2 bases not to close.

Spahn - willing to offer testimony that Pres did not address this issue.

Final Agency action
Pres called has set back

we need judge
for the bill
Confab report was approved by
the Congress

Protection of process - Commission sued
the process

- Reluctantly accept that
the base should be closed

② Pealain Disjunction

Booknotes

Kaufman - claim could be accepted

drove to report base closing statute.

stealthily 1st
2nd Report - Navy made it impossible for them to do their job.

Navy told philis - 102 mil
Navy admit tell com 24 strategy 1st, high cost of closure - military payroll.

minutes were disclosed to be public

- 1. All shyness was avoided equally
- 2. failed to follow fiscal criteria - swept ultra units.
- 3. ignored & failed to comply w/ base structure plan
- 4. N/C navy looked at 97 2000

subsequent oral testimony gets less weight than written docs.

market to not consider prior discussions

Judge: may not look at any

7. Sept
3 dates

Kaufman
CFO

DMPT:

minutes were open.	① Sec of Defense must look at consider all military installation
Sep 5	② do sub duty w/ or for Navy fact substatial. DOD deviation from F.S. plan
FS plan out 4 years	③ preliminary analysis document referred to with help and

- ~~George~~ Alex was + we published the minutes.
 on Navy was before 2000.

Be should have compliance w/ doc items

u

Sen Spector informed the Commission of his charges in mid June. The Chairman received the info, put it into the record and responded in writing to Sen Spector dealing with ~~the~~ muting further written testimony for the record from Sen Spector.

Judge is buying the steps as extra criteria done. It is covered w/ private hearings w/ Noy - he was corrected on that point. Judge is buying the 6 year ^{fine} limit, a fine structure.

BSC was created on Dec 14.
3 Star Advisory Committee continued to be on Dec 20 up to Jan 14 - \$ dose recommendations

uncommented

Overnight - super 12

Notes from
Meet. Ct.

- 1) ~~Final Review~~ - Sen. Specter proposed
"in the interim" but if never made it.
- 2) ~~App act. year~~
sense of senate is odd
his ~~statement~~ some senate never
voted on the matter.
- 3) Hearings & Floor debate
- 4) Review in small period of time
15 hearings - 2 hearings
Floor debate
- 5) ~~Specter's action~~
when voted on in the house the
P's charge was known the complaint
was even published in the Cong. Rec.
- 6) Military is being reduced by 25%.

GAO - is a leg branch.
Comm Rec. is just that - so ~~not~~ ^{not}
~~final~~ final admin act.
Why
imma trying
lack of trying to other
consistent to public M's

- 7) ~~Statement~~
The ~~more~~ ^{more} ~~of~~ ^{of} documentation
was discarded by the Commission, it
was their job & they performed it
to validate Navy data.
- 8) Gen Powell - 411 ship navy -
confirm.
- 9) Stealth list - have side by side avail.
- 10) ~~no many deprecations~~
The questions you ~~have~~ ^{have} are asking are
just what the commission asked about the Navy process
P's will claim commission found Navy failed. The ~~fact~~ ^{fact}
is Navy ~~was~~ ^{was} minutes being used claimed - Commission disclosed & freed Navy.

TO DO

- # of closures get to Done #
- what did Senate committee do.
- did they ~~not~~ support the
- get Specter vote & votes on
these ~~no~~ ^{no} ~~commission~~ ^{commissions}
- Did the ~~reimbursement~~ ^{reimbursement} ~~derivative~~ ^{derivative} of pressure?

- 11) May Mc is a B or C? confirm.
- 12) Catalogue ^{series} ~~series~~ #1 #2 #3 #4
by Navy we separate so it understands
- 13) Part conceded that Navy should have given docs to
GAO sooner
- 14) Are "independent commission"
- 15) Heckman memo ref was in Navy docs ~~provided~~ ^{provided} in April.

tell Navy about Specter ~~document~~
CSPAN

- ~~David~~ Helman denial of presence ^{index} took place now where way has no influence over him.
- Nay did provide information
- meeting an "deliberative" must be public
staff meetings or info gathering
- "Not public communications" by speaker it was the commission who made the info available.
- Refs: "Probably won't occur" - can't be too definitive.

34
48
82

- Comm Bell -

463-6733 -

- Sabona

20th

→

13th

Morning

Sept.

30

5:00
Time

→ Philadelphia

⇒

Open Bureau

Process

→ On the Record -

Time

DOJ -

For Counselors

We will ~~assist~~ assist in preparation.

- Feature 1 per year.
- Transfer of financial assets

= Prob lowest limit
when does it occur.

> ~~What~~ what is asset value
or more allowable

- Look at \$10,000.
fidelity who ^{too} can get ~~it~~ it

1 Congress and let them solve the problem of the Kennedy and who
2 schedules ships into what shipyard, et cetera, et cetera.

3 So that's a way out of this and a very direct way,
4 and it's a way -- I'm not very comfortable, again, between the
5 Congress and the Department of Defense on several of these
6 issues like we've been.

7 COMMISSIONER CALLAWAY: I certainly agree with that.
8 I'm not comfortable being between them either. I guess my
9 point was, if it's already fait accompli, if it's already
10 done, if the Congress has already acted, I don't see us
11 between anything. If it's something that's ongoing, I see us
12 as between them.

13 M O T I O N

14 COMMISSIONER STUART: Mr. Chairman, just to bring
15 this thing to a head, I move that we recommend to the
16 President the closure and the preservation for emergent
17 requirements at Philadelphia Naval Shipyard, the propeller
18 facility, naval inactive ships maintenance facility, Naval
19 Ship System Engineering Station will remain in active status
20 on shipyard property.

21 CHAIRMAN COURTER: Is there a second to the motion?

22 COMMISSIONER CALLAWAY: Second.

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1 CHAIRMAN COURTER: It's been moved and seconded.

2 COMMISSIONER CALLAWAY: Mr. Chairman, I will support
3 it very reluctantly, but, again, we save a lot of money, two-
4 year payback, and it's the kind of thing that we're here for
5 to do.

6 CHAIRMAN COURTER: Any further discussion? Yes.

7 COMMISSIONER LEVITT: I'd like to ask Mr. Yellin a
8 question raised by Senator Specter's letter to members of the
9 Commission received this morning, in which he said that you
10 didn't address the issue of why the rate differential costs of
11 \$102 million borne by shifting work from Philadelphia to the
12 naval shipyards at Norfolk and Puget Sound are reported as a
13 one-time cost. If the efficiency costs are portrayed as
14 recurring costs, the annual savings cited on the chart instead
15 become an annual cost of \$66 million.

16 MR. YELLIN: The one-time cost differential was
17 based on the rate differential at the time of the analysis
18 between, for example, Philadelphia and Norfolk. The man-day
19 rates change dramatically from year to year based on workload
20 and the performance and organization of the shipyards.

21 The Navy indicated that when we questioned them on
22 this issue that this was, they felt, a very conservative

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1 number to put in, based on a short-term look at two specific
2 ships, and as I indicated, one of the ships, the Forrestal
3 conversion, is now planned for Philadelphia. So that cost
4 differential is no longer included in the analysis.

5 The Navy's feeling is that the differential is not a
6 continuing issue, because the workload that is available for
7 Philadelphia in relationship to the other public and private
8 shipyards on the East Coast would not, in the future, continue
9 to display this kind of a differential.

10 For example, the option that retired Vice-Admiral
11 Heckman had proposed to have Philadelphia continue at a 1200-
12 person level through the '90s, which he indicated was a level
13 of work to keep it act you have and to have it available for a
14 look at the potential workload in the year 2000 and beyond,
15 this would have created a man-day rate much in excess of what
16 they have now and would not have demonstrated that ongoing
17 savings or differential.

18 The information I provided in the hearing the other
19 day was that the differential for Fiscal Year '91 for repair
20 work between Norfolk and Philadelphia is only a few dollars
21 versus the higher number that the \$70 million differential for
22 the Kennedy that was calculated for the proposal, for the

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1 COBRA analysis.

2 So the Navy's position is that they looked at this
3 as a one-time issue for the ships that were moving, but that
4 it was really difficult and not necessary to look at that as
5 an ongoing addition because of differences in year to year and
6 the fact that, in future, with workload different levels
7 between the shipyards, those rates could change even more
8 dramatically.

9 COMMISSIONER LEVITT: Thank you.

10 COMMISSIONER BALL: Mr. Chairman, when we discussed
11 this, we discussed the question day before yesterday, I
12 suppose, and we wanted to make sure we aired the issues on
13 both sides, and I think the Commission has done that. This is
14 a very tough and close call. A major factor, at least in my
15 mind, was this question, and is the disposition of the Kennedy
16 SLEP, which I think is very important to future preparedness
17 of the Navy.

18 That will ultimately be a judgment the Secretary of
19 Defense and the Congress must reach together, but in addition
20 to what the staff has explained, my consultations with the
21 Navy leadership, it is my understanding that the motion
22 pending before the Commission, if it's adopted with respect to

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1 the option to close and preserve, that does not foreclose the
2 Navy from proceeding with the Kennedy SLEP, if the Secretary
3 of Defense and the Congress, if it is funded, and if the
4 Secretary of Defense approves the program.

5 MR. YELLIN: Yes, sir.

6 CHAIRMAN COURTER: Counsel, I think, wanted to add
7 something.

8 MR. MOORE: Mr. Chairman, with regard to the issue
9 that Mr. Callaway raised on the placement of the SLEP work at
10 Philadelphia, the appropriations act establishes Philadelphia
11 to be the location, and it's a one-year appropriation
12 language. Generally, appropriation language is only binding
13 for one year. The city makes the argument and very articulate
14 presentation that because it's multi-year funds that are being
15 appropriated, therefore it goes beyond the life of just the
16 one-year appropriation bill.

17 I think it was stated correctly that what we have is
18 a clash between the Navy and the Congress at this time, but
19 there is language currently in the appropriation bill that
20 makes clear that funds, if they are to be used for the Kennedy
21 will be used in Philadelphia for the SLEP program.

22 COMMISSIONER CALLAWAY: Has that bill been signed by

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1 the President?

2 MR. MOORE: Yes, sir.

3 COMMISSIONER CALLAWAY: I guess my point was how
4 much the reclama is, because I sure agreed with someone, I
5 think it was Chairman Courter, who said that appropriations
6 committees don't like to be come back to time and time again.
7 My experience certainly is you get one reclama, you don't get
8 two.

9 And if you really want to come back and say I want
10 to change this, you get a chance to do that they'll listen to
11 you, and you can testify, but once they say no that time, you
12 don't come back again, and I just didn't know where we were in
13 that step, but I'm glad to have that information. Thank you.

14 CHAIRMAN COURTER: There's a motion that's been
15 seconded. Any further discussion on the motion?

16 (No response.)

17 COMMISSIONER CASSIDY: Aye.

18 CHAIRMAN COURTER: We'll prepare to vote.

19 COMMISSIONER CASSIDY: Aye.

20 COMMISSIONER LEVITT: Aye.

21 COMMISSIONER STUART: Aye.

22 CHAIRMAN COURTER: Aye.

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1 COMMISSIONER BALL: Aye.

2 COMMISSIONER SMITH: Aye.

3 COMMISSIONER CALLAWAY: Aye.

4 CHAIRMAN COURTER: We'll go to Philadelphia Naval
5 Station.

6 MR. YELLIN: Let's put up 55 and 56, please. 55
7 indicates, again, the general information and the COBRA
8 analysis, which indicates a \$40 million dollars annual savings
9 and a one-time cost of \$53 million and a zero year payback.

10 The Naval Station Philadelphia primarily provides
11 support to the shipyard. It also provides support to some
12 reserve ships. It has been indicated by the Navy that if the
13 shipyard, which is the linchpin activity in the Philadelphia
14 complex is closed, then the naval station is no longer
15 required.

16 COMMISSIONER BALL: And the inactive ship facility?

17 MR. YELLIN: That will remain.

18 COMMISSIONER BALL: Is not affected by this action;
19 is that correct?

20 MR. YELLIN: No. The closure proposal for the
21 shipyard indicates that that facility will remain operational.
22 The resulting staff that will be in Philadelphia if the naval

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1 station and the shipyard are both closed, with the inactive
2 ship maintenance facility, the Naval Ship System Engineering
3 Station and the propeller shop and foundry will total
4 approximately 2,000 people.

5 So approximately 2,000 Navy employees will be still
6 working on the shipyard property, on the naval base property.

7 CHAIRMAN COURTER: Do I hear a motion?

8 COMMISSIONER STUART: I'll make a motion.

9 M O T I O N

10 COMMISSIONER STUART: Mr. Chairman, I move that we
11 recommend to the President the closure of the Naval Station
12 Philadelphia. Ships assigned to the naval station will be
13 reassigned to other Atlantic Fleet home ports.

14 The office of Commander, Naval Base Philadelphia
15 will close. Naval Damage Control Training Center, a major
16 tenant, will move to the Naval Training Center at Great Lakes,
17 Illinois. Other tenants will transfer to other bases or
18 remain in leased space. The regional brig will remain. I move
19 that.

20 CHAIRMAN COURTER: Is there a second to the motion?

21 A COMMISSIONER: Second.

22 CHAIRMAN COURTER: Before we vote, let me just

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1 mention, if I may, on Philadelphia, not only applying to the
2 naval station, but also the naval shipyard, I voted to close
3 it. That's got to be about the worst and most difficult
4 decision I've faced in a long, long time.

5 I want to mention that the advocates of the
6 Philadelphia area, the Senator, the members of the House, an
7 outstanding young member from south Jersey, were the most
8 effective advocates in favor of Philadelphia that I've seen
9 with regard to any facility.

10 Their performance was professional; it was
11 unrelenting and very effective. This was, personally, a very
12 close decision, which is the reason it was so difficult.
13 There's arguments and merits on both sides, but even though it
14 was close, because something is close, I suppose, doesn't mean
15 that it's appropriate to vote differently than you feel or to
16 abstain.

17 I know that Commissioner Will Ball felt probably the
18 same way. It was an excruciatingly close call, and I suppose
19 the world would never have known, the decision would be same
20 had we voted in the minority, because we heard the other votes
21 as they were being called; but we're here to take difficult
22 and tough decisions, and I just wanted to say that for the

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1 record. Commissioner Ball, did you want to add to that.

2 COMMISSIONER BALL: Thank you, Mr. Chairman. I
3 think you accurately reflect the circumstances, and I want to
4 say that the staff had a lot of data to collect, gather,
5 analyze, present, and gathering and assimilating and digesting
6 this information in itself was and is a complex process.

7 The SLEP issue is a complicated one, and the role
8 that the Philadelphia Naval Shipyard has performed in
9 preparing and ensuring that the carrier fleet will be able to
10 function and deal with its challenges and any challenges the
11 nation faces for many years to come is very, very, very
12 central to the Navy's current and future preparedness.

13 So that's the reason, I think, in part, that we
14 deliberated as long as we did on this question, and it is,
15 indeed, a very tough question. Thank you, Mr. Chairman.

16 CHAIRMAN COURTER: Thank you. We didn't have the
17 vote, did we, on this? Is there any further discussion before
18 we have a roll call vote? Okay. Commissioner Cassidy?

19 COMMISSIONER CASSIDY: Aye.

20 COMMISSIONER LEVITT: Aye.

21 COMMISSIONER STUART: Aye.

22 CHAIRMAN COURTER: Aye.

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1 COMMISSIONER BALL: Aye.

2 COMMISSIONER SMITH: Aye.

3 COMMISSIONER CALLAWAY: Aye.

4 CHAIRMAN COURTER: We're going to have a 10-minute
5 break.

6 (A brief recess was taken.)

7 CHAIRMAN COURTER: We'll get started now.

8 The Chair will try to explain what we intend to do
9 and how long it will take us to do it, although I have very
10 little control over the latter. While the Navy team is up
11 there, we will continue with Navy facilities, Marine Corps
12 Tustin, Whidbey, and then we will take up the Holy Trinity,
13 Chase, Kingsville and Meridian.

14 (Laughter.)

15 CHAIRMAN COURTER: And we will go into Navy RDT&E
16 activities. Then my intention is to go back and clean up the
17 Army work. We will do -- we have a couple of pieces of
18 information on the Fort Chaffee/Fort Polk/Fort Hood issue, and
19 also Commissioner Smith has now perfected his language on the
20 motion that he would like to make with the Army Corps of
21 Engineers.

22 When we complete that, the Commission will break and

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Scott McInosh:

5/19/93

SG will auth. cert.

Q is wh to go to 3rd Cir 1st.

No rly filed in Cohen + time engaged

Assume will file cert get y \Rightarrow argues go to cert
1st in Specter. (pre 8/3)

- conv. wisdom SG prefer to have look at case
lost \Rightarrow better focus argmt + 2 briefs.

Talk on
mom - SM
give prelim
thats; whether
give our posit.

Absent Cohen prob'ly see going to 3rd Cir.

Stay mandate - autom if go for rly.

\hookrightarrow 21 days aft dec. Autom'ly stayed if rly
not if cert unless move to stay. Then only 30.

But 90 days to decide wh. cert. Keep asking {
30 days bites. Typ'ly grant, but 1) need > 1 + 2)
no dict inj to worry about - only g dict procs
& moving forward.

Cruick joined Stapleton.

Det orig'ly had ^D mot to desm + ^P mot. for prel inj.

Granted mot to desm. of resure, " + mot to sj,
disc ...

Has only been lim'd disc - P asked for all docs & depos.

Got 1ge but whittled down docs + few minor depos.

Fed drops doing trial - Vince G, Dave A, Mark Patton,
Jeff Guttman.

DoJ set rec early next wk

Only 2 wks to file rly.

Legal chall not to uv Pres; tho thats now created loop hole.

Waiver ABA doesnt apply to Pres.

7/21/93

Spencer & Ganett

Scott McInnis's rpts:

- 1) SG auth'd on Man filing cert, & Scott doing 1st draft ^{this wk.} + John Manning (asst. SG, 202-514-2161) will work on and circulate draft for comment late July, early Aug. Respond to file by end. wk. Aug.
- 2) Job, moved for extension stay 3rd Cir.

7-15
Long @ Home.
/60

Wed Thur
Time

DOJ Request

Tue Afternoon

→ Mon 2:00
2:30

→ ~~Spiff~~ → Eddy, 707-602-3201
Carnival.

Benny Spagy

9:00 - Sat

DOJ

Mark Patton; may be the

~~Mark Patton~~

514-3449

Dwight
Stanley
Case Files

Congressional

web

- Notified by 36 Reps
- Notice of Expeditions

log & index records at
Don't destroy anything
protective order - 1 month #

← ~~Stating~~

- Deal w/ Congress
deals

Legislative Council

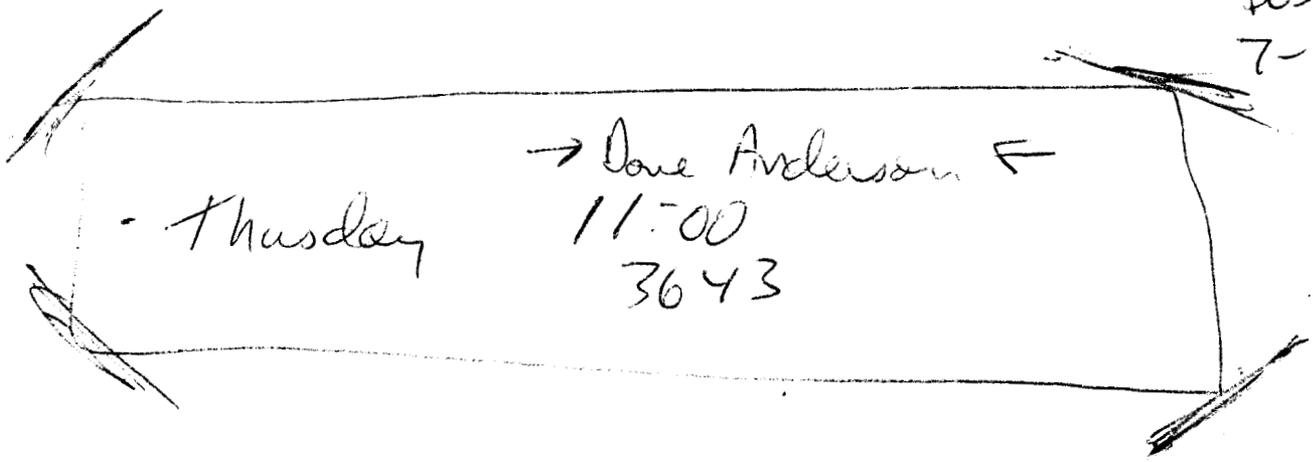
←

We will call back.

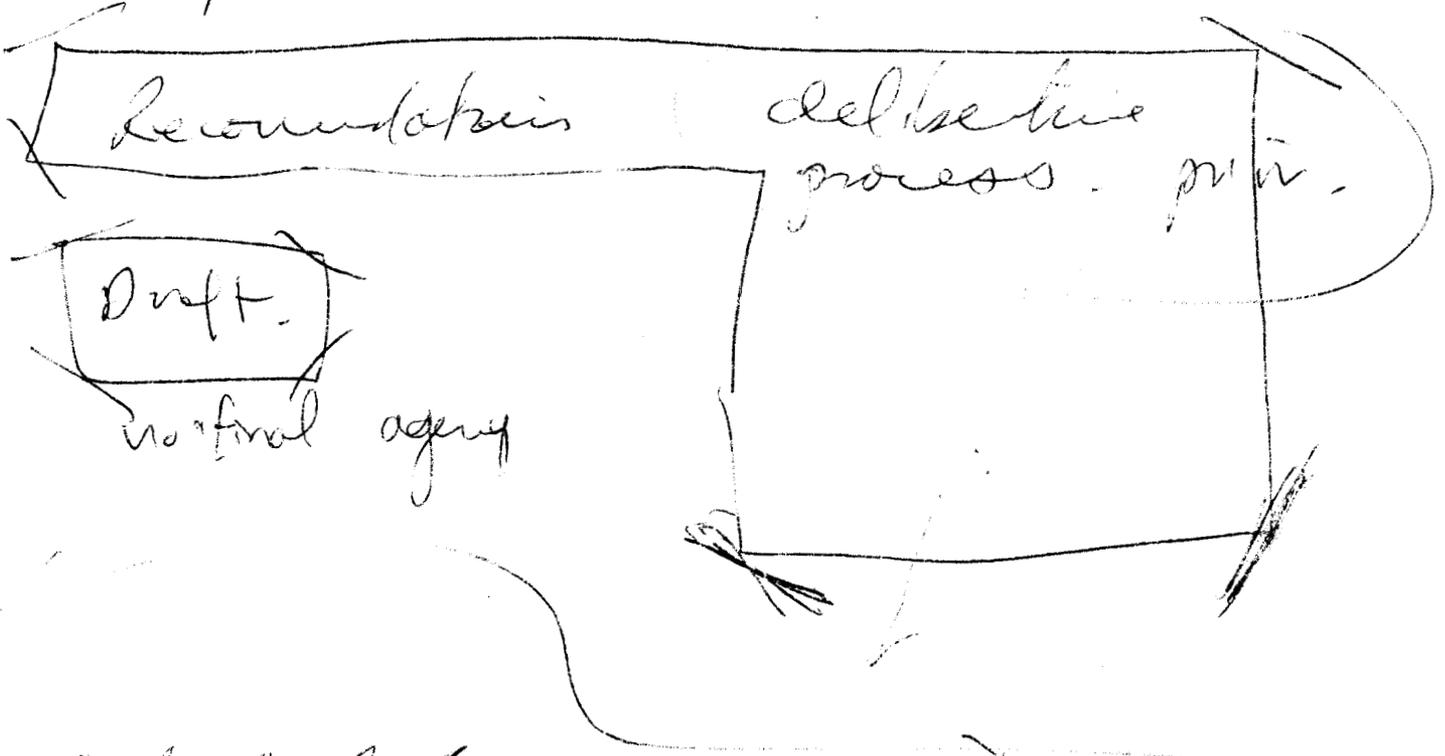
Long O-day

5.00

DOJ
7-150-91



→ Drops out ←



Individual ←

avoided from being it arise

- Discovery - any way to have
eval privileges.

→ Mark Batton 574-1285



→ Work Product Privilege Potential

For the following report for system.

subject remedial measures.

7-24

Dick Eddy
G's office

Gene Banks
Robert Lewis

Advance of info weeks ahead
of Helman's position

Prepout in the documents or records
when we had them.

Helman letters do we have them &
when

- Navy

Motion to dismiss → Public Order
standing → to include

↓ Hidden

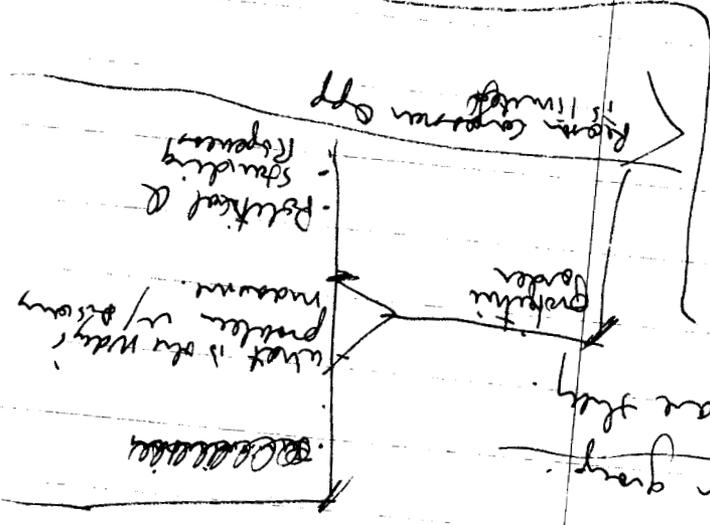
Just like
Administrative Record

Mean - Score ~~of~~ ~~the~~ ~~test~~ ~~is~~ ~~what~~ ~~it~~ ~~is~~ ~~all~~ ~~about~~

- Action
- John to discuss or
- Energy hours
- few documents, who
- could speak for the newly
- dates for depts.

what would they do under US day standards

Reflexive order
to do
Documents
look of relevant knowledge



Objective what are they

- limit to have group

- skip

Don't do

- Motion to discuss

10 days to 2 weeks

Sept 30 at the latest

to be heard by

Oct 25 -
Meeting

Stacyan
Muller

Phil Penn.
- Hearing motion for expedited discovery.

Kaufman -

Standing - Judge : same may not have standing

What is the harm.

- Action taken by Nancy to make hearing irrelevant b/c of lack of evidence.

Decision James

- Standing - Comments by Judge.
- process in Congress
- To P: why expedited is necessary
- To D: what is wrong w/ expedited discovery.

TO DO

Get 2 ^{depositions} from - Robyn -

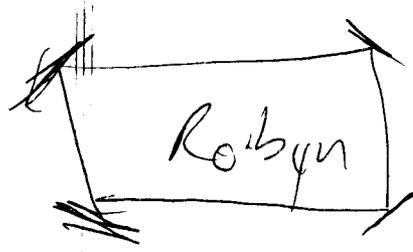
Kaufman is full of bluster, ~~questioned she~~ stated that expedited discovery is normal in PI matters - Judge said he wasn't so sure that it is.

Q for Mark + Dan - what did the non log off official do?

Not Center 3
 Robin Lewis 12W08 - 703-602-1249

~~Two Owners~~

Two Owners over 20 years.



1971

→ For Profit Organization

Ownership - Private, E / 400 units per year.

Cost to clients

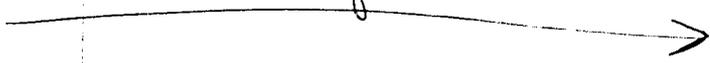
Honorarium - they do not do honorariums

← would ~~not~~ pick expenses

How many attendees?

look into

Max cloning as came up in environmental cap job they put on.



→ 795⁰⁰

Dec 3-4 Washington

Quality ~~Hotel~~ Hotel Capital Hill.

- Larry Harle -

- Carl Jans -

~~Bob Bittler~~

Collin McMillan

1. Chair - presiding meeting

2. helping to review copy

3.

- add comments... ^{speaking} _{optional}

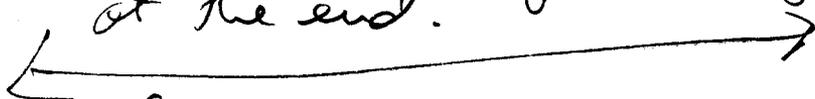
One of Commissioners maybe could do lunch.

David Paterski Partner
45 min announcements
Time, Date, Mark

7-25

 Action: Deliberative Process Privilege does not apply because they are attaching the deliberative process

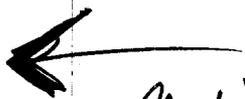
Schedule Highlight persons at the end.



Commission

2 weeks

3:00 → Commission



Motion to dismiss work on Nov

7-24
Moh Katter

→ General Doc request
how many docs etc.

I asked for motion to dismiss
on 1st q.

nothing in the complaint that
was presented to the commission.

7-23
Phili

Dave McComb

U.S. Atty's office

DOJ

David J. Anderson
Mark Batten

- Lit Unit office of G.C.
- Robyn NAVSEA

signature attorneys.

Mary

DOT

- Treatment of Legislators
- Corps of Engineers

Spading ✓
 Rogues ✓
 Political Question ✓
 Navy ✓

Flower July 18

DOT /

Marx, Dore Andersen

- Transcription

- U.S. Atty never formally

- Documents Adversary Committee - de jure & otherwise

~~→ memo~~

→ write so little paper as possible.

The 2nd part of the story must come out.
 Navy didn't cooperate | Strong remediation

~~→ memo~~

→ memo

→ memo - nothing should be destroyed.

- Dick Eddy - Navy

→ Evidence that Navy had ~~precluded~~ precluded closure

→ ~~the~~ for testimony - we had gotten ~~it~~ before

⊆ Pres. Action is not reversible

→ No Judicial reviewability

Congressional testimony -

- Tell the truth - show latter part
- prepare for Depos.

Be sensitive to interrogation.

Comm -

- Records of discussions

- Smith
- Stewart

Resume
Resume

Matt

Conflicts any other while

Are not seeing
Analysis from court staff
Analysis beyond president's report

Ask Alex
How to do analysis up every document

May, Comm, when is analysis of of the 3 options

Not internal Analysis - a lot of analysis for USC
Comm

Bob Moore -

Rod Buisson

DEPARTMENT OF THE NAVY
COBRA BASE CLOSURE AND REALIGNMENT PACKAGES

<u>ACTIVITY</u>	<u>COBRA DATA FILE</u>
CBC Davisville	✓CBCDVSVL.COB
NAS Chase	✓CHASE01.COB CHASE04.COB JOHNCHAS.COB NASCHASE.COB
NWSC Crane	✓CRANE.COB
DTRC Annapolis	✓DTRC92.COB
NAVSTA T.I. (Hunters Point)	✓HTRSPT.COB
Int Comb Sys Test Fac (SD)	✓ICSTF.COB
Keyport	✓KEYPORT.COB
NAS Kingsville	KING01.COB
NAS Meridian	MER01.COB
NAF Midway	✓MIDWAY.COB
NS Mobile	MOB01A.COB MOB01B.COB
NAS Moffett	✓MOFFETT.COB
NAC Indianapolis	✓NAC.COB
NADC Warminster	✓NADC92.COB
NAEC Lakehurst	✓NAEC.COB
NAPC Trenton	✓NAPC.COB
NCSC Panama City	✓NCSCPC.COB
NCSES Norfolk	✓NCSES.COB
NESEA St. Inigoes	NESEAIN.COB
NESEC Charleston	NESECCHN.COB
NESEC San Diego	✓NESECSD.COB
NESEC Vallejo	✓NESECVAL.COB
NESSEC Washington	NESSEC.COB
NAV HOSP Great Lakes	NHGL01.COB
NAV HOSP Long Beach	✓NHLB2.COB
NAV HOSP Oak Harbor	NHOKHRB.COB
NAV HOSP Orlando	NHORFH.COB
Nav Mine Warefare Eng Act	✓NMWEA.COB
Nav Ocean Sys Center Det	NOSCHI.COB ✓NOSCHI2.COB
Nav Ord Sta Indian Head	✓NOSIH.COB
Nav Ord Sta Louisville	✓NOSL.COB
Nav Sta Long Beach	NSLB.COB ✓NSLBREV.COB NSLBROD.COB
Nav Sta Philadelphia	✓NSPHILLO.COB
Nav Sta Pug Snd (Sand Point)	✓NSPUGET.COB
Nav Space Sys Activity, LOS ANGELES	✓NSSALA.COB
Nav Surf Weap Center Det WHITE CHK	✓NSWC02.COB NSWC92.COB
Nav Shipyard Philadelphia	✓NSYPHI.COB PHLSYROD.COB PSYROD2.COB
Nav Trng Cen Grt Lakes	NTCGL01.COB
Nav Trng Cen Orlando	NTCOPl.COB

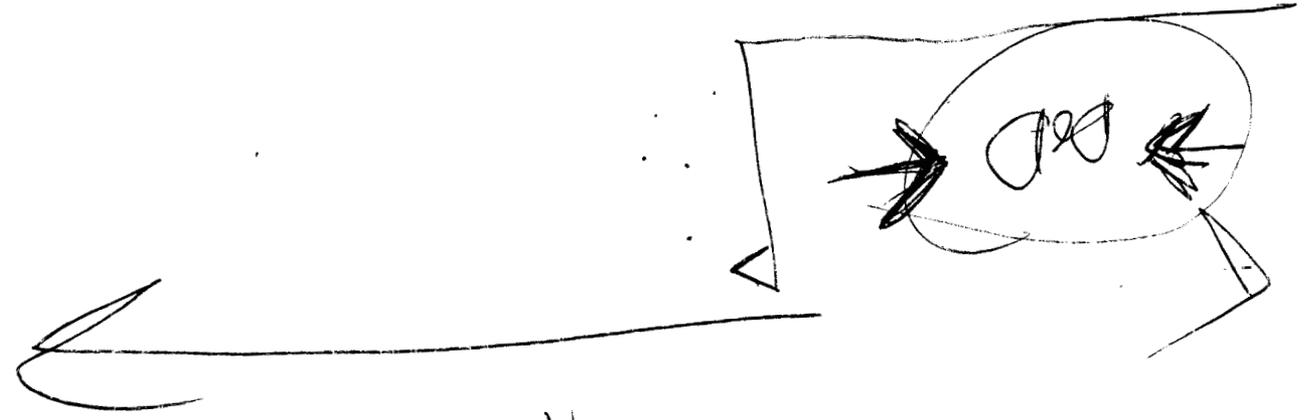
Nav Trng Cen Orlando	NTCORFH.COB
	NTCORL01.COB
	ORJER2.COB
	ORJERRY.COB
	ORLJERRY.COB
	ORLROD.COB
	NTCSD01.COB
Nav Trng Cen San Diego	✓NUSCNL.COB
Nav Und Wtr Sys Cen New London	✓NWC.COB
Nav Weapons Cen China Lake	✓NWEF.COB
Nav Wea Eval Fac Albuquerque	ORHOSPFH.COB
Nav Hosp Orlando	ORRECJER.COB
Nav Rec Trng Orlando	ORREVROD.COB
	ORROD2.COB
	ORROD3.COB
Nav Sta Pascagoula	PASC01A.COB
	PASC01B.COB
MCS Pendelton	PENDLE.COB
	PI.COB
Pacific Msl Test Cen Pt. Mugu	✓PMT.COB
Rec Trng Cen San Diego	ROSDRTC.COB
	RTCSD01.COB
	RTCSDJER.COB
	SDRTCJER.COB
Rec Trng Cen Great Lakes	RTCGL01.COB
Rec Trng Cen Orlando	RTCORFH.COB
	RTCORL01.COB
Nav Sta Stanton Isl.	STANY01.COB
	STATI01A.COB
Trident C&C Sys Maint Act Newport	✓TRICCSMA.COB
Tustin MC Air Station	TUSFOUR.COB
	TUSTHREE.COB
	TUSTIN.COB
	✓TUSTSIX.COB
NAS Whidbey Isl	WHID100.COB
	WHID200.COB
	WHIDJOHN.COB

- Ball
- Colony

1) Down letter
2) Water letter

Report
Life in
last 2 years
Bed
Carkota

for
~~1. Commission~~
2. Staff



terific
terific

Director
of
Prison

- Language in debate "fairly open" - attempt to keep

- B2D revision requires the 12th - it's ready on

Agree that Commission has enough to consider.
STEP - 850 - working 1.1 - 1.7 mt.

5th
92-93
- when in "next" #5 could be instead of end of the STEP time
- 525 mt complex overall.
CORRECT.

Form Structure
Plan
- don't include WASH STEP

Wash
low Submission
Congressional - Johnson
May 16 - Johnson
92 - us 96 -
page submission.
STEP - 79

• Men of funds - men there after.
3 year \$

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

EXECUTIVE SECRETARIAT

CONTROL NUMBER

002265

DOCUMENT ROUTING SLIP	ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
OFFICE OF THE CHAIRMAN					
CHAIRMAN COURTER		✓			
STAFF DIRECTOR		✓			
GENERAL COUNSEL		✓			
MILITARY EXECUTIVE					
SPECIAL ASSISTANT					
COMMUNICATIONS/PA					
DIRECTOR OF COMMUNICATIONS					
PRESS SECRETARY					
FOIA OFFICER					
SENATE LIAISON					
HOUSE LIAISON					
EXECUTIVE SECRETARIAT					
ADMINISTRATION					
DIRECTOR OF ADMINISTRATION					

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature		Appropriate Action
Prepare Reply for Commissioner's Signature	✓	Comments and/or Recommendations
Prepare Reply for Staff Director's Signature		Clear Reply with
Reply Direct (forward copy to Exec Sec)		Coordinate Reply with

SUBJECT/REMARKS

- Report on "inconsistencies and discrepancies" at Final Deliberations.
- Copy sent to all Commissioners

CLEARANCE SIGNATURE

INTERGOVERNMENTAL Southern New Jersey Chamber of Commerce

ACTION DUE DATE 10 Jul 1991	ROUTING DATE 08 JUL 1991	RECEIVED	EXEC SEC MAIL DATE
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0 8 JUL 1991

SERIOUS INCONSISTENCIES AND DISCREPANCIES IN THE PUBLIC DEBATE

on the

RECOMMENDATION TO CLOSE PHILADELPHIA NAVAL SHIPYARD

submitted to

THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

by the

Chamber of Commerce, Southern New Jersey
Government Affairs Subcommittee
Cheryl B. Newton, Chairman

July 5, 1991

copies to:

President George Bush
Vice President Dan Quayle
Secretary Dick Cheney
Mr. Brent Scowcroft
Gen. Colin Powell
Mr. John Sununu



July 5, 1991

Defense Base Closure and Realignment Commission
Honorable James Courter, Chairman
1625 K Street NW, Suite 400
Washington, DC 20006

Re: Public Debate on the Recommendation to Close Philadelphia Naval Shipyard (PNSY)

Gentlemen:

This report compiles what we believe to be the most serious inconsistencies and discrepancies evident during your public debate of June 27 - June 30. We do believe that your intent was to conduct a fair and open process, but that given the extremely limited time available and the plethora of data to digest on a widely dispersed set of bases and issues, the urgency to reduce the military's infrastructure and hence its budget overcame the need to perform a logical and non-biased review of all available data, at least in the case of Philadelphia.

We are reasonably certain that the President will see the wisdom of disapproving the recommendation to close Philadelphia Naval Shipyard, and will return the process to you for further study and subsequent resubmittal. If this is the case, please consider the points iterated herein, and please use the expert resources available within the community to ensure that the ultimate decision will be constructed on a fair and balanced debate.

Very truly yours,

Cheryl B. Newton
Chairman, Government Affairs Subcommittee
TEL (609)778-1616 FAX (609)778-7305



copies to:

Hon. George Bush, President

Hon. Dan Quayle, Vice President

Mr. Dick Cheney, Secretary of Defense

Mr. Brent Scowcroft, National Security Advisor

Gen. Colin Powell, Chairman, Joint Chiefs of Staff

Mr. John Sununu, White House Chief of Staff

SERIOUS INCONSISTENCIES AND DISCREPANCIES IN THE PUBLIC DEBATE
on the
RECOMMENDATION TO CLOSE PHILADELPHIA NAVAL SHIPYARD

1. During the June 30th debate, Commissioner Smith stated that the Navy is decreasing by 25%, that the naval shipyards' workload is going down by 25% as well, and that the private yards are still there. By viewgraph #49 (EXHIBIT A), his assumption

THE STAFF FAILED TO CORRECT
MR SMITH'S ASSUMPTIONS ABOUT
WORKLOAD AND PRIVATE YARDS!

about workloads in naval shipyards is incorrect. As the viewgraph shows, the naval shipyard workload levels out for the 1990s and is actually higher in the years 1999 & 2000 than in 1991. In addition, in Secretary Cheney's Base Closure Report (Tab C), the Navy says "While the Navy fleet is downsizing by 19%, the types of ships worked by the NAVAL SHIPYARDS is downsizing by only 1% and in some cases is increasing (large Amphibious and Aegis ships)." This quote from the DOD report was repeated in all five reports we submitted to you, and is substantiated by your own viewgraph #49. In spite of this, not a single member of the Commission's Navy Staff chose to correct Commissioner Smith's remark, thus allowing the remaining debate to be constructed on this vital piece of misinformation.

Furthermore, in our paper to you of June 6, 1991, we pointed out that closures of private yards during the 1980s represented 25% of the privately accomplished Navy work, and that the decline in private large ship capability (over 600 feet in length) was even more severe (55%). These statements were based on an easily verifiable list of private shipyard closures; this list was attached to our report. Yet the Commission's Navy Staff allowed Mr. Smith's statement about private yards to go uncorrected, adding another faulty assertion on which to make your final decision.

2. A single viewgraph, #67 (EXHIBIT B), listed the "Community Comments" for Philadelphia Naval Shipyard. Missing from this slide

are two of the most important and most oft repeated community "comments", namely that (1) the COBRA Model was incorrectly used by the Navy to depict an annual savings rather than an annual cost, and (2) there is no excess capacity in naval shipyards, particularly in the type of work for which PNSY is most qualified.

The community did more than "comment", it delivered detailed analyses by respected experts and organizations using Navy data. The results, including

COMMUNITY CONCERNS WERE GIVEN NO CREDENCE, EVEN THOUGH THEY USED NAVY DATA!

the backup data and step-by-step logical arguments, were submitted to the commission many times during the review cycle. These submissions covered all of the points made on viewgraph #67, the two major missing points mentioned above, and other pertinent points such as Philadelphia's excess land for consolidation, additional closure costs, the Navy's use of their grading system, Philadelphia's maintenance of efficiency in spite of a decreasing workload, and the proper interpretation of Navy Industrial Funding. These submissions included the Chamber of Commerce papers of April 24th, May 9th, May 31st, June 6th and June 14th; public testimony in Philadelphia on May 24th by the Pennsylvania Economy League, the Joint Committee for Yard Development comptroller, and other experts in financial and mission related topics; and many other documents submitted by various members of the local congressional delegation.

During the public debate on June 27th, viewgraph #67, the single item which refers to any community objections to the Navy's proposal, was displayed for possibly 15 seconds without comment or question from the commission. There were no visual comparisons between the community positions and the Navy's, there were no point-by-point presentations of the community's arguments (which used Navy data and were more logically developed than the Navy's), there were no data graphs or charts presented from the community's reports, there was not even a complete listing of the "Community Comments." The Commission's Navy staff was able to counter each and every concern opposed to closing Philadelphia with the phrases

"the Navy told me ..."; "the Navy indicated ..."; and "the Navy's position is ..." This view of the Navy's position as omnipotent, and this complete public disregard for the coherency and cogency of the community's arguments and the thousands of hours spent in their development, was a blatant display of non-objectivity by the staff, and certainly had a major effect on the ultimate decision.

3. On June 30th Commissioner Levitt raised the concern which had been submitted in a letter from Senator Specter that because of the man/day rate differential between Philadelphia, Norfolk and Puget Sound, there is really an annual cost rather than an annual savings associated with closing Philadelphia and shifting work to these other yards. The staff countered that this was

"based on the rate differential at the time of the analysis between, for example, Philadelphia and Norfolk",
that

"the man/day rates change dramatically from year to year based on workload and the performance and organization of the shipyards",
that

"the differential is not a continuing issue because the workload that's available for Philadelphia in relationship to the other public and private shipyards on the east coast would not in the future continue to display this kind of differential"
and that

"the differential for fiscal year '91 for repair work between Norfolk and Philadelphia is only a few dollars."

In fact, the annually recurring increase in cost incurred by shifting work from Philadelphia to Norfolk, mentioned by Senator

SENATOR SPECTER WAS RIGHT,
THERE ARE NO SAVINGS!

Specter, is based on the aggregate of the past two years of man/day rate differentials and NOT "the rate differential at the time of the analysis." This was pointed out in our paper to you of May 9th. Philadelphia has had the lowest man/day rate of any naval shipyard for nine of the past ten years, so this differential in

favor of Philadelphia does NOT "change dramatically from year to year" and would certainly be a "continuing issue". "The differential for FY '91", which is the data from only one quarter, was used by the Navy to assert that there would only be a savings of "a few dollars" between Philadelphia and Norfolk. This ignores the fact that Philadelphia has continued to be the lowest cost shipyard for nine of the last ten years.

Every corporation adjusts their business operation based on financial data from each quarter to reach a year end goal. Philadelphia has been doing this successfully for years, and 1991 will be no different. The Navy's argument, using only first quarter FY '91 data, is shallow and without merit. However, if the Navy decides to decrease the "workload that's available for Philadelphia in relationship to the other public and private shipyards on the east coast" to the point that Philadelphia "would not in the future continue to display this kind of differential", then of course there would be no annual rate differential between Philadelphia and other yards because Philadelphia would become more expensive. This is a circular argument that must be recognized as fallacious. Removing work from the most efficient shipyard to make it more expensive so that there will be no additional cost to doing the work elsewhere is a ploy which needs no further discussion. During the June 28th debate, Commissioner Callaway correctly described closing Philadelphia in favor of Norfolk as a "homeport issue"; it has been disguised as a cost saving issue. "Homeport" is not one of the eight criteria in the law, but with ships being homeported in Staten Island, Earle, NJ and the possibilities for future homeports right in Philadelphia, the true issue requires much further debate and discussion.

4. During the debate of June 30th, the staff presented to the commission the fact that Long Beach Naval Shipyard is the only

WHY IS THE WEST COAST
DIFFERENT THAN THE EAST?

public yard on the west coast capable of participating in Public/Private Competition. This, they said, was due to the fact that Puget Sound and Mare Island do "specialized work" which makes

their rates higher and therefore not competitive. The specialized work is nuclear refueling and defueling, which is also performed by Norfolk, Charleston and Portsmouth on the east coast (see viewgraph # 45 attached). The commission never questioned why Philadelphia shouldn't be retained since it is the only east coast yard not doing "specialized work" and thus the only one eligible for Public/Private Competition.

5. During the debate on June 27th, the staff presented figures to the commission indicating that, in FY '90, Philadelphia received \$51 million and Long Beach received \$28 million in pass-through funding to replenish the Naval Industrial Fund for each activity. The presentation was made by staff in response to questions on NIF funding, and to show that naval shipyards really do not pay for themselves, and that Philadelphia in particular operated in the red.

In the first place, the figures themselves are incorrect. In FY '90 Philadelphia received \$45 million and Long Beach received \$57 million. These corrected

PASS-THROUGH FUNDING WAS INCORRECTLY EXPLAINED, AND NEVER CORRECTED!

figures are from a navy comptroller message of September 1990. More importantly, the figures are meaningless to use as judgements about current shipyard financial health. These pass-through dollars are to infuse the respective industrial funds with capital to offset an accumulated operating result (i.e. the net losses over the life of the fund), not for current or even recent operating results. As did all shipyards, Philadelphia from time to time operated at a loss in years past. What is important, though, is that since 1989 Philadelphia has reorganized their operating structure and has been returning money to the fund, and will continue to do so. This reorganization is why Philadelphia not only has the lowest man/day rate but the highest productive ratio (production staff to overhead staff) of any naval shipyard.

A handwritten explanation of pass-through funding, with the comptroller message attached, was passed to the staff on June 28th,

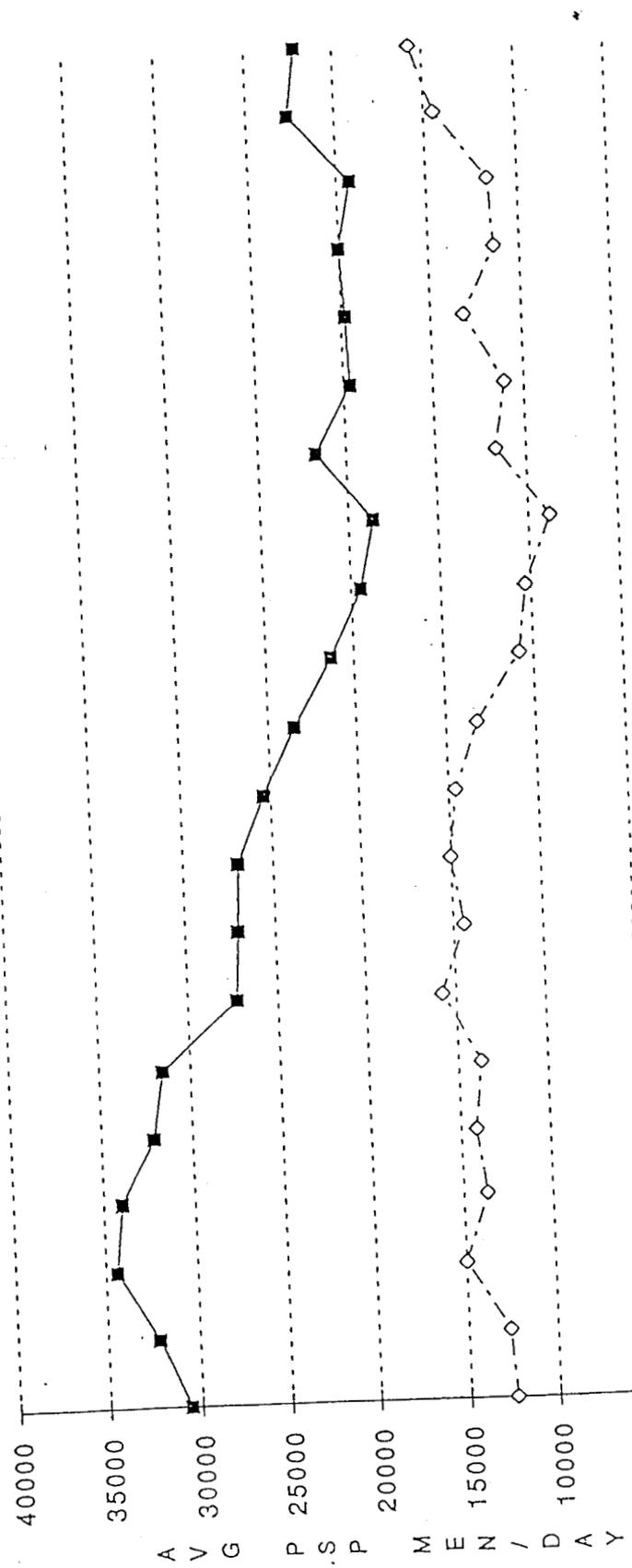
but no mention was made in public to the commission. We assume that the ensuing debate was predicated on the belief that Philadelphia Naval Shipyard cost the government \$51 million in 1990. This is patently false, and this should have been pointed out by the staff.

6. A major argument was made in favor of not closing the base at Staten Island, New York, by making the point that "New York needs a naval presence", and that it was ridiculous for the world's greatest natural harbor not to have a naval presence. We submit that for the birthplace of our nation to lose it's naval presence after over 200 continuous years is equally ridiculous, and that in as much as this "criteria" was applied to New York, let it be also applied to Philadelphia.

A NEW CRITERIA?

ALL NAVAL SHIPYARD WORKLOAD

■ TOTAL WKLD
 ◇ NUCLEAR SHIP WKLD



FISCAL YEAR

49

NAVY TEAM

NUCLEAR REFUEL / DEFUEL DRYDOCKS
FY 90 - FY 2000

<u>SHIPYARD</u>	<u>UTILIZATION %</u>
PORTSMOUTH	93
NORFOLK	92
CHARLESTON	91
PUGET SOUND (2)	107
MARE ISLAND	<u>119</u>
AVERAGE	102

ROBERT E. ANDREWS
FIRST DISTRICT, NEW JERSEY

Congress of the United States
House of Representatives
Washington, DC 20515-3001

COMMITTEE
EDUCATION AND LABOR
SUBCOMMITTEES
POSTSECONDARY EDUCATION
AND TRAINING
LABOR STANDARDS,
OCCUPATIONAL HEALTH AND SAFETY,
HUMAN RESOURCES
COMMITTEE
FOREIGN AFFAIRS
SUBCOMMITTEES
EUROPE AND THE MIDDLE EAST
INTERNATIONAL OPERATIONS

THE COURT HAS RULED:

THE PENTAGON AND THE BRAC COMMISSION ARE NOT ABOVE THE LAW

Dear Colleague:

On November 5, 1990, the President of the United States signed into law the Defense Base Closure and Realignment Act. The Act was designed to remove politics from base closure decisions through a fair, unbiased process based on objective criteria.

But even as the Act was being signed, bureaucrats in the Pentagon were conspiring about how to subvert the law. Less than three days after the signing, one Navy bureaucrat wrote a memo to another stating that they had developed a "stealth list" of bases to be closed, and that they would spend the next months stacking both the data and criteria to be used by the BRAC Commission so that they would get their way. The Philadelphia Naval Shipyard was one of those bases.

Rather than serving as a check against these abuses, the BRAC Commission went on to rubber stamp the Pentagon's work. Even once the abuses were pointed-out, the Courter Commission violated the BRAC law by meeting behind closed doors with the Navy.

Shortly after the BRAC list was approved, a bi-partisan group of legislators from the Delaware Valley filed a suit in federal court to have the BRAC list overturned because of these violations of the BRAC law. On Tuesday, May 18, 1993, the U.S. District Court of Appeals for the Third Circuit handed down a landmark decision in this case, Specter v. Garrett. The Court ruled that the Secretary of Defense and the Base Closure and Realignment Commission are not above the law. This means that in the coming months a Federal Judge in District Court will hear the facts of how the Philadelphia Naval Shipyard was illegally put on the 1991 BRAC list.

Tuesday's ruling, as well as the impending trial, will have serious ramifications for the entire BRAC process. We are prepared to prove all of these allegations in open court. I hope that the members of the House watch this trial carefully and understand how base closure decisions are really being made. If you have any questions about this very important case, please contact Tom Kane of my staff at 225-6501.

Sincerely,



RESPONSE TO QUERY

Congressman Robert E. Andrews' "Dear Colleague" letter entitled, "THE COURT HAS RULED: THE PENTAGON AND THE BRAC ARE NOT ABOVE THE LAW"

We are disappointed in the allegations Congressman Andrews made in a "dear colleague" letter sent to his colleagues in the House of Representatives regarding the May 18th ruling of the _____ Court of Appeals in the case known as Spector vs. Garrett.

Defense Base Closure and Realignment Commission Chairman Jim Courter has maintained his commitment to the fair and open base closure process he began in 1991.

Throughout the 1991 process, numerous Members of Congress - many of whom had bases on the 1991 list, as well as those who did not - expressed their commendation of Chairman Courter's leadership during the 1991 round of base closures. Generosity, fairness, responsiveness and integrity were among the accolades most often used to describe the Commission's performance. (Use this, it's a Matt quote!)

SEE AFTER-ACTION TRANSCRIPTS AND NEWARK 1993 TRANSCRIPT FOR QUOTES FROM MEMBERS, SPECIFICALLY FROM PENNSYLVANIA DELEGATION.

The Commission continues to understand, as we did in 1991, that the people and community leaders in Philadelphia need to protect their interests. When the Philadelphia community recently expressed concern about (the validity of?) information used to make decisions regarding Defense Logistics and Navy installations in the Philadelphia area which are involved in proposed '93 closures, (see Newark transcript) the Commission was responsive. (Does anybody know what, specifically, we did? This is from Matt, so I don't know - C.C.)

The Defense Base Closure and Reralignment Commission remains committed to compiling a complete record on which to make on which to make decisions, as is our mandate. (Use some form of this, it's a direct quote from Matt!)

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

EXECUTIVE SECRETARIAT

CONTROL NUMBER 001740

DOCUMENT ROUTING SLIP		ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
	OFFICE OF THE CHAIRMAN				COMMISSION MEMBERS	
	CHAIRMAN COURTER		✓		COMMISSIONER BALL	✓
	STAFF DIRECTOR		✓		COMMISSIONER CALLAWAY	✓
	GENERAL COUNSEL		✓		COMMISSIONER CASSIDY	✓
	MILITARY EXECUTIVE		✓		COMMISSIONER LEVITT	✓
	SPECIAL ASSISTANT		✓		COMMISSIONER SMITH	✓
					COMMISSIONER STUART	✓
	COMMUNICATIONS/PA					
	DIRECTOR OF COMMUNICATIONS		✓			
	PRESS SECRETARY				REVIEW AND ANALYSIS	
	FOIA OFFICER		✓		DIRECTOR OF REVIEW & ANALYSIS	✓
	SENATE LIAISON				DEPUTY DIRECTOR	
	HOUSE LIAISON				D.O.D. LIAISON	
	EXECUTIVE SECRETARIAT	(✓)			ARMY TEAM LEADER	
					NAVY TEAM LEADER	
	ADMINISTRATION				AIR FORCE TEAM LEADER	
	DIRECTOR OF ADMINISTRATION				SPECIALTY TEAM LEADER	

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature	✓	Appropriate Action
Prepare Reply for Commissioner's Signature		Comments and/or Recommendations
Prepare Reply for Staff Director's Signature		Clear Reply with
Reply Direct (forward copy to Exec Sec)		Coordinate Reply with

SUBJECT/REMARKS <p style="font-size: 1.2em; font-weight: bold;">FINAL BASE VISIT REPORT → LONG BEACH NAVAL SHIPYARD/MCAS ✓✓/STEVE TO FILE w/ OTHERS</p>	CLEARANCE SIGNATURE <p style="text-align: right; font-weight: bold;">JUSTIN</p>
--	--

ACTION DUE DATE X	ROUTING DATE 17 JUN 91	RECEIPT DATE: 17 JUN 1991	EXEC SEC MAIL DATE X
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LONG BEACH NAVAL SHIPYARD VISIT

JUNE 10, 1991

LEAD COMMISSIONER: COMMISSIONER CASSIDY

ACCOMPANYING COMMISSIONER: None

STAFF ESCORT: LTCOL John Hertel

ELECTED OFFICIALS ATTENDING:

Sen. John Seymour
Rep. Glen Anderson
Rep. Dana Rohrabacher
Mayor Ernie Kell (Long Beach)
Councilman Braude (Long Beach)

BASE'S PRESENT MISSIONS:

- * Overhaul and repair of all types of surface ships.
- * Drydock is certified for nuclear work, but not currently capable of performing it.
- * Puget Sound, WA has only other carrier-capable drydock on West Coast.

SERVICE'S JUSTIFICATION FOR ACTION:

- * Navy recommended to keep shipyard open to maintain two nuclear carrier-capable drydocks on West Coast.
- * Excess capacity in shipyards still exists, even with closure of Philadelphia.

MAIN FACILITIES REVIEWED:

- * Drydock #1
Carrier-capable facility with multiple heavy crane capability.

OUTSTANDING FACILITY

- * Mechanical Shop
Excellent facility, currently undergoing modernization.
- * Propeller and Shaft Repair Shop
Excellent facility.

COMMUNITY ARGUMENTS PRESENTED DURING VISIT

- * Time to prepare for visit too short.
COMMUNITY POSITION WAS WELL STATED.
- * Long Beach Shipyard is the most efficient and cost-effective in Navy -- by all standards. The only one to turn a profit in the past several years.

- * Over past several years, workforce reduced from 7,000 to 4,000.
- * Long Beach is the only public shipyard required to bid competitively against private shipyards. It has received 7 of the 8 awards given to public yards over private yards.
- * Would require only modest improvements to become nuclear-work certified.
- * CNO reported Long Beach as more cost-effective than Philadelphia in performing nuclear threat upgrade work.
- * Navy needs this drydock on West Coast. Newest yard (1943).
- * Synergistic effect of co-locating shipyard with naval station. Less infrastructure support costs, more flexibility to train and to do emergency repair work.
SIGNIFICANTLY POSITIVE FACTORS.
- * Cannot mothball a shipyard (use it or lose it).
- * Long Beach should not have to take three "hits" (Naval Station, hospital and shipyard).
- * Much of the land would revert to the city.
- * Land is too contaminated to be reused for decades.

REQUEST FOR STAFF AS A RESULT OF VISIT

1. Why doesn't the CNO certify Long Beach Shipyard for nuclear work?
2. What are the important comparison results with Philadelphia?
3. Why was Long Beach the only shipyard besides Philadelphia to have the COBRA model run. What are the COBRA results for the others?
4. Can Long Beach shipyard be mothballed? If so, how long would it take to make it operational?

LONG BEACH NAVAL STATION & HOSPITAL VISIT

JUNE 10, 1991

LEAD COMMISSIONER: COMMISSIONER CASSIDY

ACCOMPANYING COMMISSIONER: None

STAFF ESCORT: LTCOL John Hertel

ELECTED OFFICIALS ATTENDING:

Sen. John Seymour
Rep. Glen Anderson
Rep. Dana Rohrabacher
Mayor Ernie Kell (Long Beach)
Councilman Braude (Long Beach)

BASES' PRESENT MISSIONS:

- * Homeport to 34 naval ships (20 by 1997)
- * Support for Naval Shipyard Long Beach
- * Medical support for shipyard & naval station

SERVICE'S JUSTIFICATION FOR ACTION:

- * Ship reductions create excess berthing/infrastructure capacity
- * High cost of living & wages
- * High cost to correct deficiencies
- * Location duplicates San Diego
- * Hospital follows naval station personnel

MAIN FACILITIES REVIEWED:

- * Family Housing on Base
The Naval Station cannot meet demand. Public/private venture put on hold due to closure list. Housing plant value = \$137M. 70% is over 20 years old.

OLDER HOUSING IN POOR CONDITION. HIGH COST ON ECONOMY, ESPECIALLY FOR SAILORS IN FOR 1-2 YEAR OVERHAUL.

- * Windshield Tour of Base
Facilities in moderately good condition. Located in industrial section of South Los Angeles.

GENERAL AESTHETICS OF AREA BELOW AVERAGE FOR A QUALITY OF LIFE CONSIDERATION.

- * Harbor Tour of Piers
Outstanding access to ocean. Capable of handling all types of ships, including carriers. Good condition; some pier repair needed/scheduled. Port of LA "2020 Plan" to expand is being closely coordinated

GROUND TRANSPORTATION IMPACTS WILL BE GREAT.

* Major Capitol Improvements
New housing; 6 and 10 story BEQ's (800+ beds); pier repairs; electrical upgrade.

* Hospital not visited

COMMUNITY ARGUMENTS PRESENTED DURING VISIT

- * Draft GAO report on homeporting shows Long Beach better than any of the planned homeports, especially Everett, WA.
- * Ships at Everett must train near Long Beach (gunfire, missile shoots); expensive and 3-day transit times.
- * Everett has no infrastructure in place to support homeport.
- * Everett would create worse "Pers Tempo" problems.
- * Navy has not been forthcoming with information to the community which will allow them to make their case.
- * Long Beach's appearance on closure list is the result of internal navy politics (Rep. Rohrabacher).
- * Navy's real excess in berthing is on East Coast, not West.
- * Cost of closing is \$400M, not \$104 [109] M.
- * City has worked with Navy on housing projects, and will continue to do so.
- * City originally "sold" land to the Navy for \$1.00.
- * Naval Station needed for reserves and recruiting.
- * Environmental restoration will be slow and expensive.
- * Most of Naval Station must remain to support the shipyard; facilities are not easily severed.
- * Naval Station enjoys total support of community.
- * Long Beach ships can get to sea faster than any other port, with Marines on board.
- * 70% of West Coast's surface ships are in Southern California, Long Beach has 52% of these.

REQUEST FOR STAFF AS A RESULT OF VISIT

1. Review GAO draft report on homeporting. Comment on comparisons with Everett re: capacity to berth carriers and nuclear homeporting capacity.

2. Review actual costs to establish Everett and % committed.
3. Perform a COBRA run on Everett, if possible.
4. Review community claims that closing costs for NS Long Beach will be \$400M (4 times service estimate).

MCAS TUSTIN BASE VISIT

JUNE 10, 1991

LEAD COMMISSIONER: COMMISSIONER CASSIDY

ACCOMPANYING COMMISSIONER: None

STAFF ESCORT: LTCOL John Hertel

ELECTED OFFICIALS ATTENDING:

JIM FOURNIER - STAFFER FOR REP. COX
MAYOR CHARLES PUCKETT (TUSTIN)

BASES' PRESENT MISSIONS:

- * Home to Marine Air Group - 16 (14 squadrons; 150 medium and heavy lift helicopters)
- * Support Marine combined arms training at Camp Pendleton and Twentynine Palms, CA

SERVICE'S JUSTIFICATION FOR ACTION:

- * Marine Corps force structure requires compositing two West Coast groups with light attack and heavy lift helicopters. Better supported at training sites.
- * Lowest USMC air station in military value.
- * Severe ground encroachment from high cost developments surrounding base -- especially City of Irvine, which underlies flight tracks.
- * Severe lateral and vertical airspace restrictions: MCAS El Toro (master jet base) and John Wayne Airport (commercial) sandwich Tustin's flight corridors and training areas.
- * Very high cost of living.
- * Cost of realignment high; but land values at Tustin are also high, with a ready market.
- * Family housing would remain for El toro (7 miles away).

MAIN FACILITIES REVIEWED:

- * New hanger facilities.

OUTSTANDING FACILITIES.

- * 1940 Blimp Hangers.

GOOD PLACE TO WORK; EXPENSIVE TO MAINTAIN.

* Family Housing on Base

Most of the housing is relatively new; some of it has just been completed.

SOME OF THE FINEST BASE HOUSING ANYWHERE. EASILY SEVERED. SHOULD BE PRESERVED FOR EL TORO.

* BEQ's

Most of it new.

* Flightline and Perimeter of Base

EXCELLENT BASE

COMMUNITY ARGUMENTS PRESENTED DURING VISIT

* NONE against closure.

* The community has accepted the fact that Tustin must close and wants to work closely with the government to develop the best reuse plan for the installation.

* Developer interest could include replacing housing support infrastructure to acquire larger parcels of the base.

REQUEST FOR STAFF AS A RESULT OF VISIT

None

100145

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION Summarized DoD Recommendation

- must have basis for putting in facility on the 18th
- Term Report - for consequences of
- Refer to plan to Paul.

PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA *Ave three miles*

RECOMMENDATION

- o Close shipyard
- o Preserve for emergent requirements
- o Propellar facility (shops and foundry), Naval Inactive Ships Maintenance Facility, (NISMF), and Naval Ship System Engineering Station (NAVSES) will remain active on shipyard property

JUSTIFICATION

- o Substantial ship reductions and changes in planned force structure lead to reductions in ship repair requirements
- o Termination of CV Service Life Extension Program
- o Closure of a NSY necessary to balance the Navy's industrial workforce with this reduced workload
- o Large number of future maintenance availabilities are on nuclear ships, to be performed in nuclear capable Naval Ship yard
- o Need to preserve dry dock capability in West Coast for contingency and emergency on nuclear carriers and recurring availabilities on large surface ships, necessitated exclusion of NSY Long Beach, CA from consideration for closure
- o Additional study determined that the propellar facility, NAVSES and NISMF should be retained

*Close accounts
Cost differs, wage differences, productivity differences.
Phil does 15% of repair - it will be more efficient ship yards than closing
none - no excess capacity.
Dry dock - no excess capacity.
2000 accounts may prove wrong
Cost saving by energy is dropped*

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Implementation will cost \$139M
- o Land value = \$10M
- o Annual savings after implementaton is expected at \$36M
- o Positive environmental effect, though Philadelphia NSY is not on the EPA National Priority List

*25% of all civil jobs not in military
50% of CR Navy*

Gov all jobs in Penn - loss of insurance

MAJOR COMMUNITY CONCERNS

- o Will eliminate over 31,000 direct and indirect positions and an additional 7000 additional ship associated personnel. Equates to 2.1 percent cumulative employment reduction
- o Cause of an oversupply of housing in an already slow market

*Million \$ investment to put in Long Beach
Budget does not have capability
won't save \$.*

Deal w/ over 3000 jobs in place at ship yard.

REPRESENTATION

Senator Arlen Specter

Representative Foglietta

Office of Senator John Heinz

Governor Robert Casey

ATTACHMENTS

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Recommendations and Impacts
6. Map
7. Statistical Data
8. State Sheet

As of May 23, 1991

PHILADELPHIA REGIONAL HEARING

SMART PAPER: PHILADELPHIA NAVAL SHIPYARD AND NAVAL STATION

DOD RECOMMENDATION:

The shipyard is recommended for closure and preservation for potential future requirements. The propeller facility (shops and foundry), Naval Inactive Ships Maintenance Facility (NISMF), and the Naval Ship System Engineering Station (NAVSSSES) will remain open.

The Naval Station is also recommended for closure. The major tenant activity, Naval Damage Control Training Center (NAVDAMCONTRACEN) will close and move to Great Lakes.

JUSTIFICATION:

Future workload requirements create a significant excess capacity in the public shipyard category. A projection of the planned workload for the 1990s, however, shows a deficiency in capacity for nuclear-capable facilities. This deficiency will be made up by work performed at private shipyards.

Six of the naval shipyards are nuclear-capable, the other two, Long Beach and Philadelphia, currently perform only non-nuclear work. Long Beach, however, has a carrier-capable drydock that has been certified for nuclear work. Because of development around the shipyard, no facilities at Philadelphia can be nuclear-certified.

For planned work and to provide backup for emergency work, the Navy has stated the need for two carrier-capable drydocks on each coast. There is a carrier-capable drydock at Puget Sound Naval Shipyard in Washington. The drydock at Long Beach provides needed backup as the only other drydock on the west coast that is capable of docking a carrier. After the closure of Hunter's Point, no other public or private drydock on the west coast can accommodate a carrier. On the east coast the two needed carrier drydocks are available at Norfolk Naval Shipyard and Newport News, a private facility.

The retention of Long Beach over Philadelphia was based on the need for a second carrier drydock on the west coast and Long Beach's added flexibility to potentially perform nuclear ship work.

Philadelphia Naval Shipyard is proposed for preservation for potential use for emergent requirements. Several facilities are considered unique assets and will remain in active status: propeller shops and foundry, Naval Inactive Ships Maintenance Facility, and Naval Ship System Engineering Station.

Philadelphia Naval Station is in a category with very significant excess capacity. Some of its mission is eliminated due to the proposed closure of the shipyard. It is also one of the lower rated naval stations because of facility deficiencies and high area costs. The few ships homeported in Philadelphia currently use piers at the shipyard and can be easily relocated to other Atlantic ports. NAVDAMCONTRACEN, the major tenant will relocate to new facilities constructed at Great Lakes.

DISCUSSION:

Information provided to the Commission that is critical of the proposed closure stress the following issues:

- o Closing would require significant construction and training of workers at other shipyards. The significant excess capacity in the public shipyards eliminates the need for any new construction. The amount of work previously planned for Philadelphia and moved to other yards would not create a worker need that exceeded previous levels of employment. The COBRA analysis has a 2 year return on investment and 4 years to break even.

- o Philadelphia has unique experience in doing CV-SLEP. The reduction in carriers has eliminated the need to continue this program.

- o Philadelphia has some unique facilities. These facilities are proposed for retention in active status and the other facility assets will be preserved.

- o Philadelphia is the most efficient and productive in the Navy. The measures noted to back up this comment: operating results, man-day rates, and productive ratio are a reflection of many issues and do not provide a means of accurately comparing shipyards. A key factor not discussed is the negative cost implication of operating extra shipyards which reduces the efficiency of all the facilities due the retention of excess capacity.

- o Since the majority of the fleet is non-nuclear there is no need to retain only nuclear shipyards. During the 1990s there is no excess capacity in the nuclear-capable shipyard capacity. After 2000 there will be even greater excess capacity in the shipyard category, including nuclear facilities. Keeping Philadelphia open until after 2000 means retaining unneeded capacity for many years with the expectation that it may be needed. The workload projections for the period after 2000 show a need for additional shipyard closures, including possibly nuclear shipyards after the planned work in the 1990s is completed.

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SMART PAPER: PHILADELPHIA NAVAL SHIPYARD AND NAVAL STATION

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- o Philadelphia is the most efficient and productive in the Navy. The measures noted to back up this comment: operating results, man-day rates, and productive ratio are a reflection of many issues and do not provide a means of accurately comparing shipyards. A key factor not discussed is the negative cost implication of operating extra shipyards which reduces the efficiency of all the facilities due the retention of excess capacity.

- o Since the majority of the fleet is non-nuclear there is no need to retain only nuclear shipyards. During the 1990s there is no excess capacity in the nuclear-capable shipyard capacity. After 2000 there will be even greater excess capacity in the shipyard category, including nuclear facilities. Keeping Philadelphia open until after 2000 means retaining unneeded capacity for many years with the expectation that it may be needed. The workload projections for the period after 2000 show a need for additional shipyard closures, including possibly nuclear shipyards after the planned work in the 1990s is completed.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL AIR DEVELOPMENT CENTER, WARMINSTER; PA

RECOMMENDATION

- o Realign in conjunction with Navy's RDTE, ENgineering and Fleet Support Consolidation Plan.
- o Bulk of functions transfer to Patuxent River, Maryland.
- o Airfield closes.
- o Unique navigation facility transfer to Naval Command, Control and Ocean Surveillance Center.

*Limited
academic
coop opportunities
Physical plant is
small migrate
to R + D center*

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.
- o NADC has no facilities that cannot be duplicated elsewhere.
- o Other activities are uniquely tied to their location.
- o Constrained airspace over densely populated area.
- o Unsuitable location for testing high performance aircraft.
- o Limited land for expansion. Unable to accomodate consolidation.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Military family housing will be retained.
- o On EPA National Priorities List.
- o 839 acres - 8,000' runway to close.

MAJOR COMMUNITY CONCERNS

- o 2,250 positions will be transferred or eliminated.

REPRESENTATION

Senator Arlen Specter

Representative Peter H. Kostmayer (8)

(Senator) Harris Wofford

Governor Robert Casey

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: NAVAL AIR DEVELOPMENT CENTER WARMINSTER, PA

DOD recommendation

The Navy has proposed a major realignment for NADC with the majority of its functions transferring to the Naval Air Test Center, Patuxent River, MD. Activities remaining at NADC will be the man-rated centrifuge and navigational facility. A total of 92 military and 263 civilian positions would be eliminated and 143 military and 1656 civilian positions transferred.

Justification

- Part of a DOD Defense Management Review initiative to consolidate RDT&E facilities. Review indicated that significant benefits to the Navy would result through centralized management of Navy RDT&E effort in aircraft and aircraft systems.
- The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by 1995. That includes personnel at installations such as these RDT&E facilities.
- As part of consolidation, functions from the Naval Air Engineering Center, Lakehurst, NJ; Naval Air Propulsion Center, Trenton, NJ, and Naval Avionics Center, Indianapolis, will also be transferred to NATC, Pax River.
- Pax River was selected as headquarters because of the land available, its essentially unconstrained aircraft operations and its access to two important test ranges. It also hosts the Navy's Test Pilot School.
- Estimated one-time costs of \$184.2M to implement with a payback period of 14 years. Annual savings of \$25.2M are projected.

Discussion

This is, by far, the most significant realignment from a personnel and cost standpoint in the Navy's RDT&E facility consolidation plan. Arguments raised against the plan include:

- Many of the key scientists and engineers will not transfer to Pax River and their valuable talent will be lost by the government. For example, when the Frankford Arsenal in Philadelphia was closed and relocated to the Picatinny Arsenal about 90 miles away, 93% of the scientific and engineering personnel chose not to relocate. The Navy acknowledges that loss of such expertise could be a problem; however, it estimates that with proper motivation, using an incentives package which is being developed, up to 80% of the NADC technical personnel will relocate. Navy officials also maintain that unemployment is high in the Philadelphia area and thus personnel will be more willing to relocate than normal.

--The evaluation criteria put too much weight on the availability of land for expansion. The availability of qualified scientists and engineers is far more important when evaluating RDT&E facilities, yet the first 3 military value criteria do not considered this. The Base Closure and Realignment Commission staff was told by Navy officials on 5/22/91, that the evaluation criteria were applied after the fact. The consolidation plan was developed by the RDT&E Consolidation Working Group and then they assigned their green-yellow-red evaluations to the RDT&E facilities. The evaluations were essentially done so that the RDT&E category would, like the other facility categories (Naval Stations, Naval Air Stations, etc) have red-yellow-green ratings. Thus it is immaterial that the evaluation criteria put a lot of weight on the capability of an installation to expand.

--An option which could have saved money and provided expansion space at NADC would be to close the NADC airfield and conduct flight operations from nearby Naval Air Station Willow Grove. This would provide over 752 acres for expansion at NADC. The Navy maintains that this alternative was not given detailed consideration because NAS Willow Grove experiences the same operations handicaps as NADC. According to the Navy, neither location is suitable for the test and evaluation of aircraft due to nearby residential development, Philadelphia Air Traffic Control requirements and lack of restricted airspace. Pax River has dedicated and restricted airspace for aviation testing operations and provides intermediate as well as organizational level aircraft maintenance.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

LETTERKENNY ARMY DEPOT, PENNSYLVANIA

RECOMMENDATION

- o Realign Depot Systems Command to Rock Island Arsenal
- o Realign artillery and tactical vehicle rebuild to Red River Army Depot and Tooele Army Depot
- o Realign Material Readiness Support Activity and Logistics Control Activity to Redstone Arsenal (Change to BRAC I)
- o Realign defense-wide tactical missile maintenance to LetterKenny Army Depot

JUSTIFICATION

- o Defense Depot Maintenance Council developed Joint Service Business Plan
 - Consolidate functions
 - Optimize existing maintenance capacity
- o Military utility ranking 5 of 10
- o Cost to implement \$36M
- o Payback period 5 years
- o Minimal job loss - .6 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Within developed area
- o Facilities adequate

MAJOR COMMUNITY CONCERNS

- o
- o

REPRESENTATION

Senator Arlen Specter

Representative E. G. "Bud" Shuster (9)

(Senator) Harris Wofford

Governor Robert Casey

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Migration Diagram
5. Base Fact Sheet
6. Map
7. Statistical Data
8. State Sheet

As of May 23, 1991

SMART PAPER

SUBJECT: Letterkenny Army Depot (Rock Island) Realignment

PURPOSE: Provide information regarding potential questions about the realignment actions at **Letterkenny Army Depot** (Rock Island) Arsenal.

DISCUSSION: Rock Island Arsenal is impacted by two Army proposed realignments. First, the Army will relocate 1511 personnel from Rock Island to Redstone Arsenal. This realignment will allow consolidation of inventory control points in compliance with a DOD management review. This action eliminates 972 personnel at approximately \$77M, including \$38M in construction. Second, the Army will relocate 812 personnel to Rock Island from **Letterkenny Army Depot**. This realignment will allow the consolidation of two components of the Army Material Command into one component (Industrial Operations Command). This action eliminates 748 personnel. The Army's cost for the realignment is approximately \$36M, including \$9M in construction.

The potential questions are:

- Q1. The Army could not execute its larger plan ("Vision 2000"); doesn't this negate the rationale for the separate parts?
- A. No, the separate portions of the plan are rationalized on operational efficiencies and cost payback.
- Q2. The cost for the realignments is prohibitive (over \$100M). Is this true?
- A. The cost of the moves is \$77M and \$36M respectively. However, this is not prohibitive since the payback period is 6 years.
- Q3. The realignment will eliminate the opportunity for design/engineer synergy which now exists at Rock Island. Is this true?
- A. There will be a slight degradation of design/engineer and production/engineer synergy. However, this can be overcome by careful planning and scheduling. And benefits outweigh distraction.

- Q4. There is ample space at Rock Island to consolidate the Industrial Operations command and Missile Command. Why not consolidate at Rock Island?
- A. First, there would be large construction requirements since Missile Commands space requirement (764KSF) exceeds what would be available (130KSF). Additionally, there is no space for the Research Facilities (289KSF) or the ranges from Redstone. Second, the Army's cost analysis indicates there is larger savings with the proposed realignment.
- Q5. Does Rock Island have a better labor market?
- A. Both locations have a dedicated workforce. However, the Huntsville area did indicate a larger work force--this was not a pivotal factor.
- Q6. The GAO Report indicated the Systems Information Management Activity-East at **Letterkenny Army Depot** did not make sense to relocate to Rock Island. Is this true?
- A. That is incorrect. The GAO stated that they did not have time to evaluate that realignment. That move is being reviewed by the commission.
- Q7. The **Letterkenny Army Depot** job loss reported in the OSD announcement was understated. Is this true?
- A. We have reviewed the Defense Department's proposal and there is a net reduction of 1558 jobs. We are not sure of the source of the referenced figures.
- Q8. Why is the Army realigning all of the spaces at Rock Island and **Letterkenny Army Depot**?
- A. The Army has been forced by budgetary constraints to reduce its personnel coincidental with the threat reductions. Simultaneously, the Defense Department has directed reorganize efficiencies/reductions which can only be accomplished by realignments and consolidations.

Q9. Is the Army "double-dipping" the savings for realignment by counting previously announced Reductions-In-Force (RIF'S)?

A. Essentially, that is correct. The Army's Baseline for Realignments in the Industrial installations was the personnel strengths prior to being directed to economize by reorganization. The RIF's are included in the realignments, since those reductions necessitated the realignments.

- Land value sum 60 mil
18 mil value sum 60 mil

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

FORT DIX, NEW JERSEY

*CONRA Model
says expense*

RECOMMENDATION

- o Close base
- o Retain the facilities to support Reserve Component (RC) training
- o Relocate active organizations without direct RC support missions except those which cannot be accomodated
- o Excess facilities to be sold

*- Temp for four days
have built new buildings
at schools. Schools will go bankrupt.*

JUSTIFICATION

- o Closure driven by desire to reduce overall manpower and costs
- o Facilities and training areas can be used to support RC units in Mid Atlantic states
- o Movement of active tenants will provide substantive reductions to cost
- o Immediate return on investment

FACILITY/AREA FOR SPECIAL EMPHASIS

- o RC training areas
- o RC support requirements

MAJOR COMMUNITY CONCERNS

- o
- o

REPRESENTATION

Senator Willam Bradley

Representative Chris Smith
Representative James Saxton

Senator Frank Lautenberg

Governor James Florio

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Installation Assessment
5. Base Fact Sheet
6. Map
7. Statistical Data

As of May 23, 1991

SMART PAPER: FORT DIX

1. WHY CLOSE FT. DIX?

While Ft. Dix was ranked number 2 in the major training area category, it was slated for closure to better align it with other installations whose primary mission is to support the reserve component. Other installations whose rankings fell below Ft. Dix have already been aligned to support the RC.

2. IS FT. DIX SUITABLE TO RECEIVE OTHER MISSIONS?

Inquiries have been made concerning the feasibility of establishing an OSD Environmental Command and/or Army Reserve Command. Ft. Dix is capable of receiving other missions but so are other installations which have excess capacity. The Army's position is that there is no site specificity requirement associated with Ft. Dix. Furthermore, the potential to reduce Base operating costs is reduced if additional missions are added.

3. DOES COST SAVINGS ERROR AND THE "SUSPECT" LAND VALUE ESTIMATES AFFECT THE RECOMMENDATION?

The \$8 million cost error was caused by the model assuming that more people were leaving Ft. Dix than will be. This error, and any reduction in land sales will increase the payback period, but the initiative will still pay off. The major savings are generated by essentially eliminating the active presence at Ft. Dix to drive down base operating costs.

SMART PAPER

SUBJECT: Fort Dix, New Jersey

PURPOSE: Provide information regarding potential questions about the closure of Fort Dix.

DISCUSSION: The proposed closure of Fort Dix will eliminate 309 military positions and 500 civilian positions. These eliminations may be offset, however, dependent on the retention of facilities and functions by the Reserve Component. It is unknown what this offset will be.

POTENTIAL QUESTIONS: The primary interest of the local community and by Congressional delegates is the future use of Fort Dix. Proposed uses, as outlined by Congressman Saxton in a letter to the Commission, are outlined below:

1. HOME OF NEW U.S. ARMY RESERVE COMMAND:

- * USARCOM is a subordinate command of Forces Command (FORCOM)
- * FORSCOM has determined that USARCOM should be in Atlanta, GA
 - ** USARCOM (PROV) is currently in leased facilities in Atlanta, GA
 - ** USAR, under regulations, can not own real property; National Guard can
- * Nothing in the current Army proposal would prevent USARCOM HQ from being at Fort Dix

2. RESERVE CENTER OF EXCELLENCE:

- * Current Army proposal would allow this to be formed without any action on the part of the Commission (essential facilities and ranges will be retained and AC units not directly involved with RC training will be relocated).
- * Should the RC want a "center of excellence", they are free to develop one.

3. AR 5-9 MISSIONS:

- * The issue of who gets what missions is not site specific
- * The Army is in the process of addressing the entire issue of AR 5-9 missions. Fort Dix is not the only installation affected by AR 5-9 nor is it the only closure/realignment that will need to be addressed.

4. OTHER DOD ACTIVITIES TO FORT DIX:

- * It is within the purview of the Commission to direct that DOD assign organizations to Fort Dix.
- * In the "review" by DOD, it elected not to use the facilities at Fort Dix for other agencies.
- * Should Fort Dix be used by DOD for other activities, the base operations account for Fort Dix (and the Army as a whole) would need to be increased.
- * If the Army recommendation is allowed to stand, this decision can be re-looked in BRAC 93 and, if necessary, reversed.

5. KUWAITI TRAINING:

- * It is not known if this request has been formally made to DOD.
- * There is military value in training foreign military in the US
 - ** US does not have to send troops abroad.
 - ** Training is reimbursable by the foreign governments.
- * There is nothing unique about using Fort Dix for training foreign military. If excess capacity exists at other installations, training could be accomplished elsewhere.

6. STATE USE OF FORT DIX:

- * There is nothing in the Army proposal to preclude the state from "laying claim" to the needed facilities.

A secondary use of Fort Dix has been outlined in local papers. This is the proposed use of Fort Dix as the home of the Newly created National Armed Services Environmental Center.

- * The concept is the "brain child" of Rep. Murtha
- * Language in the Defense Appropriation Act established the concept.
- * DOD has made the Army the executive agent for the concept.
- * Final site selection is expected in late June 1991; finalists for the site include Huntsville, AL; Fort Lee, VA; and Wright-Patterson AFB, OH.
- * Should Fort Dix be a viable location for the National Environmental Center, there is nothing in the Army's proposal for Fort Dix that would prohibit its use for the Center.

18 MAY 1991

H. JAMES SAXTON
13TH DISTRICT, NEW JERSEY

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BANKING, FINANCE AND
URBAN AFFAIRS

SUBCOMMITTEES:
FINANCIAL INSTITUTIONS
SUPERVISION, REGULATION AND
INSURANCE

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000558

Congress of the United States

House of Representatives

Washington, DC 20515

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TERM CARE

TASK FORCE ON SOCIAL
SECURITY AND WOMEN

May 9, 1991

The Honorable Jim Courter, Chairman
Defense Base Closure and Realignment Commission
1625 K Street, N.W.
Suite 400
Washington, D. C. 20006

Subject: Fort Dix

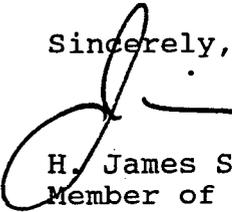
Dear ~~Chairman Courter~~:

With the tremendous responsibility facing your commission in the next six weeks and your requirement to formulate some initial ideas as to the disposition of certain installations, the attached memorandum is forwarded for your early perusal. A more detailed rationale and documentation is being prepared for presentation at your May 22, 1991 BRAC 91 hearings with Congressional leaders.

It is emphasized that this paper is presented as advance information to assist in your initial deliberations. If additional fleshing-out of these ideas is needed prior to your late May hearings, please contact me.

I am convinced, more than ever, that Fort Dix should remain open and be an example of prudent defense spending.

Sincerely,


H. James Saxton
Member of Congress

HJS/mac

REPLY TO:

324 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-4765

115 HIGH STREET
MT. HOLLY, NJ 08060
(609) 281-5800

23 CRESTWOOD VILLAGE
SHOPPING CENTER
WHITING, NJ 08759
(201) 350-3535

1 MAINE AVENUE
CHERRY HILL, NJ 08002
(609) 428-0520

MEMORANDUM

TO: Honorable James Courter, Chairman
Defense Base Closure and Realignment Commission

SUBJECT: Fort Dix Base Closure

On April 12, 1991 Defense Secretary Dick Cheney forwarded a recommended list of base closures, reductions and realignments to your Commission. Included therein were the following recommendations for Fort Dix: Close Fort Dix, retaining only facilities to support Reserve Component (RC) training requirements. This recommendation, which is a change to the recommendation of BRAC 1, relocates active organizations without a direct RC support mission except those which cannot be accommodated elsewhere. Essential facilities and training areas will be retained; excess facilities and land will be sold.

Other than taking exception with the wording to "Close Fort Dix," we envision a plan closely paralleling the DOD recommendation that will utilize to the fullest the outstanding training facilities, structures and ranges at Fort Dix, while continuing some vital area coverage functions. The salient features of our approach follow:

1. Form the newly created U. S. Army Reserve Command at Fort Dix versus Atlanta, Georgia. Approximately 180 personnel are working now in temporary facilities at Fort McPherson, and the remainder of the projected 729 personnel will be assigned when leased facilities are obtained. New construction may be required in the future. With the current availability of excellent structures at Fort Dix, this new command could be accommodated immediately without any leased or new construction. This would site the command in the Northeast, where excellent transportation networks exist, where most of the USAR elements would depart for their primary across the Atlantic contingencies, and where a great majority of the USAR units are now located.

2. Create a Reserve Component Center of Training Excellence at Fort Dix. The Training Center would include the following activities (many exist there now): Regional Combat Support/Combat Service Support Site, Individual Skills Site, Unit Combat Training Site (Squad/Platoon/Company), Battle Staff Training (mainly simulation exercises), Regional Mobilization Army Training Center Site, Regional RC School Site, Regional RC Logistical Support Site,

Regional Mobilization Site. With the NG Hi-Tech Center, computerized marksmanship ranges, well-maintained training areas, outstanding permanent structures, and current regional configuration of Reserve intelligence and maintenance facilities, this would be an effective and efficient use of the installation. Fort Dix is almost at this juncture at present.

3. The Army has assigned to Fort Dix the mission to perform many AR 5.9 missions or area coverage responsibilities. Examples are: maintenance of USAR centers and NG armories; food support to USAR/NG units; training aids, ammunition and contracting support; household goods shipment; and casualty assistance. These are but a few area support functions that may depart, but without any consideration as to where they will be relocated or why. These should remain at Fort Dix, since it is centrally located to perform these required functions.

4. Relocate to Fort Dix those DOD activities that are presently located in expensive leased facilities and dilapidated structures within easy driving distance to the Fort. Some have already requested to relocate to Fort Dix, but their requests have been denied by DA. State NG activities are included in this category. Fort Dix is vital to the unique needs of the Total Force.

5. The Kuwaiti Ambassador has informally inquired of me as to the possibility of training 5,000-10,000 Kuwaiti basic trainees per year in the United States. Fort Dix is ideally situated and experienced to perform this mission without having to build expensive facilities elsewhere - especially Fort Jackson, considering all the Army plans to relocate there under BRAC 91 recommendations.

6. Relocate some New Jersey state agencies to Fort Dix. Preliminary inquiry and planning has been accomplished in this regard. As an example, the New Jersey State Police have already requested specific structures.

Additional information that will be highlighted to your Commission:

1. The GAO in reviewing the BRAC 1 report concluded that the Commission's rankings of the Army Basic and Advanced Individual Training Bases were incorrect due to inaccurate data being used. Of eight installations considered, the Commission ranked Fort Dix seventh, but GAO ranked Fort Dix second.

2. Fort Dix was ranked as the second best training facility in its category by the Army in its BRAC 91 submission to DOD.

3. A report issued by the U. S. Army Forces Command ranked Fort Dix as the top non-divisional mobilization station during Operation Desert Shield and Desert Storm.

4. Fort Dix was recognized by the U. S. Army Training and Doctrine Command earlier this year as its "Most Improved Base" in the Continental United States.

5. Operations Desert Shield/Storm illustrated Fort Dix's role as a mobilization center for units and individual soldiers deploying to areas in support of the national interest. The high density of Reserve Component units in the proximity of Fort Dix, coupled with the installation's location next to McGuire Air Force Base, and near the ports of Bayonne, Newark, Philadelphia, Wilmington and Baltimore, demonstrate its mobilization efficacy. Unfortunately, the DOD BRAC 91 submission is devoid of the Total Force mobilization needs.

6. Fort Dix's survivability depends on an accurate laydown of the Reserve Component's future plans, but they are not addressed in the DOD BRAC 91 submission.

If the above initiatives are realized and the above-listed information considered, then Fort Dix will not be closed, but will remain a valuable and efficient asset to DOD and the U. S. Army. We feel very confident that the projected \$83 million to be realized on land sales or the DOD projected \$34 million annual savings will not be attained. (Note: the Army projects \$27 million annual savings.) A top six national accounting firm, Coopers and Lybrand, has been hired to thoroughly review the DOD data presented to your Commission.

/efc

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To JACKIE BOSSART	From R. SHINN	
Co.	Co.	
Dept.	Phone # 609 393 3211	
Fax #	Fax #	

Lawmakers tout Fort Dix as environmental center

By PATRICIA PARENTE
Staff Writer

5-1-91

TRENTON TIMES

MOUNT HOLLY — Legislators in the 8th District yesterday touted Fort Dix as the ideal location for a national environmental center to train military personnel for waste cleanup activities.

Assemblymen Robert C. Shinn Jr., R-Hainesport, and Harold L. Colburn, R-Moorestown, and Sen. C. William Haines, R-Mount Laurel, are calling for the U.S. Department of Defense to establish the National Armed Services Environmental Research and Education Center at the post to help offset the economic impact of the scheduled closure of the base.

The defense department has scheduled a meeting in June to coordinate site selection, Shinn said.

"This would be an ideal location to house that facility," he said at a press conference in Mount Holly yesterday morning.

With 21 potential hazardous waste sites and a designated Superfund site, Shinn said Fort Dix is "virtually an environmental laboratory unto itself" and meets all the criteria for the location of the training center.

He said that if the facility were located at the post, the action could lead to environmental studies necessary to clean up toxic sites on the base.

Last month, Defense Secretary Dick Cheney called for an end to active Army operations at Fort Dix. The Presidential Commission on Base Closure will review the recommendation and make its own report to President Bush by July 1.

In the meantime, Rep. Jim Saxton, R-Mount Holly, has

assembled a team of local leaders to help promote Fort Dix as a Reserve and National Guard training center for the Northeast.

IN MAKING THE pitch for the environmental center yesterday, Shinn said the two missions would complement one another.

"I think they could work together exceptionally well," the assemblyman said. "It would give us another facility there and another group of people that would supplement the economy and take up some of the facilities on the base."

Shinn said it appears three sites are already pushing for separate environmental training centers: Fort Lee, Va., an Army military command at Huntsville, Ala., and Wright-Patterson Air Force Base in Dayton, Ohio. And he said those sites are now under consideration by the defense department.

But he said the local legislators are promoting Fort Dix as the ideal site for a "joint" training center for all branches of the service.

"This is going to be another issue where there's competition for it," Shinn said. "But when you look at Fort Dix and its setting compared to these other facilities, I think we come out very high criteria-wise."

The assemblyman, who is also Burlington County's consultant on waste disposal, admitted the local legislators are promoting Fort Dix for the site at the 11th hour, but he said given the recent developments concerning the post, it is "certainly not too late to reassess."

A letter has been sent to Cheney requesting that Fort Dix be considered, Shinn said.

Environmental use proposed for Fort Dix

By SHARON WILMORE 5/1/91
Courier-Post Staff

MOUNT HOLLY — Burlington County officials are still scrambling to find a new mission for Fort Dix, which has been recommended for closing.

Assemblyman Robert Shinn, R-Burlington, said at a press conference yesterday that the post will be the ideal place for the National Armed Services Environmental Research and Educational Center. Shinn, Sen. William Haines, R-Burlington, and Assemblyman Harold L. Colburn, R-Burlington, have sent a letter to Defense Secretary Dick Cheney requesting that the post be considered for the site.

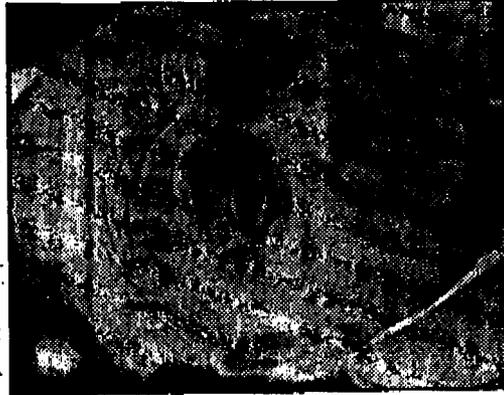
The Presidential Commission on Base Closure has recommended that the base be closed. A consultant's report of the closing shows it will have a severe

impact on the county's economy. According to Shinn, the Department of Defense is looking for a military base that can train military personnel for hazardous waste cleanup. Each branch of the military has indicated, however, that it wants its own center. He said the county is proposing a single center.

Shinn said Fort Dix is ideal for the center because the post has 21 potential hazardous waste sites, a designated superfund site and a solid waste incinerator. He also said another reason it is ideal is that the base is in the Pinelands Preservation area.

The deadline for army bases submitting applications for the center was March 15, said Shinn, who admitted being "behind the eight-ball" in trying to attract the center to the post.

Yesterday was the second time



ROBERT SHINN

... it would be a natural

in the two weeks since the closing recommendation was announced that county officials have revealed plans to try to attract

another mission to the base. Last week Rep. H. James Saxton, R-N.J., announced that a committee has been established to convince the Department of Defense that Fort Dix would be suitable as a national training center for the National Guard and reserves. That committee plans to spend about \$75,000 on those efforts, said Saxton.

Shinn said the environmental training center would complement a reserve training mission. "They would work together exceptionally well. It would be a natural."

A decision on where to house the environmental training center is expected in June. Shinn said sites currently under consideration are Fort Lee, Va.; Huntsville, Ala.; and Wright-Patterson Air Force Base in Dayton, Ohio.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

LAB 21 STUDY

INCLUDES: Combat Material Research Laboratory (CMRL), Adelphi; Army Material Technology Laboratory (AMTL), Watertown; Aberdeen Proving Ground (APG); NASA-Langley Research Center, Hampton; Fort Belvoir; Detroit Arsenal; Picatinny Arsenal; Fort Monmouth; White Sands Missile Range, NM; NASA-Lewis Research Center, Cleveland; Harry Diamond Laboratories, Adelphi; and Redstone Arsenal (MRDEC), AL.

RECOMMENDATION

- o Establish Combat Material Research Laboratory
 - Realign Electronic Technology Device Laboratory from Fort Monmouth
 - Realign Battlefield Environmental Effects from White Sands Missile Range
 - Realign Energy & Sensors Research from Fort Belvoir
 - Realign Harry Diamond (Woodbridge) from Harry Diamond (Woodbridge)
- o Realign Fuse Development and Production (Missile) to Redstone Arsenal

JUSTIFICATION

- o Consolidates numerous similar research functions at one location
- o Documented in Defense Management Review (922) and Army Lab 21 Study
- o Military Utility ranking 12 of 15
- o Cost implementation \$245M (includes Aberdeen)
- o Payback period 8 years
- o Minimal Job Increase .1 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Within urban area
- o Facilities adequate

MAJOR COMMUNITY CONCERNS

- o
- o

Attachments

1. OSD Base Summary
2. Migration Diagram (APG)
3. Migration Diagram (Adelphi)

As of May 16, 1991

SMART PAPER

SUBJECT: Fort Monmouth Realignment

PURPOSE: Provide information regarding potential questions about the realignment actions at Fort Monmouth.

DISCUSSION: Fort Monmouth is impacted by two Army proposed realignments. First, the Army is realigning the Electronics Technology and Devices Lab to Harry Diamond Lab. Second, the Army has decided not to execute the BRAC I (PL 100-526) decision to realign/consolidate all Information System Command (ISC) elements at Fort Devens, to include ISC elements from Fort Monmouth. The result is a net increase of 181 jobs.

The potential questions are:

1. Q. The Army could not execute its larger plan "Vision 2000; doesn't this negate the rationale for the separate parts?
A. No, the separate portions of the plan are rationalized on operational efficiencies and cost payback.
2. Q. Why is the Army realigning all of the spaces at Fort Monmouth?
A. The Army has been forced by budgetary constraints to reduce its personnel coincidental with the threat reductions. Simultaneously, the Defense Department has directed reorganizational efficiencies/reductions which can only be accomplished by realignments and consolidations.
3. Q. The Army is "double-dipping" the savings for realignment by counting previously announced Reductions-In-Force (RIF'S).
A. Essentially, that is correct. The Army's Baseline for Realignments in the Industrial installations was the personnel strengths prior to being directed to economize by reorganization. The RIF's are included in the realignments, since those reductions necessitated the realignments.
4. Q. Why is the Army realigning its Laboratory structure prior to completion of the Laboratory Advisory Commissions Report.
A. The Army based its proposals on the Defense Department Management Reviews. The Army proposals are deemed the most cost effective means of executing the results of those reviews. The Army feels the Laboratory Study will coincide with their recommendations. The Commission is validating the Army's proposals and the rationale of the Defense Department review.
5. Q. There was consideration to close Fort Monmouth entirely, what is the status of the future of Fort Monmouth.
A. Given the proposed Army organizational structure and

requirements, the realignment and closure of Fort Monmouth is not cost effective at this time.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL AIR PROPULSION CENTER, TRENTON; NJ

RECOMMENDATION

- o Realign in conjunction with Navy's RDT & E, Engineering and Fleet Support Consolidation Plan.
- o Engineering Personnel transfer to Patuxent River, Maryland.
- o Unique engine test cells will be maintained and operated.

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.
- o Other activities are uniquely tied to their location.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o 360 positions will be transferred or eliminated

REPRESENTATION

Senator Bill Bradley Representative Christopher H. Smith (4)

Senator Frank R. Lautenberg Governor James J. Florio

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: NAVAL AIR PROPULSION CENTER, TRENTON, NJ

DOD Recommendation

NAPC provides test and evaluation and engineering services for air-breathing propulsion systems, power drive systems, fuels and lubricants. The Navy has proposed a realignment of functions currently performed at NAPC. A total of 103 civilian positions would be eliminated and 157 would be transferred to the Naval Air Test Center Patuxent River, Md, the new Naval Air Warfare Center under the Navy RDT&E facility consolidation.

Justification

- Part of a DOD Defense Management Review initiative to consolidate RDT&E facilities. Review indicated that significant benefits to the Navy would result through centralized management of Navy RDT&E efforts in aircraft and aircraft systems.
- The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by 1995. That includes personnel at installations such as these RDT&E facilities.
- As part of consolidation, functions from NAPC; Naval Air Engineering Center, Lakehurst, NJ; and Naval Avionics Center, Indianapolis, will be transferred to the Naval Air Test Center, Patuxent River, MD.
- Pax River was selected as headquarters because of the land available, its essentially unconstrained aircraft operations, and its access to two important test ranges. It also hosts the Navy's Test Pilot School.
- Estimated one-time costs of \$4.3M, with a payback period of 0 years, and annual savings of \$4.6M.

Discussion

The Commission received a letter from Congressman Chris Smith asking the Commission to defer any realignment of DOD laboratories until the Congressionally-mandated Commission on Consolidation and Conversion of Defense Research and Development Laboratories has thoroughly reviewed the recommendations.

According to a 1/91 joint DOD memo signed by Charles Hertzfeld, Director Defense Research and Engineering, and Colin McMillan, Assistant Secretary of Defense (Production and Logistics), this consolidation commission is only conducting a study to determine the feasibility and means to improve the operation of DOD laboratories. It will not be recommending a candidate list of labs for consolidation or closure. Thus, according to the memo, this DOD Defense Management Review effort to consolidate RDT&E installations should continue.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL SURFACE WEAPONS CENTER DETACHMENT, WHITE OAK; MD

RECOMMENDATION

- o Realign in conjunction with Navy's RDTE, Engineering and Fleet Support Consolidation Plan.
- o Bulk of functions transfer to Dahlgren, VA.

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o 1,255 positions will be transferred or eliminated.
- o

REPRESENTATION

Senator Paul J. Sarbanes Representative Connie A. Morella (8)
Senator Barbara A. Mikulski Governor William Donald Schafer

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: NAVAL SURFACE WEAPONS CENTER DETACHMENT WHITE OAK, MD

DOD Recommendation

NSWCDET is an RDT&E facility recommended for realignment. It will continue to be a Detachment of the Naval Surface Warfare Center, Dahlgren, VA. However, about 49% of existing personnel positions and operations will be moved to Dahlgren, including the following functions: Surface Warfare Analysis and Combat System Analysis and Engineering; advanced weapons concept development; and weapons and component work such as projectile fuses, decoys, and guidance and control systems. A total of 1,255 positions at White Oak will be either transferred or eliminated.

Personnel retained at White Oak will include those who perform advanced research and development in the areas of explosives, explosive devices, underwater warheads and propulsion, sensors, directed energy efforts, radiation, dosimetry, weapon and space material technology, magnetic silencing and mine sensor technology, as well as aerodynamic studies using unique wind tunnel facilities.

Justification

- The Navy is consolidating its RDT&E facilities as part of a Defense Management Review initiative to realize economies and efficiencies. This is critical with DOD facing declining budgets.
- The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by the end of FY95. That includes facilities such as these and consolidation will enable the Navy to make such cutbacks.
- Consolidation is intended to assure that "critical mass" in each unique technology and critical capability is retained and enabled for the future in the face of mandatory overall workforce reductions.
- Dahlgren was apparently picked as the center for the Combat and Weapon Systems R&D Directorate because of its size. The property consists of over 4,000 acres of Navy-owned land with the facility already supporting 14 tenants. White Oak has approximately 733 acres and NCSC Panama City, the other facility involved in this consolidation, 648 acres.
- One-time costs of implementing this recommendation are estimated to be \$89M, with a payback period of 17 years. Annual savings are estimated to be \$11.2M.

Discussion

Five Maryland congressmen and women wrote to the Commission in late April 1991, under Sen. Sarbanes letterhead, raising concern about the Navy's RDT&E consolidation which is affecting three Maryland facilities, including Naval Surface Warfare Center, White Oak.

They believe that the unique buildings and equipment of these research facilities and the enormous cost of replacing or moving the facilities merits careful review. They also pointed to the Congressionally-established Advisory Commission on Consolidation and Conversion of Defense Research and Development Labs and believe that the Navy's consolidation plan should be part of that process, not the Base Closure and Realignment process.

According to a 1/91 joint DOD memo signed by Charles Hertzfeld, Director Defense Research and Engineering, and Colin McMillian, Assistant Secretary of Defense (Production and Logistics), this consolidation commission is only conducting a study to determine the feasibility and means to improve the operation of DOD laboratories. It will not be recommending a candidate list of labs for consolidation or closure. Thus, according to the memo, this DOD RDT&E laboratory consolidation effort should continue.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL ELECTRONICS SYSTEMS ENGINEERING ACTIVITY, ST. INIGOES, MD

RECOMMENDATION

- o Close activity by mid FY 95
- o Transfer functions to the East Coast In-Service Engineering Directorate, Portsmouth, VA.
- o Transfer property to the Naval Air Warfare Center.
- o Transfer 331 billets to Portsmouth, VA.

JUSTIFICATION

- o Part of Navy initiative to consolidate RDT&E activities to achieve economies and efficiencies.
- o St. Inigoes facility lacks sufficient space to expand for consolidation.
- o St. Inigoes facility will be used as the facility for a consolidation of the Naval Air Warfare Center.
- o Annual savings of \$2.4 million, return on investment period 6 years.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o
- o

REPRESENTATION

Senator Barbara A. Mikulsi

Representative Wayne T. Gilchrest

Senator Paul J. Sarbanes

Governor William Donald Schaefer

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

**SMART PAPER: NAVAL ELECTRONIC SYSTEMS ENGINEERING ACTIVITY,
ST. INIGOES, MD**

DOD Recommendation

As part of a consolidation of its RDT&E installations, NESEA will be closed and its functions transferred to the Naval Command, Control, and Ocean Surveillance Warfare Center's east coast consolidation site in Portsmouth, VA. However, personnel from the Naval Air Development Center, Warminster, PA, will be moving to the St. Inigoes facility, near Patuxent River, as part of the consolidation Naval Air Warfare installations. As a community, St. Inigoes will realize a net gain in population.

Justification

- The Navy is consolidating its RDT&E facilities as part of Defense Management Review initiative to realize economies and efficiencies. This is important as R&D budgets will be declining.
- The Congress had mandated that DOD reduce its civilian acquisition workforce by 20 percent by the end of FY-95. That includes facilities such as these and consolidation will enable the Navy to make such cutbacks.
- NESEA was considered as an alternate site to Portsmouth for consolidation; however, the air warfare RDT&E function, evaluated separately within the RDT&E category, was moving to the Naval Air Training Center (NATC) located at Patuxent River in close proximity to St. Inigoes. It had additional space and airfield requirements. The NATC installation was chosen under the consolidation plan as the site for meeting that requirement and thus the proposal is to move NATC functions to Portsmouth and use the facility for Pax River support.
- The one-time cost for implementing this recommendation is estimated to be \$14M with a payback period of 8 years and annual savings of \$3.2M.

Discussion

The Base Closure Commission staff was informed by Navy officials that the group of people recommended for transfer to Portsmouth, VA has been fighting this move very vocally, including through their Congressmen. They argue that they are the most efficient operating facility around and that, by moving them, the type of research and development work performed will never recover. The Navy officials agree that there will be some disruption in research and development, just as at most other facilities, but they will recover from this. They said many of these people have lived and worked there for years and just do not want to move.

Five Maryland Congressmen and congresswomen wrote to the Commission

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

DAVID TAYLOR RESEARCH CENTER, ANNAPOLIS LAB, ANNAPOLIS, MD

RECOMMENDATION

- o Realign in conjunction with Navy's RDTE, Engineering and Fleet Support Consolidation Plan.
- o Disestablished as a separate command and merged with (HME) R & D Division.
- o Majority functions transfer to DTRC, Carderock, Maryland and Philadelphia.

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o 655 positions will be transferred or eliminated.
- o

REPRESENTATION

Senator Paul J. Sarbanes Representative Thomas McMillen (4)

Senator Barara A. Mikulski Governor William Donald Schafer

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: DAVID TAYLOR RESEARCH CENTER ANNAPOLIS, MD

DOD Recommendation

Realignment of DTRC Annapolis and Naval Ship Systems Engineering Station Philadelphia with David Taylor Research Center Carderock is part of the Navy overall plan to consolidate its RDT&E activities into 4 major Warfare Centers. Most of the DTRC Annapolis functions being transferred go to the Carderock facility, with 105 of the existing positions going to NSSES Philadelphia.

Justification

- The Navy is consolidating its RDT&E facilities as part of a Defense Management Review initiative to realize economies and efficiencies. This is important as R&D budgets will be declining.
- The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by the end of FY95. That includes facilities such as these and consolidation will enable the Navy to make such cutbacks.
- DTRC Carderock has major physical capabilities and facilities unique within the Dept. of the Navy.
- One-time costs of implementing this recommendation are estimated to be \$47.6M, with a payback period of 15 years. Annual savings of \$5.6M are projected.

Discussion

Five Maryland congressmen and congresswomen wrote to the Commission in late April 1991 raising concern about the Navy's RDT&E consolidation which is affecting three Maryland facilities, including DTRC Annapolis. They believe the unique buildings and equipment of these research facilities and the enormous cost of replacing or moving the facilities merits careful review. They also pointed to the Congressionally-established Advisory Commission on Consolidation and Conversion of Defense Research and Development Labs and believe that the Navy's consolidation plan should be part of that process, not the Base Closure and Realignment process.

According to a 1/91 DOD memo, the consolidation commission referred to in the Congressional letter is only conducting a study to determine the feasibility and means to improve the operation of DOD labs. It will not be recommending a candidate list of labs for consolidation or closure and thus, according to the memo, this DOD RDT&E lab consolidation effort should continue.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL ORDNANCE STATION, INDIAN HEAD; MD

RECOMMENDATION

- o Realign in conjunction with Navy's RDTE, Engineering and Fleet Support Consolidation Plan.
- o Disestablished as separate command and realigned with Combat and Weapon System Engineering and Industrial Base Division, Crane, Indiana.

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o 610 positions will be transferred or eliminated.

REPRESENTATION

Senator Paul J. Sarbanes

Representative Wayne T. Gilchrest (1)

Senator Barbara A. Mikulski

Governor William Donald Schafer

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: NAVAL ORDNANCE STATION INDIAN HEAD, MD

DOD Recommendation

Realignment of NOS Indian Head and NOS Louisville with the Naval Weapons Support Center in Crane, IN, is part of the overall plan to consolidate the Navy's RDT&E activities into four Major Warfare Centers. The recommendation is to make NOS Indian Head a Detachment of NWSC Crane. The Detachment will remain physically located at Indian Head, MD. The mission of NOS Indian Head remains unchanged, and this will be the center for low rate production/prototype energetic materials. 20% of existing positions will be eliminated.

Justification

- The Navy is consolidating its RDT&E facilities as part of a Defense Management Review initiative to realize economies and efficiencies. This is critical as R&D budgets are dropping.
- The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by the end of FY95. That includes facilities such as these and consolidation will enable the Navy to make such cutbacks.
- The one-time costs of implementing this recommendation are estimated to be \$.5M, with a payback period of 0 years and estimated annual savings of \$1.1M.

Discussion

The Commission staff is unaware of any issues on this realignment.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

TRI-SERVICE PROJECT RELIANCE STUDY

INCLUDES: Letterman Army Institute of Research (LAIR); Presidio of San Francisco; US Army Institute of Dental Research (USAIDR) at Washington, DC; US Army Biomedical Research Development Laboratory (USABRDL), Fort Detrick, MD; Fort Sam Houston, TX; Naval Medical Research Institute (NMRI), Bethesda, MD; US Air Force School of Aerospace Medicine (USAFSAM), Brooks Air Force Base, TX; Armstrong Aerospace Medical Research Laboratory (AAMRL) at Wright-Patterson Air Force Base, OH; Great Lakes Naval Base, IL; and the US Army Research Institute of Environmental Medicine (USARIEM), Natick, MA.

RECOMMENDATION

- o Disestablish Letterman Army Institute of Research as part of closure (BRAC I) of Presidio of San Francisco (vice Ft Detrick)
- o Realign several Medical Research and Development functions
- o Disestablish Army Biomedical Research Laboratory at Ft. Detrick, Md
- o Disestablish Army Institute of Dental Research

JUSTIFICATION

- o Consolidates similar medical R&D functions
- o Eliminates large construct project at Ft. Detrick, (BRAC I)
- o Military utility ranking - n/a
- o Cost of implementation \$17M
- o Payback period - 0
- o Minimal job loss -.1 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o

MAJOR COMMUNITY CONCERNS

- o
- o

REPRESENTATION

Senator Paul J. Sarbanes

Representative Beverly B. Byron (6)

Senator Barbara A. Mikulski

Governor William Donald Schaefer

Attachments

1. OSD Base Summary
2. Migration Diagrams

As of May 16, 1991

**DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation**

LETTERMAN ARMY INSTITUTE OF RESEARCH, (FORT DETRICK) MARYLAND

RECOMMENDATION

- o Disestablish Letterman Army Institute of Research as part of closure (BRAC I) of Presideo of San Francisco (vice Ft Detrick)
- o Realign several Medical Research and Development functions
- o Disestablish Army Biomedical Research Laboratory at Ft. Detrick, Md
- o Disestablish Army Institute of Dental Research

JUSTIFICATION

- o Consolidates similar medical R&D functions
- o Eliminates large construct project at Ft. Detrick, (BRAC I)
- o Military utility ranking - n/a
- o Cost of implementation \$17M
- o Payback period - 0
- o Minimal job loss -.1 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o n/a

MAJOR COMMUNITY CONCERNS

- o
- o

REPRESENTATION

Senator Paul J. Sarbanes

Representative Beverly B. Byron (6)

Senator Barbara A. Mikulski

Governor William Donald Schaefer

Attachments

1. OSD Base Summary
2. Migration Diagrams

As of May 3, 1991

Tri-Service Project Reliance Study

Recommendation: Execute the Tri-Service Project Reliance medical research aspects of a Defense Management Report decision by reducing the number of Army medical research labs from 9 to 6. This action includes disestablishing the Letterman Army Institute of Research (LAIR), Presidio of San Francisco, CA (change to the 1988 Base Closure Commission recommendation); disestablishing the U.S. Army Institute of Dental Research (USAIDR), Washington, DC and disestablishing U.S. Army Biomedical Research Development Laboratory (USABRDL), Fort Detrick, MD. The proposal recommends consolidating the Army's trauma research and medical materiel development with existing Army medical Research Development, Test, and Evaluation (RDT&E) facilities. The proposal also recommends the collocation of seven Tri-Service medical research programs at existing Army, Navy and Air Force medical laboratories as follows: the Army blood research with the Navy; the Army combat dentistry with the Navy; Army directed energy (laser and microwave) bioeffects with the Air Force; elements of the Army and Navy biodynamics with the Air Force; Navy and Army toxicology (environmental quality and occupational health) with the Air Force; Navy infectious disease research and Air Force environmental medicine (heat physiology) with the Army.

Justification: Realigning medical research laboratories and programs achieves efficiencies through inter-department consolidations, transfers and reliance in technology. Medical research activities are relatively unaffected by changes in force structure. Military value in the form of mission requirements and the technological capabilities of existing staff expertise and facilities were the driving factors in this recommendation. Implementation of Project Reliance medical realignments results in steady state savings to the Army from elimination of civilian authorizations. This proposal changes the recommendation of the 1988 Base Closure Commission that previously identified LAIR for movement to Fort Detrick, MD. Under this proposal, LAIR is disestablished and the construction of a new laboratory at Fort Detrick is eliminated. Implementing the LAIR portion of this recommendation will save \$56M. Annual savings after implementation are expected to be \$7M. Environmental and community impacts are expected to be minimal. Closure of LAIR, USABRDL and USAIDR and other realignments may result in potential employment impacts of 0.8% at Fort Detrick, MD and less than .1% at other installations. Specific realignments are:

o Disestablish the Letterman Army Institute of Research (LAIR) as part of the closure of the Presidio of San Francisco, cancel the design and construction of the replacement laboratory at Fort Detrick, Maryland, and realign LAIRs research programs in the following manner (Change to recommendations of the 1988 Base Closure Commission):

-- Move trauma research to the U.S. Army Institute of Surgical Research, Fort Sam Houston, TX.

-- Move blood research and collocate with the Naval Medical Research Institute (NMRI), Bethesda, MD.

-- Move laser bioeffects research and collocate with the U.S. Air Force School of Aerospace Medicine (USAFSAM), Brooks Air Force Base, TX.

o Disestablish U.S. Army Biomedical Research Development Laboratory at Fort Detrick, MD, and transfer medical materiel research to the U.S. Army Medical Materiel and Development Activity at Fort Detrick and collocate environmental and occupational toxicology research with the Armstrong Aerospace Medical Research Laboratory (AAMRL) at Wright-Patterson Air Force Base, OH.

o Disestablish the U.S. Army Institute of Dental Research, Washington, DC and collocate combat dentistry research with the Naval Dental Research Institute at Great Lakes Naval Base, IL.

o Move microwave bioeffects research from Walter Reed Army Institute of Research (WRAIR), Washington, DC and collocate with USAFSAM.

o Move infectious disease research from NMRI and collocate with WRAIR.

o Move biodynamics research from U.S. Army Aeromedical Research Laboratory, Fort Rucker, AL and collocate with AAMRL.

o Move heat physiology research from USAFSAM and collocate with U.S. Army Research Institute of Environmental Medicine (USARIEM), Natick, MA.

SMART PAPER

SUBJECT: Fort Detrick

PURPOSE: Provide information regarding potential questions about the realignment actions at Fort Detrick.

DISCUSSION: Fort Detrick is impacted by the Army proposed realignment of its Medical Research and Development structure. The Army is realigning its realigning its Medical R & D structure and has decide to disestablish the Letterman Army Institute of Research, now at the Presidio of San Francisco, instead of realigning it to Ft. Detrick as directed by BRAC I (PL 100-526). A "migration chart" is at Tab A. The result is the loss of 111 existing jobs and not receiving 111 new jobs and a \$40M laboratory facility.

The potential questions are:

1. Q. The Army could not execute its larger plan "Vision 2000; doesn't this negate the rationale for the separate parts?
A. No, the separate portions of the plan are rationalized on operational efficiencies and cost payback.
2. Q. Why is the Army realigning all of the spaces in their Medical R&D structure?
A. The Army has been forced by budgetary constraints to reduce its personnel coincidental with the threat reductions. Simultaneously, the Defense Department has directed reorganizational efficiencies/reductions which can only be accomplished by realignments and consolidations.
3. Q. The Army is "double-dipping" the savings for realignment by counting previously announced Reductions-In-Force (RIF'S).
A. Essentially, that is correct. The Army's Baseline for Realignment in the Industrial installations was the personnel strengths prior to being directed to economize by reorganization. The RIF's are included in the realignments, since those reductions necessitated the realignments.
4. Q. Why is the Army realigning its Medical R&D structure prior to completion of the Laboratory Advisory Commissions Report.
A. The Army based its proposals on the Defense Department Management Reviews. The Army proposals are deemed the most cost effective means of executing the results of those reviews. The Army feels the Laboratory Study will coincide with their recommendations. The Commission is validating the Army's proposals and the rationale of the Defense Department review.

MEDICAL LAB21/RELIANCE REALIGNMENTS

PAGE 1 OF 2

INSTITUTE OF SURGICAL RESEARCH FT. SAM HOUSTON, TX			
	MIL	CIV	TOT
BEFORE	153	74	227
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	29	8	37
AFTER	182	82	264

MIL/29, CIV/8
TRAUMA
RESEARCH

LETTERMAN ARMY INSTITUTE OF RESEARCH PRESIDIO OF SAN FRANCISCO, CA			
	MIL	CIV	TOT
BEFORE	113	107	220
TRANS OUT	57	54	111
ELEM	56	53	109
TRANS IN	0	0	0
AFTER	0	0	0

COLLOCATE
MIL/11, CIV/30
LASER
BIOEFFECTS

USAF SCHOOL OF AEROSPACE MEDICINE BROOKS AFB, TX			
	MIL	CIV	TOT
COLLOCATE	13	35	48

NAVAL MEDICAL RESEARCH INSTITUTE BETHESDA, MD			
	MIL	CIV	TOT
COLLOCATE	17	16	33

MIL/17, CIV/16
BLOOD
RESEARCH

WALTER REED ARMY INSTITUTE OF RESEARCH WASHINGTON, DC			
	MIL	CIV	TOT
BEFORE	355	383	738
TRANS OUT	2	5	7
ELEM	0	0	0
TRANS IN	0	0	0
AFTER	353	378	731
COLLOCATE	TBD	TBD	65

COLLOCATE
MIL/2, CIV/5
MICROWAVE
BIOEFFECTS

COLLOCATE
4 CIV USAF AUTH
HEAT PHYSIOLOGY

US ARMY RESEARCH INSTITUTE OF ENVIRONMENTAL MEDICINE NATICK, MA			
	MIL	CIV	TOT
BEFORE	76	92	168
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	0	0	0
AFTER	76	92	168
COLLOCATE	0	4	4

MEDICAL LAB21/RELIANCE REALIGNMENTS

PAGE 2 OF 2

BIOMEDICAL RESEARCH & DEVELOPMENT LABORATORY FT. DETRICK, MD			
	MIL	CIV	TOT
BEFORE	26	93	119
TRANS OUT	9	38	47
ELIM	17	55	72
TRANS IN	0	0	0
AFTER	0	0	0

CIV/8
MEDICAL
MATERIEL

COLLOCATE
MIL/9, CIV/30
ENVIRN/OCCUP.
TOXICOLOGY

US ARMY MEDICAL MATERIEL DEVELOPMENT ACTIVITY FT. DETRICK, MD

	MIL	CIV	TOT
BEFORE	20	34	54
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	0	8	8
AFTER	20	42	62

ARMY AEROMEDICAL RESEARCH LABORATORY FT. RUCKER, AL			
	MIL	CIV	TOT
BEFORE	70	68	138
TRANS OUT	1	2	3
ELIM	0	0	0
TRANS IN	0	0	0
AFTER	69	66	135

COLLOCATE
MIL/1, CIV/2
BIODYNAMICS

ARMSTRONG AEROSPACE MEDICAL LABORATORY WRIGHT-PATTERSON, AFB, OH

	MIL	CIV	TOT
COLLOCATE	10	32	42

INSTITUTE OF DENTAL RESEARCH WASHINGTON, DC			
	MIL	CIV	TOT
BEFORE	57	19	76
TRANS OUT	46	8	54
ELIM	11	11	22
TRANS IN	0	0	0
AFTER	0	0	0

COLLOCATE
MIL/46, CIV/8
COMBAT
DENTISTRY

NAVAL DENTAL RESEARCH INSTITUTE GREAT LAKES NAVAL BASE, IL

	MIL	CIV	TOT
COLLOCATE	46	8	54

	IN		OUT	
	Military	Civilian	Military	Civilian
Alabama			1	2
Illinois	46	8		
Maryland	17	16	26	93 (65)*
Massachusetts		(4)		
Ohio	10	32		
Texas	42	43		(4)
Washington, DC		(65)	59	24
California			113**	107**

* Numbers in parentheses are USAF/USN authorizations.

** BRAC I authorizations previously considered.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

HARRY DIAMOND LABORATORY, MARYLAND

RECOMMENDATION

- o Establish Combat Material Research Laboratory
 - Realign Electronic Technology Device Laboratory from Fort Monmouth
 - Realign Battlefield Environmental Effects from White Sands Missile Range
 - Realign Energy & Sensors Research from Fort Belvoir
 - Realign Harry Diamond (Woodbridge) from Harry Diamond (Woodbridge)
- o Realign Fuse Development and Production (Missile) to Redstone Arsenal

JUSTIFICATION

- o Consolidates numerous similar research functions at one location
- o Documented in Defense Management Review (922) and Army Lab 21 Study
- o Military Utility ranking 12 of 15
- o Cost implementation \$245M (includes Aberdeen)
- o Payback period 8 years
- o Minimal Job Increase .1 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Within urban area
- o Facilities adequate

MAJOR COMMUNITY CONCERNS

- o
- o

REPRESENTATION

Senator Paul J. Sarbanes

Representative Steny H. Hoyer (5)

Senator Barbara A. Mikulski

Governor William Donald Schaefer

Attachments

1. Smart Paper
2. OSD Base Summary
3. Migration Diagram (APG)
4. Migration Diagram (Adelphi)
5. State Sheet

As of May 23, 1991

SMART PAPER

SUBJECT: Harry Diamond Laboratory

PURPOSE: Provide information regarding potential questions concerning the Army proposal to realign Harry Diamond Lab.

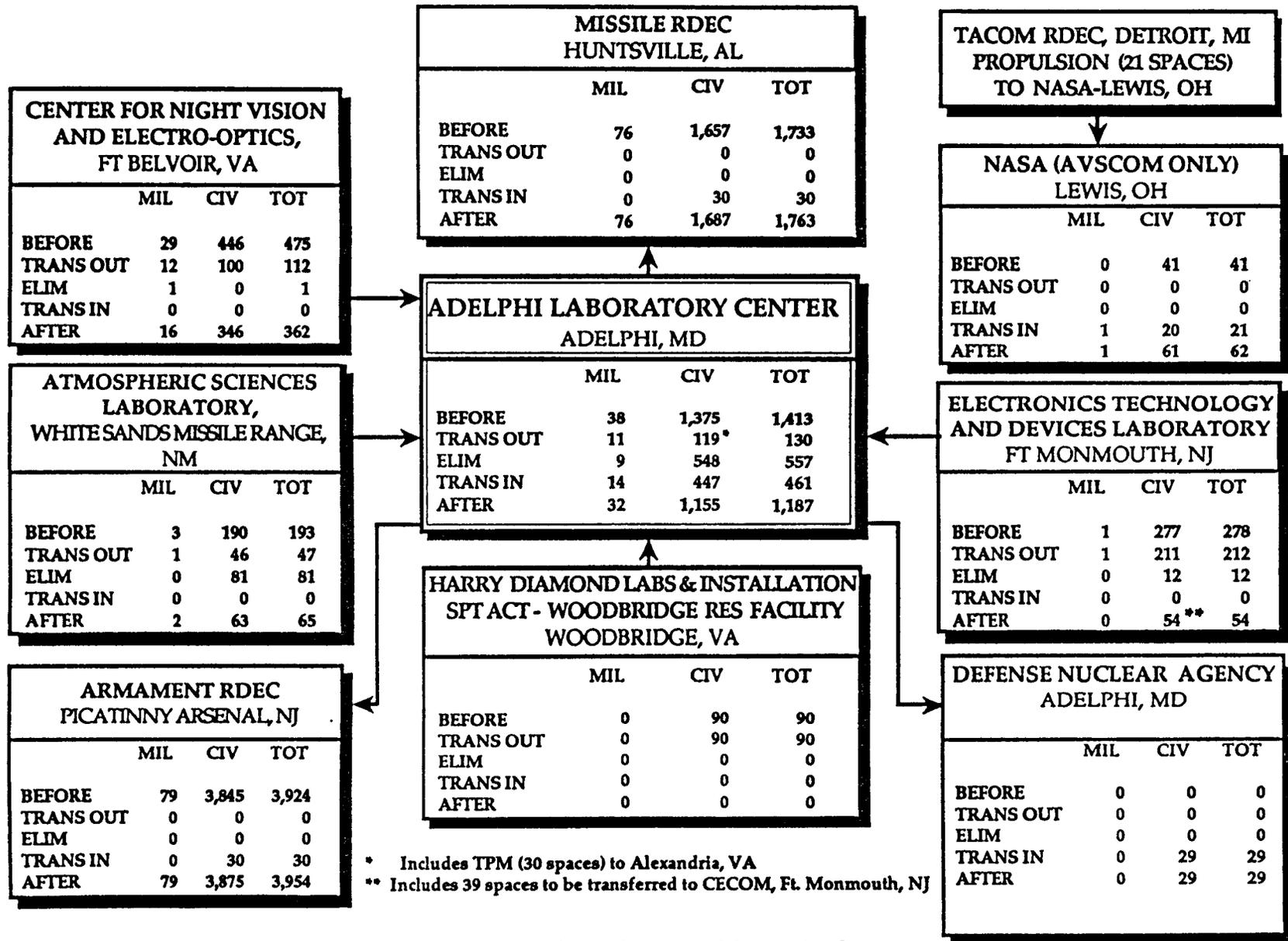
DISCUSSION: Harry Diamond Lab is impacted by the Army proposal to realign its research and development structure. The realignment is very complex and is displayed in a "migration chart" at TAB A. There is a net loss of 226 jobs at Harry Diamond Lab under this proposal.

The potential questions are:

1. Q. Why is the Army realigning its laboratory structure prior to completion of the Laboratory Advisory Commission Report?

A. The Army based its proposals on the Defense Department Management Reviews. The Army proposals are deemed the most cost effective means of executing the results of those reviews. The Army feels that the Laboratory Study will coincide with their proposals. The Commission is validating the Army's proposals and the rationale of the Defense Department Reviews.

CMRL REALIGNMENTS -- ADELPHI LABORATORY CENTER, MD



* Includes TPM (30 spaces) to Alexandria, VA

** Includes 39 spaces to be transferred to CECOM, Ft. Monmouth, NJ

NOTE: RDEC - Research, Development and Engineering Center

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

TOBYHANNA ARMY DEPOT, PENNSYLVANIA

RECOMMENDATION

- o Realign ground communications electronic maintenance from Sacramento Army Depot

JUSTIFICATION

- o Defense Depot Maintenance Council developed Joint Service Business Plan
 - Consolidate functions
 - Optimize existing maintenance capacity
- o Military utility ranking 4 of 10
- o Cost to implement \$ 88 M
- o Payback period 5 Years
- o Minimal job increase, + .3 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Facilities adequate
- o Within developed area

MAJOR COMMUNITY CONCERNS

- o None at Tobyhanna Army Depot
- o Sacramento City and County Plan at losing installation may cause concern

REPRESENTATION

Senator Arlen Specter

Representative Paul E. Kanjorski

(Senator) Harris Wofford

Governor Robert Casey

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER

SUBJECT: Tobyhanna Army Depot Realignment

PURPOSE: Provide information regarding potential questions concerning the realignment of Tobyhanna Army Depot.

DISCUSSION:

Tobyhanna Army Depot is impacted by the Army proposal to realign the Ground Communications Electronic Maintenance workload from Sacramento Army Depot. There is a net increase of 983 jobs.

The potential questions, if any, would relate to the Sacramento City and County Plan for retaining part of the Ground Communications Electronics Maintenance workload at McClellan AFB.

The potential questions are:

- Q. 1: What is the status of the proposed realignment in regard to the proposal from the Sacramento City and County to retain part of the maintenance workload?
- A: The Commission has asked the Defense Department to comment on the details of that proposal.
- Q. 2: How does that proposal affect the realignment to Tobyhanna Army Depot?
- A: The details of the impact are unknown. Initial review indicates the additional Tobyhanna workload is not significantly altered from the Army proposal.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

ABERDEEN PROVING GROUND, MARYLAND

RECOMMENDATION

- o Establish Combat Material Research Laboratory
 - Realign Army Institute of Research (MANPRINT) from Alexandria, VA
 - Realign materials research elements from Fort Belvoir
 - Realign Army Materials Technology Lab (less structures) from Watertown, Mass (vice Fort Belvoir & Detroit Arsenal)

JUSTIFICATION

- o Consolidate numerous similar research functions
- o Document in Defense Management Review (DMRD 922) and Army Lab 21 Study
- o Military utility ranking 1 of 15
- o Cost of implementation \$245M (includes Harry Diamond Lab)
- o Payback period 8 years
- o Minimal Job increase .1 percent

FACILITY/AREA FOR SPECIAL EMPHASIS

- o Rural area
- o Facilities adequate

MAJOR COMMUNITY CONCERNS

- o Environmental concerns on contamination and Chesapeake Bay
- o

REPRESENTATION

Senator Paul Sarbanes

Representative Roy Dyson

Senator Barbara Mikulski

Governor William Donald Schaefer

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER

SUBJECT: Aberdeen Proving Grounds

PURPOSE: Provide information regarding potential questions concerning the realignment of Aberdeen Proving Grounds.

DISCUSSION: Aberdeen Proving Grounds is impacted by the Army proposal to realign its research and development structure. The realignment is very complex and is displayed in a "migration chart" at TAB A. The Army has also decided not to execute the BRAC I (PL 100-526) action to realign three labs from the closure of the Army Materiel Technology Lab in Watertown, Mass. to Ft Belvoir, Picatinny Arsenal, and Detroit Arsenal. Those activities will now be located at Aberdeen Proving Grounds. There is a net increase of 229 jobs at Aberdeen Proving Grounds.

The potential questions are:

1. Q. Why is the Army realigning its laboratory structure prior to completion of the Laboratory Advisory Commission Report?

A. The Army based its proposals on the Defense Department Management Reviews. The Army proposals are deemed the most cost effective means of executing the results of those reviews. The Army feels that the Laboratory Study will coincide with their proposals. The Commission is validating the Army's proposals and the rationale of the Defense Department Reviews.

2. Q. How will the realignment impact the Chesapeake Bay Protection Act?

A. The Army will be required to complete all environmental studies required by the National Environmental Protection Act and implement the required mitigation prior to initiating the realignment, if the realignment is approved.

CMRL REALIGNMENTS -- ADELPHI LABORATORY CENTER, MD

CENTER FOR NIGHT VISION AND ELECTRO-OPTICS, FT BELVOIR, VA			
	MIL	CIV	TOT
BEFORE	29	446	475
TRANS OUT	12	100	112
ELIM	1	0	1
TRANS IN	0	0	0
AFTER	16	346	362

ATMOSPHERIC SCIENCES LABORATORY, WHITE SANDS MISSILE RANGE, NM			
	MIL	CIV	TOT
BEFORE	3	190	193
TRANS OUT	1	46	47
ELIM	0	81	81
TRANS IN	0	0	0
AFTER	2	63	65

ARMAMENT RDEC PICATINNY ARSENAL, NJ			
	MIL	CIV	TOT
BEFORE	79	3,845	3,924
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	0	30	30
AFTER	79	3,875	3,954

MISSILE RDEC HUNTSVILLE, AL			
	MIL	CIV	TOT
BEFORE	76	1,657	1,733
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	0	30	30
AFTER	76	1,687	1,763

ADELPHI LABORATORY CENTER ADELPHI, MD			
	MIL	CIV	TOT
BEFORE	38	1,375	1,413
TRANS OUT	11	119*	130
ELIM	9	548	557
TRANS IN	14	447	461
AFTER	32	1,155	1,187

HARRY DIAMOND LABS & INSTALLATION SPT ACT - WOODBRIDGE RES FACILITY WOODBRIDGE, VA			
	MIL	CIV	TOT
BEFORE	0	90	90
TRANS OUT	0	90	90
ELIM	0	0	0
TRANS IN	0	0	0
AFTER	0	0	0

TACOM RDEC, DETROIT, MI
PROPULSION (21 SPACES)
TO NASA-LEWIS, OH

NASA (AVSCOM ONLY) LEWIS, OH			
	MIL	CIV	TOT
BEFORE	0	41	41
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	1	20	21
AFTER	1	61	62

ELECTRONICS TECHNOLOGY AND DEVICES LABORATORY FT MONMOUTH, NJ			
	MIL	CIV	TOT
BEFORE	1	277	278
TRANS OUT	1	211	212
ELIM	0	12	12
TRANS IN	0	0	0
AFTER	0	54**	54

DEFENSE NUCLEAR AGENCY ADELPHI, MD			
	MIL	CIV	TOT
BEFORE	0	0	0
TRANS OUT	0	0	0
ELIM	0	0	0
TRANS IN	0	29	29
AFTER	0	29	29

* Includes TPM (30 spaces) to Alexandria, VA
 ** Includes 39 spaces to be transferred to CECOM, Ft. Monmouth, NJ

NOTE: RDEC - Research, Development and Engineering Center

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL SHIP SYSTEMS ENGINEERING STATION; PHILADELPHIA, PA

RECOMMENDATION

- o Realign in conjunction with Navy's RDTE, Engineering and Fleet Support Consolidation Plan.
- o Minor gain in function from DTRC, Annapolis, Maryland.

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o 255 positions will be transferred or eliminated.
- o

REPRESENTATION

Senator Arlen Specter

Representative William H. Gray, III (2)

(Senator) Harris Wofford

Governor Robert Casey

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: NAVAL SHIP SYSTEMS ENGINEERING STATION PHILADELPHIA

DOD recommendation

Realignment of NAVSSES Philadelphia and David Taylor Research Center Annapolis with David Taylor Research Center Carderock, MD is part of the Navy's overall plan to consolidate its RDT&E activities into four major Warfare Centers. The recommendation is to realign NAVSSES Philadelphia from a ship and submarine Hull, Mechanical and Electrical (HM&E) in-service engineering activity to a detachment of David Taylor Research Center Carderock. Approximately 80% of its existing personnel would be retained at NAVSSES to support operations of the unique facilities and perform HM&E engineering support. A total of 230 positions will either be transferred or eliminated. All major test complexes will be retained at NAVSSES with the necessary people to maintain and operate these unique facilities. Additionally, some functions will be transferred to NAVSSES from DTRC Annapolis, including 100 positions.

Justification

--This is part of a Navy-wide RDT&E facility consolidation effort initiated under a Defense Management Review initiative to consolidated RDT&E facilities. Such consolidations are important as RDT&E budgets are declining.

--The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by FY95. That includes personnel at installations such as NAVSSES.

Discussion

The Commission staff is unaware of any specific issues or concerns regarding this realignment.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
Summarized DoD Recommendation

NAVAL AIR ENGINEERING CENTER, LAKEHURST; NJ

RECOMMENDATION

- o Realign in conjunction with Navy's RDTE, Engineering and Fleet Support Consolidation Plan.
- o Disestablish as separate technical command.'
- o Maintain site as a station vice center.

JUSTIFICATION

- o Consolidation of RDTE facilities in response to Congressionally mandated reductions in budget and acquisition workforce.

FACILITY/AREA FOR SPECIAL EMPHASIS

- o
- o

MAJOR COMMUNITY CONCERNS

- o 460 positions will be transferred or eliminated.

REPRESENTATION

Senator Bill Bradley

Representative H. James Saxton (13)

Senator Frank R. Lautenberg

Governor James J. Florio

Attachments

1. Smart Paper
2. Base Structure
3. OSD Base Summary
4. Base Fact Sheet
5. Map
6. Statistical Data
7. State Sheet

As of May 23, 1991

SMART PAPER: NAVAL AIR ENGINEERING CENTER, LAKEHURST, NJ

DOD recommendation

NAEC conducts programs of technology development; engineering development, evaluation and verification; systems integration; limited manufacturing, procurement, integrated logistic support management and fleet engineering support for aircraft platform interface systems.

This installation is recommended by the Navy for realignment, along with four other facilities, with consolidation of functions at Patuxent River. The impact on NAEC, however, is described by the Navy as "minimal."

The technical work will be performed at Pax River, with the base at Lakehurst remaining and providing facility support for the work. The scientists and engineers working in the full RDT&E spectrum of Naval propulsion will, however, be relocated to Pax River.

Justification

- This is part of a DOD Defense Management Review initiative to consolidate RDT&E facilities to realize economies and efficiencies.
- The Congress has mandated that DOD reduce its civilian acquisition workforce by 20 percent by 1995. That includes personnel at facilities such as these.
- Pax River was selected as headquarters for this consolidation because of the land available, its essentially unconstrained aircraft operations and its access to two important test ranges. It also hosts the Navy's Test Pilot School.
- Estimated one-time costs of implementing this recommendation is \$7.4M with a payback period of 4 years. Annual savings of \$3.8M are projected.
- The lost of 8 military and 86 civilian positions are offset by the addition of 10 military and 89 civilian positions.

Discussion

The Commission has not received any letters concerning the NAEC realignment. A common concern with similar realignment is that many of the scientists and engineers who have to move will not move and their expertise will be lost. The basic DOD response to this is that it is an uncertainty, but with proper motivation and incentives, it is estimated that a high percentage will relocate.

PHILADELPHIA HEARING

Civic Center, Plaza Ballroom

9:00-9:35

Public Officials

9:00-9:15
9:15-9:25
9:25-9:35

Governor Casey
Governor Castle
Mayor Goode
David Brenner (Philadelphia Finance Director)
Chris Cashman (First Deputy Director of Commerce)

*Why did they not go to all facilities
all Cops with stop
③ 1. analyze 2. letter MFX for
② record, avail to public
④ Ave. signed into comm. -
of services that would change a site
from close to keep*

9:35-9:45

Introductions by Members (One minute each)
Foglietta, Specter, Wofford, Bradley,
Lautenberg, Gray, Weldon, Borski, Andrews

9:45-10:00

Refuting DoD Analysis

Dr. William J. Taylor (Vice President, International Security Programs and Director, Political-Military Studies, Center for Strategic and International Studies)
(Introduced by Arlen Specter)

*⑥ Let's do a...
all facilities taken from
⑦ We do a
news to
not + they
was using*

10:00-10:20

Military Value

-- RADM (Ret.) Thomas Seigenthaler (former Commander, Philadelphia Naval Shipyard)
(Introduced by Tom Foglietta)

-- Captain (Ret.) David McGuigan
Commanding Officer, NAVSSES (1978-84)
(Introduced by Curt Weldon)

*⑧ Let's not validate
⑨ update cost per pass
in 8 years 17
50% off 100 years
⑩ Can we
close 88 lines
at Houston*

10:20-10:30

Cost and Manpower Implications
(Introduced by Tom Foglietta)

-- Dennis Cribben (Testifying on behalf of Metal Trades Council and Joint Committee for Yard Development)

10:30-10:40

Costs to Close
(Introduced by Rob Andrews)

-- Dr. Lawrence Chimerine (former President, Chase Econometrics)

10:45-11:15

Economic Impact

10:45-10:55

Labor Panel

(Introduced by Senator Wofford)

- Dan Sullivan (Operating Engineers)
- Jim Baldwin (Pipefitters)
- Frank Ward (IFPTE from GE)
- Norman Loudenslager (Machinists)
- Patrick Gillespie (Building and Construction Trade)
- Tony Forte (UAW)

10:55-11:15

Business/Government Panel

(Introduced by Sen. Specter)

- Walt D'Alessio (Chairmen, Latiner and Buck Chairman, Greater Philadelphia Chamber of Commerce, Chairman, Philadelphia Industrial Development Corporation).
- Dr. Dianne Reed, Edwin Koc (Pennsylvania Economy League),
- Ward Williams (Delaware County Council),
- Cheryl Newton (Southern New Jersey Chamber of Commerce),
- Eugene McCaffrey (Delaware River Port Authority)
- Charles Pizzi (Greater Philadelphia Chamber of Commerce),
- Councilwoman Anna Verna.
- Dr. Richard Breslin (President of Drexel),
- Wallace Nunn (Chairman, Philadelphia Regional Port Authority)

11:15-11:25

Question and Answer

11:25 - 11:30

Wrap Up

Foglietta, Specter, Wofford.

26 JUN 1991

DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, SOUTH CAROLINA
J. BENNETT JOHNSTON, LOUISIANA
QUENTIN N. BURDICK, NORTH DAKOTA
PATRICK J. LEAHY, VERMONT
JIM SASSER, TENNESSEE
DENNIS DECONCINI, ARIZONA
DALE BUMPERS, ARKANSAS
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA
BARBARA A. MIKULSKI, MARYLAND
HARRY REID, NEVADA
BROCK ADAMS, WASHINGTON
WYCHE FOWLER, JR., GEORGIA
J. ROBERT KERREY, NEBRASKA

MARK O. HATFIELD, OREGON
TED STEVENS, ALASKA
JAKE GARN, UTAH
THAD COCHRAN, MISSISSIPPI
ROBERT W. KASTEN, JR., WISCONSIN
ALFONSE M. D'AMATO, NEW YORK
WARREN RUDMAN, NEW HAMPSHIRE
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO
DON NICKLES, OKLAHOMA
PHIL GRAMM, TEXAS
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

June 21, 1991

The Honorable Jim Courter
Chairman
Defense Base Closure and Realignment Commission
1625 K Street
Suite 400
Washington, D.C. 20006

Dear Chairman Courter:

Earlier this year, Senator Arlen Specter of Pennsylvania asked me to review the proposal by Defense Secretary Cheney to close the Philadelphia Navy Shipyard. He raised several issues regarding the process employed by the Navy in the selection of the Philadelphia Navy shipyard for closure, as well as concerns expressed by the U.S. General Accounting Office (GAO) in their independent review. At his request, I would like to express my views on the proposed closure of the Philadelphia Navy Shipyard.

The 1991 National Defense Authorization Act established specific criteria for the consideration of Department of Defense military installations for closure or realignment. The military services were to evaluate bases against this criteria, and make recommendations to the Secretary of Defense for potential base closures or realignments. The law provided a very compressed time period for this review.

Recognizing the limitations of this process, the GAO report "Military Bases: Observations on the Analyses Supporting Proposed Closures and Realignments" raises legitimate uncertainty over the validity of the recommendation to close the Philadelphia Navy Shipyard. In contrast to the Army and Air Force process evaluated by GAO, the Navy's work did not stand up to close scrutiny. According to the GAO, "Due to inadequate documentation of the process used by the Navy, GAO was unable to independently evaluate the relative military value of the bases considered. Further, the Navy did not establish required internal controls to ensure the accuracy of the data used".

Clearly, these shortcomings in the preparation of the Navy's list of proposed base closures and realignments complicates the work of the Commission. I believe you and I would agree that the final list of proposed base actions must be supported by facts and careful analysis, as well as subjective judgement.

The case of the Philadelphia Navy Shipyard is important, as this facility provides a critical industrial capability that has proven invaluable in support of the Navy. The performance of several of our nation's older conventional aircraft carriers in Operation Desert Storm and Desert Shield reflected the work of the Philadelphia Navy Shipyard in the Service Life Extension Program (SLEP). These ships would not have been able to conduct operations over several months under arduous conditions without this modernization that has been performed exclusively at the Philadelphia facility.

The global requirements facing the U.S. Navy mandate the availability of shipyard facilities on both U.S. coasts. If combat in the Persian Gulf war had led to severe damage to a large number of U.S. vessels, the Philadelphia Navy Shipyard would have been at the center of the effort to return those ships to sea. It is difficult to judge how much capacity is necessary to meet wartime contingencies. In this conflict, the President and the Chief of Naval Operations knew they had sufficient capacity to fall back on. Future commanders will need that same flexibility.

On many occasions over the past few years, I have expressed my concerns over the decline in the U.S. shipbuilding and repair industrial base. It troubles me to see the shrinking in the private sector now being matched by a deep retrenchment in the public sector shipyards. The skills needed to build and repair complex Navy combatant ships are unique. The integration of both electronics and weapons systems into the basic structure of modern Navy vessels makes that work even more exacting. The closure of the Philadelphia Navy Shipyard would represent the permanent loss of a skilled workforce that has no civil industry to look to for jobs. We would simply lose this national asset.

The force reductions proposed by Secretary Cheney over the current Six Year Defense Plan necessitates that the Department's infrastructure be reduced, to reflect that smaller force. Those units that remain in the force will be called upon to be more ready, more capable and more flexible in meeting contingencies around the world. The Navy will bear much of the burden of these new challenges. A smaller Navy can only fulfill that mission if it's ships are at sea, and can be repaired rapidly. We must be conscious of the critical role played by supporting organizations and commands to maintain combat readiness.

My experience with the Commission, during your consideration of Fort Richardson, Alaska, reinforced in my mind the importance of independent review of these critical issues. I believe the Commission, in its deliberations on adding new bases to the list for possible closure, acted with a sense of fairness, and based decisions on the facts and the criteria set in the legislation that created this base closure process. I know that you will apply these same standards to Secretary Cheney's list of proposed closures and realignments.

Each of the installations under consideration brings its own set of unique issues and concerns. The Philadelphia Navy Shipyard has a proven track record of service to the Navy, and the carrier force in particular. I know you will weigh these factors in making your decisions.

I appreciate your consideration of my views regarding the potential closure of the Philadelphia Navy Shipyard. You and the other Commission members have demonstrated your recognition of the significance of the decisions you must make, and the impact those decisions will have on our national security, and the lives of thousands of persons who will be affected by these actions.

I look forward to working with you and the Commission to implement the needed adjustments in our nation's military base infrastructure.

With best wishes,

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ted Stevens', written in dark ink.

TED STEVENS

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

EXECUTIVE SECRETARIAT

CONTROL NUMBER 2059

DOCUMENT ROUTING SLIP		ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
OFFICE OF THE CHAIRMAN					COMMISSION MEMBERS	
CHAIRMAN COURTER			✓		COMMISSIONER BALL	
STAFF DIRECTOR			✓		COMMISSIONER CALLAWAY	
GENERAL COUNSEL			✓		COMMISSIONER CASSIDY	
MILITARY EXECUTIVE					COMMISSIONER LEVITT	
SPECIAL ASSISTANT					COMMISSIONER SMITH	
					COMMISSIONER STUART	
COMMUNICATIONS/PA						
DIRECTOR OF COMMUNICATIONS			✓			
PRESS SECRETARY					REVIEW AND ANALYSIS	
FOIA OFFICER					DIRECTOR OF REVIEW & ANALYSIS	✓
SENATE LIAISON					DEPUTY DIRECTOR	
HOUSE LIAISON					D.O.D. LIAISON	
EXECUTIVE SECRETARIAT					ARMY TEAM LEADER	
					NAVY TEAM LEADER	
ADMINISTRATION					AIR FORCE TEAM LEADER	
DIRECTOR OF ADMINISTRATION					SPECIALTY TEAM LEADER	

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature	✓	Appropriate Action <i>Information</i>
Prepare Reply for Commissioner's Signature		Comments and/or Recommendations
Prepare Reply for Staff Director's Signature		Clear Reply with
Reply Direct (forward copy to Exec Sec)		Coordinate Reply with

SUBJECT/REMARKS

CONGRESSIONAL

CLEARANCE SIGNATURE

ACTION DUE DATE ROUTING DATE 27 JUN 1991 RECEIPT DATE 26 JUN 1991 EXEC SEC MAIL DATE

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

EXECUTIVE SECRETARIAT

CONTROL NUMBER

002069

DOCUMENT ROUTING SLIP	ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
OFFICE OF THE CHAIRMAN			COMMISSION MEMBERS		
CHAIRMAN COURTER		✓	COMMISSIONER BALL		✓
STAFF DIRECTOR		✓	COMMISSIONER CALLAWAY		✓
GENERAL COUNSEL		✓	COMMISSIONER CASSIDY		✓
MILITARY EXECUTIVE			COMMISSIONER LEVITT		✓
SPECIAL ASSISTANT			COMMISSIONER SMITH		✓
			COMMISSIONER STUART		✓
COMMUNICATIONS/PA					
DIRECTOR OF COMMUNICATIONS					
PRESS SECRETARY			REVIEW AND ANALYSIS		
FOIA OFFICER			DIRECTOR OF REVIEW & ANALYSIS		✓
SENATE LIAISON			DEPUTY DIRECTOR		
HOUSE LIAISON			D.O.D. LIAISON		
EXECUTIVE SECRETARIAT			ARMY TEAM LEADER		
			NAVY TEAM LEADER		
ADMINISTRATION			AIR FORCE TEAM LEADER		
DIRECTOR OF ADMINISTRATION			SPECIALTY TEAM LEADER		

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature	✓ <i>Appropriate Action Information</i>
Prepare Reply for Commissioner's Signature	Comments and/or Recommendations
Prepare Reply for Staff Director's Signature	Clear Reply with
Reply Direct (forward copy to Exec Sec)	Coordinate Reply with

SUBJECT/REMARKS

INTERGOVERNMENTAL

CLEARANCE SIGNATURE

ACTION DUE DATE	ROUTING DATE <i>27 JUN 1991</i>	RECEIPT DATE 26 JUN 1991	EXEC SEC MAIL DATE
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002069

26 JUN 1991



CITY OF PHILADELPHIA

W. WILSON GOODE
MAYOR

June 18, 1991

Honorable James A. Courter, Chairman
Defense Base Closure & Realignment Commission
1625 K Street, NW
Suite 400
Washington, D. C. 20006

Dear Chairman Courter:

I want to thank you personally and on behalf of the City for the way you conducted the May 24 Base Closure Commission hearings in Philadelphia.

Your opening remarks that the Commission would not function as a rubber stamp of the Department of Defense's base closure recommendations and that you were reviewing the recommendations with an open and analytical mind, set an encouraging precept and tone for the hearings and for the public's perception of the commission's work. You then conducted the hearings fully in keeping with those remarks and provided the Philadelphia witnesses the full opportunity to make the case on behalf of this great shipyard.

I also want to once more express my appreciation for the time you gave us in connection with your June 4 tour of the Philadelphia Naval Base where we were able to further elaborate on some of our comments on May 24.

To summarize, I believe we have shown the following to be the case:

1. The Navy's selection process for Naval shipyard closure recommendations was fatally flawed.

2. The COBRA model is wholly inappropriate for use with an industrial facility like a Naval shipyard in contrast with a garrison-military base facility.
3. The COBRA model improperly predicted the cost of savings for the Shipyard and took no account of the fact that it will cost the Navy over \$70 million per year to have the work, which Philadelphia would have done, performed at other shipyards.
4. Philadelphia is the Navy's most cost-effective and efficient shipyard.
5. The Navy's assumption that the Shipyard can, in effect, be kept open but that its workforce is simply being let go (i.e. that the shipyard can be preserved fully intact as a nonoperating stand-by facility) is completely unrealistic with the political realities which will not allow that to happen. The Navy needs to decide whether it wants the facility and thus operate it to perform valuable, coast-effective repair and overhaul work, or whether the yard can be eliminated from the Nation's inventory.

These arguments make an absolutely convincing case that Philadelphia should be one of the last shipyards rather than the first and only one to close. As Mayor for almost eight years, I have had a responsibility to manage our assets efficiently and cost-effectively, which has meant supporting those facilities and services that function cost-effectively and closing or realigning others.

I recognize that you have a large number of bases to focus on as you deliberate over the next few weeks but urge you to look very carefully at the record provided by the Congressional delegation at the May 22 Washington, D.C. hearing, provided by various experts at the May 24 Philadelphia hearing on the Naval Shipyard and as provided in the Final Summary Record Submission provided by the City and the Congressional delegation jointly to the Commission on June 6.

Chairman Courter
June 18, 1991
Page 3

Your statutory task is to review the recommendations from the Department of Defense and while, presumably, that task is in the context of closing bases, it is also to insure that the process was fair, that it was properly designed for the circumstances, and that there is a record of decisions which can be examined and commented upon. On all these counts, the Navy's work product fails and the General Accounting Office's review has confirmed that conclusion to the hilt. We believe that Philadelphia also warrants special attention because it is the single largest base closure in the Nation, affecting about 47,000 direct and indirect jobs using the Department of Defense's own numbers. While the reversal of a closure of this magnitude represents a very difficult decision, the affirmation of an incorrect decision based on such a flawed process is worse than difficult: it would be an unbelievable disaster.

We thank you for the work you are doing on behalf of the Nation and trust that you will not confirm decisions that are clearly wrong and which represent a substantial deviation from the rules and regulations that were set up to govern this process to insure its absolute fairness.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Wilson Goode", written in a cursive style.

W. WILSON GOODE



C I T Y O F P H I L A D E L P H I A

W. WILSON GOODE
MAYOR

June 18, 1991

Commissioner William L. Ball, III
Defense Base Closure & Realignment Commission
1625 K Street, NW
Suite 400
Washington, D. C. 20006

Dear Commissioner Ball:

I am sorry that you were not able to participate in the May 24 hearings in Philadelphia regarding the recommended closure of the Philadelphia Naval Base and Shipyard.

Had you been there, you would have heard convincing testimony from a wide range of experts who made the following points:

1. The Navy's selection process for Naval shipyard closure recommendations was fatally flawed.
2. The COBRA model is wholly inappropriate for use with an industrial facility like a Naval shipyard in contrast with a garrison-military base facility.
3. The COBRA model improperly predicted the cost of savings for the Shipyard and took no account of the fact that it will cost the Navy over \$70 million per year to have the work, which Philadelphia would have done, performed at other shipyards.
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Commissioner Ball
June 18, 1991
Page 3

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Thank you.

Sincerely,



W. WILSON GOODE

United States Senate

WASHINGTON, DC 20510-3802

June 24, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

I urge the Defense Base Closure Commission not to act on the Naval Air Development Center at Warminster, Pennsylvania until the Advisory Commission on the Consolidation and Conversion of Defense Research and Development has an opportunity to make its recommendations by September 1, 1991.

As a matter of basic Congressional intent, it is clear that the Defense Base Closure Commission should not act, and in fact does not have jurisdiction to act, until the Advisory Commission makes its recommendation.

If the Defense Base Closure Commission takes no action on the Naval Air Development Center, as illustrative of RDT&E laboratories, it would be my position not to challenge the jurisdiction of the Defense Base Closure Commission to consider laboratories in the FY93 process.

Thank you very much for your consideration of this important matter.

Sincerely,



Arlen Specter

AS/kr

United States Senate

WASHINGTON, DC 20510-3802

June 25, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

I write to supplement previous information provided on Fort Indiantown Gap, Pennsylvania.

Yesterday, June 24, 1991, I visited Fort Indiantown Gap to inspect the facility which was the first opportunity I had to do so after your Commission added that installation on May 31, 1991. While I had visited Fort Indiantown Gap on many occasions in the past, yesterday's visit confirmed my strongly-held view that the installation should be retained.

It is a very impressive installation covering some 19,000 acres, housing a wide variety of military equipment including planes, helicopters and tanks. It served as a mobilization station for the Persian Gulf War and trained, inter alia, pilots for the Cobra helicopter which was so important in our success in the Persian Gulf War. It is, in fact, a key mobilization station which can billet over 15,000 soldiers.

The statistics demonstrate that it is an extremely cost-effective installation which trains 140,000 military personnel annually with 553,000 soldier training days at a total cost of less than \$13 million. Included among the trainees are 150 pilots who are assigned to Fort Indiantown Gap, with another 600 pilots being brought in for training from all over the country. It has one of the three aerial bombing ranges in the entire northeastern part of the United States.

One of the most compelling arguments against closure is that the Army at this time is in the process of conducting its cost-effectiveness analysis of its reserve component and lacks any data which would suggest the desirability of closing Fort Indiantown Gap. As you know, the Department of Defense has not proposed closing Fort Indiantown Gap and it is a source of some concern,

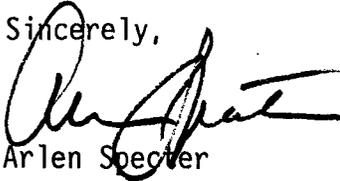
Base Closure Commission
June 25, 1991
Page 2

as well as surprise, that the Commission added this installation for consideration for closure.

I am advised that the 1986 study, the most recent one conducted on this installation, found strong arguments for its retention.

In addition to the excellent physical facilities, I was very much impressed with the military personnel at the base led by Major General Gerard T. Sajer, the Adjutant General of the Commonwealth of Pennsylvania. General Sajer, a distinguished attorney at law, has provided extraordinary leadership as the Adjutant General for the Commonwealth of Pennsylvania. General Sajer emphasized to me the fact that Fort Indiantown Gap is a "no frills post" with no commissary, no golf course, no bank and virtually none of the facilities which are frequently found on similar installations. While I realize that it is not possible for the Commission to visit every installation, I believe that if members of the Commission were to visit Fort Indiantown Gap, you would agree with my observation that it is an installation well worth retaining.

Sincerely,



Arlen Specter

AS/kr

It is a very impressive installation!

United States Senate

WASHINGTON, DC 20510-3802

June 26, 1991

TO: The Defense Base Closure Commission
1675 K Street, Suite 400
Washington, DC 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith, II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

As the Commission reviews the proposed realignment of the Corps of Engineers, I thought it would be important to again summarize the importance of the two Corps district offices in the Commonwealth of Pennsylvania.

The Corps' proposed realignment plan includes the closure of both district offices presently located in the Commonwealth of Pennsylvania. The Pittsburgh Corps District office handles 11 percent of the nation's locks and dams, with the Pittsburgh Port being the largest inland waterway system in the nation. By closing the Pittsburgh office, the Corps would be unable to fully service these systems and would result in very costly delays to the flow of traffic on the rivers.

The Corps' proposal also calls for the closure of the Philadelphia Corps District office, which is vital to the operations of the Philadelphia Port. As you may be aware, the Philadelphia Port receives approximately 3,000 ships each year on the Delaware River. The Port, being 80 miles from the sea, is unique in that it requires quick action from the Corps to ensure proper depth of the Delaware River Channel. It is highly unlikely that dredging procedures can be executed in a timely manner to protect the ongoing operations and the environmental safety of the Port unless the Corps is in close proximity.

As I stressed in my testimony of June 17, 1991, I believe that full consideration by Congress is necessary of any reorganization plan. Secretary Cheney has urged that separate legislation be considered by Congress to best handle the reorganization effort of the Corps. Further, I would argue that the Commission does not have jurisdiction to review this matter since the purpose of BRAC is to downsize military operations. As you would agree, the water resource functions constitute the bulk of the Corps' mission in the United States which are civil, not military, missions.

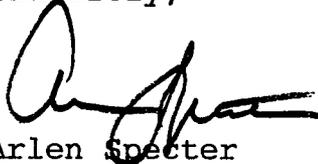
The Defense Base Closure and Realignment Commission
Page 2

Given the public service mission of the Corps and the crucial support these two offices provide the Commonwealth of Pennsylvania, I urge the Commission to allow the restructuring of the Corps to proceed through the legislative process.

Thank you for your attention to this important matter.

My best.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Specter', written over the printed name.

Arlen Specter

AS:dl

United States Senate

WASHINGTON, DC 20510-3802

June 26, 1991

TO : The Defense Base Closure Commission
1625 K Street, Suite 400
Washington, D.C. 20006

The Honorable James A. Courter
Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith, II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

With all of the attention being focused recently on the Navy's withholding of key documents on naval shipyards relevant to base closure, I thought it might be helpful to provide you with a final capsule summary of the substantive arguments regarding the merits of keeping the Philadelphia Naval Shipyard open.

Dry Docks:

Far and away the most critical issue in defining the relative military value of the eight naval shipyards is the dry dock capacity available for the berthing of large navy surface vessels. Through the review process, we have repeatedly asked the Navy to justify its recommendation to close Philadelphia in light of the fact that such action would result in the loss of two of the three large East Coast dry docks capable of berthing aircraft carriers, and three of the five capable of berthing LHAs, AOE's, and other large amphibious and auxiliary ships. As the March 29, 1991, NAVSEA memo from Admiral Claman to the Chief of Naval Operations states on the subject of aircraft carriers:

"Closure of the Philadelphia Naval Shipyard, without retention of the large carrier capable dry docks creates a shortfall in dry dock capability for emergent dockings of aircraft carriers. The only carrier-capable dry dock available on the East Coast under Navy control is at Norfolk Naval Shipyard, and will be fully utilized."

As you may be aware, in recommending the closure of PNSY, the Navy plans to use a private yard, Newport News Shipbuilding, to help make up for the loss of dry dock space in meeting emergent dry docking requirements. In addition to being insufficient from a capacity standpoint, such a plan should be

considered simply inappropriate for the purposes of justifying Navy base closure recommendations. As the March 29 NAVSEA memo suggests, the one dry dock in Newport News capable of handling an aircraft carrier is privately owned and "its schedule is not controlled by the Navy." Since the base closure process was designed to review exclusively how the inventory of government-owned defense installations may be reduced, assumptions about capacity at private facilities should be deemed out of the scope of the base closure process and not permissible for purposes of justifying Department of Defense recommendations. Nevertheless, even if private yard capacity was considered to be relevant, according to NAVSEA, "the cost to have Newport News provide a dedicated dry dock under contract is considered prohibitive."

PNSY vs. Long Beach:

The Navy's own "Detailed Analysis" provided PNSY with a higher rating than Long Beach Naval Shipyard. In consideration of the four military criteria, Philadelphia received two "yellows," whereas Long Beach received three. However, after the initial analysis, the Navy excluded Long Beach from further review because of its "unique" No.1 dry dock which can perform emergent work on nuclear carriers. Not only does this determination ignore the fact that with a small investment Philadelphia could also perform emergent work on nuclear carriers, but also it obscures the fact that Pearl Harbor and Yokosuka in Japan could perform emergent work on carriers if Puget Sound's dry docks are full.

On the critical issue of dry dock capacity for large surface vessels, Philadelphia has two dry docks capable of handling aircraft carriers, and three drydocks capable of berthing large Navy auxiliary and amphibious ships, whereas Long Beach only has one. Since the Navy estimates that the utilization rate for its large dry docks will average 94 percent for the 1990s, it would appear far more sensible to retain the three large drydocks at PNSY in order to more readily handle the projected workload.

In terms of cost-effectiveness, Philadelphia is rated more cost-effective than Long Beach given its lower manday rate and higher productivity ratio. The Navy's own analysis gave Long Beach a "yellow" on the cost and manpower rating, whereas Philadelphia received a "green."

The Nuclear Bias:

The Navy has still yet to explain how it can exclude its six nuclear yards from review for closure because of the "nuclear workload." According to the most recent ship scheduling information, the majority of the availabilities on nuclear

The Base Closure Commission

Page 3

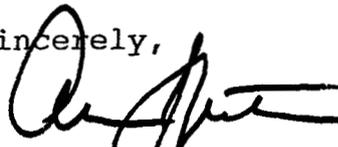
submarines over the next decade is for decommissionings and one-time refuelings.

It simply does not stand to reason that 5 percent of the surface fleet and 30 percent of the total fleet will require 75 percent of the Navy's shipyards to be excluded from base closure review because of the nuclear workload. It is important to note that this decision was made even after three of the nuclear yards received the same preliminary rating as Philadelphia. More importantly, this exclusion allowed the Navy to avoid review of these facilities under the final four criteria, some of which would undoubtedly reveal some very troubling data concerning nuclear facilities.

I hope that you will find this summation of the substantive arguments regarding Philadelphia useful. For your review, I have also enclosed the relevant portions of the March 29, 1991 memorandum from Admiral Claman to the Chief of Naval Operations (CNO); the December 19, 1990 memo from Admiral Hekman to the CNO; and the March 13, 1991 memo from Admiral Hekman to the CNO.

Please do not hesitate to call if you have any further questions.

Sincerely,



Arlen Specter

AS/emr
Enclosures



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
WASHINGTON, DC 20362-5101

4700
OPR: 0111
Ser: 0111
29 1270 101

From: Commander, Naval Sea Systems Command
To: Chief of Naval Operations (OP-43)

Subj: BASE CLOSURE FINAL DOCUMENTATION

Encl: (1) Philadelphia Naval Shipyard - Option 1
(2) Philadelphia Naval Shipyard - Option 2
(3) TAB A Report Documentation - Naval Shipyards

1. Enclosures (1) and (2) provide the COBRA options for the naval shipyards as requested on 28 March 1991. They are as follows:

a. Philadelphia Naval Shipyard - Option 1. Close and preserve Philadelphia Naval Shipyard in EY 93 after completing the USS CONSTELLATION (CV 64) SLEP and the USS FORRESTAL (CV 59) dry docking availability. Retain the propeller facility, the Navy Inactive Ship Maintenance Facility (NISMF) and the Naval Ship Systems Engineering Station (NAVSSSES) in Philadelphia. Move the USS JOHN F. KENNEDY (CV 67) overhaul to Norfolk Naval Shipyard.

b. Philadelphia Naval Shipyard - Option 2. Commence realignment of Philadelphia Naval Shipyard in EY 93 and complete downsizing to approximately 1200 people in EY 95. Retain the propeller facility, the Navy Inactive Ship Maintenance Facility (NISMF) and the Naval Ship Systems Engineering Station (NAVSSSES) in Philadelphia.

3. Enclosure (3) provides the revised documentation for the above options.

4. We recommend that option 2 be approved for Philadelphia Naval Shipyard, i.e., that Philadelphia Naval Shipyard be drawn down to a small size activity in the mid 90's as workload declines in order to provide a government controlled CV dry dock site and ship repair capability for the north east.

Copy to:
CDO (OP-44)


J. S. Clemen
DEAR ADMIRAL, USN
DEPUTY CHIEF OF STAFF FOR INDUSTRIAL
AND LOGISTICS SUPPORT

for dry dock set-up. Dry dock utilization for FY-90 at all naval shipyards was in excess of 100% as shown in the table below. This is due to some special cases where there is more than one ship in the dry dock such as the special case of submarine inactivations where these ships can be worked in series without significant impact on operational requirements; or where a ship is in the same dry dock for greater than 10 months at a time, in the case of nuclear ship refuelings. In those latter cases, dry dock maintenance must be deferred until a subsequent period when the dry dock is vacant.

Capacity Analysis

The projected utilization rates for the next three years are shown in Exhibits C-2 through C-5 and the table below. While the FY 90 and 91 rates reflect all work assigned in the shipyards, FY 92 through FY 99 projected usage do not.

NAVAL SHIPYARD DRYDOCKS
PERCENTAGE UTILIZATION
BY SHIPYARD MISSION CATEGORY

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
SSN/CGN Refueling	125.3	137.0	86.7	94.9	72.4	89.5	94.7	109.9	101.3	119.8
Large/CV/CVN Capable	112.3	102.8	90.1	95.3	106.9	84.2	85.5	103.6	80.2	82.2
Other Nuclear Capable	139.7	130.0	103.7	83.7	85.4	65.3	75.0	79.7	86.9	94.2
Other	78.0	23.0	36.0	18.6	5.5	48.8	26.9	5.3	12.5	14.6

includes decommissioning

Dry dock #4, at the former Hunters Point Naval Shipyard in San Francisco, a large, CV/CVN capable dry dock, has been used for several years to dock emergent fleet work on the west coast. It will be decommissioned in FY 1991 when a large section of the former naval shipyard is leased to commercial interests in accordance with public law. Dry dock #2, at the Portsmouth Naval Shipyard, a nuclear refueling dry dock, will be unavailable during part of FY 1991 and all of FY 1992 while it undergoes modification.

- * Dry docks in naval shipyards fall into four categories based upon their contribution to the mission requirements which they satisfy: dry docks in which nuclear submarines or nuclear cruisers may be refueled; nuclear capable dry docks other than refueling dry docks or large dry docks capable of handling aircraft carriers; large, aircraft carrier capable dry docks; and other dry docks.

A primary critical mission of the naval shipyards is the refueling of nuclear submarines and nuclear cruisers. Critical to accomplishing this mission is the availability of nuclear refueling dry dock complexes. The projected utilization of the available complexes is shown on Exhibit C-2. Dry dock use can exceed available capacity due to the unique nature of nuclear submarine inactivations, when more than two submarines are in a dry dock at a time.

The usage of the navy dry docks capable of nuclear refueling operations is projected to remain high for the remainder of the century as nuclear submarines undergo refueling operations. While there may be some unused capacity from time to time, this extra capacity may in fact be unusable. For example, if there are only 2-3



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
WASHINGTON, D.C. 20380 SIGI

IN REPLY REFER TO

5000

CPR: 077B/0029

SER 00/0344

15 MAR 91

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From: Commander, Naval Sea Systems Command
To: Chief of Naval Operations (OP-04)

Subj: REALIGNMENT OF PHILADELPHIA NAVAL SHIPYARD

Ref: (a) CNO ltr Ser 431F/1U596399 of 11 Jan 91
(b) NAVSEA ltr Ser 00/6312 of 19 Dec 90

1. In reference (a), you indicated that my recommendation that Philadelphia Naval Shipyard be downsized rather than closed was not accepted by the Base Closure/Realignment Advisory Committee. ~~The fleet needs the capability of a naval shipyard to provide a credible repair capability able to service the Newport, Philadelphia, New York and Erie areas, as well as to provide a source of repair when a private sector shipyard is unable to complete the assigned work in the areas as stated in reference (b).~~

2. Under the closure option and in interest of clarification, the 30 people mentioned in reference (a) were an estimate of the number of people required to man the drydock in a mothball status. In addition to this, 253 people would be required to man the remaining facilities: 135 to provide residual facilities support and 100 to run the propeller shop and foundry. This compares with approximately 1,200 personnel under the "small repair capability" option: 135 residual facility support, 100 to run the propeller shop and approximately 945 to perform repair work for the fleet. Any required additional support for this facility would be from another larger naval shipyard such as Norfolk Naval Shipyard.

3. I continue to take the position that retention of a credible repair capability at Philadelphia for naval ships homeported in the Northeast area is the most cost effective solution:

(1) It provides the fleet with low cost, reliable repair capability.

(2) It helps spread the effects of the costs to Navy Programs of the other repair facilities (foundry, utilities, etc.).

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DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
WASHINGTON, D.C. 20380-5101

FORM 100-10
5000
OPR: 07TB/F0308
Ser: 00/6312
19 Dec 90

From: Commander, Naval Sea Systems Command
To: Chief of Naval Operations (OP-04)

Subj: REALIGNMENT DATA FOR PHILADELPHIA NAVAL SHIPYARD

Ref: (a) COMNAVSEA ltr 5000 OPR: 07TB/F0373 Ser: 00/6224 of
20 Nov 90
(b) CINCLANTFLT ltr 4700 Ser N436/007378 of 14 Sep 90

1. In reference (a), I provided information relative to the proposed realignment of Philadelphia Naval Shipyard, while maintaining the propeller shop and foundry, the Naval Ship Systems Engineering Station (NAVSEES) and the Naval Inactive Ship Maintenance Facility (NISMF). While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Erie transport areas. In reference (b), CINCLANTFLT outlined the history of Atlantic Fleet depot maintenance problems with marginal ship repair contractors. A Navy industrial capability is required in the Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work.

2. Further, recommend that the drawdown of Philadelphia Naval Shipyard to an SRF-size shipyard not be done until FY 95, as the shipyard is required to support scheduled workload until that time.

P. M. Herman, Jr.
P. M. HERMAN, JR.

Copy to:
CNO (OP-43)
CNO (OP-44)

United States Senate

WASHINGTON, DC 20510-3802

June 26, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400, NW
Washington, D.C. 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith, II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

With all of the attention being focused recently on the issue of whether it is appropriate for the Base Closure Commission to act on defense laboratories before it has received input from the Advisory Commission on the Consolidation and Conversion of Research and Development Laboratories, I thought it would be helpful to briefly summarize the two most important substantive reasons for removing the Naval Air Development Center in Warminster (NADC), Pennsylvania, from the closure list.

MILITARY RATIONALE:

The most important substantive issue to consider on NADC is whether the proposed realignment will adversely affect the Navy's ability to develop the next-generation Navy attack aircraft. As Defense Secretary Cheney was reported to have said in the June 17, 1991, edition of the New York Times, "Naval aviation is an area that I worry about more than the others, frankly, because we've had more problems there." The cancellation of the A-12 has forced a rapid redirection of naval aviation priorities back toward what type and design of aircraft will best meet our future naval aviation needs. With the current fleet of A-6s in urgent need of replacement, we no longer have the luxury of time to gradually move through the research and development phase for the next-generation aircraft. For this reason alone, there is no logical military rationale for moving NADC, the Navy's only laboratory for the development of advanced flight engineering concepts critical to the future of naval aviation.

COST CONSIDERATIONS:

If cost is the driving force in the proposed realignment of NADC, then the Base Closure Commission should take a serious look at how the Navy has derived its estimated cost savings. Based on the facts, they are grossly misleading and simply inaccurate. For example, the bulk of the cost savings claimed by the Navy in moving NADC to Patuxent River, Maryland, is based on the assumption that 80 percent of the personnel will relocate.

There is no historical evidence anywhere to support assumptions of such a high relocation rate. In fact, the information available to us based on previous realignments is that at most 10 percent of the civilian personnel will move. According to a Congressional Research Service memorandum of May 17, 1991, "\$19.2 million of the \$25.2 million projected savings [from relocating NADC] will be derived from the mandated 20 percent reduction in the acquisition force. These are 'savings' the Navy must make whether or not NADC is [realigned]."

I am also advised that a GAO analyst tasked to NADC last week discovered a number of additional costs which the Navy failed to consider in its estimates. I am informed that this information has been provided to your staff.

Thank you for your consideration of these matters.

My best.

Sincerely,



Arlen Specter

AS/emr

United States Senate

WASHINGTON, DC 20510-3802

June 26, 1991

TO: The Defense Base Closure Commission
1625 K Street, Suite 400, NW
Washington, D.C. 20006

The Honorable James A. Courter, Chairman

The Honorable William L. Ball, III
The Honorable Howard D. Callaway
The Honorable Duane H. Cassidy
The Honorable Arthur Levitt, Jr.
The Honorable James C. Smith, II
The Honorable Robert D. Stuart, Jr.

Gentlemen:

Enclosed herein please find a copy of a document entitled "Supporting Documentation for the Realignment of the Naval Air Development Center, Warminster PA," which proves conclusively that the Navy has misrepresented the facts on savings to be realized by realigning the Naval Air Development Center (NADC).

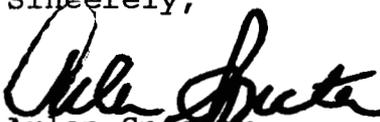
I received this document subsequent to the delivery of letter dated this same day which contains a final summation of the substantive arguments for removing the NADC from the 1991 base closure list. The information contained in this document underscores my contention that the cost information provided by the Navy on NADC was misleading and factually inaccurate. The report states the following:

"As a result of the COBRA analysis, the realignment of the NADC to NATC/NESEA would result in a return on investment of 17 years. Following the submission by NAVAIRSYSCOM of this analysis, an adjustment was made by higher authorities which reduced the return on investment to 9 years."

As you can see, the Navy's "higher authorities" did not accept the results of their own cost analysis, so they derived a return on investment result to suit their desired conclusion.

I hope you will find this information useful.

Sincerely,


Arlen Specter

AS/emr

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2 April 1991

SUPPORTING DOCUMENTATION

FOR THE REALIGNMENT OF THE

NAVAL AIR DEVELOPMENT CENTER, WARMINSTER, PA

COMMANDER, NAVAL AIR SYSTEMS COMMAND
NAVAL AIR WARFARE CENTER

COBRA MODEL
INPUT DATA

- Enclosure: (1) COBRA Input Data Form
(2) Annual Base Costs
(3) Revised Fence Location Drawing for Warminster Complex
(4) Environmental Mitigation Costs from OP-44E
(5) One Time additional Costs
(6) One Time Cost Avoidances
(7) Annual Cost Avoidance
(8) Construction Worksheet Data

1.0 OVERVIEW:

This report documents the data generated for the COBRA model that is being used for the Proposed Realignment of the Naval Air Development Center, Warminster, Pa. The action would start in FY-91 with the administrative transfer of 244 (navigation and command/control) billets to the Space and Naval Warfare Systems Command C³ and Ocean Surveillance Warfare Center. At the present time, these personnel would physically remain in place at the Warminster site. In FY-93 the Warminster airfield is scheduled to be shut down and air operations would transfer to the Aircraft Division-Naval Air Warfare Center, Patuxent River, MD (AD-NAWC). Some of the functions transferred to AD-NAWC would be relocated to the site of the Naval Electronic Systems Engineering Activity (NESEA), St. Indigoes, MD which is approximately 10 miles from the AD-NAWC. This air operations transfer would result in 8 Officers and 78 enlisted personnel transferring to AD-NAWC. In FY-95 the Tactical Combat Systems function (21 civilians) would be transferred to the Weapons Division-Naval Air Warfare Center (WD-NAWC), China Lake, CA and the Sub-Scale Targets function (25 personnel supported by a 3000 sq. ft. laboratory) would be transferred to the WD-NAWC, Pt. Mugu, CA. The bulk of the remaining personnel (1656 civilians, 20 Officers and 37 Enlisted) would be transferred in FY-95 to the AD-NAWC with the balance of the Warminster Aircraft Vehicle Engineering and Airborne ASW development mission. At the end of FY-95 the 274 personnel remaining at the Warminster site would be composed of the SPAWAR detachment of 244 supported by a 30 person detachment from the AD-NAWC which would also maintain/operate the Dynamic Flight Simulator in a caretaker status. As a result of the COBRA analysis, the realignment of the NADC to NATC/NESEA would result in a return on investment of 17 years. Following the submission by NAVAIRSYSCOM of this analysis, an adjustment was made by higher authorities which reduced

the return on investment to 9 years. The adjusted total new construction and rehabilitation requirements at NATC/NESEA are 333,915 SF and 270,936 SF respectively. The adjusted total Military Construction costs, including design, are \$115,873,944 (\$86.6 M for new construction and \$29.3 M for rehabilitation). NOTE: THIS DOCUMENTATION CONTAINS THE DATA SUBMITTED BY NAVAIRSYS COM FOR THE COBRA ANALYSIS AND DOES NOT REFLECT THE CHANGES MADE BY HIGHER AUTHORITIES.

2.0 ASSUMPTIONS:

The planning assumption for the relocation of the Warminster operations was that the transferring NADC functions would be integrated with the present operations of the Naval Air Test Center in order to form a consolidated AD-NAWC. Efficiency savings resulting from the collocation of responsibilities by 1995 have been included in the analysis. The results of the following analysis are fully contingent on the total availability of all existing facilities at the St. Inigoes, MD for use by the AD-NAWC. No new buildings will be constructed under the Military Construction program at the St. Inigoes, MD site. Warminster aircraft hangar support needs will be accommodated at the AD-NAWC within hangar 109 (again dependent planning contingent upon the departure of the VQ-4 squadron) and other existing hangars. No other new aviation support facilities at the AD-NAWC will be required to support the Warminster aircraft mission. No attempt was made to adjust facility requirements at the AD-NAWC to include present NATC facility deficiencies in order to "get well" at the expense of the proposed realignment. The BFRs were prepared, several years ago, to reflect the then expected increases in assigned personnel and workload. The BFRs figures used in this analysis were instead adjusted downward to indicate 1990 figures less reductions in workload and other efficiencies resulting from the formation of the Naval Air Warfare Center.

No other major new assignments requiring existing facility spaces will be made to the AD-NAWC during the time period of the Warminster relocation, except for 156 people from the Naval Air Propulsion Center (NAPC). The potential of locating NAPC requirements at the St. Inigoes, MD activity will be investigated. No major relocation of present functions with available space at NATC will be made to other locations outside of the NATC during the time period of the Warminster relocation except for the VQ-4 squadron.

The Warminster activity would not close completely. Accordingly, the COBRA analysis is based on "realignment" vice "closure" actions. The present Warminster satellite

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facilities would be transferred to the custody of the AD-NAWC. The following functions would remain operational at the present NADC Warminster site: Dynamic Flight Simulator (buildings 70, 71 & 72), the Navigation facility (building 125), the Inertial Facility (building 108), and the TACAMO/GPS (building 138).

3.0 COBRA DATA:

All inputs to the COBRA model have been generated from existing baselines using best available engineering judgement to account for proposed actions including:

- Transfer of Navigation/C³ function to SPAWAR
- Maintenance of the Dynamic Flight Simulator at Warminster
- Consolidation efficiency and cost savings
- Transfer of Air Warfare Center functions to AD-NAWC, WD-NAWC

Data items that follow refer to the COBRA input data form that is enclosure (1).

3.1 SPECIFIC COBRA INPUTS:

ITEM 1: Timeframe for Closure/Realignment:

a/b. The Closure/Realignment would start in FY-91 and would be complete in FY-95 as described in the "overview" above.

ITEM 2: Gaining Bases:

Gaining Base No. 1	AD-NAWC, Patuxent River	188 miles
Gaining Base No. 2	AD-NAWC, St. Indigoes	198 miles
Gaining Base No. 3	WD-NAWC, China Lake	2810 miles
Gaining Base No 4	WD-NAWC, Pt. Mugu	2745 miles

The activities listed as gaining bases would undergo actions as listed in the overview statement above. The mileage figures indicated are between NADC and the gaining bases, and they are the standard PCS mileage numbers used for travel reimbursement.

ITEM 3: Personnel Data:

- A. Activity Scheduled for Closure/Realignment (Losing Activity):
- B. Gaining Activities
- C. Number of Positions Eliminated

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ENCLOSURE (4)

ENVIRONMENTAL MITIGATION COSTS

The following cost information is provided for environmental costs associated with closure of NADC Warminster and relocation to AD-NAWC Patuxent River, MD

Warminster

IWTP RCRA closure cost	\$2,000,000
Underground Storage Tank closure (54 tanks)	\$756,000
Hazardous Waste Disposal (close, clean & dispose)	\$100,000
Total	\$2,856,000

ENVIRONMENTAL RESTORATION COST* \$9,700,000

AD-NAWC Patuxent River, MD

New IWTP \$1,000,000

* Environmental restoration costs are those costs associated with the Navy's IR Program, and would occur regardless of closure status. The remaining environmental compliance costs are those associated solely with closure. If the activity did not close, these costs would not be incurred. AD-NAWC Patuxent River costs do not include requirements for new hazardous wastes/materials conforming storage facilities which may be required for relocated Warminster assets.

Jim Omens, OP-44E

ENCLOSURE (5)

SUMMARY OF ONE-TIME SPECIAL COSTS

NADC TO NATC/NESEA

1. "Delta" construction costs for specialized facilities.

("Delta" costs are costs associated with the NADC laboratory requirements which are above the COBRA standard costs for facilities in the RDT&E construction category.)

SUMMARY OF ONE-TIME SPECIAL CONSTRUCTION COSTS

- A. Specialized laboratories	- \$11.3M
- B. Clean rooms	- \$1.3M
- C. Special compartmental intelligence facility	- \$3.0M
- D. Magnetic media laboratory	- \$2.4M
- E. Site preparation/bunker/support bldg.	- \$0.5M
- F. Consolidate remaining fac. at NADC	- \$3.2M

Total	- \$21.7M

Note: OP443 has chosen to not include environmental costs with other one-time costs. Accordingly, the costs of the environmental abatement measures have been deleted from the total. In order to accommodate the above construction costs in the COBRA model, these costs have been converted to comparable (109,090 SF) square feet requirements at NATC in IC 09.

A. Delta costs due to the exceptional requirements of some of the laboratories to be relocated.

The delta costs are based on a recent (October 1989) NAVFAC estimate of \$194/ft² for constructing a Military Construction (MILCON) project P-163, which is identical or similar in kind to the approximately 195,000 ft² of specific laboratory space which would be duplicated at NATC. This cost per square foot does not include the supporting facilities, utilities, site improvement or contingencies. Also not included are the costs of supervision, inspection, or overhead. Some the distribution features of the

germane laboratories included in this item consist of such requirements as raised floors, chilled water, explosion proofing, special power, halon-like sprinkler systems, Tempest requirements, etc. To be conservative, the average costs were only applied to the actual lab space involved, and not to any accompanying office or storage spaces as was done in the NAVFAC estimate. To calculate the delta cost involved, the normal laboratory construction costs of \$136/ft² were deducted.

$$195,000 \text{ ft}^2 \times (\$194 - \$136) \text{ per ft}^2 = \$11.31\text{M}$$

B. Delta costs due to the exceptional requirement for 8000 ft² of clean room space (Class 10,000).

Work in certain laboratories such as interferometry, spectroscopy, EO sensors, magneto-optics etc. requires space which is deemed clean under Federal Std. No. 209B - Class 10,000. The estimated cost for providing this space for this class is \$300/ft². To calculate the delta cost involved, the normal laboratory constructions costs of \$136/ft² were deducted.

$$8,000 \text{ ft}^2 \times (\$300 - \$136) \text{ per ft}^2 = \$1.31\text{M}$$

C. Construction of special compartmental intelligence facilities.

As part of the NADC mission, there is extensive requirement for special spaces needed for work on specially classified projects. Over the past several years there has been a significant increase in the project work required on LIMDIS (formally SNTK), special access required (SAR), and other special projects. Ample justification can be provided for this requirement. A recent MILCON project (P-180) necessary to satisfy a 40,000 ft² need at NADC was estimated at \$210/ft². To calculate the delta cost involved the normal laboratory construction cost of \$136/ft² was deducted.

$$40,000 \text{ ft}^2 \times (\$210 - \$136) \text{ per ft}^2 = \$3.04\text{M}$$

D. Special construction costs for the Magnetic Media Laboratory.

This laboratory is a DoD unique facility which was recently built, under contract N62472-86-C-0025, to parametrically characterize, evaluate and test magnetic media and other memory devices. The tape laboratory is housed in a class 100 (Fed. Std. No. 209B) clean room, has two large temperature and humidity chambers and a large vibration system. Magnetic tape is considered to be a strategic commodity and warranted the use of emergency MILCON funding to comply with this urgent requirement. The purpose of this facility is to support all DoD users with qualified instrumentation tape. In addition to being the DoD technical agent for conformance testing, the NADC performs

research and development to study magnetic media discrepancies and develop the technology requirements for advanced state-of-the-art media. This facility would have to essentially be rebuilt at an estimated cost of \$3.1 M. To calculate the delta cost involved, the normal laboratory construction costs of \$136/ft² were deducted.

$$\$3.1 \text{ M} - (5000 \text{ ft}^2 \times \$136/\text{ft}^2) = \$2.42\text{M}$$

E. Site preparation for ejection tower/Bunker/Support building \$0.48M

F. Consolidation of remaining facilities at NADC.

Retained at the NADC will be the NAVSTAR/GPS building (#138), the navigation building (#125), the inertial facility building (#108), and the dynamic flight simulator building (#70). All facilities associated with the functions remaining behind are to be relocated to other buildings at NADC which will be inside a fence area. The Scorsby equipment will be removed from building #2. There is a need for heating, sewage, and phone/water utilities.

cost - \$3.17M

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2. One time costs for disassembly/assembly/recertification of NADC technical equipment.

SUMMARY OF ONE TIME COSTS

- A. Disassembly/assembly of ejection tower facility	- \$0.42M
- B. Instrumentation/certification of ejection tower	- \$0.95M
- C. Exhaust/scrubbers for fuel fire test facility	- \$1.0M
- D. Disassembly/assembly of horizontal accelerator	- \$0.53M
- E. Relocation of aircraft structures facility	- \$1.08M
- F. Relocation of anechoic chambers #1 through #4	- \$ 3.7M
- G. Relocation and certification of lab equipment	- \$10.5M
- H. Relocation of central computer system	- \$5.45M

Total	\$23.63M

Note: OP443 has chosen to not include environmental costs with other one time costs. Accordingly, costs of the underground storage tank closure, decontamination/disposal of HAZMAT, and closing of the industrial waste treatment plant have been deleted from the total. Previous data from NAVAIR for The COBRA model indicated \$25.65M for one-time special costs.

A. Ejection tower facility.

This facility is a unique outdoor test facility used to replicate dynamic ejection forces by simulating the catapult stroke and the propulsion of the seat's occupant above the cockpit floor at acceleration forces up to 500 G/sec. It is the only man-rated facility in the United States, and is used by the U.S. Navy, Air Force, Army, NASA, as well as domestic and foreign contractors. It is located on a total of 30,000 ft² of space which includes: a reinforced concrete base of 600 ft² by 15 feet deep; a 300 ft² bunker for cutting specially-shaped charges and for storing explosive cartridges; a 2000 ft² support building/structure housing electronic equipment for data reduction and biomedical preparation; and a mandatory RF-free zone. The estimated weight of the facility exceeds 100 tons of structure and equipment. Estimated costs of the basic structure relocation are based on an update of a prior relocation from the

Philadelphia Naval Base to NADC in 1976, under contract N62472-75-C-4783, as well as additional costs for site preparation, equipment assembly, instrumentation, and certification. The costs are primarily for equipment installation and certification vice construction.

Cost of structure disassembly/assembly - \$0.42M

B. Ejection tower facility.

Cost of equipment instrumentation/certification - \$0.95M

C. Exhaust containment and scrubbers for fuel fire test facility.

The fuel fire test facility is a unique outdoor test facility designed to test the flammability of aviator protective clothing. It is the only one of its kind in the United States, and provides the only facility that allows full scale tests to be conducted by the Department of the Navy, other services, and private industry. The primary potential impact of moving this facility to NATC is the need to provide exhaust containment and scrubbers to mitigate the open air burning of JP-4 fuel.

Cost of exhaust containment and scrubbers - \$1.0M

D. Horizontal accelerator facility.

This facility is a pneumatically driven crash-impact simulator consisting of a 110 ft. rail system, control center, high-intensity photographic lighting system (200,000 watt halogen arc) and a 50 channel data acquisition system. The facility is used for crash testing of aviation life support equipment including crash-resistant seats, ejection seats, restraint systems, etc. The major cost impact is in the re-installation of the facility equipment in an existing laboratory space at NATC. There is no addition cost assumed here for construction. The installation costs are based on those incurred when the facility was originally installed under contract N62472-81-C-5915. Of the installation costs, 30% are assumed to be needed to un-install the facility (rails, lighting, data media) at NADC.

Estimated un-install/install costs - \$0.53M

E. Aircraft structures facility.

This facility is a state-of-the-art laboratory capable of static and fatigue testing of aircraft structural specimens ranging in size and complexity from small copies to full scale aircraft. Due to the extensive commitment to the use of composites in Navy aircraft, the laboratory force has more experience with the evaluation of these materials than any one

else in other government facilities. The landing-loads capability of the facility, principally needed to address the forces of a carrier aircraft's landing, has no DoD or commercial counterpart. The major cost impact is not in construction, but rather in the contract costs associated with the disassembly and reassembly of the equipment. The cost to relocate are based on a prior move of the facility from the Philadelphia Naval Base under contracts N62472-71-C-4767, N62472-72-C-4717, and N62472-72-C-4718.

Total relocation costs	-	\$1.08M
------------------------	---	---------

F. Anechoic chambers.

NADC currently utilizes four existing anechoic chambers; each with specialized usage, and all with very high utilization time. The most recent chamber (anechoic chamber #4) became operational just this year. Prior to fabricating and installing this facility, an extensive study was done to assure decision-makers that no other facility in the U.S. could meet its technical requirements and it was not cost effective to modify an existing chamber. The anechoic chamber at NATC was considered impractical since it is not designed to do antenna pattern and RCS measurement on a component basis. The modifications required for NADC purposes would render the NATC chamber unacceptable for its intended use, which is for the measurement of on-aircraft interference between RF systems using full scale aircraft. Ample additional technical justification is available to provide the detailed rationale for maintaining the full operation of the NADC as well as NATC anechoic facilities.

Anechoic chamber #1 is a 90 ft. pyramidal facility with a utilization rate of 95%. It is a general purpose facility used to perform standard antenna measurements on scale mockups and scale model aircraft.

Anechoic chamber #2 is a 40 ft. rectangular facility with a utilization rate of 95%. The inside walls of this chamber were refurbished in 1986 with a special absorber to optimize for radar cross section (RCS) measurement.

Anechoic chamber #3 is an 18 ft. conical facility with a 75% utilization rate. This facility supports the design process for radomes and antennas. Measurements can be made quickly and the facility requires only one person for its operation.

Anechoic chamber #4 is a 100 ft. rectangular facility with the unique capability of being able to measure both monostatic and bistatic RCS. Its large scale performance requirements exceed any former existing capability. Much of the work is done on special SNTK Navy programs.

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The major impact of relocating these needed facilities is not in construction costs (which are less than \$500k), but rather in the replacement of some of the equipment that would be ruined in relocation process. The estimated costs to relocate these facilities were based on the most recent contract experience for the installation of anechoic chamber #4.

Anechoic chamber #1	\$0.6M
Anechoic chamber #2	\$1.2M
Anechoic chamber #3	\$0.2M
Anechoic chamber #4	\$1.7M

Total costs	\$3.7M

G. Disassembly, reassembly, calibration, and recertification of distinctive laboratory equipment and systems.

There is over 1500 tons of sophisticated computer systems and laboratory precision equipment that must be disassembled, reassembled, calibrated and recertified. Each of these facilities which is planned to be relocated was assessed with respect to the number and size of the pieces of equipment to be relocated, and the number of cables and interfaces that must be removed and tagged. Consideration was given to the recalibration of equipment and the recertification of the system laboratories. Laboratory integration software would be used to trouble shoot and benchmark testing would be conducted. Assuming a reasonable amount of the work would be done by in-house employees, contracts exceeding \$10.0M would be necessary.

Estimated costs \$10.50M

H. Central computer system.

The central computer system at NADC is the largest hybrid system in the Navy. The system is integral to and is required for the support of most of the scientific and engineering work at the center and forms the corner stone of the NADC business operation. The current mainframe complement at NATC consists of two AMDAHL systems, one Burroughs systems, and a Convex C-120. These systems are not compatible with the Cyber systems at NADC. Even if the NATC computer systems were totally available and compatible, they could support only 20% of the NADC workload requirements. Close to 500 pieces of equipment with attendant cables must be disassembled/reassembled and relocated.

Estimated costs \$5.45M

ENCLOSURE (6)
OTHER ONE TIME COST AVOIDANCES

The NAVAIR/NADC/NATC Base Closure Team collectively defined the COBRA data element "Other One Time Cost Avoidance" as:

Items presently planned for FY-91 purchase or movement that due to the consolidation of NADC and NATC, will no longer need to be purchased, or will not move, therefore, a future cost can be avoided.

The criteria will be those items planned by NADC to be purchased in FY-91, of which NATC already has in custody, will no longer be required. In addition, items that both NADC and NATC have in custody will not need to be sent from NADC, thereby avoiding shipping costs.

Non-technical items were identified for possible cost avoidance. Functional areas considered to generate possible cost avoidance were:

- Public Works - e.g. Class III/IV equipment
- Supply - e.g. Class III/IV equipment
- Air Operations - e.g. Runway/Control Tower equipment
- Range - e.g. Calibration
- Fire Support
- Messing Equipment

Other non-technical functional areas that were identified but not considered to have potential one-time equipment cost avoidances were:

- Communications - Under cognizance of a separate command
- Comptroller - personnel intensive, minor equipment to move
- Civilian Personnel - personnel intensive, minor equipment to move
- Aircraft Intermediate Maintenance - not existent at NADC
- Morale, Welfare & Recreation - personnel intensive, minor equipment to move
- Computer Services - all equipment to move
- Photographic Laboratory - all equipment to move except large processor
- Security - personnel intensive, minor equipment to move
- Technical Information - all equipment to move
- Safety - personnel intensive, minor equipment to move
- Procurement - personnel intensive, minor equipment to move
- Administration - personnel intensive, minor equipment to move
- Medical Services - Under cognizance of a separate command

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A summary of the support equipment that would not be moved along with their potential salvage value is attached. In addition, furniture associated with the billets not being retained has been estimated and is attached below.

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EQUIPMENT IN SUPPORT CODES THAT WOULD NOT RELOCATE PREPARED 03/06/91

ITEM DESCRIPTION	ESTIMATED	
	COST	SALVAGE
TRAILERS (4 EA)	21,456	6,115
LEKTRIEVERS (7 EA)	50,863	14,496
EARTH STATION RECEIVER	8,250	2,351
TAPE DRIVES (3 EA)	74,121	21,124
MESSAGE SYSTEM	7,105	2,025
COMPUTER	8,257	2,353
PRINTER	5,308	1,513
CONTROLLER	8,173	2,329
LEKTRIEVERS (5 EA)	55,350	15,775
COMPUTER	9,232	2,631
PAPER BURNER	5,275	1,503
DISINTEGRATOR	104,846	29,881
SURVEILLANCE SYSTEM	6,995	1,994
CAMPER TRAILER	5,289	1,507
CASH REGISTER	6,131	1,747
OUTDOOR GRILL	5,800	1,653
SATELLITE PROCESSING UNIT	51,000	14,535
SATELLITE COUPLER (6 EA)	53,894	15,360
PORT SELECTOR	9,960	2,839
SAT COMM SYSTEM	366,000	104,310
INTERFACE SAT	150,000	42,750
RF SYSTEM	208,530	59,431
SATELLITE SIMULATOR (2 EA)	38,780	11,052
CHAIN HOIST	7,625	2,173
WIRE MARKING MACHINE	9,990	2,847
RECORDER/EDITOR VIDEO	5,765	1,643
VIDEO PROJECTOR	8,805	2,509
RECORDER	10,234	2,917
VIDEO RECORDER	18,340	5,227
CAMERAS (6 EA)	53,835	15,343
16MM MOTION CAMERA	15,405	4,390
SATELLITE DISH	24,990	7,122
GENERATOR/MOTOR SET	9,135	2,603
AIR CONDITIONER	6,600	1,881
SPOT COOLING SYSTEM	5,990	1,707
POWER CHECK FACILITY	29,663	8,454
SPOT COOLING SYSTEM	5,990	1,707
SENTRY (2 EA)	780,623	222,478
AIR CONDITIONER (3 EA)	16,806	4,790
SEWAGE PUMP	5,575	1,589
GENERATOR	16,722	4,766
MANLIFT	25,900	7,381
REFRIGERANT MANAGEMENT SYSTEM	7,125	2,031
TRUCK WRECKER	32,457	9,250
SNOW REMOVAL UNIT	47,094	13,422
DUMP TRUCK (2 EA)	14,000	3,990

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ITEM DESCRIPTION	ESTIMATED COST	ESTIMATED SALVAGE
=====	=====	=====
GRADER MOTOR	58,000	16,530
TRUCK LIFT	15,200	4,332
TRUCK PICK UP	5,189	1,479
TRUCK STAKE	10,356	2,951
SEMI-TRAILER	20,000	5,700
SCHOOL BUS	14,701	4,190
MISC TRUCKS (3 EA)	126,303	35,996
TRACTOR	12,821	3,654
COMPRESSOR - ROTARY	5,910	1,684
LOADER/SCOOP TYPE	26,673	7,602
F-100 PICK UPS (2 EA)	10,378	2,958
SEMI TRAILER	5,000	1,425
TRUCK- MAINTENANCE	39,897	11,371
TRUCK TRACTOR	18,341	5,227
TRUCK (2 EA)	10,550	3,007
TRUCK TRACTOR	17,927	5,109
SEDAN	6,813	1,942
TANK TRUCK	48,367	13,785
SEDAN (3 EA)	20,060	5,717
TRUCK- CARRY ALL	5,038	1,436
PICK UP TRUCKS (2 EA)	14,046	4,003
ETHERNET NETWORK	157,943	45,014
COPIER	13,394	3,817
LETTERING SYSTEM	5,551	1,582
LAB TABLE SYNC UNIT	11,261	3,209
MASTER LAN NODE	1,800	513
LAN NODE (3 EA)	2,862	816
LOCAL NET (3 EA)	31,841	9,075
FILM PROCESSOR	28,500	8,122
PROCESSOR	12,347	3,519
LEKTRIEVER	8,307	2,367
FILM PROCESSOR	12,750	3,634
READER PRINTER (2 EA)	19,458	5,546
RF PLUG IN UNIT	20,540	5,854
MEASURING RECEIVER	20,368	5,805
CALCULATOR	16,092	4,586
NETWORK ANALYZER	11,362	3,238
ACOUSTICS CHAMBER (2 EA)	15,064	4,293
LEKTRIEVER	8,050	2,294
UNIVERSAL COUNTERS (2 EA)	10,988	3,132
COMPUTER CYBER 1708	131,055	37,351
LOCAL NET (20 EA)	231,562	65,995
ETHERNET NETWORK SYSTEM	20,444	5,827
SAT TRANSMISSION UNIT	14,680	4,184
GENERATOR	8,772	2,500
TESTING MACHINE	18,000	5,130
POWER HYDRAULIC SUP	15,000	4,275
FRAME LOAD (2 EA)	34,130	9,727

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COMPUTER & OFFICE EQUIPMENT THAT WOULD NOT RELOCATE PREPARED 03/06/91

ITEM DESCRIPTION	ESTIMATED	
	COST	SALVAGE
=====	=====	=====
DESKS (420 EA)	84,000	12,500
CHAIRS (420 EA)	42,000	6,300
COMPUTER STANDS (420 EA)	63,000	9,450
FILE CABINETS (420 EA)	31,500	4,725
COAS COMPUTERS (420 EA)	840,000	126,000
TOTAL	1,060,500	158,975
		=====

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

EXECUTIVE SECRETARIAT

CONTROL NUMBER

002095

DOCUMENT ROUTING SLIP		ACTION COPY	INFO COPY		ACTION COPY	INFO COPY
OFFICE OF THE CHAIRMAN					COMMISSION MEMBERS	
CHAIRMAN COURTER			✓	COMMISSIONER BALL		✓
STAFF DIRECTOR			✓	COMMISSIONER CALLAWAY		✓
GENERAL COUNSEL			✓	COMMISSIONER CASSIDY		✓
MILITARY EXECUTIVE				COMMISSIONER LEVITT		✓
SPECIAL ASSISTANT				COMMISSIONER SMITH		✓
				COMMISSIONER STUART		✓
COMMUNICATIONS/PA						
DIRECTOR OF COMMUNICATIONS			✓			
PRESS SECRETARY				REVIEW AND ANALYSIS		
FOIA OFFICER				DIRECTOR OF REVIEW & ANALYSIS		✓
SENATE LIAISON				DEPUTY DIRECTOR		
HOUSE LIAISON				D.O.D. LIAISON		
EXECUTIVE SECRETARIAT				ARMY TEAM LEADER		
				NAVY TEAM LEADER		
ADMINISTRATION				AIR FORCE TEAM LEADER		
DIRECTOR OF ADMINISTRATION				SPECIALTY TEAM LEADER		

TYPE OF ACTION REQUIRED

Prepare Reply For Chairman's Signature	✓	Appropriate Action <i>Information</i>
Prepare Reply for Commissioner's Signature		Comments and/or Recommendations
Prepare Reply for Staff Director's Signature		Clear Reply with
Reply Direct (forward copy to Exec Sec)		Coordinate Reply with

SUBJECT/REMARKS
- Letter w/ information on PDSY

 CONGRESSIONAL *Andrews*

CLEARANCE SIGNATURE


ACTION DUE DATE	ROUTING DATE <i>27 Jun 1991</i>	RECEIPT DATE <i>26 JUN 1991</i>	EXEC SEC MAIL DATE
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002095

26 JUN 1991

ROBERT E. ANDREWS
FIRST DISTRICT, NEW JERSEY

WASHINGTON OFFICE:
1008 LONGWORTH BUILDING
WASHINGTON, DC 20515-3001
(202) 225-6501

Congress of the United States
House of Representatives
Washington, DC 20515-3001

FAX TRANSMISSION

DATE: 6/26/91

TO: BASE CLOSURE COMMISSION STAFF

FROM: CONGRESSMAN ANDREWS

PAGES (including cover sheet): 5

If there is a problem with this transmission, please call
(609) 627-9000. Our fax number is (609) 627-9406.

REMARKS: PLEASE DISTRIBUTE TO:

1) CHAIRMAN COURTER

2) REMAINING MEMBERS OF COMMISSION

3) ALEX YELIN

THANK YOU.

ROBERT E. ANDREWS
FIRST DISTRICT, NEW JERSEY

WASHINGTON OFFICE
1005 LONGWORTH BUILDING
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(202) 225-8501

Congress of the United States
House of Representatives
Washington, DC 20515-3001

June 26, 1991

Hon. James A. Courter
Chairman
Base Closure and Realignment Commission
1625 K Street, NW, Suite 400
Washington, DC 20006

Re: PHILADELPHIA NAVAL SHIPYARD AND AEGIS WORK.

Dear Chairman Courter:

As we discussed on Tuesday, June 25, 1991, Philadelphia Naval Shipyard (PNSY) is ideally suited to the repair and overhaul of the Navy's newest classes of combatant ships, the Aegis cruisers and destroyers. In addition to the PNSY as the most efficient in the nation, as proven by man-day rates offered by the Navy, there are a number of factors which contribute to Philadelphia's advantage:

*** COLLOCATION WITH NAVSSES AND THE AEGIS COMBAT SYSTEM COMPLEX**

NAVSSES has the technical experts in nearly all of the hull, mechanical and electrical systems on AEGIS ships. The complex in Moorestown, NJ has the experts in the total AEGIS Combat System. Each of these organizations has an extensive support infrastructure. This means that expert technical support for an entire AEGIS ship, bow to stern, exists within a 30 mile circle around PNSY. Shipyard personnel are able to be trained on and keep abreast of new technical developments to all the systems on an AEGIS ship, and this service is available locally. PNSY will continue to be the best trained and most knowledgeable naval shipyard for AEGIS ships, and they will always have the most extensive local support network. Local support and training translates into substantial savings for the Navy.

*** EXTENSIVE INVESTMENT BY THE SHIPYARD IN AEGIS TRAINING**

PNSY has invested over \$1.8 million in AEGIS training, which conducted at the complex in Moorestown, NJ. More than 120 shipyard workers and managers participated; this makes PNSY by far the best AEGIS trained naval shipyard.

*** CURRENT SUPPORT CONTRACT WITH THE AEGIS COMBAT SYSTEM CONTRACTOR, GENERAL ELECTRIC**

The shipyard is already working with the local AEGIS infrastructure; they have a contract with General Electric for GE to provide technical support for planning the

PAGE TWO
JUNE 26, 1991

pre-overhaul, installation and testing for AEGIS Combat Systems.

*** THREE DRYDOCKS CAPABLE OF DOCKING EITHER CLASS OF AEGIS SHIP**

PNSY has the greatest drydocking capacity of any east coast naval shipyard.

- Portsmouth has one drydock capable of the AEGIS destroyer only;
- Charleston has one drydock capable of either class AEGIS ship; and,
- Norfolk has two drydocks capable of either class of AEGIS ship.

*** EXTENSIVE EXPERIENCE IN SURFACE GUIDED MISSILE SHIP OVERHAULS, INCLUDING NEW THREAT UPGRADES (NTU)**

Over the years, PNSY has overhauled all classes of guided missile surface combatants, including ships of the Talos, Terrier and Tartar Weapons systems; the latest underwater and gun weapon systems; cruise missile systems; and Naval Technical Data Systems. The yard also has recent experience with New Threat Upgrades, more than any other shipyard. This work history on sophisticated combat systems, extending through the most complex upgrades being completed today, means that PNSY is poised to provide quality repairs and overhauls to the AEGIS fleet of today and tomorrow.

On April 15, 1991, the PENJERDEL Council, a regional business development organization, delivered a proposal called the Triad of Excellence to the Congressional Delegation for submission to the Secretary of the Navy. This proposal highlights in greater detail the points I have outlined above, and proposes that the Navy use the shipyard, NAVSSES and the AEGIS Complex in Moorestown as the foundation for a Delaware Valley Engineering and Overhaul Center focusing on the AEGIS ships. Copies of this proposal were delivered to the Commission; I have additional copies if you desire.

I would also like to point out that there are other missions which the Philadelphia shipyard performs exceedingly well. During the period from December 4, 1990 to January 10, 1991, PNSY reactivated three Maritime Administration dry cargo ships so that they could transport material in support of the Desert Shield/Desert Storm operation. These ships - USNS Scan; USNS Pride; and, USNS Lake - were in relatively bad condition, yet were made operational by the

PAGE THREE
JUNE 26, 1991

yard in five weeks. This project, which involved 26,400 mandays, is an excellent example of the type of wartime mobilization task at which PNSY excels, and it is these skills which the nation cannot afford to lose.

The skills listed above were honed by a program called the Service Life Extension Program, SLEP, which basically rebuilds a 30 year old aircraft carrier from the keel up, and extends its usable life to 45 years. This rebuilding includes replacing or refurbishing nearly every piece of equipment, pipe, valve, wire and system aboard. PNSY is the only shipyard in the world which has accomplished this task, and they have completed four carriers to date, with another in progress. It is this experience by the PNSY workforce which allows them to tackle any task - rebuilding large combatants and amphibious ships; reactivation of cargo ships; reactivation of battle ships; refurbishing ships for the foreign military sales program; and, overhauling the newest classes of cruisers and destroyers - with the confidence that only that kind of work history can bring. The carrier Saratoga (SLEP); the battleship Wisconsin (constructed and repaired); and, the command ship Blue Ridge (constructed) are only three examples of the ships in Desert Storm which owe their performance to PNSY.

PNSY can also help solve the ever present problem of navy family separations. There are a number of large support ships (ammunition and oiler ships) homeported in the New York/New Jersey area. Assigning these ships to PNSY for overhaul and repair makes sense for two reasons: (1) PNSY has extensive experience in large amphibious and support ship work; and, (2) there would be less impact on Navy families with a 30 minute commute, rather than facing the options of either extended separation or a move to another location.

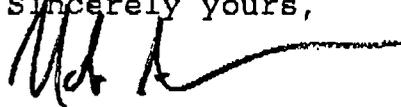
By keeping the Naval Station at Philadelphia open, the Navy would have the option to homeport ships right in the heart of existing facilities for crew and families, and the capabilities and experience of the shipyard and NAVSSES, the Philadelphia Naval Shipyard and Station combination offers the Navy an attractive package for consolidation and centralization of resources - crew members can spend more time close to their families, and ships can spend more time close to expert technical assistance. Philadelphia can truly be not only a homeport, but a home to ship and sailor alike.

PAGE FOUR
JUNE 26, 1991

In summary, PNSY has positioned itself to serve the Navy of the 1990s and beyond - as an AEGIS overhaul center; as the place to overhaul large and complex east coast ships; as a mobilization facility to rapidly meet the maritime needs for any emergent world crisis; and, as a consolidated homeport to Atlantic Fleet Ships. Philadelphia is confident, flexible and cost-effective - the perfect place to service the new trimmed down fleet of the future.

Please serve the needs of the country, and save the Philadelphia Naval Shipyard.

Sincerely yours,



ROBERT E. ANDREWS
Member of Congress

REA:rf

cc: All Members, Base Closure Commission

Document Separator

ROBERT E. ANDREWS
FIRST DISTRICT, NEW JERSEY

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1005 LONGWORTH BUILDING
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(202) 225-6501

Congress of the United States
House of Representatives
Washington, DC 20515-3001

*Shoe
- Bavy.
6-29*

June 28, 1991

The Honorable James A. Courter
Chairman
Base Closure and Realignment Commission
1625 K Street, NW, Suite 400
Washington, DC 20006

*last man now
came built*

Dear Chairman Courter:

We wish to call to the attention of the Commission the fact that the law mandates the SLEP of the U.S.S. Kennedy at the Philadelphia Naval Shipyard. This SLEP is scheduled to extend until early 1996 and would keep employment levels at approximately 6,000 workers throughout completion of the SLEP.

In November 1990, Congress enacted \$113.1 million in the FY 1991 Defense Authorization Act and also enacted \$405 million in the FY 1991 Defense Appropriations Act only for the Kennedy SLEP at the Philadelphia Naval Shipyard. (See Exhibit 1.) The \$113.1 million was in the President's FY 1991 budget request for Kennedy SLEP; the \$405 million provides for advanced procurement in FY 1991 and FY 1992 plus some funding to begin the work in FY 1993. The remainder of the funding for SLEP, \$465 million, would be provided in FY 1993.

*50% being
completed.*

In March 1991, Congress enacted a provision (Section 202) in the Dire Emergency Supplemental Appropriations Act which barred any funds from being spent on any other work on the Kennedy -- a statutory bar against a complex overhaul or any other type of work on the Kennedy at Norfolk Naval Shipyard or at any other facility. (See Exhibits 2, 2a, and 2b, respectively.)

Although, during this time, the Navy requested that the \$405 million for SLEP be rescinded, this request was vitiated by the enactment of the Dire Emergency Supplemental Appropriations Act, and has now expired under the law in any event. The House Appropriations Subcommittee reports no pending request for a rescission. Further, the attached Exhibit 3, released by the Navy this Wednesday, June 26, 1991, demonstrates the Navy's plan to use Drydock 5 at the PNSY for a SLEP in FY '93 and FY '94. This work would extend into FY '95 and FY '96, when the SLEP would be completed the Yard's Pier 4. Naturally, work to be performed at piers does not appear on Drydock Utilization Charts.

signed *March 92*
54110

Chairman Courter
June 28, 1991
Page 2

The law is clear -- the U.S.S. Kennedy is to undergo SLEP at the Philadelphia Naval Shipyard.

As Chairman Murtha made clear in his letter (Exhibit 4), his Subcommittee wants to avoid the costs and complications of having to undo a closing of PNSY. The Navy's cost savings projections derived from closing Philadelphia are wrong. No savings could possibly obtain from closing until at least 1997 because of the U.S.S. Kennedy SLEP which would keep 6,000 workers employed at the Shipyard until completion of that work.

Accordingly, the correct decision is to remove the Philadelphia Naval Shipyard from the BRAC '91 list and, if appropriate, to reexamine this issue in future proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Andrews". The signature is written in black ink and is followed by a horizontal line that extends to the right.

ROBERT E. ANDREWS
Member of Congress

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
DEFENSE

OCTOBER 24, 1990.—Ordered to be printed

Mr. MURTHA, from the Committee of Conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 5803]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5803) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 18, 24, 26, 35, 41, 53, 64, 66, 67, 68, 71, 74, 77, 78, 86, 97, 101, 103, 104, 105, 106, 109, 110, 112, 113, 117, 119, 120, 121, 124, 125, 126, 139, 140, 143, 145, 149, 151, 152, 156, 161, 165, 167, 169, 171, 173, 176, 180, 181, 182, 183, 184, 186, 187, 188, 189, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 225, 227, 229, 232, 237, 241, 244, 245, 246, 248, 250, 252, 254, 256, 261, 265, 268, 270, 272, 273, 275, 277, 283, 287, 294, 298, 304, 306, 308, 310, 313, 315, 317, 318, 334, 337, and 361.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 28, 36, 38, 39, 40, 42, 44, 45, 47, 49, 51, 56, 57, 60, 63, 69, 72, 82, 84, 88, 91, 92, 93, 96, 98, 111, 116, 127, 134, 135, 136, 144, 146, 147, 148, 150, 153, 155, 157, 158, 159, 160, 162, 163, 164, 166, 168, 170, 172, 174, 175, 177, 185, 190, 191, 198, 199, 200, 223, 234, 235, 236, 243, 263, 279, 280, 289, 290, 291, 292, 295, 296, 297, 299, 300, 320, 339, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

video tape recorder system to in A-6 aircraft.

AIR PARTS

\$1,953,000 for procurement of equipment is a reduction of \$1,953,000 and includes F/A-18, CH-53E to insure that aircraft quantities are commensurate with aircraft quantities. The Navy to procure spare parts to the maximum extent possible to alleviate short-

ARMY, NAVY

\$5,825,171,000 for Weapons and activity instead of \$5,825,171,000 as proposed by the House and \$5,825,171,000 as proposed by the Senate.

The conference is as follows:

	Budget	House	Senate	Conference
.....	808,733	658,733	662,500	658,733
.....	421,916	351,916	297,000	280,000
.....	339,382	339,382	284,582	339,382
.....	607,762	345,802	607,762	607,762
.....	70,383	.....	70,383	.....
.....	142,421	149,700	167,421	149,700
.....	7,076	7,076	.....	.....
.....	3,809	3,809	76,809	63,809
.....	24,986	24,986	38,086	38,086
.....	249,599	.....	249,599	249,599
.....	38,039	28,739	32,739	32,739

ACTIVITIES

\$6,000 for standoff land attack speeded anti-radiation missiles \$315,000 in Air Force funds as many missiles as possible.

AIR LAUNCHED DECOY

\$25,000,000 for the tactical air launched decoy program. The conference and \$8,000,000 in conferees note that the Decoy program in fiscal year 1990, none of those funds have been used for development problems and program, the conferees urge the program to be completed with all deliberate speed. That valuable time could be saved by an engineering change program. Current Memorandum of Un-

derstanding and the existing contracts. In the interest of administrative time, the conferees encourage the Department of the Navy to explore the benefits of proceeding in this manner.

SHIPBUILDING AND CONVERSION, NAVY

Amendment No. 60: Appropriates \$1,331,201,000 for TRIDENT ballistic missile submarine program as proposed by the Senate instead of \$1,244,629,000 as proposed by the House.

Amendment No. 61: Appropriates \$1,783,000,000 for SSN-21 attack submarine program instead of \$2,106,500,000 as proposed by the House and \$1,382,000,000 as proposed by the Senate and includes provisions regarding acquisition strategy.

Amendment No. 62: ~~Appropriates \$405,000,000 for the carrier service life extension program instead of \$963,068,000 as proposed by the House and \$113,068,000 as proposed by the Senate and restores the House provisions regarding the location of the industrial availability.~~

Amendment No. 63: Appropriates \$959,800,000 for the LHD-1 amphibious assault ship program as proposed by the Senate instead of \$933,800,000 as proposed by the House.

Amendment No. 64: Appropriates \$204,000,000 for the MHC coastal mine hunter program as proposed by the House.

Amendment No. 65: Appropriates \$900,000,000 for sealift ships instead of \$1,500,000,000 as proposed by the House and provides that \$30,000,000 is available only for procurement of one tanker.

Amendment No. 66 and No. 67: Appropriates \$409,800,000 for craft, outfitting and post delivery as proposed by the House instead of \$465,400,000 as proposed by the Senate.

Amendment No. 68: Appropriates \$5,800,000 for first destination transportation as proposed by the House.

Amendment No. 69: Deletes House proposed funding for Maritime Prepositioning, Ready Reserve Fleet and Ship Contract Reserve.

Amendment No. 70: Appropriates a total of \$10,160,804,000 instead of \$12,329,800,000 as proposed by the House and \$9,313,672,000 as proposed by the Senate.

The conference agreement on the items in conference is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
Shipbuilding and Conversion, Navy:				
Trident (Nuclear)	1,244,629	1,244,629	1,331,201	1,331,201
SSN-21	2,342,900	1,457,000	1,382,000	1,382,000
SSN-21 (AP-CY)	1,139,100	649,500	.....	401,000
CV SLEP .....	.....	963,068	.....	401,000
CV SLEP (AP-CY)	113,068	.....	113,068	.....
DDG-51 (MYP)	3,566,403	3,109,403	3,109,403	3,209,403
LHD-1 Amphibious Assault Ship (MYP)	959,800	933,800	959,800	959,800
MHC Mine Hunter Coastal	268,100	204,000	.....	204,000
Service Craft	27,300	75,400	27,300	75,400
Sealift Ship .....	.....	1,500,000	1,000,000	900,000
Maritime Prepo/Ready Res FLT/Ship Cont Res .....	.....	900,000	.....	.....

1 RESEARCH, DEVELOPMENT, TEST AND
 2 EVALUATION
 3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 4 ARMY

5 For an additional amount for "Research, Develop-
 6 ment, Test and Evaluation, Army", \$58,000,000 for de-
 7 velopment of a Patriot Missile Quick Response Program,
 8 to remain available until September 30, 1992.

9 GENERAL PROVISIONS

10 SEC. 201. Restrictions provided under subsection
 11 (b)(2) of section 301d of title 37, United States Code, as
 12 authorized by the National Defense Authorization Act for
 13 1991 shall not apply in the case of flag or general officers
 14 serving as practicing physicians.

15 SEC. 202. Of the funds appropriated for fiscal year
 16 1991 for the account "Aircraft Procurement, Navy", the
 17 amount of \$987,936,000 provided for the F-14 remanu-
 18 factured program shall be obligated for the twelve F-14
 19 aircraft not later than thirty days after the enactment of
 20 this Act.

H/R
 1281
 3/5/91

21 SEC. 203. None of the funds available to the Depart-
 22 ment of Defense may be used for advance procurement
 23 of material and other efforts associated with the industrial
 24 availability of the U.S.S. Kennedy other than the service

1 life extension program for the U.S.S. Kennedy at the
2 Philadelphia Naval Shipyard.

3 SEC. 204. Of the funds appropriated in the Depart-
4 ment of Defense Appropriations Act (Public Law 100-
5 463) for fiscal year 1989 under the heading, "Aircraft
6 Procurement, Navy", \$200,000,000 shall be made avail-
7 able to the Department of the Navy and shall be obligated
8 for the V-22 Osprey tilt rotor aircraft program: *Provided*,
9 That notwithstanding any other provision of law, these
10 funds shall remain available until such time as they are
11 expended for the V-22 Osprey tilt rotor program.

12 (TRANSFER OF FUNDS)

13 SEC. 205. Upon enactment of this Act, the Secretary
14 of Defense shall make the following transfer of funds: *Pro-*
15 *vided*, That the amounts transferred shall be available for
16 the same purposes as the appropriations to which trans-
17 ferred, and for the same time period of the appropriation
18 from which transferred: *Provided, further*, That funds
19 shall be transferred between the following appropriations
20 in the amounts specified:

21 From:

22 Under the heading, "Shipbuilding and Conver-
23 sion, Navy, 1991/1995":

24 AOE combat support ship program,
25 \$237,000,000;

26 To:

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1991, AND FOR OTHER PURPOSES

MARCH 5, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WHITTEN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.R. 1281]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

RECOMMENDATION

Overall, the bill as recommended by the Committee provides total new budget authority of \$4,136,377,100. This includes dire emergency appropriations of \$151,113,000 which are primarily to offset the consequences of "Operation Desert Shield/Desert Storm" and \$650,000,000 which will assist Israel with costs it has incurred in the Persian Gulf conflict. In addition, the Committee recommends funding of \$1,500,000,000 for the Food Stamp Program; \$482,500,000 for nuclear waste cleanup; \$303,084,000 for veterans compensation and pensions; \$270,000,000 for the CHAMPUS medical program of the Department of Defense; \$200,000,000 for depot maintenance of the Department of Defense; \$232,000,000 for the Supplemental Security Income program of the Social Security Administration; \$200,000,000 for the States' share of the Unemployment Compensation program; and \$100,000,000 for an increased federal payment to the District of Columbia.

AIRCRAFT CARRIER SERVICE LIFE EXTENSION PROGRAM

The Committee directs the Navy to begin expending the funding enacted in fiscal year 1991 solely for the Service Life Extension Program (SLEP) of USS *Kennedy* at the Philadelphia Naval Shipyard.

Despite the force structure reduction to twelve deployable carriers recommended by the Department of Defense, the Committee understands that USS *Kennedy*, the newest non-nuclear carrier, will be required in the fleet for many years before it could be replaced by a nuclear carrier to attain an all-nuclear carrier fleet.

SLEP is designed and proven to extend the thirty year service life of non-nuclear aircraft carriers by at least fifteen years. The Philadelphia Naval Shipyard has completed SLEP of USS *Saratoga*, USS *Forrestal* and USS *Independence*; will soon complete SLEP of USS *Kitty Hawk*; and has begun SLEP of USS *Constellation* with a completion date in FY 1993. To ensure that USS *Kennedy* can serve as long as necessary, the Committee strongly supports SLEP for USS *Kennedy* and has included bill language to prohibit the expenditure of funds on any lesser USS *Kennedy* overhaul.

The Committee understands that immediate direction is needed for SLEP for USS *Kennedy*, because design and advance procurement are falling behind schedule for the FY 1993—FY 1995 execution of this work.

V-22 OSPREY

The Committee has included a general provision which directs the Department of Defense to obligate previously appropriated funds for the V-22 Osprey aircraft. The provision also extends the availability of the funds appropriated in fiscal year 1989.

F-14 AIRCRAFT PROGRAM

The Committee has included a general provision which calls for the obligation of \$987,936,000 for the F-14 program. This funding includes \$897,236,000 for production of aircraft and \$90,700,000 for spare parts.

AOE COMBAT SUPPORT SHIPS

The Committee has included a general provision which transfers funding among various prior years' AOE combat support ship programs. The Committee is aware that claims submitted by the contractor have not yet been fully evaluated and the Committee's action is not intended to prejudge those claims. The Committee directs the Navy to expeditiously evaluate the claims to arrive at an equitable settlement and to assure delivery of these ships to the Navy in a timely and cost effective manner.

102D CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
102-29

MAKING DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1991, AND FOR OTHER PURPOSES

MARCH 22, 1991.—Ordered to be printed

Mr. WHITTEN, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 1281]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) "making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 35, 39, 42, 48, 52, 54, 57, 75, 92, 93, 94, and 98.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20, 23, 26, 27, 29, 30, 41, 61, 63, 67, 68, 88, 89, and 91, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: , *to remain available until expended*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$6,239,000*; and the Senate agree to the same.

USE OF U.S. INTELLIGENCE SYSTEMS AND RESOURCES FOR PERSIAN GULF
ENVIRONMENTAL AND ECOLOGICAL ASSESSMENTS

The catastrophic environmental and ecological damage done in the Persian Gulf region and beyond resulting from the sabotage of Kuwaiti oil wells and associated facilities is without precedent in modern history. As a consequence of this unique situation, the Conferees strongly urge the Director of Central Intelligence to support the overall United States national government damage assessment effort by assembling a special Community-wide task force, in order to (1) identify all intelligence systems and analytical assets capable of assessing the nature, impacts, and extent of such damage; and (2) direct expeditiously and on a high priority basis those systems and assets to conduct such assessments. Further, under appropriate precautions to safeguard the security of intelligence assets, sources and methods, the Director of Central Intelligence is requested to (1) cooperate closely with the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Director of the National Oceanographic and Atmospheric Administration and other federal departments and agencies in sharing resources, information, and analytical work and assessments that might result from the efforts on this matter; (2) make sharing arrangements to draw upon the information and analysis being done by other nations on this matter; and (3) provide a preliminary report, in both classified and unclassified forms, on the activities he has initiated on this matter 60 days after the enactment of this Act.

GENERAL PROVISIONS

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed \$2,000,000 shall be available only for an off-island leave program: Provided, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: Provided further, That funds appropriated for the off-island leave program shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 52: Restores House language which calls for a service life extension program for the U.S.S. KENNEDY at the Philadelphia Naval Shipyard.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

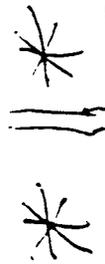
Exhibit 3

Date 6/25/1991

DRYDOCK USAGE REPORT

Refueling/ Defueling Capability		FY93	FY94	FY95
PTSMH	1	Defueling 110	1153	
	2	688/93	691	
	3	637 616/640	720 618 721 616 721 616 721 616 721	650
NORVA	2	None	618 721 616 721 616 721	650
	3	None	618 721 616 721 616 721	650
	4	CGN 688	618 721 616 721 616 721	650
	8	None	618 721 616 721 616 721	650
CHASN	1	637 616/640	618 721 616 721 616 721	650
	2	637 616/640	618 721 616 721 616 721	650
	5	None	618 721 616 721 616 721	650
PHILA	2	None		
	3	None		
	4	None		
	5	None	618 721 616 721 616 721	

 NUC REF
  CONVENTIONAL
 RC-RC REMOVAL
 NUC SHIP ROH
  NUC DEF
 C -CAISSON REPAIR
 OOC -DRYDOCK OUT OF COMMISS
 RPRS-REPAIRS TO DRYDOCK



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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515

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 BARBARA F. WU, NEVADA
 JIM LIGHTFOOT, IOWA

CLERK AND STAFF DIRECTOR
 PATRICIA E. LAMBERT
 TELEPHONE
 202-225-3771

June 18, 1991

Honorable Jim Courter
 Chairman
 The Defense Base Closure and
 Realignment Commission
 1625 K Street
 Suite 400
 Washington, D.C. 20006

Dear Mr. Courter:

I am writing to you and each of your fellow Commissioners to convey my very deep concerns with the Navy's performance with respect to the recommendation to close the Philadelphia Naval Shipyard and the likelihood that it will have to be reopened at some future time if your Commission concurs in the closure recommendation.

I have been informed that since the General Accounting Office strongly criticized the Navy's work in making its closure recommendations, and since I and other Members of Congress testified before the Commission with regard to the Philadelphia Yard, your staff has had a number of meetings with the Navy at which the Navy presented new arguments to justify its proposals. These arguments still disagree with the recommendation of Admiral Hekman, then-Commander, Naval Sea Systems Command, to keep PNSY open. (See enclosed memorandum.)

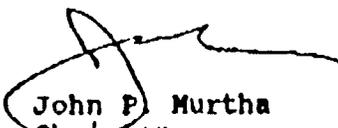
Reportedly, to try to substantiate the closure of PNSY, the Navy has stressed that there is a private shipyard alternative on the East Coast to provide necessary drydock capacity for aircraft carriers, and that there is another Naval Shipyard to provide necessary drydock capacity for the other large ships in the fleet. I strongly question these assertions, as did Admiral Hekman.

Honorable Jim Courter
June 18, 1991
Page Two

As you know, PNSY has three drydocks large enough to handle the Navy's biggest ships, including LHDs, LHAs, AOE's and carriers. The FY 1992 Defense Appropriations Bill just passed by the House includes \$972 million for another LHD necessary for the Marine Corps. In fact, as the number of ships in the fleet declines, the percentage of the fleet represented by the larger ships that require PNSY's drydocks will increase markedly. The Navy itself has indicated that it would be unwise to rely upon a private yard to drydock these ships, and that Naval Shipyard drydock utilization for such ships is expected to increase. Meanwhile, the Navy proposes to keep open three nuclear Naval Shipyards with only small drydocks that cannot handle these larger ships and will be utilized at a very low capacity, particularly in the years ahead when the workload of decommissioning and refueling nuclear submarines declines dramatically. These factors have not been adequately considered, with the result that the Navy has taken a short-term view of the proper mix for future shipyard requirements.

 My testimony before the Commission on May 22, 1991 noted my concern that, in the past, some closures had to be reversed at great expense. As Chairman of the Defense Appropriations Subcommittee, I will have to deal with such mistakes. Closure of PNSY would be a mistake and I urge you to keep it from happening by rejecting the Navy's recommendation to close the Philadelphia Naval Shipyard.

Sincerely,


John P. Murtha
Chairman
Defense Subcommittee

Enclosure

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701 PENNSYLVANIA AVENUE, N.W.
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202 508-4000

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CABLE ADDRESS: "REIDAPT"
TELEX: 7105816721 RDPT NYK
220534 RDPT UR

WASHINGTON OFFICE
FACSIMILE: 202 508-4321
TELEX: 440630 RP WASH

DIRECT DIAL NUMBER

June 30, 1991

Robert J. Moore, Esq.
General Counsel
Defense Base Closure
and Realignment Commission
1625 K Street, N.W., Suite 400
Washington, D.C. 20006-1604

Dear Mr. Moore:

To summarize the City of Philadelphia's ("City") position, the facts make it clear that the Secretary of Defense's ("Secretary") recommendation to close the Philadelphia Naval Shipyard ("PNSY") substantially deviates from the force structure plan and the final selection criteria^{1/} within the meaning of the Defense Base Closure and Realignment Act of 1990 ("Act").^{2/}

Under the Act, the Defense Base Closure and Realignment Commission ("Commission") "may make changes in any of the recommendations made by the Secretary" when there is a "substantial deviation." It is the City's position that the deviation in this case is so substantial and fundamental to the Navy's entire closure recommendation that it requires the Commission to reject the Secretary's recommendation and remove PNSY from the Secretary's list of recommended closures.

The documents previously submitted to the Commission by the City and the City's Congressional delegation, including the May 16 Report and the June 6 Analysis, show numerous instances in which the Navy has failed to comply with the Act and has substantially deviated from the force structure plan and the selection criteria. One of these

1 56 Fed. Reg. 6374 (Feb. 15, 1991).

2 Act, § 2903(d)(2)(B).

Robert J. Moore, Esq.
June 30, 1991
Page 2

critical instances involves the Navy's initial failure to acknowledge that the USS KENNEDY will undergo the Service Life Extension Program ("SLEP").

position of Sec. The ~~Secretary~~ ^{of the sec} ~~Secretary~~ is based on
The first fatal error in this regard is that each and every document released by the Secretary in connection with his April 12, 1991 base closure announcement states that the SLEP was being terminated and that USS CONSTELLATION would be the last aircraft carrier to undergo SLEP at Philadelphia. In fact, the Navy has now scheduled USS KENNEDY into PNSY in conformance to applicable law to begin at the end of FY 1993.

2

Four facts must be noted in connection with the Navy's June 25, 1991 Drydock Usage Report, transmitted to the Commission on June 26, 1991, which shows USS KENNEDY's drydocking to last about nine months. First, if the drydocking availability were for only a complex overhaul, it would have been for significantly less time. Second, SLEP is always a multi-year procurement which is funded in stages, with initial advance procurement first and then further funding later. USS KENNEDY SLEP has already been funded for \$405 million, almost half the amount of \$870 million budgeted by the Navy for KENNEDY SLEP. Third, the entire 28 or more months duration of a SLEP does not take place in a drydock -- as soon as the work which requires drydocking is completed, the carrier is usually floated out of the drydock so that the remaining work can take place at Pier 4 at PNSY and to free the drydock for emergent or other work. Thus, the actual SLEP extends substantially beyond the FY 1994 designation in the Drydock Usage Chart. Fourth, Congress has legislated twice thus far that USS KENNEDY shall undergo a SLEP and that it shall be in PNSY. These enactments were extensively debated in Congress in the face of amendments to strike these directives but, each time, they were defeated. It is extremely significant to note here that the Committee Report accompanying the FY 1992 House Defense Authorization Bill increased the \$113.1

*Already
1/2 funded*

- 3 Base Closure Report, pp. 64 and 65; Navy Report on Naval Shipyards, TABC, pp. 10, 11, and 12.
- 4 FY 1991 Defense Authorization Act; FY 1991 Defense Appropriations Act; and FY 1991 Dire Emergency Supplemental Appropriations Act. Exhibit 1.
- 5 Drydock Usage Report. Exhibit 2.

Robert J. Moore, Esq.
June 30, 1991
Page 3

million amount in the FY 1991 Defense Authorization Act to \$405 million for USS KENNEDY SLEP at PNSY while acknowledging, and notwithstanding, the fact that PNSY was at that time on the Secretary of Defense's list of recommended closures.

Thus, the Navy's entire analysis, ranging from military value to the COBRA Model, all of which have already been seriously called into question, is based on the fatally incorrect and fundamental assumption that the Shipyard would close upon completion of USS CONSTELLATION SLEP in 1992-1993. In fact, PNSY will not be closing or closed in 1993, but will be commencing the performance of a multi-year SLEP on USS KENNEDY SLEP with a Shipyard workforce in excess of 6,000.

There is also the practical absurdity, recognized by several Commissioners in open session of the Commission on Friday afternoon, June 28, 1991, of deciding to close a Shipyard today (June 30, 1991) when that very Shipyard, two years from now (1993), is to begin a major piece of work (\$800-900 million) on a major capital ship of the Navy (USS KENNEDY) that will not be completed until early 1996, almost five years from now. In that connection, we call your attention to the legal question of whether, in fact, the base closure process at PNSY could proceed within the ~~time-frames under the Act, i.e., closure could not be initiated within two years (1993),⁶ if PNSY will be starting a major SLEP project at that same time, and closure can not be completed within six years (1997)⁷ because PNSY will just be finishing KENNEDY SLEP.~~

The second fatal legal error in the Secretary's closure recommendation which constitutes a "substantial deviation" is that the Navy's force structure assumed that the KENNEDY would be needed only in the short-term and would undergo merely an overhaul at Norfolk Naval Shipyard (or "at a shipyard to-be-determined"). The Navy has now indicated it is willing to comply with the clear directions

6 Act, § 2904(a)(3).

7 Act, § 2904(a)(4).

Robert J. Moore, Esq.
June 30, 1991
Page 4

of Congress and the law of the land by proceeding with a KENNEDY SLEP at PNSY.

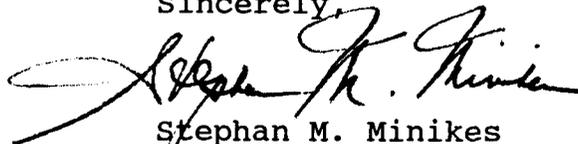
Thus, the Navy's force structure plan now keeps the KENNEDY in the fleet for a longer period than was factored into the base closure recommendation, which means PNSY will operate at about a 6,000 workforce at least until 1996. Consequently, the Navy's recommendation to close PNSY substantially deviates from its now-acknowledged force structure plan.

Finally, you asked at our meeting yesterday about the duration of the Congressional authorization and appropriation of USS KENNEDY SLEP. The SLEP program has always been authorized and appropriated as a line item in the "Ship Construction - Navy ("SCN") account. It has been legislated on a multi-year basis to allow advance procurement of long-lead items. The current authorization and appropriation envisions the \$405 million thus far made available by Congress to be spent over at least a three-year (FY 1991-93) period. Those funds are permanently fenced for the designated purpose of proceeding with advance procurement, planning and the initiation of work on USS KENNEDY SLEP over the next three years. The permanent existence of this fund cannot be separated from its legislated purpose even though, generally, appropriations bills expire at the end of each fiscal year. If you were to hold otherwise, all multi-year procurements would be potentially meaningless.

The facts and legal analysis herein set forth may be determinative in the Commissioners' deliberations today and we ask that you please bring this letter to each of their attention before today's vote.

Thank you.

Sincerely,



Stephan M. Minikes
Counsel to the City
of Philadelphia

SMM:nms

Exhibit 1

101ST CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
101-938

1991
MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
DEFENSE

OCTOBER 24, 1990.—Ordered to be printed

Mr. MURTHA, from the Committee of Conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 5803]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5803) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 18, 24, 26, 35, 41, 53, 64, 66, 67, 68, 71, 74, 77, 78, 86, 97, 101, 103, 104, 105, 106, 109, 110, 112, 113, 117, 119, 120, 121, 124, 125, 126, 139, 140, 143, 145, 149, 151, 152, 156, 161, 165, 167, 169, 171, 173, 176, 180, 181, 182, 183, 184, 186, 187, 188, 189, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 225, 227, 229, 232, 237, 241, 244, 245, 246, 248, 250, 252, 254, 256, 261, 265, 268, 270, 272, 273, 275, 277, 283, 287, 294, 298, 304, 306, 308, 310, 313, 315, 317, 318, 334, 337, and 361.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 28, 36, 38, 39, 40, 42, 44, 45, 47, 49, 51, 56, 57, 60, 63, 69, 72, 82, 84, 88, 91, 92, 93, 96, 98, 111, 116, 127, 134, 135, 136, 144, 146, 147, 148, 150, 153, 155, 157, 158, 159, 160, 162, 163, 164, 166, 168, 170, 172, 174, 175, 177, 185, 190, 191, 198, 199, 200, 223, 234, 235, 236, 243, 263, 279, 280, 289, 290, 291, 292, 295, 296, 297, 299, 300, 320, 339, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

1 life extension program for the U.S.S. Kennedy at the
2 Philadelphia Naval Shipyard.

3 SEC. 204. Of the funds appropriated in the Depart-
4 ment of Defense Appropriations Act (Public Law 100-
5 463) for fiscal year 1989 under the heading, "Aircraft
6 Procurement, Navy", \$200,000,000 shall be made avail-
7 able to the Department of the Navy and shall be obligated
8 for the V-22 Osprey tilt rotor aircraft program: *Provided,*
9 That notwithstanding any other provision of law, these
10 funds shall remain available until such time as they are
11 expended for the V-22 Osprey tilt rotor program.

12 (TRANSFER OF FUNDS)

13 SEC. 205. Upon enactment of this Act, the Secretary
14 of Defense shall make the following transfer of funds: *Pro-*
15 *vided,* That the amounts transferred shall be available for
16 the same purposes as the appropriations to which trans-
17 ferred, and for the same time period of the appropriation
18 from which transferred: *Provided, further,* That funds
19 shall be transferred between the following appropriations
20 in the amounts specified:

21 From:

22 Under the heading, "Shipbuilding and Conver-
23 sion, Navy, 1991/1995":

24 AOE combat support ship program,
25 \$237,000,000;

26 To:

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1991, AND FOR OTHER PURPOSES

MARCH 5, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WHITTEN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.R. 1281]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

RECOMMENDATION

Overall, the bill as recommended by the Committee provides total new budget authority of \$4,136,377,100. This includes dire emergency appropriations of \$151,113,000 which are primarily to offset the consequences of "Operation Desert Shield/Desert Storm" and \$650,000,000 which will assist Israel with costs it has incurred in the Persian Gulf conflict. In addition, the Committee recommends funding of \$1,500,000,000 for the Food Stamp Program; \$482,500,000 for nuclear waste cleanup; \$303,084,000 for veterans compensation and pensions; \$270,000,000 for the CHAMPUS medical program of the Department of Defense; \$200,000,000 for depot maintenance of the Department of Defense; \$232,000,000 for the Supplemental Security Income program of the Social Security Administration; \$200,000,000 for the States' share of the Unemployment Compensation program; and \$100,000,000 for an increased federal payment to the District of Columbia.

AIRCRAFT CARRIER SERVICE LIFE EXTENSION PROGRAM

The Committee directs the Navy to begin expending the funding enacted in fiscal year 1991 solely for the Service Life Extension Program (SLEP) of USS *Kennedy* at the Philadelphia Naval Shipyard.

Despite the force structure reduction to twelve deployable carriers recommended by the Department of Defense, the Committee understands that USS *Kennedy*, the newest non-nuclear carrier, will be required in the fleet for many years before it could be replaced by a nuclear carrier to attain an all-nuclear carrier fleet.

SLEP is designed and proven to extend the thirty year service life of non-nuclear aircraft carriers by at least fifteen years. The Philadelphia Naval Shipyard has completed SLEP of USS *Saratoga*, USS *Forrestal* and USS *Independence*; will soon complete SLEP of USS *Kitty Hawk*; and has begun SLEP of USS *Constellation* with a completion date in FY 1993. To ensure that USS *Kennedy* can serve as long as necessary, the Committee strongly supports SLEP for USS *Kennedy* and has included bill language to prohibit the expenditure of funds on any lesser USS *Kennedy* overhaul.

The Committee understands that immediate direction is needed for SLEP for USS *Kennedy*, because design and advance procurement are falling behind schedule for the FY 1993—FY 1995 execution of this work.

V-22 OSPREY

The Committee has included a general provision which directs the Department of Defense to obligate previously appropriated funds for the V-22 Osprey aircraft. The provision also extends the availability of the funds appropriated in fiscal year 1989.

F-14 AIRCRAFT PROGRAM

The Committee has included a general provision which calls for the obligation of \$987,936,000 for the F-14 program. This funding includes \$897,236,000 for production of aircraft and \$90,700,000 for spare parts.

AOE COMBAT SUPPORT SHIPS

The Committee has included a general provision which transfers funding among various prior years' AOE combat support ship programs. The Committee is aware that claims submitted by the contractor have not yet been fully evaluated and the Committee's action is not intended to prejudge those claims. The Committee directs the Navy to expeditiously evaluate the claims to arrive at an equitable settlement and to assure delivery of these ships to the Navy in a timely and cost effective manner.

MAKING DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1991, AND FOR OTHER PURPOSES

MARCH 22, 1991.—Ordered to be printed

Mr. WHITTEN, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 1281]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) "making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 35, 39, 42, 48, 52, 54, 57, 75, 92, 93, 94, and 98.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20, 23, 26, 27, 29, 30, 41, 61, 63, 67, 68, 88, 89, and 91, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: , *to remain available until expended*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$6,239,000; and the Senate agree to the same.

USE OF U.S. INTELLIGENCE SYSTEMS AND RESOURCES FOR PERSIAN GULF
ENVIRONMENTAL AND ECOLOGICAL ASSESSMENTS

The catastrophic environmental and ecological damage done in the Persian Gulf region and beyond resulting from the sabotage of Kuwaiti oil wells and associated facilities is without precedent in modern history. As a consequence of this unique situation, the Conference strongly urge the Director of Central Intelligence to support the overall United States national government damage assessment effort by assembling a special Community-wide task force, in order to (1) identify all intelligence systems and analytical assets capable of assessing the nature, impacts, and extent of such damage; and (2) direct expeditiously and on a high priority basis those systems and assets to conduct such assessments. Further, under appropriate precautions to safeguard the security of intelligence assets, sources and methods, the Director of Central Intelligence is requested to (1) cooperate closely with the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Director of the National Oceanographic and Atmospheric Administration and other federal departments and agencies in sharing resources, information, and analytical work and assessments that might result from the efforts on this matter; (2) make sharing arrangements to draw upon the information and analysis being done by other nations on this matter; and (3) provide a preliminary report, in both classified and unclassified forms, on the activities he has initiated on this matter 60 days after the enactment of this Act.

GENERAL PROVISIONS

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed \$2,000,000 shall be available only for an off-island leave program: Provided, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: Provided further, That funds appropriated for the off-island leave program shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 52: Restores House language which calls for a service life extension program for the U.S.S. KENNEDY at the Philadelphia Naval Shipyard.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

Exhibit 2
Date 6/25/1991

DRYDOCK USAGE REPORT

Refueling/
Overhuling
Capabilities

FY93

FY94

FY95

PTSMH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
CHASN	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
NORVA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
PHILA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

NUC REF CONVENTIONAL RC-RC REMOVAL OOC - DRYDOCK OUT OF COMMISS

NUC SHIP ROH NUC DEF C-CAISSON REPAIR RPRS-REPAIRS TO DRYDOCK

The Navy Has Substantially Deviated
from the Force Structure Plan
and the Selection Criteria

The Navy's Recommendation Substantially
Deviates from the Force Structure Plan.

- o The Navy's force structure plan was initially premised on the termination of the Carrier Service Life Extension Program (SLEP) in 1993 upon the completion of CONSTELLATION SLEP. Based on this premise, the Navy recommended closure of Philadelphia in 1993.
- o In fact, in 1990 Congress authorized and appropriated funds for a SLEP of the KENNEDY. Congress reaffirmed this funding in the Dire Emergency Supplemental Appropriations Act, which was passed in March 1991.
- o The Navy has finally acknowledged that the KENNEDY will undergo a SLEP and that the SLEP will be done in Philadelphia. This requires about 6,000 workers at Philadelphia until 1996.
- o The Navy's force structure plan now contains KENNEDY SLEP which means PNSY operates at about a 6,000-workforce level at least until 1996. However, the Navy's recommendation to close Philadelphia is premised on no KENNEDY SLEP. Thus, the recommendation substantially deviates from the force structure plan.

The Navy's Recommendation Substantially
Deviates from the Selection Criteria.

- o The Navy's mission requirements (the first base selection criterion) and all of its analysis were initially premised on the termination of the SLEP program upon completion of CONSTELLATION SLEP (see pages 10, 11 and 12 of the Navy's Report, TAB C). Based on this premise, the Navy recommended closing Philadelphia in FY 1993.
- o The Navy now acknowledges that KENNEDY will undergo a SLEP at Philadelphia. This requires about 6,000 workers in Philadelphia until 1996.

- o The Navy's recommendation to close PNSY in 1993 thus substantially deviates from the mission requirements to keep Philadelphia open until 1996 with a workforce of 6,000 to perform KENNEDY SLEP.
- o The Navy's COBRA Model calculations, which were the basis for the fourth and fifth selection criteria (Cost and Return on Investment), were premised on closure of PNSY commencing in 1992, transferring the FORRESTAL to Puget Sound, and doing an overhaul, not a SLEP, on KENNEDY in Norfolk. This is completely inaccurate. In fact, the FORRESTAL work and the KENNEDY SLEP will be done at PNSY, and PNSY will be operated with a workforce of 6,000 until 1996.
- o The Navy's COBRA Model calculations are thus completely inaccurate and substantially deviate from the workload requirements for Philadelphia.
- o The Navy's analysis of other selection criteria were also similarly based on a faulty premise of no KENNEDY SLEP at PNSY.

June 29, 1991