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APPROVED
MAY 29 1976

85/29/76

THE WHITE HOUSE
WASHINGTON
May 27, 1976

ACTION
Last Day: May 31

Posted
6/1/76
To Archives
6/1/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

S. 1494 - For the relief of Paul W. Williams

Attached for your consideration is S. 1494, sponsored by Senator Packwood, which authorizes the Department of the Navy to receive, consider and satisfy any claim of Paul W. Williams (U.S. Marine Corps, retired) for retirement pay he did not receive due to administrative error.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), NSC and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 1494 at Tab B.





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

MAY 25 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1494 - For the relief of
Paul W. Williams
Sponsor - Senator Packwood (R) Oregon

Last Day for Action

May 31, 1976 - Monday

Purpose

Authorizes the Department of the Navy to receive, consider and satisfy any claim of Paul W. Williams (United States Marine Corps, retired) for retirement pay he did not receive due to administrative error.

Agency Recommendations

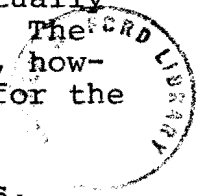
Office of Management and Budget Approval

Department of the Navy Approval

Discussion

Chief Warrant Officer Paul W. Williams was transferred to the retired list in 1955. As the result of an administrative error, however, Mr. Williams' retired pay was computed at a lesser amount than that to which he was entitled. From 1955 to 1971, when the Government's error was discovered, he received this lower amount. Thereafter, his retired pay was recomputed correctly, and he was paid the difference between the retired pay he was entitled to receive and the amount he actually received for the period from 1961 through 1971. The ten-year statute of limitations in existing law, however, barred any adjustment of his retired pay for the period from the date of his retirement to 1961.

Notwithstanding the above statute of limitations, S. 1494 authorizes and directs the Department of the Navy to receive, consider and satisfy any claim filed by Mr. Williams within six months after the date of



enactment for retired pay he did not receive due to administrative error for the period from 1955 to 1961. The cost of this legislation if enacted would be \$4,337.95.

In its report on this bill, the House Judiciary Committee states:

"Statutes of limitations are meant to bar matters which are difficult of resolution because the facts concerning entitlement are lost or unclear, and where one party's ability to answer or defend has been adversely affected by the passage of time. Neither of these objections are present in this case, and the government is not prejudiced by the granting of equitable relief in this instance. Accordingly, it is recommended that the bill be considered favorably."

James M. Frey
Assistant Director for
Legislative Reference

Enclosure



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 26

Time: 930am

FOR ACTION: NSC/S *ll*
 Max Friedersdorf
 Ken Lazarus *ll*
 Robert Ha

cc (for information): Jack Marsh
 Jim Cavanaugh
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: May 27

Time: noon

SUBJECT:

S. 1494 - For the relief of Paul Williams

ACTION REQUESTED:

<input type="checkbox"/> For Necessary Action	<input type="checkbox"/> For Your Recommendations
<input type="checkbox"/> Prepare Agenda and Brief	<input type="checkbox"/> Draft Reply
<input checked="" type="checkbox"/> For Your Comments	<input type="checkbox"/> Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

20 May 1976

Dear Mr. Lynn:

Your transmittal sheet dated May 19, 1976, enclosing a facsimile of an enrolled bill of Congress, S. 1494, "For the relief of Paul W. Williams," and requesting comment of the Department of the Navy has been received.

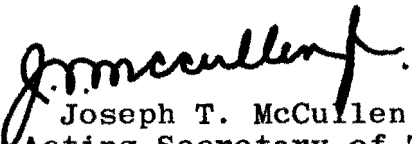
The purpose of S. 1494, is to authorize and direct the Department of the Navy to receive, consider, and satisfy any claim by Chief Warrant Officer Paul W. Williams, United States Marine Corps (retired), for retirement pay he did not receive, due to administrative error, during the period of September 1, 1955 through June 9, 1961. Mr. Williams was transferred to the retirement list on September 1, 1955, after he had completed 21 years, two months, and 23 days of active service, and 26 years, seven months, and nine days of service creditable for basic pay. His retirement was effected under a statute that authorized retired pay at the rate of 2 1/2 percent of the basic pay for his grade, multiplied by the number of his years of service creditable for basic pay.

Chief Warrant Officer Williams' retired pay was incorrectly computed by using his years of active service as the multiplier. This discrepancy was not discovered until June 1971. His retired pay was then recomputed correctly, and he was paid the difference between the retired pay to which he was entitled and the pay he actually received for the period from June 10, 1961 through June 9, 1971. However, 31 U.S.C. 71a, the 10-year statute of limitations, barred any adjustment for the period from September 1, 1955 through June 9, 1961.

S. 1494 authorizes the payment to Mr. Williams of \$4,337.95 in additional retired pay for the period from September 1, 1955 through June 9, 1961, notwithstanding the 10-year statute of limitations.

The Department of the Navy proposed report supporting the enactment of an identical bill, S. 391, 93d Congress, was cleared by you on 19 November 1973. S. 391 was not enacted by the 93d Congress. The Department of the Navy supports approval of the enrolled enactment, S. 1494.

Honorable James T. Lynn
Director, Office of Management and Budget
Washington, D. C. 20503


Joseph T. McCullen, Jr.
Acting Secretary of The Navy



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 26

Time: 930am

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: May 27

Time: noon

SUBJECT:

S. 1494 - For the relief of Paul Williams

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 5/26/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

May 27, 1976


MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S. 1494 - For the relief of Paul Williams

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed.

Attachments

NATIONAL SECURITY COUNCIL

May 27, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis 
SUBJECT: S. 1494

The NSC Staff concurs in S. 1494 for the relief of Paul Williams.

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

MAY 25 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1494 - For the relief of
Paul W. Williams
Sponsor - Senator Packwood (R) Oregon

Last Day for Action

May 31, 1976 - Monday

Purpose

Authorizes the Department of the Navy to receive, consider and satisfy any claim of Paul W. Williams (United States Marine Corps, retired) for retirement pay he did not receive due to administrative error.

Agency Recommendations

Office of Management and Budget Approval

Department of the Navy Approval

Discussion

Chief Warrant Officer Paul W. Williams was transferred to the retired list in 1955. As the result of an administrative error, however, Mr. Williams' retired pay was computed at a lesser amount than that to which he was entitled. From 1955 to 1971, when the Government's error was discovered, he received this lower amount. Thereafter, his retired pay was recomputed correctly, and he was paid the difference between the retired pay he was entitled to receive and the amount he actually received for the period from 1961 through 1971. The ten-year statute of limitations in existing law, however, barred any adjustment of his retired pay for the period from the date of his retirement to 1961.

Notwithstanding the above statute of limitations, S. 1494 authorizes and directs the Department of the Navy to receive, consider and satisfy any claim filed by Mr. Williams within six months after the date of

PAUL W. WILLIAMS

NOVEMBER 6, 1975.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1494]

The Committee on the Judiciary, to which was referred the bill (S. 1494), for the relief of Paul W. Williams, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

AMENDMENT

On page 1, line 6, change the words "Secretary of the Treasury" to "Department of the Navy".

PURPOSE OF AMENDMENT

The amendment is made at the suggestion of the Department of the Navy.

PURPOSE

The purpose of the bill as amended is to authorize and direct the Department of the Navy to receive, consider, and satisfy any claim by Mr. Williams for retirement pay he did not receive, because of administrative error during the period of September 1, 1955, through June 9, 1961.

STATEMENT

The facts of the case as contained in the departmental report are as follows:

The records of this Department indicate that Chief Warrant Officer Paul W. Williams, 549 99 88 31, U.S. Marine Corps (Retired) was transferred to the retired list on September 1, 1955, after he had completed 21 years, two months, and 23 days of active service and 26 years, seven months, and

nine days of service creditable for basic pay. His retirement was effected under a statute that authorized retired pay at the rate of 2½ percent of the basic pay for his grade, multiplied by the number of his years of service creditable for basic pay.

Chief Warrant Officer Williams' retired pay was incorrectly computed by using his years of active service as the multiplier. This discrepancy was not discovered until June 1971. His retired pay was then recomputed correctly, and he was paid the difference between the retired pay to which he was entitled and the pay he actually received for the period from June 10, 1961 through June 9, 1971. However, 31 U.S.C. 71a, the 10-year statute of limitations, barred any adjustment for the period from September 1, 1955 through June 9, 1961.

If it were enacted, S. 391 would authorize the payment to Mr. Williams of \$4,337.95 in additional retired pay for the period from September 1, 1955 through June 9, 1961, notwithstanding the 10-year statute of limitations.

It is suggested that the words "Secretary of the Treasury" in the sixth line of the first page of the bill be changed to "Department of the Navy."

In view of the foregoing, the Department of the Navy supports enactment of S. 391.

In agreement with the views of the Department of the Navy, the Committee recommends the bill favorably.

Attached hereto and made a part hereof is report of the Department of the Navy on S. 391, an identical bill in the 93d Congress.

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., November 21, 1973.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter to the Secretary of the Navy requesting comment on S. 391, a bill "For the relief of Paul W. Williams."

This bill would authorize and direct the Secretary of the Treasury to receive, consider, and satisfy any claim by Mr. Williams for retirement pay he did not receive, because of administrative error, during the period of September 1, 1955, through June 9, 1961.

The records of this Department indicate that Chief Warrant Officer Paul W. Williams, 549 09 08 31, U.S. Marine Corps (Retired) was transferred to the retired list on September 1, 1955, after he had completed 21 years, two months, and 23 days of active service and 26 years, seven months, and nine days of service creditable for basic pay. His retirement was effected under a statute that authorized retired pay at the rate of 2½ percent of the basic pay for his grade, multiplied by the number of his years of service creditable for basic pay.

Chief Warrant Officer Williams' retired pay was incorrectly computed by using his years of active service as the multiplier. This

discrepancy was not discovered until June 1971. His retired pay was then recomputed correctly, and he was paid the difference between the retired pay to which he was entitled and the pay he actually received for the period from June 10, 1961 through June 9, 1971. However, 31 U.S.C. 71a, the 10-year statute of limitations, barred any adjustment for the period from September 1, 1955 through June 9, 1961.

If it were enacted, S. 391 would authorize the payment to Mr. Williams of \$4,337.95 in additional retired pay for the period from September 1, 1955 through June 9, 1961, notwithstanding the 10-year statute of limitations.

It is suggested that the words "Secretary of the Treasury" in the sixth line of the first page of the bill be changed to "Department of the Navy."

In view of the foregoing, the Department of the Navy supports enactment of S. 391.

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.

For the Secretary of the Navy.

Sincerely yours,

E. H. WILLETT,
Captain, U.S. Navy, Deputy Chief.

○

PAUL W. WILLIAMS

MARCH 22, 1976.—Committed to the Committee of the Whole House and ordered to be printed

Mr. MOORHEAD of California, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1494]

The Committee on the Judiciary, to whom was referred the bill (S. 1494) for the relief of Paul W. Williams, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the bill is to authorize and direct the Department of the Navy to receive, consider, and satisfy any claim by Mr. Williams for retirement pay he did not receive, because of administrative error during the period of September 1, 1955, through June 9, 1961.

STATEMENT

The Department of the Navy, in a report on an identical bill in the 93d Congress, recommended the bill favorably.

The facts of the case are as follows: The records of the Department of the Navy indicate that Chief Warrant Officer Paul W. Williams was transferred to the retired list on September 1, 1955, after he had completed 21 years, two months, and 23 days of active service and 26 years, seven months, and nine days of service creditable for basic pay. His retirement was effected under a statute that authorized retired pay at the rate of 9½ percent of the basic pay for his grade, multiplied by the number of his years of service creditable for basic pay.

Chief Warrant Officer Williams' retired pay was incorrectly computed by using his years of active service as the multiplier. This discrepancy was not discovered until June 1971. His retired pay was then recomputed correctly, and he was paid the difference between the retired pay to which he was entitled and the pay he actually received for the period from June 10, 1961 through June 9, 1971. However, 31 U.S.C. 71a, the 10-year statute of limitations, barred any adjustment for the period from September 1, 1955 through June 9, 1961.

S. 1494 would authorize and direct the Department of the Navy to receive and consider any claim filed within six months by Paul W. Williams for adjustment of his retirement pay which was barred by the statute of limitations. The committee has concluded that this relief is justified because, as has been outlined above, Paul W. Williams' entitlement to this pay has been established under applicable law and he has been paid that portion of the amount due which is not barred by the statute of limitations. Statutes of limitations are meant to bar matters which are difficult of resolution because the facts concerning entitlement are lost or unclear, and where one party's ability to answer or defend has been adversely affected by the passage of time. Neither of these objections are present in this case, and the government is not prejudiced by the granting of equitable relief in this instance. Accordingly, it is recommended that the bill be considered favorably.

Attached hereto and made a part hereof is report of the Department of the Navy on S. 391, an identical bill in the 93d Congress.

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., November 21, 1973.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your letter to the Secretary of the Navy requesting comment on S. 391, a bill "For the relief of Paul W. Williams."

This bill would authorize and direct the Secretary of the Treasury to receive, consider, and satisfy any claim by Mr. Williams for retirement pay he did not receive, because of administrative error, during the period of September 1, 1955, through June 9, 1961.

The records of this Department indicate that Chief Warrant Officer Paul W. Williams, 549 09 08 31, U.S. Marine Corps (Retired) was transferred to the retired list on September 1, 1955, after he had completed 21 years, two months, and 23 days of active service and 26 years, seven months, and nine days of service creditable for basic pay. His retirement was effected under a statute that authorized retired pay at the rate of 2½ percent of the basic pay for his grade, multiplied by the number of his years of service creditable for basic pay.

Chief Warrant Officer Williams' retired pay was incorrectly computed by using his years of active service as the multiplier. This discrepancy was not discovered until June 1971. His retired pay was then recomputed correctly, and he was paid the difference between the retired pay to which he was entitled and the pay he actually received for the period from June 10, 1961 through June 9, 1971. However, 31 U.S.C. 71a, the 10-year statute of limitations, barred any adjustment for the period from September 1, 1955 through June 9, 1961.

If it were enacted, S. 391 would authorize the payment to Mr. Williams of \$4,337.95 in additional retired pay for the period from September 1, 1955 through June 9, 1961, notwithstanding the 10-year statute of limitations.

It is suggested that the words "Secretary of the Treasury" in the sixth line of the first page of the bill be changed to "Department of the Navy."

In view of the foregoing, the Department of the Navy supports enactment of S. 391.

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.

For the Secretary of the Navy.

Sincerely yours,

E. H. WILLET,
Captain, U.S. Navy, Deputy Chief.

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Paul W. Williams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act entitled "An Act providing for the barring of claims against the United States", approved October 9, 1940 (54 Stat. 1961), the Department of the Navy is authorized and directed (1) to receive and consider any claim filed within six months of the date of enactment of this Act by Paul W. Williams (United States Marine Corps, retired) of Grants Pass, Oregon, for retirement pay he did not receive, due to administrative error, during the period of September 1, 1955, through June 9, 1961, and (2) to award to the said Paul W. Williams any retirement pay to which he would have been entitled for such period.

SEC. 2. Any amounts payable by reason of the enactment of this Act shall be paid in a lump sum within sixty days after the determination that such amounts are payable.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

May 19, 1976

Dear Mr. Director:

The following bills were received at the White House on May 19th:

S. 1494 ✓
H.R. 2279 ✓
H.R. 8089 ✓
H.R. 11619 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.