

FOIA MARKER

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Folder Title:

Chron File - February 1994 #1 [4]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

263

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	To the Situation Room. [CIA Act] [partial] (1 page)	02/07/1994	P3/b(3)
002a. memo	For the Assistant to the President for National Security Affairs from Robert McAleer. Subject: Foreign Travel Trip Report. (1 page)	02/07/1994	P1/b(1)
002b. memo	[Report of General Merrill A. McPeak report on his trip to Kenya, Somalia, and Tunisia] (5 pages)	01/27/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 263

FOLDER TITLE:

Chron File - February 1994 #1 [4]

2016-0152-F

vz4533

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

February 5, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

~~ROBERT BELL~~ *RB*

FROM:

PETER FEAVER *PDF*

SUBJECT: Defense Proposed Report Re. HR 3273, Military Reserve Retirement Fairness Act

At Tab II is a proposed report, prepared by the Department of Defense, expressing the Department's objection to HR 3273, a bill to revise the requirements for eligibility for receipt of retired pay for nonregular service in the Armed Services. The bill would eliminate the requirement that the last eight years of qualifying service for retirement be in a Reserve component. The DoD opposes lifting this requirement arguing that Reserve retirement benefits should only go to those individuals who have made a significant contribution to the Reserves.

Concurrence by:

SJ Steven Jones and *JR* Jeremy RosnerRECOMMENDATION

That you sign and forward the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature

Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR JANET R. FORSGREN

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Report Re. HR 3273, Military
Reserve Retirement Fairness Act

The National Security Council Staff concurs in the proposed report.

0878

SPECIAL

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

6 pgs

February 3, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1979

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
HHS - Frances White - (202)690-7760 - 328
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
NSC - William H. Itoh - (202)395-3723 - 249

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

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

SUBJECT: DEFENSE Proposed Report RE: HR 3273, Military
Reserve Retirement Fairness Act

DEADLINE: 2:00PM February 7, 1994

COMMENTS: DOD asked for expedited clearance of this report
because this subject will be discussed at a H. Armed Services
Committee hearing scheduled for Feb. 10th.

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

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

CC:

{ Jim Fish
Wendell Waites
Chris Bertram
Jeff Payne
Jeff Blend
Art Stigile
Joe Lackey
Jennifer Palmieri
Al Maldon
Bernie Martin
Janet Forsgren
Delphine Motley

LRM #I-1979

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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

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

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

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

SUBJECT: DEFENSE Proposed Report RE: HR 3273, Military
 Reserve Retirement Fairness Act

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

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

FEB 3 '94 10:28 FROM OSD-LRS

TO FORBGREN

PAGE.003

The Honorable Ronald V. Dellums
Chairman, Committee on Armed Services
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 3273, 103rd Congress, a bill "to amend title 10, United States Code, to revise the requirements for eligibility under chapter 67 of that title for receipt of retired pay for nonregular service in the Armed Forces."

The Department of Defense opposes this bill, which would change the eligibility for retired pay for nonregular service, so as to eliminate the current requirement that the last eight years of qualifying service for retirement must be service in a Reserve component. With this revision, the law would no longer ensure that individuals qualifying for Reserve retirement had completed substantial amounts of Reserve service and had made a significant contribution to the Reserves.

A review of the legislative history and subsequent interpretations of section 1331(a) of title 10, United States Code makes clear that the current statutory requirement that the last eight years of qualifying service be in a Reserve component was intended to provide an incentive to members of the Reserve components to perform continuous Reserve service. This provision is essential in order to avoid the possibility that personnel separated from Regular service who are lacking one or two years necessary to qualify for retirement based on their active service not be permitted to avail themselves of Reserve retirement benefits merely by serving in the Reserves for one or two years after separation from the Regular service.

The Department recognizes that the temporary authority to qualify certain members of the Selected Reserve for retirement at age 60 after 15 (vice 20) years of qualifying service has caused some to question if the eight year requirement should be modified. The Department has considered this possibility and concluded that a change to the long-standing, eight-year requirement is not essential to manage the drawdown. We believe

FEB 3 '94 10:28 FROM OSD-LRS

TO FORSGREN

PAGE.004

2

that the rationale for the eight year requirement remains sound. and that the very substantial program of voluntary and involuntary separation benefits, temporary early retirement authority, and transition benefits and assistance which have been put in place provide substantial fairness to those members leaving active service during this period.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

108D CONGRESS
1ST SESSION

H. R. 3273

To amend title 10, United States Code, to revise the requirements for eligibility under chapter 67 of that title for receipt of retired pay for nonregular service in the Armed Forces

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 1993

Mr. KREIDLER introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to revise the requirements for eligibility under chapter 67 of that title for receipt of retired pay for nonregular service in the Armed Forces

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Military Reserve Re-
5 tirement Fairness Act".

1 SEC. 2. ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR
2 SERVICE.

3 (a) MINIMUM REQUIRED RESERVE SERVICE.—Sec-
4 tion 1331(a) of title 10, United States Code, is amended—

5 (1) by inserting "and" at the end of paragraph

6 (2);

7 (2) by striking out paragraph (3); and

8 (3) by redesignating paragraph (4) as para-
9 graph (3).

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall apply to a member of the Armed
12 Forces who completes 20 years of service computed under
13 section 1332 of title 10, United States Code, after the date
14 of the enactment of this Act.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

February 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RGB*
FROM: PETER FEAVER *PDF*
SUBJECT: Letter to the President From Representative
Gonzalez Re. Nominee for Position of Secretary of
Defense

Tab I is a Memorandum from you to the President covering a proposed response to Rep. Gonzalez (at Tab A of Tab I), who has written to the President concerning possible nominations to the position of Secretary of Defense (at Tab B of Tab I).

Concurrence by: Jeremy Rosner *JR*

RECOMMENDATION

That you sign and forward the Memorandum to the President at Tab I covering a proposed response from the President to Rep. Gonzalez.

Attachments

Tab I Memorandum to the President
Tab A Proposed Response to Rep. Gonzalez
Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
SUSAN BROPHY

SUBJECT: Letter from Representative Gonzalez Re Nominee for
Position of Secretary of Defense

Purpose

To respond to a letter from Representative Henry Gonzalez (Tab B) who has written to you concerning the nomination of ex-military officers to be Secretary of Defense.

Background

Representative Gonzalez writes that Admiral Inman was an inappropriate nominee for the position of Secretary of Defense because of his military career. He urges you to appoint only competent civilians, and preferably Democrats, to this Cabinet office. Your proposed response (Tab A) notes that the Senate confirmed Dr. Perry to be Secretary of Defense on February 3, 1994.

RECOMMENDATION

That you sign the proposed letter to Representative Gonzalez at Tab A.

Attachments

Tab A Proposed Response to Representative Gonzalez
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Henry:

Thank you for writing to share your views on Les Aspin's replacement as Secretary of Defense.

As you know, the Senate voted unanimously to confirm William Perry to that post on February 3, 1994. I hope you agree that Dr. Perry has the ability and experience to be an excellent Secretary of Defense.

Sincerely,

The Honorable Henry Gonzalez
House of Representatives
Washington, D.C. 20515

HENRY B. GONZALEZ
20TH DISTRICT, TEXAS

2413 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4320
202-225-3236

HOME OFFICE:
B-124 FEDERAL BUILDING
727 E. DURANGO STREET
SAN ANTONIO, TX 78208-1286
210-229-6195

Congress of the United States
House of Representatives
Washington, DC 20515-4320

0771
COMMITTEE
BANKING, FINANCE AND
URBAN AFFAIRS
CHAIRMAN

SUBCOMMITTEES
HOUSING AND COMMUNITY DEVELOPMENT
CHAIRMAN
CONSUMER CREDIT AND INSURANCE
INTERNATIONAL DEVELOPMENT, FINANCE,
TRADE, AND MONETARY POLICY

January 20, 1994

FILE REF

A04
jcs

The Honorable William J. Clinton
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to keep faith with the congressional intent of the 1947 Defense Reorganization Act in which the pre-eminent congressional intent was to maintain civilian control of the military. Your first nominee to replace Secretary Aspin did not, in my opinion, conform with congressional intent because of his military career. I ask then, with all due respect, that you refrain from nominating another person from an extensive military background to head the Defense Department. Surely, Mr. President, among the 250 million Americans, we can find a civilian who is competent and, preferably, a Democrat.

With every good wish, I remain

Sincerely,

Henry Gonzalez
Henry B. Gonzalez
Member of Congress

THE WHITE HOUSE

WASHINGTON

January 25, 1994

*Please
staff*

MEMORANDUM FOR WILLIAM ITOH

FROM: SUSAN BROPHY *SB*
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached is a copy of the letter sent to the President from Representative Henry Gonzalez (D-TX) , concerning the Secretary of Defense. Since this letter addresses national security issues, I would appreciate your assistance in drafting a response.

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

Enclosure

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

February 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

ROBERT BELL *RLB*

FROM:

PETER FEAVER *PDF*

SUBJECT:

Letter to the President From Representative
Gonzalez Re. Nominee for Position of Secretary of
Defense

Tab I is a Memorandum from you to the President covering a
proposed response to Rep. Gonzalez (at Tab A of Tab I), who has
written to the President concerning possible nominations to the
position of Secretary of Defense (at Tab B of Tab I).

Concurrence by:

Jeremy Rosner *JR*

RECOMMENDATION

That you sign and forward the Memorandum to the President at Tab
I covering a proposed response from the President to Rep.
Gonzalez.

Attachments

Tab I Memorandum to the President
Tab A Proposed Response to Rep. Gonzalez
Tab B Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
SUSAN BROPHY

SUBJECT: Letter from Representative Gonzalez Re Nominee for
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Purpose

To respond to a letter from Representative Henry Gonzalez (Tab B) who has written to you concerning the nomination of ex-military officers to be Secretary of Defense.

Background

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RECOMMENDATION

That you sign the proposed letter to Representative Gonzalez at Tab A.

Attachments

Tab A Proposed Response to Representative Gonzalez
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Henry:

Thank you for writing to share your views on Les Aspin's replacement as Secretary of Defense.

As you know, the Senate voted unanimously to confirm William Perry to that post on February 3, 1994. I hope you agree that Dr. Perry has the ability and experience to be an excellent Secretary of Defense.

Sincerely,

**The Honorable Henry Gonzalez
House of Representatives
Washington, D.C. 20515**

HENRY B. GONZALEZ
20TH DISTRICT, TEXAS

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Congress of the United States
House of Representatives
Washington, DC 20515-4320

0741
COMMITTEE
BANKING, FINANCE AND
URBAN AFFAIRS
CHAIRMAN

SUBCOMMITTEES
HOUSING AND COMMUNITY DEVELOPMENT
CHAIRMAN
CONSUMER CREDIT AND INSURANCE
INTERNATIONAL DEVELOPMENT, FINANCE,
TRADE, AND MONETARY POLICY

January 20, 1994

FILE REF

A04
jcs

The Honorable William J. Clinton
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to keep faith with the congressional intent of the 1947 Defense Reorganization Act in which the pre-eminent congressional intent was to maintain civilian control of the military. Your first nominee to replace Secretary Aspin did not, in my opinion, conform with congressional intent because of his military career. I ask then, with all due respect, that you refrain from nominating another person from an extensive military background to head the Defense Department. Surely, Mr. President, among the 250 million Americans, we can find a civilian who is competent and, preferably, a Democrat.

With every good wish, I remain

Sincerely,

Henry Gonzalez
Henry B. Gonzalez
Member of Congress

THE WHITE HOUSE

WASHINGTON

January 25, 1994

*Please
staff*

MEMORANDUM FOR WILLIAM ITOH

FROM: SUSAN BROPHY *SB*
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached is a copy of the letter sent to the President from Representative Henry Gonzalez (D-TX) , concerning the Secretary of Defense. Since this letter addresses national security issues, I would appreciate your assistance in drafting a response.

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Enclosure

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

February 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RGB*FROM: PETER FEAVER *PDF*

SUBJECT: Letter to the President From Representative
Gonzalez Re. Nominee for Position of Secretary of
Defense

Tab I is a Memorandum from you to the President covering a proposed response to Rep. Gonzalez (at Tab A of Tab I), who has written to the President concerning possible nominations to the position of Secretary of Defense (at Tab B of Tab I).

Concurrence by: Jeremy Rosner *JR*RECOMMENDATION

That you sign and forward the Memorandum to the President at Tab I covering a proposed response from the President to Rep. Gonzalez.

Attachments

Tab I Memorandum to the President
Tab A Proposed Response to Rep. Gonzalez
Tab B Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
SUSAN BROPHY

SUBJECT: Letter from Representative Gonzalez Re Nominee for
Position of Secretary of Defense

Purpose

To respond to a letter from Representative Henry Gonzalez (Tab B) who has written to you concerning the nomination of ex-military officers to be Secretary of Defense.

Background

Representative Gonzalez writes that Admiral Inman was an inappropriate nominee for the position of Secretary of Defense because of his military career. He urges you to appoint only competent civilians, and preferably Democrats, to this Cabinet office. Your proposed response (Tab A) notes that the Senate confirmed Dr. Perry to be Secretary of Defense on February 3, 1994.

RECOMMENDATION

That you sign the proposed letter to Representative Gonzalez at Tab A.

Attachments

Tab A Proposed Response to Representative Gonzalez
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Henry:

Thank you for writing to share your views on Les Aspin's replacement as Secretary of Defense.

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Sincerely,

**The Honorable Henry Gonzalez
House of Representatives
Washington, D.C. 20515**

HENRY B. GONZALEZ
20TH DISTRICT, TEXAS

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Congress of the United States
House of Representatives
Washington, DC 20515-4320

0741
COMMITTEE
BANKING, FINANCE AND
URBAN AFFAIRS
CHAIRMAN

SUBCOMMITTEES
HOUSING AND COMMUNITY DEVELOPMENT
CHAIRMAN
CONSUMER CREDIT AND INSURANCE
INTERNATIONAL DEVELOPMENT, FINANCE,
TRADE, AND MONETARY POLICY

January 20, 1994

FILE REF

A04
jcs

The Honorable William J. Clinton
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to keep faith with the congressional intent of the 1947 Defense Reorganization Act in which the pre-eminent congressional intent was to maintain civilian control of the military. Your first nominee to replace Secretary Aspin did not, in my opinion, conform with congressional intent because of his military career. I ask then, with all due respect, that you refrain from nominating another person from an extensive military background to head the Defense Department. Surely, Mr. President, among the 250 million Americans, we can find a civilian who is competent and, preferably, a Democrat.

With every good wish, I remain

Sincerely,

Henry Gonzalez
Henry B. Gonzalez
Member of Congress

THE WHITE HOUSE

WASHINGTON

January 25, 1994

*Class
Staff*

MEMORANDUM FOR WILLIAM ITOH

FROM: SUSAN BROPHY *SB*
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached is a copy of the letter sent to the President from Representative Henry Gonzalez (D-TX) , concerning the Secretary of Defense. Since this letter addresses national security issues, I would appreciate your assistance in drafting a response.

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

Enclosure

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

February 5, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RGB*

FROM:

PETER FEAVER *PDP*

SUBJECT:

Commerce Draft Bill Authority for the Commissioned
Corps of the National Oceanic and Atmospheric
Administration

Tab II is a draft bill, prepared by the Department of Commerce, to amend the existing statutory authority of the National Oceanic and Atmospheric Administration Corps. The bill would make explicit the Secretary of Commerce's role in promulgating regulations for the Corps. The bill would also enable the Secretary of Commerce to offer original appointments to officers above the rank of Lieutenant when those candidates have special abilities or experience warranting an advanced standing. And, finally, the bill would relax the restrictions on holding officers above the grade of Captain in their rank while those officers are awaiting retirement, in the hospital or while being processed for physical disability retirement. Tab I is a memorandum indicating the concurrence of the National Security Council staff in the draft bill.

Concurrences by:

Steven Jones and Jeremy Rosner *JS* *JR*RECOMMENDATION

That you sign and forward the Memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

MEMORANDUM FOR JANET R. FORSGREN

FROM: WILLIAM H. ITOH

SUBJECT: Commerce Draft Bill Authority for the Commissioned
Corps of the National Oceanic and Atmospheric
Administration

The National Security Staff concurs in the draft bill.

0895
SPECIAL

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

February 3, 1994

LEGISLATIVE REFERRAL MEMORANDUM

**LRM #D-559
DRAFT #465**

TO: Legislative Liaison Officer -

**DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
HHS - Frances White - (202)690-7760 - 328
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
NSC - William H. Itoh - (202)395-3723 - 249**

FROM:

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

OMB CONTACT: Melissa COOK (395-3924)

Secretary's line (for simple responses): 395-7362

SUBJECT:

**COMMERCE Draft Bill Authority for the
commissioned corps of the National Oceanic
and Atmospheric Administration**

DEADLINE: 2:00PM February 15, 1994

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

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

CC:

**Katie McGinty
Will Stelle
Ken Schwartz
Harry Meyers
Jeff Payne
Jim Fish
Wendell Waites
Jeff Hill
Joe Lackey
Art Stigile
Janet Forsgren
Delphine Motley**

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

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

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

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

SUBJECT: COMMERCE Draft Bill Authority for the
commissioned corps of the National Oceanic
and Atmospheric Administration

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

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

Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510-0010

Dear Mr. President:

Enclosed are six copies of a draft bill to amend the statutory authority of the commissioned corps of the National Oceanic and Atmospheric Administration together with a statement of purpose and need and sectional analysis.

We have been advised by the Office of Management and Budget that ~~enactment of this legislative proposal would be in accord with the program of the President.~~ *from the standpoint of the*

Administration, there is no objection to the presentation of this proposal for the consideration of the Congress.

Sincerely,

Ronald H. Brown

Enclosures

STATEMENT OF PURPOSE AND NEED

The National Oceanic and Atmospheric Administration (NOAA) Corps' existing statutory authority (codified as amended at 33 U.S.C. sections 851, et seq.) does not explicitly provide the Secretary of Commerce the authority to promulgate regulations regarding the operation of the NOAA Corps. This lack of express authority has led to confusion regarding the Secretary of Commerce's ability to promulgate regulations in this area. The draft bill would expressly state that the Secretary of Commerce has the authority to do any and all things necessary to carry out the purposes of the NOAA Corps including promulgating regulations applicable to the NOAA Corps regarding such matters as appointment, retirement, termination of commission, titles, pay, uniforms, allowances and discipline. This change will conform the NOAA Corps' statutory authority to the statutory authority of the other uniformed services. See 14 U.S.C. sections 92, 631-633.

The NOAA Corps' existing statutory authority provides for original appointments only to the grades of lieutenant or lieutenant (junior grade). This has unduly limited the NOAA Corps' ability to reappoint persons with qualifications or skills that the Corps requires who had, at some prior time, served as an officer in the NOAA Corps or to appoint highly qualified individuals to the NOAA Corps. The draft bill would allow original appointments as well as reappointments of former officers to be made to the NOAA Corps up to and including the grade of captain. In addition, the draft bill adds, for the purpose of determining basic pay, assumed lengths of service applicable to persons appointed to the NOAA Corps to grades above lieutenant pursuant to this revised appointment authority. The proposed lengths of service are derived from existing NOAA Corps regulations.

The NOAA Corps existing statutory authority references and thereby makes applicable the provisions of section 2(g) of Reorganization Plan No. 4 of 1970 (84 Stat. 2090, 5 U.S.C. App.) regarding retirement rank, pay, and allowances to an officer who retires while serving in a grade above captain in a position of importance and responsibility or after completion of such service while serving in a lower rank or grade and provisions of 2(g) regarding reversion to former grade upon completion of service in a position of importance and responsibility. The requirement to cross reference section 2(g) of Reorganization Plan No. 4 and other sections stated in that section has lead to confusion regarding retirement rank, pay and allowances and reversion to former grade requirements. The draft bill would replace the reference in the existing law to section 2(g) of the Reorganization Plan No. 4 with the actual language of that section with appropriate modifications to take into account a new section discussed below providing for retention of rank in limited circumstances following termination.

Unlike members of other uniformed services, NOAA commissioned officers appointed to a grade above captain (vice admiral, rear admiral or rear admiral lower half) to serve in a position of importance and responsibility cannot retain their rank for a limited period of time -- while awaiting retirement, while hospitalized or while being processed for physical disability retirement. Given the statutory limit on the number of positions above the grade of captain, the NOAA Corps is presently required to demote these officers to a lower grade while they are awaiting retirement, while hospitalized or while being processed for physical disability retirement. The draft bill would allow officers serving in positions of importance and responsibility to retain their rank for a limited period of time (not more than 60 days) while awaiting retirement, while hospitalized (not more than 180 days), or while being processed for disability retirement (not more than 180 days). To clear up confusion regarding the effect of transfer orders on the grade of officers serving in a position of importance and responsibility, the draft bill expressly states that officers appointed above the grade of captain to serve in a position of importance and responsibility shall continue to hold that grade while serving in that position and while under orders transferring them to another position designated to carry one of those grades. These changes will conform the NOAA Corps' statutory authority to the statutory authority of the other uniformed services.

NOAA estimates that the personnel costs associated with this proposal will be negligible.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Secretary of Commerce may, within the limits of appropriations, do any and all things necessary to carry out the purposes of the NOAA Corps including promulgating regulations concerning the operation of the NOAA Corps.

Section 2 provides that appointments may be made to the NOAA Corps up to and including the grade of captain. This section deletes the word "Original" from the caption of 33 U.S.C., section 853t to allow both original appointments and reappointments to be made to the NOAA Corps. In addition, for the purpose of determining basic pay, this section provides assumed lengths of service for appointments to the NOAA Corps pursuant to this section.

Section 3 provides that (except in certain limited cases specified therein) an officer who serves in a grade above captain in a position of importance and responsibility and is retired while serving or upon completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay or allowances for the highest grade and rank held by the officer; but any such officer upon termination of the officer's appointment in a rank above that of captain, shall revert to the grade and number the officer would have occupied had the officer not served in a rank above that of captain. In addition, section 3 provides that an officer who is appointed to a grade above captain to serve in a position of importance and responsibility may retain the officer's rank for a limited period of time (not more than 60 days) while awaiting retirement, while hospitalized (not more than 180 days) or while being processed for physical disability retirement (not more than 180 days). Finally, section 3 provides that an officer appointed to a grade above captain to serve in a position of importance and responsibility shall continue to hold that grade while under orders transferring the officer to another position designated to carry one of those grades.

Section 4 provides that the amendments made by this bill would take effect upon enactment.

A Bill

To amend the authority of the commissioned corps of the National Oceanic and Atmospheric Administration to clarify the authority of the Secretary of Commerce and for other purposes.

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

Sec. 1. Secretary of Commerce General Powers

(a) Title 33 of the United States Code is amended by adding a new section 851a to read as follows:

"Sec. 851a Secretary of Commerce; general powers

"For the purpose of executing the duties and functions of the commissioned corps of the National Oceanic and Atmospheric Administration the Secretary of Commerce may, within the limits of appropriations made therefor, do any and all things necessary to carry out the purposes of this title."

(b) Title 33 of the United States Code is amended by adding a new section 851b to read as follows:

"Sec. 851b Regulations

"In addition to the authority conferred by the other provisions of this title, the Secretary of Commerce may promulgate such regulations and orders as the Secretary of Commerce deems appropriate to carry out the provisions of this title or any other law applicable to the commissioned corps of the National Oceanic and Atmospheric Administration including, but not limited

2.

to, regulations with respect to the appointment, promotion, retirement, termination of commission, titles, pay, uniforms, allowances and discipline of the commissioned corps."

Sec. 2. Appointments

(a) Title 33 of the United States Code section 853t is amended --

(1) in the caption of the section by --

- (A) striking "Original appointments"; and
- (B) adding "Appointments"

(2) in subsection (a) by --

- (A) striking "Original appointments";
- (B) adding "Appointments";
- (C) striking "lieutenant" after "including";
- (D) adding "captain" after "including"; and

(3) in subsection (c) paragraph (1) by --

(A) striking "to the grade of lieutenant or lieutenant (junior grade) shall be considered as having, on date of appointment, three years or one and one-half years service respectively" after "section"; and

(B) inserting "shall, except as provided in paragraph (2) of this subsection, be considered as having on the date of appointment the following length

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of service: one and one-half years if appointed to the grade of lieutenant (junior grade); three years if appointed to the grade of lieutenant; six years if appointed to the grade of lieutenant commander; ten years if appointed to the grade of commander; and fourteen years if appointed to the grade of captain after "section".

Sec. 3. Positions of Importance and Responsibility

(a) Title 33 of the United States Code section 853u is amended by revising existing section 853u(e) to read as follows:

"(e) Retirement rank, pay, and allowances

"Except as provided in subsection (f), an officer who serves in a grade above captain under an appointment under this section and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by the officer; but any such officer, upon termination of the officer's appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number the officer would have occupied had the officer not served in a rank above that of captain and such officer shall be an extra number in that grade."

3

of service: one and one-half years if appointed to the grade of lieutenant (junior grade); three years if appointed to the grade of lieutenant; six years if appointed to the grade of lieutenant commander; ten years if appointed to the grade of commander; and fourteen years if appointed to the grade of captain after "section".

Sec. 3. Positions of Importance and Responsibility

(a) Title 33 of the United States Code section 853u is amended by revising existing section 853u(e) to read as follows:

"(e) Retirement rank, pay, and allowances

"Except as provided in subsection (f), an officer who serves in a grade above captain under an appointment under this section and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by the officer; but any such officer, upon termination of the officer's appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number the officer would have occupied had the officer not served in a rank above that of captain and such officer shall be an extra number in that grade."

(b) Title 33 of the United States Code section 853u is amended by adding a new sub-section 853u(f) to read as follows:

"(f) Retention of rank following termination

"An officer who is appointed to a grade above captain for service in a position of importance and responsibility designated to carry that grade shall continue to hold that grade--

"(1) while serving in that position of importance and responsibility;

"(2) while under orders transferring the officer to another position designated to carry one of those grades, beginning on the day the officer's assignment to the first position is terminated and ending on the day before the day on which the officer assumes the second position;

"(3) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital (but not more than 180 days);

"(4) while awaiting retirement, beginning on the day the officer is relieved from the position designated to carry one of those grades and ending on the day before the officer's retirement (but not for more than 60 days); and

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"(5) while being processed for physical disability retirement, beginning on the day of processing and ending on the day the officer is retired (but not for more than 180 days).".

Sec. 4. Effective date. The amendments made by this Act shall take effect upon the date of enactment.

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

February 7, 1994

MEMORANDUM FOR: LYNN DAVIS
Department of State

FRANK WISNER
Department of Defense

JOHN KELIHER
Department of Energy

CRAIG CHELLIS
Central Intelligence Agency

GENERAL MICHAEL RYAN
Joint Chiefs of Staff

JOHN HOLUM
Arms Control and Disarmament Agency

SUBJECT: IWG on SCC Next Steps (S)

The Arms Control IWG will meet Wednesday, February 7, from 3:00 - 4:30 PM in Room 208 to review the results of SCC-46 and discuss next steps in preparation for SCC-47. In preparation for the IWG, Agency reps are encouraged to review the SCC Commissioner's Assessment, requests for guidance and work program proposal (Geneva 01115).

Robert G. Bell

Robert G. Bell
Special Assistant to the President
and Senior Director for Defense
Policy and Arms Control

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *RL* NARA, Date *10/3/2016*

7016-0952-7

~~CONFIDENTIAL~~

Declassify on: OADR

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	To the Situation Room. [CIA Act] [partial] (1 page)	02/07/1994	P3/b(3)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 263

FOLDER TITLE:

Chron File - February 1994 #1 [4]

2016-0152-F

vz4533

RESTRICTION CODES

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

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

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

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

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

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

RR. Document will be reviewed upon request.



TO: SITUATION ROOM

PLEASE LDX THE ATTACHED ~~CONFIDENTIAL~~ DOCUMENT FOR ROBERT BELL TO
THE FOLLOWING

Lynn Davis
State/T
Room 7510
647-1049

John Keliher
Department of Energy
Room 7B222
Forrestal Building
586-0645

Frank Wisner
OSD/ISP
Room 4E830
Pentagon
703-697-7200

(b)(3)

[001]

Michael Ryan
JCS
Room 2E868
Pentagon
703-695-4605

John Holum
ACDA
Room 5930
647-9610

Thanks

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: VL Date: 11/14/2016

7016-n52-f

TO: LAKE

FROM: MCALEER, R

DOC DATE: 07 FEB 94
SOURCE REF:

KEYWORDS: KENYA
TUNISIA
AIR FORCE

SOMALIA
DEFENSE POLICY

PERSONS: MCPE

SUBJECT: FOM TRTAVEL TRIP RPT FM GEN MCPEAK TRIP TO KENYA / SOMALIA /
TUNISIA

ACTION: FOR RECORD PURPOSES

DUE DATE: 18 FEB 94 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: PA

NSCP:

CODES:

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

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
CLARKE
DESHAZER
HAHN
INDYK
JONES
LAIPSON
SATTERFIELD

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006
By VC NARA, Date 10/3/2006

1016-0152-F

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSASK

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DOC 1 OF 1

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RECORD ID: 9401186

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001

X 94021515 FOR RECORD PURPOSES

~~SECRET~~

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. memo	For the Assistant to the President for National Security Affairs from Robert McAleer. Subject: Foreign Travel Trip Report. (1 page)	02/07/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 263

FOLDER TITLE:

Chron File - February 1994 #1 [4]

2016-0152-F

vz4533

RESTRICTION CODES

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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. memo	[Report of General Merrill A. McPeak report on his trip to Kenya, Somalia, and Tunisia] (5 pages)	01/27/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 263

FOLDER TITLE:

Chron File - February 1994 #1 [4]

2016-0152-F

vz4533

RESTRICTION CODES

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

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