

on Banking and Currency be permitted to have the privilege of the floor today during the debate on S. 2654, the housing bill.

The VICE PRESIDENT. Without objection, it is so ordered.

#### AMENDMENT OF FOREIGN SERVICE ACT OF 1946

Mr. MANSFIELD. Mr. President, after consultation with the majority and minority leaderships, the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], and due to the fact that the bill would not be considered on the call of the calendar, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 967, S. 2633.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2633) to amend the Foreign Service Act of 1946, as amended, and for other purposes.

Mr. MORSE. Mr. President, reserving the right to object, I wonder if the Senator from Montana will take a minute to tell us the purpose of the bill. Then I will be in a position to make my decision.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Committee on Foreign Relations, and the Senator primarily responsible for this much-needed legislation for that purpose. The bill was reported by that committee unanimously.

Mr. FULBRIGHT. Mr. President, S. 2633 would make numerous changes in the administration of the Foreign Service of the United States and the Department of State. With a few exceptions, the bill consists of amendments to the Foreign Service Act of 1946, as amended. Although many of the amendments are largely of a technical nature, there are also some substantive amendments; but a great many of them are technical.

A new class structure for Foreign Service staff officers and employees is provided. The Foreign Service retirement and disability system is liberalized in conformity with certain principles already in effect with respect to the civil service retirement system. Improvements are made in the legislation pertaining to the recruitment and training of Foreign Service officers. Functional and geographic area specialization by such officers is encouraged. An increase of \$100 million, \$50 million of which is in foreign currencies, in the authorization of appropriations for the Foreign Service buildings fund, largely for office space for U.S. missions overseas, is approved.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. The comments of the Senator from Arkansas refresh my memory of the bill. I have no objection to its being considered, but I hope the Senator from Arkansas and the Senator from Montana will make a full statement in regard to its purport, because I think

it is important that a legislative history be made on the floor of the Senate with respect to the bill. It is my opinion that the bill is of a nature which will involve a considerable amount of administrative interpretation, and I think the Senator from Arkansas and the Senator from Montana are best qualified to make the legislative history. I hope they will take a few minutes to explain the bill.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. The bill provides for the first substantial changes in the Foreign Service Act of 1946 since the amendments of 1956 were enacted. It will be recalled that the amendments of 1956 added two classes to the Foreign Service officer schedule, raised a numerical ceiling on lateral entry into the Foreign Service officer category, increased from 30 to 35 the number of years of service credit for computing retirement benefits for Foreign Service officers, broadened the authority to operate commissaries and mess services, increased medical benefits, and authorized the establishment of recreational facilities overseas.

Mr. President, I ask unanimous consent that various aspects relating to committee action be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

#### COMMITTEE ACTION

With a few exceptions, all of the provisions of S. 2633 are taken from the following bills:

1. S. 443, Mr. GREEN (by request), January 17, 1959, to amend the Foreign Service Act of 1946, as amended, and for other purposes.
2. S. 1243, Mr. SALTONSTALL (for himself and Mr. MANSFIELD), March 2, 1959, to amend the Foreign Service Act of 1946, as amended, to establish standards of foreign language proficiency for the Foreign Service of the United States, and for other purposes. S. 1243 is the same as S. 3552 of the 85th Congress (SALTONSTALL) on which the Committee on Foreign Relations held an executive hearing on May 27, 1958.
3. S. 2232, Mr. FULBRIGHT (by request), February 16, 1959, to repeal section 12 of the act of June 26, 1884, prohibiting a charge or collection of fees by consular officers for official services to American vessels and seamen, and to repeal the provision in the act of June 4, 1920, authorizing the free issuance of passports to seamen.
4. S. 2233, Mr. FULBRIGHT (by request), June 23, 1959, to amend the Foreign Service Act of 1946, as amended.
5. S. 1044, Mr. FULBRIGHT (by request), February 16, 1959, to amend the Foreign Service Buildings Act of 1926, as amended.

A public hearing on S. 1243 was held on April 16, 1959, and public hearings on the remaining bills were held on July 6 and 15, 1959. The committee marked up the bills on August 27 and 28 and on the latter day ordered favorably reported an original bill combining the five bills.

#### MAIN PROVISIONS OF THE BILL

A good many provisions of the bill are of a minor technical, clarifying, or perfecting nature. The other provisions make important changes or innovations in the law pertaining to the Foreign Service and the Department of State. These provisions are summarized, explained, and justified below. References to the "act" in the discussion

below mean the Foreign Service Act of 1946, as amended.

1. Section 2—New class structure for Foreign Service staff personnel: Section 2 of the bill would revise section 415 of the act so as to reduce the number of classes of Foreign Service staff personnel from 22 classes to 10 classes. This change in class structure complements the change in the structure of the Foreign Service officer category which was made in 1956. Classes 15 through 22 under the old staff structure have not been used for some time. A smaller number of classes has proved to be adequate in differentiating the duties and responsibilities of typical jobs carried out by staff personnel overseas. These jobs are primarily in the secretarial, technical, and custodial categories.

The salaries of the top three classes in the new staff schedule are the same as the salaries of classes 3, 4, and 5, respectively, of the Foreign Service officer salary schedule. Information as to the cost and numbers of Foreign Service staff personnel involved in this change is shown below in connection with the discussion of the temporary provisions providing for the conversion of staff employees from the old class structure to the new structure (sec. 51).

2. Section 2—Employment of staff personnel overseas at less than the rates prescribed for Foreign Service staff officers and employees: Section 2 of the bill would also add a new subsection (b) to section 415 of the act which would authorize the Secretary of State administratively to prescribe salaries less than those given in the statutory schedule for Foreign Service staff employees in those cases abroad where it is desirable to employ U.S. citizens locally in a foreign country who are not available or are not qualified for transfer to other posts.

Two examples may illustrate the occasion for the use of this proposed new authority. There are cases where a person living in a foreign country may possess U.S. citizenship, for instance by reason of having been born in the United States during a visit of his parents here, and yet he may in all other respects be a typical native of the foreign country. The U.S. mission may wish to employ such a person in a minor capacity and would not wish to pay him higher than the prevailing local rates for the kind of work involved merely because he happened technically to be an American citizen and entitled as such to the statutory Foreign Service staff salary. A second example concerns the frequent instance when a U.S. mission wishes to hire the wife, for instance, of a resident U.S. businessman to do clerical work in the mission. Such persons may be very useful to the mission yet would not be available for entrance into the regular Foreign Service staff category and subject to transfer from post to post. In using the proposed new authority in this latter category of cases the committee cautions against abuse of the authority by paying Americans, who would merit a salary at or near the statutory schedule of a regular Foreign Service staff officer, at unreasonable rates below the statutory schedule.

3. Section 6—Classification of Foreign Service officer positions in the Department of State: Section 6 of the bill amends section 441 of the act relating to the classification of positions. The existing position classification distinction between the categories of Foreign Service officer and Foreign Service staff officer is removed. Secondly, the Secretary is authorized to classify positions in the Department in accordance with Foreign Service standards without regard to the Classification Act of 1949, as amended. Up to the present time the Secretary has been designating certain positions in the Department as Foreign Service positions and classifying them under the Classification Act without clear legislative authority. He has

been done so under an arrangement embodied in an exchange of letters between the House Committee on Government Operations and the Civil Service Commission (see H. Rept. No. 1673, 83d Cong.). Some 1,500 positions in the Department now have a dual designation of "Foreign Service officer position" together with a grade level established under the Classification Act. Under the new language of section 441 of the act the Secretary may designate positions, including new positions, without such a grade level under the Classification Act. Under the new arrangement no grade allocation will be necessary unless the position is to be filled by a non-Foreign Service person.

The committee wishes to take this occasion to comment on the evidence which has been accumulating for some time that the Department of State has gone too far in carrying out the recommendations of the Wriston report calling for additional positions in the Department of State to be designated as Foreign Service officer positions. Evidence has been brought to the attention of the committee regarding the International Educational Exchange Service (IES), the Bureau of Intelligence and Research (INR), and the Policy Planning Staff (S/P) constituting three examples of the committee's concern.

The work of the International Educational Exchange Service is painstaking and specialized. The work of the Bureau of Intelligence and Research is scholarly, specialized, and requires long familiarity with narrowly defined masses of material. The work of the Policy Planning Staff requires senior specialists, for instance officers skilled in military planning who must work closely with their opposite numbers in the Department of Defense. The characteristic of much of the work of these three bureaus in the Department of State is that long continuity of service is highly desirable. Typical assignments of Foreign Service officers to these bureaus are for 2-year periods. These periods are long enough perhaps for the Foreign Service officer to become familiar with the work but not long enough for him to make an effective contribution. Moreover, the nature of the work is frequently so different from that which a Foreign Service officer is accustomed to doing overseas that many officers dislike such assignments and fall to put forth their best effort.

The committee is by no means of the opinion that no Foreign Service officer should be assigned to the aforementioned bureaus in the Department of State—these bureaus have been given merely as examples of the problem. The committee is of the opinion, however, that too many positions in these bureaus and others like them in the Department have been designated as Foreign Service officer positions. The committee has requested by December 1, 1959, a detailed report reviewing the original designation of Foreign Service officer positions throughout the Department pursuant to the Wriston program and discussing any changes in such designations which may have occurred since. The comment of the Department is requested on the views of the committee just set forth.

4. Section 7—Compensation for alien employees: Section of 7 the bill would revise section 444 of the act, pertaining to compensation for alien employees hired overseas, in two principal respects. First, the principle in existing law of compensating alien employees according to the rule "equal pay for equal responsibility" is being replaced by the policy of paying local employees in accordance with "prevailing wage rates and compensation practices for corresponding types of positions in the locality to the extent consistent to the public interest." The existing language has proved difficult to implement in certain countries where, for instance, women are not paid the same wages as men for the same work. Although the U.S. missions would prefer to follow nondiscriminatory

wage policies in these instances, it is sometimes offensive to foreign governments and upsetting to local conditions to do so.

The second change in section 444 is the deletion of the requirement that the Board of the Foreign Service advise the Secretary on the salary schedules for overseas local (alien) employees. It has proved unnecessary and impractical to obtain the advice of the Board on such matters.

5. Section 7—Permission for other Government agencies to use authority available to the Department of State in their employment of aliens overseas: Section 7 of the bill would add new language to section 444 of the act which would authorize U.S. Government agencies performing functions abroad to administer local employee programs in accordance with the applicable provisions of the Foreign Service Act. The purpose of the provision is to facilitate uniform employment practices abroad by all U.S. Government agencies. The committee considered designating the Secretary of State as the single official of the Government empowered to prescribe wage scales for local employees but upon being presented with evidence that voluntary cooperation among the agencies is now working satisfactorily, the committee recommends leaving the existing practice the way it is.

6. Section 8—Extra pay for courier duty: Section 8 of the bill would introduce a new section 447 into the act which would permit the Secretary to establish rates of extra pay not to exceed 15 percent of basic salary for persons assigned to duty as couriers. It appears clear to the committee that courier duty is a duty analogous to the various kinds of hazardous duty in the armed services and certain civilian agencies which is compensated for by extra pay. Department of State couriers spend long hours flying as part of their duties and many have sustained injury and some have been killed in this service. The proposed maximum of 15 percent extra pay does not seem to the committee to be excessive due to the fact that hazardous duty pay in the armed services ranges from a minimum of 17 percent to a maximum of 64 percent depending upon the rank of the person and the duty involved.

7. Section 9—Policy on language and other qualifications for the assignment of chiefs of mission and Foreign Service officers in foreign countries: Section 9 of the bill would add a new section 500 to the act stating the policy that chiefs of mission and Foreign Service officers shall have to the maximum practical extent a knowledge of the language, culture, history, and institutions of the countries in which they are to serve.

Probably the only reason this policy is not now a part of the Foreign Service Act is that it was thought to be self-evident. The policy is, however, either not self-evident or else implementation of the policy has failed in a disturbing number of cases. Such failure is inexcusable on the part of the U.S. Government. The richest country in the world can afford to employ, train, and send well-qualified Foreign Service officers wherever they are needed. The importance of their work demands no less.

The committee continues to be disappointed from time to time about nominations for ambassadorial posts. There are too many nominees, career and noncareer, who are merely so-so, not bad enough to reject but not really first rate.

Whether or not the policy statement in the proposed section 500 becomes a part of the law, the Committee on Foreign Relations intends to continue its practice of measuring nominees for chiefs of mission against the standard expressed in the new section 500 and will apply the standard with increasing particularity.

7. Section 10(b)—Appointments of new Foreign Service officers directly to class 7: Section 10(b) of the bill will add a new sub-

section (b) to section 516 of the act which would permit the appointment of Foreign Service officers directly to class 7 when, in the opinion of the Secretary, their age, experience or other qualifications make such an appointment appropriate. This provision will take care of the infrequent instances where graduate students having more than the usual amount of training or experience could expect higher starting salaries than afforded by class 8 appointments if they accepted jobs in private industry or other Government agencies. Under the new section 516(b) they could be given the higher salaries of class 7. The Department of State intends to limit these appointments to candidates who (1) are at least 28 years old; (2) have a record of graduate training or employment which clearly demonstrates extra ability; (3) have a modern foreign language competency. The committee endorses these standards in the proposed regulations of the Department.

8. Section 11(b)—Previous Government service as a prerequisite to lateral entry: Section 11(b) of the bill would revise section 517 of the act by removing the existing ceiling on lateral appointments of persons to the Foreign Service officer category. Lateral entry refers to the appointment of persons at an intermediate class in the Foreign Service officer category, depending on the age and experience of the appointee. Now that the so-called Wriston personnel integration program has been completed, the number of lateral entrants should depend simply upon the needs of the Service as determined by the Secretary.

The number of persons entering the Foreign Service officer category laterally will not change from current rates in all probability because the committee bill retains the requirement of 3 or 4 years, depending on age, of previous service in a Government agency as a prerequisite to lateral entry. The committee wishes to make sure that additional personnel or specialists needed urgently in the Service can be employed as the needs of the Service require, but it is convinced that the best way to bring such persons into the Service is by giving Foreign Service Reserve officer appointments to those coming directly from private life or by permitting the lateral entry directly to the Foreign Service officer category of those having previous Government experience. Thus, under either of these routes the Foreign Service will be able to maintain its career nonpartisan features and the Secretary of State will not be troubled by outside pressure to insert inexperienced persons into the Foreign Service officer group.

9. Section 12(b)—Reappointment of an officer who has left the Foreign Service: Section 12(b) of the bill would amend section 520(a) of the act by removing the present requirement that Foreign Service officers who resign and later ask reinstatement must have served continuously in the Government between the time of leaving the Foreign Service and the time of reappointment to the Service. It sometimes happens that an officer is obliged to resign from the Service through no fault of his own. If for instance his wife should become ill and unable to accompany him on foreign assignments, the Committee believes that the President should have authority to reappoint such officers to the Service when they again become able to serve. The rationale behind the requirement of previous Government service, discussed immediately above in connection with lateral entry, would seem to be inapplicable to cases arising under section 520(a) of the act because in those cases the persons involved have already been Foreign Service officers and have fulfilled all of the requirements for such appointment.

10. Section 14—Limited and probationary appointments for staff officers: Section 14 of the bill would revise section 531 of the act so as to clarify the authority of the Sec-

retary of State to make temporary, limited, and other types of appointments of staff officers and employees as the needs of the Service require. The new section also makes it clear that the Secretary may terminate at any time and without regard to the provisions of any other law staff officers appointed for temporary or limited service or who occupy probationary status.

The customary probationary period for staff officers is 2 years, and the Department will not specify longer periods. The usual reason for termination of temporary, limited, or probationary employees is that there is not sufficient work for such employees to do or that the specific work for which they were employed has ended. The Secretary's discretion is, however, not limited to such reasons. In the case of persons on probationary status, he may terminate their employment if their work is not satisfactory or if for various reasons they appear not to be suitable for foreign assignments. If, however, the Department's reason for terminating a staff officer on temporary, limited, or probationary appointment is the person's supposed misconduct, that is, conduct reflecting adversely on the integrity or character of the person, then the new version of section 531 requires that such person be given a hearing in accordance with the provisions of section 637 of the act.

11. Section 16(a)—Elimination of salary differential for a Foreign Service officer who is assigned to a position in Washington designated as a "Foreign Service officer position": Section 16(a) of the bill adds a new sentence to section 571 of the act which would eliminate any salary differential being paid to a Foreign Service officer who occupies a position in the Department which is also designated as a "Foreign Service officer position" and which carries a higher salary than the officer's Foreign Service salary. The former policy, allowing the Foreign Service officer to collect the difference, is inconsistent with the Foreign Service theory of appointment to a class and not to a particular job. Authority will continue to pay such a differential if an officer or employee of the Service is assigned to a position in the Department that is not so designated. "Thus the salary differential—the difference between the officer's salary and the salary of the position which he occupies—would continue to be paid in those cases in which the position is in a Government agency other than the Department of State or a position not also designated as a "Foreign Service officer position" within the Department of State.

12. Section 16(c)—Housing allowance for officers on assignment in Washington: Section 16(c) of the bill would add a new section 571(e) to the act granting a differential applied to basic salaries of 8 to 13 percent, according to the number of dependents, in the case of Foreign Service officers assigned to duty in the United States between assignments abroad and Foreign Service officers of class 7 or 8 assigned to duty here prior to duty abroad.

This new provision is designed to give the same kind of financial assistance to Foreign Service officers assigned to Washington as has long been afforded to military personnel in the same circumstances. Foreign Service personnel coming to Washington for a relatively short time have many additional expenses, largely relating to housing, than employees who live here all the time. Foreign Service officers are now receiving a transfer allowance and hotel expenses while locating more permanent housing, but these allowances meet only a small part of their extra expenses. The proposed additional allowance is fixed at an amount which may be expected to meet about one-half of typical housing costs while on duty in the United States.

13. Section 18—Foreign-language knowledge a prerequisite to assignment: Section

18 of the bill would introduce a new section 578 in the act which would require the Secretary to designate every Foreign Service officer position in a foreign country whose incumbent should have a useful knowledge of a language of the country. After a 5-year period to allow for increased training in foreign languages, each position so designated would be filled only by a qualified person. The Secretary would be able to make exceptions to this requirement for individuals or when special or emergency conditions existed.

One of the most common and justified criticisms of the Foreign Service today is the low level of language competency throughout the Service. The facts are familiar that 70 percent of new Foreign Service officers come into the Service without a knowledge of any foreign language. Fifty percent of officers already in the Service lack a knowledge of any foreign language. The figure on deficiencies in the more difficult languages are not available, but the committee has no reason to think the figures are any better with respect to them.

Language competence in the Foreign Service is primarily a function of money and people. With adequate appropriations and adequate numbers of intelligent officers, any desired level of language competence can be obtained. The committee intends that foreign-language competence be raised substantially, not for its own sake, but based on actual needs in U.S. missions overseas. The committee expects that the designation of Foreign Service officer positions abroad requiring language competence shall be based largely on the recommendations of the mission chief without regard to current budgetary targets. The Department of State estimates that the implementation of the proposed new section 578 will cost about \$250,000 per year over a 5-year period. This would seem to be a small price when measured against the urgent need.

14. Section 19—In-class promotions of Foreign Service officers: Section 19 of the bill would amend section 625 of the act so as to eliminate a possible conflict between the policy of that section relating to in-class promotions of Foreign Service officers and the policy of the Government Employees' Incentive Awards Act (title III, Public Law 763, 83d Cong.) authorizing cash awards for superior service. The committee believes that while the cash-awards program is excellent, the special needs of the Foreign Service make it appropriate to award within-class increases for certain kinds of excellence, such as the learning of unusual foreign languages on an officer's own initiative.

15. Section 20—Relationship between promotions and functional and geographic area specialization: Section 20 of the bill would add a new section 626 to the act expressing the policy that more functional and geographic area specialization is needed in the Foreign Service and prohibiting such specialization from prejudicing promotions of officers up through class 1 in the Service.

The traditional assignment policy in the Foreign Service has been based on the premise that an officer is not fully qualified to be a mission chief unless he has had service in each of four or five main geographic areas in the world. It may be as a result of such a policy that the Government is short of toponotch specialists in some of these great geographic areas.

Existing assignment policy with regard to functional specialization appears to result in an officer having 2 or 3 years' experience in six or eight different types of work. The committee is concerned lest this policy result in developing an officer who is a jack of all trades and master of none.

With respect to geographic specialization the committee would like to see a situation in which incoming officers would be assured that most of their careers would be devoted to one of the larger geographic areas. They could then concentrate on the languages,

and problems of the area and develop outstanding excellence. For example, after an appropriate period of brief orientation assignments, an officer might specialize in Arabic and in the problems of the great area lying between Morocco and Pakistan and spend the greater part of his career in assignments which would take him alternately to that area, to Washington, to some third area country having important ties with that area.

With regard to functional specialization the committee believes that it would be better for a Foreign Service officer to concentrate on one field of work—say economic matters or administration—for a substantial part of his career until he reaches the level of, say deputy chief of mission, at which point he would have the choice of finishing his career as a senior specialist or taking on broader executive responsibilities and look forward to promotion to the levels of career minister or career ambassador.

The committee expects that the precepts given to promotion panels and the instructions given to assignment panels will be revised in accordance with the policy laid down in the new section 626.

16. Section 24—Accelerated selection-out benefits: Section 24 of the bill amends section 634(b)(1) of the act to authorize the Secretary in special instances to combine the installments of severance payment to which an officer is entitled when he is retired early from the Foreign Service in accordance with section 633 of the act. The usual thing would be for the selection-out benefits to be paid in three annual installments but the change in section 634(b)(1) will permit the Secretary in his discretion to accelerate the payments where the officer has an unusual financial need. These payments will be made from the Foreign Service retirement and disability fund.

17. Section 27—Consolidated separation for cause provision: Section 27 of the bill combines in a revision of section 637(a) of the act several provisions of the act relating to separation for unsatisfactory performance of duty, misconduct and malfeasance. The Secretary is given complete discretion to separate Foreign Service officers, Foreign Service Reserve officers, and Foreign Service staff personnel for such "cause as will promote the efficiency of the Service." This phrase, which is applicable to the Civil Service, is taken from the Lloyd-La Follette Act of 1912. Although the Secretary has complete discretion in defining causes for dismissal which will promote the efficiency of the Service, the revised section requires that officers separated under it shall be given a hearing by the Board of the Foreign Service and requires the establishment of such cause at such hearing. An officer may waive his right to a hearing. Foreign Service officers of class 8 or other officers in a probationary status or serving under limited or temporary appointments have a right to a hearing only in cases where the reason for their proposed separation from the Service is misconduct. Section 637(a) as it is amended deals with separations on a case-by-case basis. The language of the section could not be the basis for a general reduction in force.

18. Section 27—Extension of deferred annuity rights to persons separated from the Service for cause: Section 27 of the bill would amend section 637(b) of the act to provide that an officer separated from the Service for cause may receive a refund of his contributions to the Foreign Service retirement and disability fund, with interest, or he may elect to receive a deferred annuity payable when he reaches the age of 60. The committee approved this change but inserted a clause providing that a deferred annuity would not be available in cases where the Secretary determines that separation was based in whole or in part on the ground of disloyalty to the United States.

Under the present law certain officers separated for unsatisfactory performance of duty may receive an immediate limited annuity. Officers separated for misconduct are entitled merely to a refund of their contributions to the fund. The committee agrees (except as to disloyalty cases) with the view of the Department of State that, even though an officer may be separated for cause, after he has served at least 5 years he should not be denied the annuity benefit which he has earned by reason of his contributions and his period of satisfactory service.

19. Section 28—Termination of service of Reserve officers and staff officers with limited appointments: Section 28 of the bill would insert a new section 638 in the act which would permit the Secretary notwithstanding any other law to terminate at any time the service of any Reserve officer or staff officer serving under a limited appointment. This is the same principle as is contained in revised section 531 of the act discussed above under section 14 of the bill. The committee inserted a provision regarding separations for misconduct in the proposed new section 638 similar to that contained in revised section 531.

A special problem under the proposed new section 638 arises by reason of the concern of a certain group of 45 officers under limited Reserve appointments that the new authority may be used to terminate their employment. They accepted Foreign Service Reserve officer status at the encouragement of the Department of State. The committee inserted, with the concurrence of the Department, a provision which will insure that these officers will be retired when their limited appointments run out but not before.

20. Section 30—Longevity increases for Foreign Service staff employees: Section 30 of the bill would add a new subsection 642(b) to the act which would authorize the Secretary to establish a system of longevity increases for staff personnel. The Classification Act included the principle of longevity increases some years ago.

Work performed by staff personnel is highly essential but its nature is such as to contain inherent limitations on opportunities for promotion in some categories of work. In addition the staff group now includes a substantial number of older employees who were unable to qualify for various reasons under the Wriston program for lateral entry into the Foreign Service officer category. There is therefore something of a morale problem within this segment of the Foreign Service staff group which can be alleviated by the enactment of the proposed new subsection 642(b).

Longevity increases will not be automatically awarded; they will be given in recognition of both longevity and performance. The longevity periods will be established by the Secretary by regulation.

21. Section 31—Orientation and language training for wives of U.S. Government employees in anticipation of assignment overseas: Section 31 of the bill would add a new sentence to section 701 of the act giving the Secretary authority to provide orientation and language training to wives of Government employees in anticipation of assignment of such employees abroad. The Department of State has been giving such training on a space-available basis for some time but the practice ought to be specifically authorized by law. The Department asked for authority to train "dependents" of employees but the committee limited the authority to "spouses," and inserted the phrase "to the extent that space is available" in order to keep such training to reasonable numbers.

22. Section 32(b)—Alien language teachers for the Foreign Service Institute: Section

32(b) of the bill would add a new subsection 704(e) to the act permitting the Secretary to employ aliens for the Foreign Service Institute either by appointment to the staff on a full- or part-time basis or by contract for services. This proposed authority would apply both in the United States and abroad because the Foreign Service Institute operates several language training schools overseas. The new authority is essential because, of course, it is sometimes difficult to find American citizens sufficiently well qualified to provide instruction in esoteric languages and other specialized subjects taught at the Foreign Service Institute. The authority to employ by contract is essential since some language teachers are available in the United States for only short periods of time and because some Institute courses are given periodically.

23. Section 32(b)—Monetary incentives for proficiency in esoteric languages: Section 32(b) of the bill also would add a new subsection 704(f) to the act which would authorize the Secretary to provide special monetary incentives to encourage the acquisition or retention of proficiency in esoteric foreign languages or other special abilities needed in the Service. The committee believes this new authority is necessary but desires that it be employed vary cautiously. The term "esoteric foreign languages" certainly does not include such languages as French, German, Spanish, and Italian, which many Americans have an opportunity to learn. In the administration of a language incentives program language proficiency must be tested frequently and standards of competency must be kept high.

The "special abilities" which are to be encouraged are not the traditional skills expected of Foreign Service officers nor the ordinary academic disciplines which reasonably well educated officers bring with them into the Service.

24. Section 33(b)—Transfer of Foreign Service staff officers to the Foreign Service retirement system: Section 33(b) of the bill adds a new subsection 803(c) to the act providing for mandatory participation in the Foreign Service retirement and disability system of certain staff officers and employees. The proposed subsection 803(c)(1) would provide for the automatic transfer of Foreign Service staff officers with at least 10 years' service from the civil service retirement system to the Foreign Service retirement system. Their contributions to the civil service retirement fund would be automatically transferred and they would be required to make no additional contribution and they would get no refund as a result of the shift from one retirement system to the other.

The new subsection 803(c)(1) recognizes the fact that Foreign Service staff personnel serve overseas under the same conditions as Foreign Service officers who, under the Foreign Service retirement and disability system, are required to retire at age 60 (rather than age 70 as under the civil service system) because of the rigors of some foreign climates and the burdens of moving periodically to new working and living situations.

The new subsection 803(c)(2) provides for retirement on a gradual scheduled basis over a 5-year period of staff personnel who are above the mandatory retirement age at the time they become participants in the system. This new early retirement provision will not go into effect until 1 year after the other provisions of the bill go into effect. Subsection 803(c)(2) would involuntarily retire a group of some 400 older staff officers who would not have been required to retire for periods up to 10 years longer if they were permitted to stay under the civil service retirement system. The committee understands that most of the persons in this group welcome the new provisions but there are some who may have failed to make adequate financial

provisions for such involuntary early retirement and who are therefore adversely affected.

These 400 older staff officers constitute, in the view of the Department, a "hump problem" analogous in many ways to that dealt with recently by the Congress in legislation pertaining to the Navy. The Department of State believes that it would be in the interest of the Service to accelerate the retirement of these 400 staff officers, most of whom have been unable to qualify for lateral appointment as Foreign Service officers because they were too old.

Because it is in the interest of the Government that retirement of these persons be accelerated the committee decided that their financial problems should be eased by the Government. The committee inserted a provision in the bill which would give to such involuntary retirees the same kind of financial aid as is given to Foreign Service officers who are selected out. Involuntary retirees would receive, in addition to their retirement benefits, one-twelfth of a year's salary for each year's service not exceeding a total of 1 year's salary. This amount would be payable in a lump sum at the time of retirement. The Department of State estimates that this temporary provisions, over the 5 years that it will operate, will cost approximately \$676,000, which will be paid out of the Foreign Service retirement and disability fund, no appropriation being required.

It appears possible that some members of this group of involuntary retirees may not have knowledge of this possibility. The committee urges the Department to disseminate information about this matter widely so that persons affected can take appropriate steps to minimize any adverse financial consequences which can be foreseen.

25. Section 35—Increase from 5 to 6½ percent in Foreign Service personnel contributions to the retirement fund and matching contributions by the Government to the fund: Section 35 of the bill would amend section 811 of the act to place the financing of the Foreign Service retirement and disability fund on the same basis as the civil service retirement system. It would increase the rate of contribution to the Foreign Service retirement and disability fund from 5 to 6½ percent of basic salary. It would also provide a matching contribution to the fund from the appropriation for Foreign Service salaries.

The cost of the proposed matching contribution to the fund will be \$2.5 million per year. The Department of State has been getting annual appropriations for the fund averaging \$1.5 million for the last 4 years. There were no payments to the fund out of appropriations for several years prior to that. The fund's potential liabilities therefore exceed its assets and the proposed \$2.5 million annual matching contribution will enable the fund to restore financial balance.

26. Section 36(a)—Benefits for survivors of Foreign Service officers: Section 36(a) of the bill would revise sections 821(b) and 821(c) of the act to provide benefits for surviving spouses and children of participants in the Foreign Service retirement system like the benefits provided for survivors of participants in the civil service retirement system.

The proposed changes in section 821 will increase survivor benefits at a reduced cost to the participant. The proposed formula for computing a joint and survivorship annuity under which the retiring officer elects to receive a reduced annuity and, upon death, an annuity for a wife or a husband, and the proposed formula for computing annuities for surviving dependent children are similar to those now in the civil service retirement system. The following example from pages 234-235 of the hearings will

illustrate the advantages to the participant of the proposed formula over the existing formula.

Average salary for highest 5 years of service-----	\$10,000
Annuity (2 percent times 30 years of service)-----	6,000
EXISTING	
Maximum survivor annuity-----	2,500
Cost to officer-----	1,250
Officer's reduced annuity-----	4,750
Maximum surviving annuity payable to a dependent child-----	0
PROPOSED	
Maximum survivor annuity-----	3,000
Cost to officer (2½ percent of \$2,400 equals \$60; 10 percent of \$3,600 equals \$360)-----	420
Officer's reduced annuity-----	5,580
Maximum surviving annuity payable to a dependent child:	
With surviving parent-----	600
With no surviving parent-----	720

The change in section 821(b) also eliminates a so-called gambling provision from existing law which now permits the participants to accept a further reduction of 5 percent of the spouse's annuity in order to provide for restoration of the full annuity if the spouse predeceases the participant. This gambling provision is not based on sound actuarial principles.

Benefits for surviving children of participants in the Foreign Service retirement and disability system are being provided for the first time in this bill. They have long been available under the civil service retirement system.

27. Section 37(a)—Return to duty of person recovered from disability: Section 37(a) of the bill would amend section 831(b) of the act relating to disability annuitants. Three principle changes are made: First, the provisions on annual examinations of disability annuitants are made more strict; second, new authority is given to permit the return to active duty in the Service of a disability annuitant who recovers sufficiently; third, the Secretary is given authority to establish by regulation a board of physicians who will advise him with regard to disability annuitants.

28. Section 39—The right to a deferred annuity of person who voluntarily leaves the Foreign Service after 5 years: Section 39 of the bill would add a new section 834 to the act which will permit a participant in the Foreign Service retirement system, upon voluntary separation from the Service after 5 years, to choose either to have his contributions to the fund returned to him with interest or to leave his contribution in the fund and receive a deferred annuity, based on his years of service and salary at the time of his separation, commencing at age 60. Similar deferred annuities are provided under the civil service retirement system.

29. Section 46—Amount of permissible earnings by Foreign Service annuitants who are reemployed by the Federal Government: Section 46 of the bill would add a new section 872 to the act dealing with the question of the limit on earnings of an annuitant if he returns to a Government job. Under present law a Foreign Service retiree who is reemployed in the Federal Government must forfeit his annuity during such reemployment. Under the civil service retirement system, a retired employee may be reemployed by the Government and continue to receive his full annuity, plus the difference, if any, between the annuity and the salary of the position to which he is appointed.

Unfortunately, in view of the committee, the provisions of the Civil Service Retirement

Act place the Federal Government in an unfavorable position to compete with private industry in obtaining the services of retired Federal personnel whose reemployment would benefit the Government. This is because such persons when hired in private industry may keep their annuities and receive the full amount of the salary in private industry.

The committee recommends the adoption of the new section 872 which would entitle a retired Foreign Service employee to receive the salary of a position to which he may be appointed plus so much of his annuity which, when combined with such salary, does not exceed the highest salary which such employee was entitled to receive when he retired from the Foreign Service. The committee believes that this provision will be more fair to retired personnel and will be in the public interest.

30. Section 48—Clarification of authority to lend Foreign Service employees overseas household furniture: Section 48 of the bill would amend section 812 of the act so as to make it clear that the Secretary of State may lend furniture, such as chairs and tables as distinguished from equipment such as refrigerators, to Foreign Service employees overseas for use in personally owned or leased residences. The purpose of this provision, thus amended, is to save shipping costs. Certain overseas missions have established pools of furniture which can be loaned to employees, thus saving the cost of shipping such furniture from the United States or from some other distant Foreign Service post.

31. Section 49—Clarification of authority to ship Foreign Service employees' vehicles: Section 49 of the bill would amend section 913 of the act so as to substitute "motor vehicles or replacement thereof" for the word "automobiles." The Comptroller General has ruled that "automobiles" does not mean motorcycles or motor scooters. Since it would be cheaper for the Government to transport motorcycles and motor scooters than automobiles, the committee believes that it would be advantageous to broaden the scope of section 913. The committee expects the Department in administering section 913 to establish by regulation some reasonable limit on the number of motor vehicles which may be transported for Foreign Service personnel within appropriate periods of time.

The committee urges the Department of State to give further study to the matter of transportation of vehicles overseas for the official use of U.S. missions. It suggests, for example, that greater use be made of motor vehicles built in the country of the mission since road or other conditions are frequently such as to make locally built cars more appropriate and, certainly, less expensive than American cars, counting the transportation costs from the United States. In circumstances warranting transportation of American cars overseas for official use, the committee believes that small American cars are just as useful and less offensive to foreign sensibilities than the larger American cars.

32. Section 51—Conversion table from the present Foreign Service staff class and salary schedule to the schedule established by section 2 of the bill: Section 51 of the bill contains temporary provisions providing for an orderly and equitable transfer of Foreign Service staff officers and employees from their present classes and salaries to the new classes and salaries prescribed by the revised section 415 of the act. Under the conversion scheme no Foreign Service staff person will have a reduced salary. The numbers of persons involved in this transfer in each class and the average salary adjustment in the various classes are shown

in the following table taken from page 209 of the hearings:

Present FSS class	Number on rolls Dec. 31, 1958	Conversion to new schedule		Average per annum salary adjustment <sup>1</sup>	Total cost
		Class	Number		
FSS-1-----	30	FSS-1---	30	\$155	\$4,666
FSS-2-----	24	FSS-1---	15	204	3,060
		FSS-2---	9	67	605
FSS-3-----	33	FSS-2---	33	120	3,970
FSS-4-----	35	FSS-2---	17	222	3,770
		FSS-3---	18	132	2,380
FSS-5-----	50	FSS-3---	50	147	7,360
FSS-6-----	69	FSS-3---	19	169	3,210
		FSS-4---	50	122	6,115
FSS-7-----	72	FSS-4---	72	47	3,415
FSS-8-----	164	FSS-5---	164	35	5,705
		FSS-6---	37	100	3,700
FSS-9-----	323	FSS-6---	286	95	27,080
		FSS-7---	171	136	23,220
FSS-10-----	538	FSS-7---	367	80	29,370
		FSS-8---	922	18	16,740
FSS-11-----	922	FSS-8---	922	30	28,580
FSS-12-----	938	FSS-9---	938	28	12,355
FSS-13-----	445	FSS-10---	1	15	15
FSS-14-----	1	FSS-10---	1		
Total-----	3,644		3,644	51	186,660

<sup>1</sup> The average salary adjustment has been rounded off to the nearest dollar. Consequently multiplying the average per annum adjustment by the number of individuals does not exactly equal the total cost which has been computed on the basis of actual salary adjustments.

33. Section 52—Authority to use taxicabs in lieu of Government vehicles in certain cases: Section 52 of the bill would amend section 11 of Public Law 885, 84th Congress (70 Stat. 890) by making it possible for the chief of a diplomatic mission to approve the use of taxicabs, in addition to Government-owned vehicles, for the transportation of Government employees from their residence to the office and return when public transportation facilities other than taxicabs are unsafe or not available. The committee understands that the use of taxicabs will be authorized typically in those cases where the use of Government-owned vehicles necessitates the use of chauffeurs and makes this form of transportation more costly than the use of taxicabs.

34. Section 53—Exclusion from gross income for tax purposes of disability annuity payments: Section 53 of the bill would amend section 104(a) of the Internal Revenue Code of 1954 to exempt disability annuities from Federal income tax. This change is consistent with provisions of the Internal Revenue Code relating to disabilities annuities payable to other Government employees by the Bureau of Employees Compensation. The change is favored by the Treasury.

35. Section 54—Elimination of free official services and passports for American vessels and seamen respectively: Section 54 of the bill would amend section 12 of the act of June 26, 1884 (22 U.S.C. 1186) which now prohibits the charging of fees by consular officers for official services to American vessels and seamen. The Department will establish a reasonable schedule of fees for such services, and give reasonable notice to the parties affected, but it will not make a charge for services required by law or services which are primarily in the public interest.

Section 54 also amends section 1 of chapter 223 of the act of June 4, 1920 (22 U.S.C. 214) by eliminating free passports to American seamen. No objection was registered with the committee to this change and the original reason for the provision has long since passed.

36. Section 55—Increase in the authorization of appropriations for the foreign buildings program of the Department of State: Section 55 of the bill would add a new



subsection (c) to section 4 of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295) which would increase by \$100 million (of which \$50 million represents foreign currencies) appropriations authorized for the purpose of erecting office buildings and other buildings needed by U.S. missions overseas.

The Department of State presented to the committee a detailed plan for a 5-year building program which was set forth beginning on page 125 of the hearings on S. 1044. Some members of the committee have seen the architectural plans and models for many of the structures which are to be built pursuant to this 5-year plan. The committee commends the Department for the excellence of these plans.

Mr. FULBRIGHT. Mr. President, the bill is a very long and involved bill. I find it very difficult to pick out of it any particular item. I call attention to one particular feature the committee added which was not in the bill as it came from the administration. It was a statement, really, of policy upon functional and geographic area specialization.

I may say that since the committee reported the bill, the Deputy Under Secretary of State for Administration, Mr. Henderson, telephoned to me, personally, and stated that he thought this provision would result in a very great improvement in the policy of the bill.

Mr. MORSE. Mr. President—

Mr. FULBRIGHT. Mr. President, I may say to the Senator from Oregon that, as can be seen, the report on the bill is very full. But if there are any questions which he would like to ask, I shall certainly try to answer them.

Mr. MORSE. Mr. President, I do not need to ask the Senator from Arkansas or the Senator from Montana any questions.

As a member of the Foreign Relations Committee I was an ardent supporter of the bill. But one of the points which I thought should be made today in establishing the legislative history of the bill calls for a statement in regard to some of the purposes and intents of the committee in bringing the bill to the floor of the Senate.

It is true, as will be seen by examining the bill, that its first part has to do with technical matters in regard to salary equalizations and classifications.

But I should like to have Senators turn for a moment to page 8 of the committee report, where we start coming to grips, by means of the bill, with what in my judgment is one of the great needs for improvement in our Foreign Service in connection with which our distinguished chairman [Mr. FULBRIGHT], as well as the Senator from Montana [Mr. MANSFIELD] have had much to say in the past—and quite correctly so—about the need to improve the language capabilities and facilities of our Foreign Service officers.

On page 8 of the committee report will be found a discussion of section 18 of the bill, "Foreign Language Knowledge a Prerequisite to Assignment." This is an excellent provision of the bill; and I ask unanimous consent that there be printed at this point in the Record, as part of my comments on the bill, the part of page 8 of the committee report which deals with section 18.

There being no objection, the excerpt from the report (No. 880) was ordered to be printed in the Record as follows:

13. Section 18—Foreign language knowledge a prerequisite to assignment: Section 18 of the bill would introduce a new section 578 in the act which would require the Secretary to designate every Foreign Service officer position in a foreign country whose incumbent should have a useful knowledge of a language of the country. After a 5-year period to allow for increased training in foreign languages, each position so designated would be filled only by a qualified person. The Secretary would be able to make exceptions to this requirement for individuals or when special or emergency conditions existed.

One of the most common and justified criticisms of the Foreign Service today is the low level of language competency throughout the Service. The facts are familiar that 70 percent of new Foreign Service officers come into the Service without a knowledge of any foreign language. Fifty percent of officers already in the Service lack a knowledge of any foreign language. The figure on deficiencies in the more difficult languages are not available but the committee has no reason to think the figures are any better with respect to them.

Language competence in the Foreign Service is primarily a function of money and people. With adequate appropriations and adequate numbers of intelligent officers, any desired level of language competence can be obtained. The committee intends that foreign language competence be raised substantially—not for its own sake—but based on actual needs in U.S. missions overseas. The committee expects that the designation of Foreign Service officer positions abroad requiring language competence shall be based largely on the recommendations of the mission chief without regard to current budgetary targets. The Department of State estimates that the implementation of the proposed new section 578 will cost about \$250,000 per year over a 5-year period. This would seem to be a small price when measured against the urgent need.

Mr. MORSE. Then, Mr. President, I suggest that Senators turn to page 11 of the report which deals with section 31, "Orientation and language training for wives of U.S. Government employees in anticipation of assignment overseas."

I believe it is often overlooked that when we send a Foreign Service officer abroad, we frequently do not send him alone; usually his family accompanies him. The members of his family are also, in effect, ambassadorial agents of the people of the United States to that foreign government.

I believe we have been too much inclined to take the families as a matter of course, and not to be of the assistance to them which I believe we very often could be, in order to make them more capable of serving the Foreign Service needs of our people abroad.

Section 31 of the bill, is, in my opinion, a very important one; and I wish to commend the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Montana [Mr. MANSFIELD] and the Senator from Montana who conducted some of these hearings—in regard to this particular section of the bill. I believe that any money our Government spends in regard to anything it does to be of assistance to the spouses and dependents of our employees abroad will be money well spent.

Section 32(b) deals with "Alien language teachers for the Foreign Service Institute." In my judgment, that is exceedingly important. If we are to train these people in foreign languages, I believe we should be willing to build up the sort of teacher training that the bill calls for.

I ask unanimous consent to have printed as part of my remarks in the Record the portion of page 11 of the committee report which deals with topics 21 and 22, to which I have just now referred.

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

21. Section 31, Orientation and language training for wives of U.S. Government employees in anticipation of assignment overseas: Section 31 of the bill would add a new sentence to section 701 of the act giving the Secretary authority to provide orientation and language training to wives of Government employees in anticipation of assignment of such employees abroad. The Department of State has been giving such training on a space-available basis for some time but the practice ought to be specifically authorized by law. The Department asked for authority to train "dependents" of employees but the committee limited the authority to "spouses," and inserted the phrase "to the extent that space is available" in order to keep such training to reasonable numbers.

22. Section 32(b), Alien language teachers for the Foreign Service Institute: Section 32(b) of the bill would add a new subsection 704(e) to the act permitting the Secretary to employ aliens for the Foreign Service Institute either by appointment to the staff on a full or part-time basis or by contract for services. This proposed authority would apply both in the United States and abroad because the Foreign Service Institute operates several language training schools overseas. The new authority is essential because, of course, it is sometimes difficult to find American citizens sufficiently well qualified to provide instruction in esoteric languages and other specialized subjects taught at the Foreign Service Institute. The authority to employ by contract is essential since some language teachers are available in the United States for only short periods of time and because some Institute courses are given periodically.

Mr. MORSE. Mr. President, as the Senator from Arkansas [Mr. FULBRIGHT] has said, other parts of the bill deal with equalization in regard to some of the salary schedule problems and classifications, highly technical in nature. They speak for themselves, and do not require any comment.

Mr. President, I wish to commend the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Montana [Mr. MANSFIELD] for the fine work they have done in connection with the bill.

I believe the bill is of sufficient importance to be passed—as I am sure it will be—following a quorum call.

However, Mr. President, I now understand that the acting majority leader would like to have a quorum call following the passage of this bill. I believe I would have to agree that probably no Member of the Senate who would come to the floor of the Senate would in any way be opposed to a bill of the merit of this one. So at this time I withhold my suggestion of the absence of a quorum; but I wish to have a quorum call immediately following the passage of the bill.

Mr. MANSFIELD. Mr. President, I will say to the Senator from Oregon that I do not know of any Member who is in opposition to the bill, which was reported unanimously from the Foreign Relations Committee.

Mr. MORSE. Yes. I merely wish to say that, regardless of whether any Member agrees or disagrees in regard to the bill, I believe it very important in these closing days of the session that transactions in regard to important pieces of proposed legislation not be conducted without giving notice, by means of quorum calls.

However, I agree that this measure is very obviously desirable of enactment, and does have the unanimous support of the Foreign Relations Committee; and, therefore, I withhold the suggestion of the absence of a quorum.

Mr. MANSFIELD. I thank the Senator from Oregon.

The VICE PRESIDENT. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2633) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1959".

SEC. 2. Section 415 of the Foreign Service Act of 1946, as amended, is amended to read as follows:

"SEC. 415. (a) There shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees. The perannum salaries of staff officers and employees within each class shall be as follows:

"Class 1.....	\$11,660	\$11,990	\$12,320	\$12,650	\$12,980	\$13,310	\$13,640
"Class 2.....	9,900	10,175	10,450	10,725	11,000	11,275	11,550
"Class 3.....	8,140	8,415	8,690	8,965	9,240	9,515	9,790
"Class 4.....	7,000	7,225	7,450	7,675	7,900	8,125	8,350
"Class 5.....	6,150	6,350	6,550	6,750	6,950	7,150	7,350
"Class 6.....	5,300	5,500	5,700	5,900	6,100	6,300	6,500
"Class 7.....	4,650	4,850	5,050	5,250	5,450	5,650	5,850
"Class 8.....	4,290	4,350	4,410	4,470	4,530	4,590	4,650
"Class 9.....	3,750	3,800	3,850	3,900	3,950	4,000	4,050
"Class 10.....	3,500	3,600	3,700	3,800	3,900	4,000	4,100

"CLASSIFICATION OF POSITIONS IN THE FOREIGN SERVICE AND IN THE DEPARTMENT

"SEC. 441. (a) Under such regulations as he may prescribe, and in order to facilitate effective management, the Secretary shall classify all positions in the Service at posts abroad, excluding positions to be occupied by chiefs of mission, and in the case of those occupied by Foreign Service officers, Reserve officers, and staff officers and employees, he shall establish such positions in relation to the classes established by sections 412, 414, and 415, respectively. Positions occupied by alien employees and consular agents, respectively, shall be allocated to such classes as the Secretary may establish by regulation.

"(b) Under such regulations as he may prescribe, the Secretary may, notwithstanding the provisions of the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following), classify positions in or under the Department which he designates as Foreign Service Officer positions to be occupied by officers and employees of the Service, and establish such positions in relation to the classes established by sections 412, 414, and 415."

SEC. 7. Section 444 of such Act and the heading to such section are amended to read as follows:

"COMPENSATION PLANS FOR ALIEN EMPLOYEES

"SEC. 444. (a) The Secretary shall, in accordance with such regulations as he may prescribe, establish compensation plans for alien employees of the Service: Provided, That such compensation plans shall be based upon prevailing wage rates and compensation practices for corresponding types of positions in the locality, to the extent consistent with the public interest.

"(b) For the purpose of performing functions abroad, other Government agencies are authorized to administer alien employee programs in accordance with the applicable provisions of this Act."

SEC. 8. Section 446 of such Act and the heading to such section are amended to read as follows:

"ADMINISTRATIVE ESTABLISHMENT OF HAZARDOUS DUTY PAY FOR CERTAIN CATEGORIES OF OFFICERS AND EMPLOYEES

"SEC. 446. The Secretary may, under such regulations as he may prescribe, establish

rates of salary differential, not exceeding 15 per centum of basic salary, for officers or employees of the Service while they are assigned for duty as couriers."

SEC. 9. Title V of such Act is amended by adding at the beginning thereof the following new section:

"POLICY

"SEC. 500. It is the policy of the Congress that chiefs of mission and Foreign Service officers appointed or assigned to serve the United States in foreign countries shall have, to the maximum practicable extent, among their qualifications, a useful knowledge of the principal language or dialect of the country in which they are to serve, and knowledge and understanding of the history, the culture, the economic, and political institutions, and the interests of such country and its people."

SEC. 10. (a) The heading to section 516 of such Act is amended to read as follows: "ADMISSION TO CLASS 7 OR 8".

(b) Section 516 of such Act is amended by striking out "Sec. 516" and inserting in lieu thereof "Sec. 516. (a)" and by adding at the end thereof a new paragraph (b) which shall read as follows:

"(b) The Secretary may furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8, whom he recommends for appointment directly to class 7 when in his opinion, their age, experience, or other qualifications make such an appointment appropriate."

SEC. 11. (a) Section 517 of such Act is amended by striking out the words "A person who has not served in class 8" which appear at the beginning of the first sentence, and inserting in place thereof the following: "A person who has not been appointed as a Foreign Service officer in accordance with section 516 of this Act".

(b) Section 517 of such Act is further amended by striking out the second and third sentences of such section.

SEC. 12. (a) The heading to section 520 of such Act is amended by striking out the phrase "REINSTATEMENT AND RECALL" and substituting in lieu thereof the phrase "REAPPOINTMENT, RECALL, OR REEMPLOYMENT".

(b) The first sentence of paragraph (a) of section 520 of such Act is amended by inserting a period after the word "Service" where it appears for the third time, and by striking out the remainder of that sentence.

(c) Paragraph (b) of section 520 of such Act is amended to read as follows:

"(b) The Secretary may recall any retired Foreign Service officer temporarily to duty in the Service whenever he shall determine such recall is in the public interest."

(d) Section 520 of such Act is further amended by adding at the end thereof a new paragraph (c) which shall read as follows:

"(c) Notwithstanding the provisions of title 5, United States Code, section 62, and title 5, United States Code, section 715a, a Foreign Service officer heretofore or hereafter retired under the provisions of section 631 or 632 or a Foreign Service staff officer or employee hereafter retired under the provisions of section 803 shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer."

SEC. 13. Section 528 of such Act is amended by striking out in the second sentence of such section the phrase "subsection (d), section 7, of the Classification Act of 1923" and substituting in lieu thereof the phrase "the Classification Act of 1949".

"(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary may, under such regulations as he may prescribe, fix the salary at lesser rates than those prescribed by this section for the applicable class of staff officers or employees who are recruited abroad and who are not available or are not qualified for transfer to another post."

SEC. 3. Section 416 of such Act is amended to read as follows:

"SEC. 416. (a) A person appointed as a staff officer or employee shall receive basic salary at one of the rates of the class to which he is appointed which the Secretary shall, taking into account his qualifications and experience and the needs of the Service, determine to be appropriate for him to receive.

"(b) Whenever the Secretary determines that the needs of the Service warrant the appointment of staff officers or employees in a particular occupational group uniformly at a rate above the minimum rate of the applicable class, he may adjust the basic salary of any staff officer or employee in the same class and occupational group who is receiving less than such established rate."

SEC. 4. Section 417 of such Act is amended by striking out "(b)" in the first sentence.

SEC. 5. Section 431 of such Act is amended by striking out in the first sentence of paragraph (a) the phrase "the termination of time spent on authorized leave, whichever shall be later," and inserting in lieu thereof the phrase "upon termination of his service in accordance with the provisions of paragraph (b) of this section,"; and by amending paragraph (b) of this section to read as follows:

"(b) The official services of a chief of mission shall not be deemed terminated by the appointment of a successor but shall continue until he has relinquished charge of the mission and for such additional period as may be determined by the Secretary, but in no case shall such additional period exceed fifty days, including time spent in transit. During such period the Secretary may require him to render such services as he may deem necessary in the interests of the Government."

SEC. 6. Section 441 of such Act and the heading to such section are amended to read as follows:

Sec. 14. Section 531 of such Act is amended to read as follows:

"Sec. 531. The Secretary may, under such regulations as he may prescribe, appoint staff officers and employees on the basis of qualifications and experience. The Secretary may make provisions for temporary, limited, and such other types of appointment as he may deem necessary. He is authorized to establish appropriate probationary periods during which newly appointed staff officers or employees, other than those appointed for temporary or limited services shall be required to serve. The Secretary may terminate at any time, without regard to the provisions of section 637, or the provisions of any other law, staff officers or employees appointed for temporary or limited service and staff officers or employees who have not completed probationary periods, except that if such separation is by reason of misconduct the provisions of section 637 shall be applicable."

Sec. 15. Section 532 of such Act is amended to read as follows:

"Sec. 532. Under such regulations as he may prescribe, the Secretary may assign a staff officer or employee to any post or he may assign him to serve in any position in which he is eligible to serve under the terms of this or any other Act. A staff officer or employee may be transferred from one post to another by order of the Secretary as the interests of the Service may require."

Sec. 16. (a) Section 571 of such Act is amended by striking out paragraphs (a), (b), (c), and (d), and the heading to such section, and inserting in lieu thereof the following:

**"ASSIGNMENTS TO ANY GOVERNMENT AGENCY OR INTERNATIONAL ORGANIZATION"**

"Sec. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years.

"(b) If a Foreign Service officer shall be appointed by the President, by and with the advice and consent of the Senate, or by the President alone to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, the period of his service in such capacity shall be construed as constituting an assignment within the meaning of paragraph (a) of this section and such person shall not, by virtue of the acceptance of such an assignment, lose his status as a Foreign Service officer. Service in such a position shall not however, be subject to the limitations concerning the duration of an assignment contained in that paragraph.

"(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned pursuant to the terms of this section is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of title VIII. No officer or employee of the Service who, subsequent to the effective date of the Foreign Service Act Amendments of 1959, is assigned to, or who, after June 30, 1960, occupies a position

in the Department that is designated as a Foreign Service Officer position, shall be entitled to receive a salary differential under the provisions of this paragraph."

(b) Paragraph (e) of section 571 of such Act is amended by striking the phrase "with heads of Government agencies" where it appears in the second sentence and by redesignating the paragraph as "(d)".

(c) Section 571 of such Act is amended by adding at the end of such section a new paragraph (e) which shall read as follows:

"(e) Any Foreign Service officer or employee assigned to duty in the continental United States between assignments abroad, and any Foreign Service officer of class 7 or 8 assigned to duty in the continental United States prior to assignment abroad shall receive, during the course of such period of assignment, a differential applied to basic salary of 8 per centum if without dependents, 11 per centum if with one to three dependents, and 13 per centum if with more than three dependents to assist in defraying the cost of quarters."

Sec. 17. Section 575 of such Act is amended by striking out all after the word "accordance" and inserting in lieu thereof the phrase "with the appropriate provisions of titles III and IX of Public Law 402, Eightieth Congress (62 Stat. 7 and 13; 22 U.S.C. 1451-1453, 1478 and 1479)."

Sec. 18. Title V of such Act is further amended by adding at the end thereof the following new section:

**"FOREIGN LANGUAGE KNOWLEDGE PREREQUISITE TO ASSIGNMENT"**

"Sec. 578. The Secretary shall designate every Foreign Service officer position in a foreign country whose incumbent should have a useful knowledge of a language or dialect common to such country. After December 31, 1963, each position so designated shall be filled only by an incumbent having such knowledge: *Provided*, That the Secretary or Deputy Under Secretary for Administration may make exceptions to this requirement for individuals or when special or emergency conditions exist. The Secretary shall establish foreign language standards for assignment abroad of officers and employees of the Service, and shall arrange for appropriate language training of such officers and employees at the Foreign Service Institute or elsewhere."

Sec. 19. Section 625 of such Act and the heading of such section are amended to read as follows:

**"WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS"**

"Sec. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of each fiscal year, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to any such officer additional increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service."

Sec. 20. Title VI of such Act is amended by inserting after section 625 the following new section and the heading thereto:

**"RELATIONSHIP BETWEEN PROMOTIONS AND FUNCTIONAL AND GEOGRAPHIC AREA SPECIALIZATION"**

"Sec. 626. The achievement of the objectives of this Act requires increasing numbers of Foreign Service officers to acquire functional and geographic area specializations and to pursue such specializations for a substantial part of their careers. Such specialization shall not in any way inhibit or prejudice the orderly advancement through Class 1 of any such officer in the Foreign Service."

Sec. 21. The heading "PART D—SEPARATION OF FOREIGN SERVICE OFFICERS FROM THE SERVICE" under title VI of such Act is amended to read as follows: "PART D—SEPARATION OF OFFICERS AND EMPLOYEES FROM THE SERVICE".

Sec. 22. Section 631 of such Act and the heading to such section are amended to read as follows:

**"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS OR CAREER MINISTERS"**

"Sec. 631. Any Foreign Service officer who is a career ambassador or a career minister, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall upon reaching the age of sixty-five, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years."

Sec. 23. Section 632 of such Act and the heading to such section are amended to read as follows:

**"FOREIGN SERVICE OFFICERS WHO ARE NOT CAREER AMBASSADORS OR CAREER MINISTERS"**

"Sec. 632. Any Foreign Service officer, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador or a career minister shall, upon reaching the age of sixty, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years."

Sec. 24. Subparagraphs (1) and (2) of paragraph (b) of section 634 of such Act are amended to read as follows:

"(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, from the Foreign Service Retirement and Disability Fund, in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following: *Provided*, That in special cases, the Secretary may in his discretion accelerate or combine the installments; and

"(2) a refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a), except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a), may elect to receive retirement benefits on reaching the age of sixty in accordance with the provisions of section 821. In the event that an officer who was separated from class 4 or 5 and who has elected to receive retirement benefits dies before reaching the age of sixty, his death shall be considered a death in service within the meaning of section 832. In the event that an officer who was separated from class 6 or 7 and who has elected to receive retirement benefits dies before reaching the age of sixty, the total amount of his contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a), shall be paid in accordance with the provisions of section 841(b)."



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SEC. 25. Section 635 of such Act and the heading to such section are amended to read as follows:

**"FOREIGN SERVICE OFFICERS RETIRED FROM CLASS 7 OR 8**

"SEC. 635. Any Foreign Service officer in class 7 who is appointed under the provisions of section 516(b) and any Foreign Service officer in class 8 shall occupy probationary status. The Secretary may terminate his service at any time."

SEC. 26. Section 636 of such Act is amended by striking out the phrase "Any Foreign Service officer" and inserting in lieu thereof the phrase "Any participant in the Foreign Service Retirement and Disability System".

SEC. 27. (a) Paragraphs (a), (b), (c), and (d) of section 637 of such Act and the heading to such section are amended to read as follows:

**"SEPARATION FOR CAUSE**

"Sec. 637. (a) The Secretary may, under such regulations as he may prescribe, separate from the Service any Foreign Service officer, Reserve officer, or staff officer or employee, on account of the unsatisfactory performance of his duties, or for such other cause as will promote the efficiency of the Service, with reasons given in writing, but no such officer or employee shall be so separated until he shall have been granted a hearing by the Board of the Foreign Service and the unsatisfactory performance of his duties, or other cause for separation, shall have been established at such hearing, unless he shall have waived in writing his right to a hearing. The provisions of this section shall not apply to Foreign Service officers of class 8 or any other officer or employee of the Service who is in a probationary status or whose appointment is limited or temporary, except when separation is by reason of misconduct.

"(b) Any participant in the Foreign Service Retirement and Disability System separated under the provisions of paragraph (a) of this section shall receive a refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest, as provided in section 841(a) except that in lieu of such refund such officer may (except in cases where the Secretary determines that separation was based in whole or in part on the ground of disloyalty to the United States) if he has at least five years of service credit toward retirement under this System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a), elect to leave his contributions in the Fund and receive an annuity, computed as prescribed in section 821 commencing at the age of sixty years. In the event that an officer who has elected under the provisions of this section to receive a deferred annuity dies before reaching the age of sixty, his contributions to the Fund, with interest, shall be paid in accordance with the provisions of sections 841 and 881.

"(c) Any officer or employee of the Service separated under the provisions of paragraph (a) of this section who is not a participant in the Foreign Service Retirement and Disability System shall be entitled only to such benefits as shall accrue to him under the retirement system in which he is a participant.

"(d) Any payments made in accordance with the provisions of paragraph (b) of this section shall be made out of the Foreign Service Retirement and Disability Fund."

SEC. 28. Section 638 of such Act and the heading to such section are amended to read as follows:

**"TERMINATION OF LIMITED APPOINTMENTS OF FOREIGN SERVICE RESERVE OFFICERS AND STAFF OFFICERS AND EMPLOYEES**

"Sec. 638. Notwithstanding the provisions of this or any other law, the Secretary may, under such regulations as he may prescribe,

terminate at any time the services of any Reserve officer or staff officer or employee serving under limited appointment, except that, if the termination is because of misconduct, the provisions of section 637 shall be applicable. This section shall not modify the conditions of employment of, and shall not be applicable to, staff officers who accepted Reserve officer appointments during the period from September 1, 1958, through December 31, 1958."

SEC. 29. Section 641 of such Act is amended to read as follows:

"Sec. 641. All promotions of staff officers and employees to a higher class shall be made at a higher salary on the basis of performance and merit in accordance with such regulations as the Secretary may prescribe."

SEC. 30. Section 642 of such Act and the heading thereto are amended to read as follows:

**"WITHIN CLASS AND LONGEVITY SALARY INCREASES**

"Sec. 642. (a) Under such regulations as the Secretary may prescribe, any staff officer or employee whose services meet the standards required for the efficient conduct of the work of the Service shall receive an increase in salary at periodic intervals to the next higher salary rate for the class in which he is serving. Without regard to any other law the Secretary is authorized to grant any such officer or employee additional increases in salary within the salary range established for the class in which he is serving, based upon specially meritorious service.

"(b) Under such regulations as the Secretary may prescribe, any staff officer or employee who has attained the maximum salary rate prescribed by section 415 for the class in which he is serving may be granted from time to time an additional salary increase beyond the maximum salary rate for his class in recognition of longevity and proficiency in the Service. Each such salary increase shall be equal to the maximum salary rate increase of the applicable class and no person shall receive more than four such salary increases while serving in the same class."

SEC. 31. Section 701 of such Act is amended by adding at the end thereof the following: "The Secretary may also provide to the extent that space is available therefor appropriate orientation and language training to spouses of officers and employees of the Government in anticipation of the assignment abroad of such officers and employees. Other agencies of the Government shall wherever practicable avoid duplicating the facilities of the Institute and the training provided by the Secretary at the Institute or elsewhere."

SEC. 32. (a) Paragraph (a) of section 704 of such Act is amended by striking out "1923" in the two places where it appears and inserting in lieu thereof "1949".

(b) Section 704 of such Act is amended by adding at the end of such section new paragraphs (e) and (f) which shall read as follows:

"(c) The Secretary may, under such regulations as he may prescribe, in the absence of suitably qualified United States citizens, employ persons who are not citizens of the United States by appointment to the staff of the Institute either on a full- or part-time basis or by contract for services in the United States or abroad at rates not in excess of those provided by the Classification Act of 1949, as amended (5 U.S.C. 1071).

"(f) The Secretary may, under such regulations as he may prescribe, provide special monetary or other incentives not inconsistent with this Act to encourage Foreign Service personnel to acquire or retain proficiency in esoteric foreign languages or special abilities needed in the Service."

SEC. 33. (a) Section 803(b) (2) of such Act is amended to read as follows—

"(2) have paid into the Fund a special contribution for each year of such service in

accordance with the provisions of section 852(b)."

(b) Section 803 is further amended by adding at the end thereof a new paragraph (c) which shall read as follows:

"(c) (1) In accordance with such regulations as the President may prescribe, any Foreign Service staff officer or employee appointed by the Secretary of State who has completed at least ten years of continuous service in the Department's Foreign Service, exclusive of military service, shall become a participant in the System and shall make a special contribution to the Fund in accordance with the provisions of section 852.

"(2) Any such officer or employee who, under the provisions of paragraph (c) (1) of this section, becomes a participant in the System, shall be mandatorily retired for age during the first year after the effective date of this section if he attains age sixty-four or if he is over age sixty-four; during the second year at age sixty-three; during the third year at age sixty-two; during the fourth year at age sixty-one, and thereafter at age sixty.

"(3) Any officer or employee who becomes a participant under the provisions of paragraph (c) (1) of this section, who is age sixty-one or over on the effective date of this section, and who is retired mandatorily under the provisions of paragraph (c) (2) of this section, shall receive, in addition to retirement benefits under section 821, one-twelfth of a year's salary at his then current rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, from the Fund, at the time of his retirement."

SEC. 34. Section 804 of such Act is amended to read as follows:

"Sec. 804. (a) Annuitants shall be persons who are receiving annuities from the Fund on the effective date of this Act and all persons, including surviving wives and husbands, widows, dependent widowers, children, and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this Act, as amended, or in accordance with the provisions of section 5 of the Act of May 1, 1956 (70 Stat. 125).

"(b) When used in this title the term—

"(1) 'Widow' means the surviving wife of a participant who was married to such participant for at least two years immediately preceding his death or is the mother of issue by such marriage.

"(2) 'Dependent widower' means the surviving husband of a participant who was married to such participant for at least two years immediately preceding her death or is the father of issue by such marriage, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.

"(3) 'Child' means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support. In addition to the offspring of the participant and his or her spouse the term includes (a) an adopted child, and (b) a stepchild or recognized natural child who received more than one-half of his support from the participant."

SEC. 35. Section 811 of such Act is amended to read as follows:

"Sec. 811. (a) Six and one-half per centum of the basic salary received by each participant shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal sum shall also be contributed from the respective appropriations or fund which is used for payment of his salary. The amounts deducted and withheld from basic salary together with the amounts so contributed from the appropria-

tion or fund, shall be deposited by the Department of State in the Treasury of the United States to the credit of the Fund.

"(b) Each participant shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which he shall be entitled under this Act, notwithstanding any law, rule, or regulation affecting the individual's salary."

Sec. 36 (a) Paragraphs (a), (b), and (c) of section 821 of such Act are amended to read as follows:

"Sec. 821. (a) The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest five consecutive years of service, for which full contributions have been made to the Fund, multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 851, 852, and 853. However, the highest five years of service for which full contributions have been made to the Fund shall be used in computing the annuity of any participant who serves as chief of mission and whose continuity of service as such is interrupted prior to retirement by appointment or assignment to any other position determined by the Secretary to be of comparable importance. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted.

"(b) At the time of retirement, any married participant may elect to receive a reduced annuity and to provide for an annuity payable to his wife or her husband, commencing on the date following such participant's death and terminating upon the death of such surviving wife or husband. The annuity payable to the surviving wife or husband after such participant's death shall be 50 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by him as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2½ per centum of any amount up to \$2,400 he specifies as the base for the survivor benefit plus 10 per centum of any amount over \$2,400 so specified.

"(c) (1) If an annuitant dies and is survived by a wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each child an annuity equal to smallest of: (i) 40 per centum of the annuitant's average salary divided by the number of children; (ii) \$600; or (iii) \$1,800 divided by the number of children.

"(2) If an annuitant dies and is not survived by a wife or husband but by a child or children, each surviving child shall be paid an annuity equal to the smallest of: (i) 50 per centum of the annuitant's average salary divided by the number of children; (ii) \$720; or (iii) \$2,160 divided by the number of children."

(b) Section 821 of such Act is further amended by adding new paragraphs (d), (e), and (f) which shall read as follows:

"(d) If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such wife, husband, or child had not survived the participant.

"(e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the first day of the next month after the participant dies and such annuity or any right thereto shall be terminated upon

death, marriage, or attainment of the age of eighteen years, except that, if a child is incapable of self-support by reasons of mental or physical disability, the annuity shall be terminated only when such child dies, marries, or recovers from such disability.

"(f) At the time of retirement an unmarried participant may elect to receive a reduced annuity and to provide for an annuity equal to 50 per centum of the reduced annuity payable after his or her death to a beneficiary whose name shall be designated in writing to the Secretary. The annuity payable to a participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the retiring participant, but such total reduction shall not exceed 40 per centum. No such election of a reduced annuity payable to a beneficiary shall be valid until the participant shall have satisfactorily passed a physical examination as prescribed by the Secretary. The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no further annuity payments authorized under this paragraph shall be due or payable."

Sec. 37. (a) Paragraphs (a), (b), and (c) of section 831 of such Act are amended to read as follows:

"(a) Any participant who has five years of service credit toward retirement under the System, excluding military or naval service that is credited in accordance with provisions of section 851 or 852(a)(2), and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Secretary, be retired on an annuity computed as prescribed in section 821. If the disabled or incapacitated participant has less than twenty years of service credit toward his retirement under the System at the time he is retired, his annuity shall be computed on the assumption that he has had twenty years of service, but the additional service credit that may accrue to a participant under this provision shall in no case exceed the difference between his age at the time of retirement and the mandatory retirement age applicable to his class in the Service.

"(b) In each case, the participant shall be given a physical examination by one or more duly qualified physicians or surgeons designated by the Secretary to conduct examinations, and disability shall be determined by the Secretary on the basis of the advice of such physicians or surgeons. Unless the disability is permanent, like examinations shall be made annually until the annuitant has reached the statutory mandatory retirement age for his class in the Service. If the Secretary determines, on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations, that an annuitant has recovered to the extent that he can return to duty, the annuitant may apply for reinstatement or reappointment in the Service within one year from the date his recovery is determined. Upon application the Secretary shall reinstate any such recovered disability annuitant in the class in which he was serving at time of retirement, or the Secretary may, taking into consideration the age, qualifications, and experience of such annuitant, and the present class of his contemporaries in the Service, appoint him or, in the case of an annuitant who is a former Foreign Service Officer, recommend that the President appoint him, by and with the ad-

vice and consent of the Senate, to a class higher than the one in which he was serving prior to retirement. Payment of the annuity shall continue until a date six months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Service, whichever is earlier. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Fund. If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

"(c) If a recovered disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Service, he shall be considered to have been separated within the meaning of section 834 as of the date he was retired for disability and he shall, after the discontinuance of the disability annuity, be entitled to the benefits of that section or of section 841(a) except that he may elect voluntary retirement in accordance with the provisions of section 636 if he can qualify under its provisions."

(b) Section 831 of such Act is further amended by adding new paragraphs (d) and (e) which shall read as follows:

"(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself under the Federal Employees' Compensation Act of September 7, 1916, as amended, covering the same period of time. This provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. Neither this provision nor any provision of the Act of September 7, 1916, as amended, shall be so construed as to deny the right of any person to receive an annuity under this Act by reason of his own services and to receive concurrently any payment under such Act of September 7, 1916, as amended, by reason of the death of any other person.

"(e) Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this Act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the Act of September 7, 1916, as amended, except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such computed payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this Act, which amount shall be transmitted to such Department for reimbursement to such Fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding."

Sec. 38. Section 832 of such Act is amended to read as follows:

"Sec. 832. (a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, his contributions to the Fund, with interest at the rates prescribed in sections 841(a) and 881(a), shall be paid in the order of precedence shown in section 841(b).

"(b) If a participant who has at least five years of service credit toward retirement under the System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a)(2), dies before separation or retirement from the Service and is survived by a widow or a dependent widower, as defined in section 804, such widow or dependent widower shall be entitled to an annuity equal to 50 per centum of the annuity computed in accordance with the provisions of paragraph (c) of this section and of section 821(a). The annuity of such widow or dependent widower shall commence on the date following death of the participant and shall terminate upon death of the widow or dependent widower, or upon the dependent widower's becoming capable of self-support.

"(c) If a participant who has at least five years of service credit toward retirement under the System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a)(2), dies before separation or retirement from the Service and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 821(c)(1). The child's annuity shall begin and be terminated in accordance with the provisions of section 821(e). Upon the death of the surviving wife or husband or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though such wife or husband or child had not survived the participant.

"(d) If a participant who has at least five years of service credit toward retirement under the System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a)(2), dies before separation or retirement from the Service and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 821(c)(2). The child's annuity shall begin and terminate in accordance with the provisions of section 821(e). Upon termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though that child had never been entitled to the benefit.

"(e) If, at the time of his or her death, the participant had less than twenty years of service credit toward retirement under the System, the annuities payable in accordance with paragraph (b) of this section shall be computed in accordance with the provisions of section 821 on the assumption he or she has had twenty years of service, but the additional service credit that may accrue to a deceased participant under this provision shall in no case exceed the difference between his or her age on the date of death and the mandatory retirement age applicable to his or her class in the Service. In all cases arising under paragraphs (b), (c), (d), or (e) of this section, it shall be assumed that the deceased participant was qualified for retirement on the date of his death."

Sec. 39. A new section 834 is hereby added to such Act as follows:

**"DISCONTINUED SERVICE RETIREMENT**

"Sec. 834. (a) Any participant who voluntarily separates from the Service after obtaining at least five years of service credit toward retirement under the System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a)(2), may, upon separation from the Service or at any time prior to becoming eligible for an annuity, elect to have his contributions to the Fund returned to him in accordance with the provisions of section 841, or to leave his contributions in the Fund and receive an annuity, computed as prescribed in section 821, commencing at the age of sixty years.

"(b) If a participant who has qualified in accordance with the provisions of paragraph (a) of this section to receive a deferred annuity commencing at the age of sixty dies before reaching the age of sixty his contributions to the Fund, with interest, shall be paid in accordance with the provisions of sections 841 and 881."

Sec. 40. Section 841 of such Act is amended to read as follows:

"Sec. 841. (a) Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 per centum per annum, compounded annually at the end of each fiscal year through June 30, 1959; semiannually as of December 31, 1959; annually thereafter as of December 31, and proportionately for the period served during the year of separation including all contributions made during or for such period, except as provided in section 881, shall be returned to him.

"(b) In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance with the provisions of section 881, with interest at 4 per centum per annum compounded annually as is provided in paragraph (a) of this section added thereto, exceed the total amount returned to such participant or to an annuitant claiming through him, in the form of annuities, accumulated at the same rate of interest up to the date the annuity payments cease under the terms of the annuity, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:

"(1) To the beneficiary or beneficiaries designated by the retired participant in writing to the Secretary;

"(2) If there be no such beneficiary, to the surviving wife or husband of such participant;

"(3) If none of the above, to the child or children of such participant and descendants of deceased children by representation;

"(4) If none of the above, to the parents of such participant or the survivor of them;

"(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

"(6) If none of the above, to other next of kin of such participant as may be determined by the Secretary in his judgment to be legally entitled thereto.

"(c) No payment shall be made pursuant to paragraph (b)(6) of this section until after the expiration of thirty days from the death of the retired participant or his surviving annuitant."

Sec. 41. Section 851 of such Act is amended to read as follows:

"Sec. 851. For the purposes of this title, the period of service of a participant shall be computed from the effective date of appointment as a Foreign Service officer, or, if appointed prior to July 1, 1924, as an officer or employee of the Diplomatic or Consular Service of the United States, or from the date he becomes a participant under the provisions of this Act, as amended, but all periods of separation from the Service and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under the Federal Employees' Compensation Act of September 7, 1916, as amended, and leaves of absence granted participants while performing active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States."

Sec. 42. (a) Paragraphs (a), (b), and (c) of section 852 of such Act are amended to read as follows:

"(a) A participant may, subject to the provisions of this section, include in his period of service—

"(1) civilian service in the executive, judicial, and legislative branches of the Federal Government and in the District of Columbia government, prior to becoming a participant; and

"(2) active and honorable military or naval service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States.

"(b) A person may obtain prior civilian service credit in accordance with the provisions of paragraph (a)(1) of this section by making a special contribution to the Fund equal to 5 per centum of his basic annual salary for each year of service for which credit is sought subsequent to July 1, 1924, and prior to the effective date of the Foreign Service Act Amendments of 1959, and at 6½ per centum thereafter with interest compounded annually at 4 per centum per annum to the date of payment. Any such person may, under such conditions as may be determined in each instance by the Secretary, pay such special contributions in installments.

"(c)(1) If an officer or employee under some other Government retirement system, becomes a participant in the System by direct transfer, such officer or employee's total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to the Fund effective as of the date such officer or employee becomes a participant in the System. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the System.

"(2) No officer or employee, whose contributions are transferred to the Fund in accordance with the provisions of paragraph (c)(1) of this section, shall be required to make contributions in addition to those transferred, for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such officer or employee on account of contributions made during any period to the other Government retirement fund, at a higher rate than that fixed by section 811 of this Act for contributions to the Fund.

"(3) No officer or employee, whose contributions are transferred to the Fund in accordance with the provisions of paragraph (c)(1) of this section, shall receive credit for periods of service subsequent to July 1, 1924, for which a refund of contributions has been made, or for which no contributions were made to the other Government retirement fund. A participant may, however, obtain credit for such prior service by making a special contribution to the Fund in accordance with the provisions of paragraph (b) of this section."

(b) Section 852 of such Act is further amended by adding at the end thereof new paragraphs (d) and (e) which shall read as follows:

"(d) No participant may obtain prior civilian service credit toward retirement under the System for any period of civilian service on the basis of which he is receiving or will in the future be entitled to receive any annuity under another retirement system covering personnel of the Government.

"(e) A participant may obtain prior military or naval service credit in accordance with the provisions of paragraph (a)(2) of this section by applying for it to the Secretary prior to retirement or separation from

the Service. However, in the case of a participant who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1(a), part I, paragraph I, or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included. No contributions to the Fund shall be required in connection with military or naval service credited to a participant in accordance with the provisions of paragraph (a) (2) of this section."

Sec. 43. Such Act is amended by adding after section 854 a new section as follows:

**"RECOMPUTATION OF ANNUITIES OF CERTAIN FORMER PARTICIPANTS"**

"Sec. 885. The annuity of each former participant under the System, who retired prior to July 28, 1956, and who at the time of his retirement had creditable service in excess of thirty years, shall be recomputed on the basis of actual years of creditable service not in excess of thirty-five years. Service which was not creditable under the System on the date a former participant retired, shall not be included as creditable service for the purpose of this recomputation. The annuities payable to such persons shall, when recomputed, be paid at the rates so determined, but no such recomputation or any other action taken pursuant to this section shall operate to reduce the rate of the annuity any such person is entitled to receive under the System."

Sec. 44. The heading "PART H—OFFICERS REINSTATED IN THE SERVICE" under title VIII of such Act is amended to read as follows: "PART H—ANNUITANTS RECALLED, REINSTATED OR REAPPOINTED IN THE SERVICE OR REEMPLOYED IN THE GOVERNMENT".

Sec. 45. Section 871 of such Act is amended and a heading is added thereto as follows:

**"RECALL"**

"Sec. 871. Any annuitant recalled to duty in the Service in accordance with the provisions of section 520(b) or reinstated or reappointed in accordance with the provisions of section 831(b) shall, while so serving, be entitled in lieu of his annuity to the full salary of the class in which he is serving. During such service, he shall make contributions to the Fund in accordance with the

provisions of section 811. The amount of his annuity when he reverts to his retired status shall be recomputed in accordance with the provisions of section 821."

Sec. 46. A new section 872 is hereby added to such Act as follows:

**"REEMPLOYMENT"**

"Sec. 872. (a) Notwithstanding any other provision of law, any officer or employee of the Service, who has retired under this Act, as amended, and is receiving an annuity pursuant thereto, and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis, shall be entitled to receive the salary of the position in which he is serving plus so much of his annuity payable under this Act, as amended, which when combined with such salary does not exceed during any calendar year the highest basic salary such officer or employee was entitled to receive under sections 412 or 415 of the Act, as amended, on the date of his retirement from the Service. Any such reemployed officer or employee who receives salary during any calendar year in excess of the maximum amount which he may be entitled to receive under this paragraph shall be entitled to such salary in lieu of benefits hereunder.

(b) When any such retired officer or employee of the Service is reemployed, the employer shall send a notice to the Department of State of such reemployment together with all pertinent information relating thereto and shall cause to be paid, by transfer or otherwise, to the Department of State funds necessary to cover gross salary, employer contributions, and gross lump sum leave payment relating to the employment of the reemployed officer or employee. The Department of State shall make to and on behalf of the reemployed officer or employee payments to which he is entitled under the provisions of paragraph (a) of this section, and shall make those withholding and deductions authorized and required by law.

(c) In the event of any overpayment under this section the Secretary of State is authorized to withhold the amount of such overpayment from the salary payable to such reemployed officer or employee or from his annuity."

Sec. 47. (a) So much of paragraph (a) of section 881 of such Act as precedes subparagraph (1) thereof is amended to read as follows:

"(a) Any participant may, at his option and under such regulations as may be prescribed by the President, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per

centum of such salary, which amounts together with interest at 3 per centum per annum, compounded annually at the end of each fiscal year through June 30, 1959; semiannually as of December 31, 1959; annually thereafter as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—"

(b) Paragraph (c) of section 881 of such Act is amended by deleting the word "annually" and inserting in lieu thereof the phrase "as is provided in paragraph (a) of this section", and by changing the words "withdrawal from active service" at the end of such paragraph to "separation from the Service".

Sec. 48. Section 912 of such Act is amended by changing the heading thereto to read "LOAN OF HOUSEHOLD FURNISHINGS AND EQUIPMENT" and by inserting between the words "with household" the word "basic" and by inserting between the words "household equipment" the phrase "furnishings and".

Sec. 49. Section 913 of such Act and the heading thereto is amended to read as follows:

**"TRANSPORTATION OF MOTOR VEHICLES"**

"Sec. 913. The Secretary may, notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Service, a privately owned motor vehicle or replacement thereof in any case where he shall determine that water, rail, or air transportation of the motor vehicle or replacement thereof is necessary or expedient for any part or of all the distance between points of origin and destination."

Sec. 50. (a) Section 1021 of such Act is amended by inserting the phrase "the Department including" immediately prior to the phrase "the Service" wherever it appears in this section.

(b) Section 1021(a) is further amended by striking out the phrase "if recommended by the Director General" and inserting in lieu thereof the phrase "at the discretion of the Secretary".

Sec. 51. Foreign Service staff officers and employees receiving basic salary immediately prior to the effective date of this Act at one of the rates provided by section 415 of the Foreign Service Act of 1946, as amended, shall be transferred to the new classes established by section 415 of such Act, as amended, and shall receive basic salary on and after the effective date of this Act, as follows:

Present class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended (1958)			Corresponding new class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended by this act			Amount of adjustments	Present class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended (1958)			Corresponding new class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended by this act			Amount of adjustments			
Class	Step	Rate	Class	Step	Rate		Class	Step	Rate	Class	Step	Rate				
FSS-1	5	\$13,160	FSS-1	6	\$13,310	\$150	FSS-5	6	\$9,600	FSS-3	7	\$9,790	\$190			
	4	12,850		5	12,980			5	9,315		6	9,515		200		
	3	12,480		4	12,650			170	4		9,030	5		9,240	210	
	2	12,120		3	12,320			200	3		8,815	4		8,965	150	
	1	11,770		2	11,990			220	2		8,610	3		8,690	80	
FSS-2	5	12,120	FSS-1	3	12,320	200	FSS-6	1	8,395	FSS-3	2	8,415	20			
	4	11,770		2	11,990			220	6		8,755	4		8,965	210	
	3	11,485		FSS-2	7			11,550	65		5	8,540		3	8,690	150
	2	11,205			6			11,275	70		4	8,325		7	8,350	25
	1	10,920			5			11,090	80		3	8,120		6	8,125	5
FSS-3	5	11,165	FSS-2	6	11,275	110	FSS-7	2	7,905	GSS-1	6	8,125	220			
	4	10,885		5	11,090			115	1		7,690	5		7,900	210	
	3	10,600		4	10,725			125	6		8,050	6		8,125	75	
	2	10,320		3	10,450			130	5		7,840	5		7,900	60	
	1	10,030		2	10,175			145	4		7,630	4		7,675	45	
FSS-4	5	10,230	FSS-2	3	10,450	220	FSS-8	3	7,415	FSS-5	3	7,450	35			
	4	9,945		2	10,175			230	2		7,200	2		7,225	25	
	3	9,665		FSS-3	7			9,790	125		1	6,990		1	7,000	10
	2	9,380			6			9,515	135		6	7,350		7	7,350	10
	1	9,095			5			9,240	145		5	7,140		6	7,150	10

Present class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended (1958)			Corresponding new class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended by this act			Amount of adjustments	Present class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended (1958)			Corresponding new class and salary rate of sec. 415 of the Foreign Service Act of 1946, as amended by this act			Amount of adjustments
Class	Step	Rate	Class	Step	Rate		Class	Step	Rate	Class	Step	Rate	
FSS-8	4	\$6,925	FSS-5	5	\$6,950	\$25	FSS-12	7	\$5,025	FSS-8	7	\$5,100	\$75
	3	6,710		4	6,750	40		6	4,890		6	4,950	60
	2	6,495		3	6,550	55		5	4,745		5	4,800	55
	1	6,285		2	6,350	65		4	4,605		4	4,650	45
FSS-9	6	6,050	FSS-5	4	6,750	100		3	4,460		3	4,500	40
	5	6,435	FSS-6	2	6,300	80		2	4,320		2	4,350	30
	4	6,220		7	6,500	65		1	4,180		1	4,200	20
	3	6,005		6	6,300	80	FSS-13	7	4,580	FSS-9	7	4,650	70
	2	5,795		5	6,100	95		6	4,440		6	4,500	60
	1	5,585		4	5,900	105		5	4,295		5	4,350	55
FSS-10	7	6,175	FSS-6	3	5,700	115		4	4,155		4	4,200	45
	6	5,970		6	6,300	125		3	4,010		3	4,050	40
	5	5,755		5	6,100	130		2	3,870		2	3,900	30
	4	5,540	FSS-7	4	5,900	145		1	3,730		1	3,750	20
	3	5,400		7	5,550	10	FSS-14	7	4,155	FSS-9	4	4,200	45
	2	5,260		6	5,400	110		6	4,010	FSS-10	7	4,100	90
	1	5,115		5	5,250	135		5	3,870		5	3,900	30
FSS-11	7	5,500	FSS-7	5	5,250	50		4	3,730		4	3,800	70
	6	5,355		7	5,550	45		3	3,585		2	3,600	15
	5	5,215		6	5,400	35		2	3,445		1	3,500	55
	4	5,070		5	5,250	30		1	3,300		1	3,500	200
	3	4,930		4	5,100	20	FSS-15	All step rates and below.		1	3,500	5	
	2	4,790		3	4,950	10							
	1	4,650		2	4,800								
				1	4,650								

SEC. 52. Section 11 of Public Law 885, Eighty-fourth Congress (70 Stat. 890), is hereby amended by inserting after the phrase "Government-owned vehicles" the phrase "or taxicabs" and by inserting after the phrase "public transportation facilities" the phrase "other than taxicabs".

SEC. 53. (a) Paragraph (4) of section 104(a) of the Internal Revenue Code of 1954 (26 U.S.C. 104(a)(4)) (relating to the exclusion from gross income of compensation for injuries and sickness) is hereby amended to read as follows:

"(4) amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country or in the Coast and Geodetic Survey or the Public Health Service, or as a disability annuity payable under the provisions of section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081; 60 Stat. 1021)."

(b) (1) Section 402(a) of the Internal Revenue Code of 1954 (relating to the taxability of a beneficiary of an employee's trust) is hereby amended as follows:

(a) By striking out in the first sentence of paragraph (1) thereof "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)", and

(b) By redesignating paragraph (3) thereof as paragraph (4) and by inserting after paragraph (2) thereof the following new paragraph:

"(3) The amount includible under this subsection as the gross income of a nonresident alien individual with respect to a distribution made by the United States in respect of services performed by an employee of the United States shall not exceed an amount which bears the same ratio to the amount includible in gross income without regard to this paragraph as the aggregate compensation paid by the United States to such employee for such services and includible in gross income under this subtitle or prior income tax laws bears to the aggregate compensation paid by the United States to such individual whether or not includible in gross income."

(2) Subsection (d) of section 871 of the Internal Revenue Code of 1954 (relating to the tax imposed on nonresident alien individuals) is hereby amended to read as follows:

"(d) CROSS REFERENCE.—

"(1) For doubling of tax on citizens of certain foreign countries, see section 891.

"(2) For taxability of amounts paid by the United States to certain nonresident alien

employees or their beneficiaries, see section 402(a)(3)."

SEC. 54. (a) Section 12 of the Act of June 26, 1884 (23 Stat. 56; 22 U.S.C. 1186), is hereby repealed.

(b) The second proviso of section 1 of chapter 223 of the Act of June 4, 1920, as amended (41 Stat. 750; 22 U.S.C. 214), is further amended by striking out the phrase "or to seamen."

SEC. 55. Section 4 of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295), is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed \$100,000,000, of which \$50,000,000 shall be available exclusively for payments representing the value in whole or in part, of property or credits in accordance with the provisions of the Act of July 25, 1946 (60 Stat. 663). Sums appropriated pursuant to this authorization shall remain available until expended."

SEC. 56. The following headings and sections in the Foreign Service Act of 1946, as amended, are hereby repealed:

(1) Section 442 of such Act and the heading thereto.

(2) Section 525 of such Act and the heading thereto.

(3) Section 576 of such Act and the heading thereto.

(4) Section 577 of such Act and the heading thereto.

(5) Sections 651 and 652 of such Act and the headings thereto, including Part F—Separation of Staff Officers and Employees.

SEC. 57. Notwithstanding the provisions of this Act, existing rules and regulations of or applicable to the Foreign Service of the United States shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of the Foreign Service Act of 1946, as amended by this Act, unless clearly inconsistent with the provisions of this Act or the provisions so amended.

SEC. 58. (a) The provisions of this Act shall become effective as of the first day of the first pay period which begins one month after the enactment of this Act, except as provided in paragraphs (b), (c), and (d) of this section.

(b) The provisions of paragraphs (c)(1) and (c)(2) of section 803 of the Foreign Service Act of 1946, as amended by section 33(b) of this Act, shall become effective on

the first day of the first month which begins one year after the date of enactment of this Act, except that any Foreign Service staff officer or employee, who at the time this Act becomes effective meets the requirements for participation in the Foreign Service Retirement and Disability System, may elect to become a participant in the System before the mandatory provisions become effective. Such Foreign Service staff officers and employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

(c) The amendments made by section 53 of this Act shall be effective with respect to taxable years ending after the date of enactment of this Act.

(d) The amendment made by section 43 of this Act shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. FULBRIGHT. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

### REPORT OF THE COMMISSION ON CIVIL RIGHTS

Mr. SPARKMAN. Mr. President, has the morning hour been concluded?

The VICE PRESIDENT. No; the morning hour is only beginning.

Mr. SPARKMAN. Mr. President—  
The VICE PRESIDENT. The Senator from Alabama.

Mr. SPARKMAN. Mr. President, have I been recognized, and do I now have the floor?

The VICE PRESIDENT. Yes.

Mr. SPARKMAN. Mr. President, just 2 years ago, upon the recommendation of President Eisenhower, and over the strong objections of a great number of Senators—among whom I am proud to be numbered—the so-called Civil Rights Act was passed.

This bill was conceived in antisouthern emotion; and, despite all its self-serving declarations of high principle



and purpose, we who opposed it warned that its inevitable results would involve a threat to the very foundation of our Republic—the Constitution of the United States—and the principle upon which even the Constitution was framed—the sovereign rights of the several States. But our warnings went unheeded, Mr. President. However, subsequent events have vindicated our judgment.

We have seen the Federal Government endeavor to expand even the great powers granted it under the act, so as to have a sovereign State knuckle under to the preconceived notions of the Department of Justice in respect to the State's administration of its own laws.

We have seen the Executive add its fuel to a blazing fire of racial discord kindled by the iniquitous decision by the U.S. Supreme Court in May 1954.

We have seen a continued deterioration of race relations. Where there was cooperation, there is now conflict. Where there was progress, there is now destruction.

If this tragic circumstance does not convince the skeptic, then let him read the recommendations which the Civil Rights Commission created by the so-called Civil Rights Act released yesterday.

The Commission has advocated the enactment of a law whereby when nine people in a political subdivision of a State feel that they have not been registered to vote soon enough—without specifying when, or under what circumstances, the application shall be made—the President of the United States shall have authority to appoint a so-called temporary registrar to register persons to vote in Federal elections, and to continue in that office so long as the President shall desire.

Such a proposal is in direct conflict with the Constitution of the United States. It should be well known to the members of the Commission, and it certainly is well known to the Senate, that the States have long been held to have broad power to determine the conditions under which the right of suffrage may be exercised. *Lassiter v. North Hampton County Board of Education*, 360 U.S. 45; *Pope v. Williams*, 193 U.S. 621, 633; *Mason v. Missouri*, 179 U.S. 328, 335.

Article I, section 2, of the Federal Constitution, in its provision for the election of the House of Representatives; and the 17th amendment, in its provision for the election of Senators, provide that officials shall be chosen by the people. Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Moreover, the right to vote "refers to the right to vote as established by the laws and constitution of the State."—*McPherson v. Blacker*, 146 U.S. 1, 39.

The members of this Commission would be well-advised to read the case of *Pope v. Williams*, 193 U.S. 621, 632:

"The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. \* \* \* It may not be refused on account of race, color, or previous condition

of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

Notwithstanding the clear wording and intent of the Federal Constitution as uniformly interpreted by the courts, this Commission seeks to have the Congress turn over to the Federal Government the process of registering voters in the various States for Federal elections. It seeks to undermine the entire fabric of our systems of government and asks this Congress to violate deliberately the Constitution.

It is no mere happenstance that the conduct of elections has been left to the States. The concept is basic, the one to serve as a check upon the other. The importance of this doctrine has been stressed by the Supreme Court in innumerable cases. It is well expressed in *Guinn v. United States*, 238 U.S., 347. There, the Supreme Court characterized the power of the State governments over suffrage as one "which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon the division of State and national authority under the Constitution and the organization of both governments would rest would be without support and both the authority of the Nation and the State would fall to the ground."

These are strong words. Unquestionably, they were not lightly spoken. The power of the States over suffrage, which must include the power to register voters, is undoubtedly, as the Supreme Court said it was, basic to the foundations of our Government.

These Commissioners ask us to destroy our system of government and to turn the matter of voter registration over to the President of the United States. No one could have imagined that even this Commission would have made such a proposal. To call it devastating is to use an understatement. For this proposal would allow nine temporarily frustrated applicants for registration to undermine the plenary power which the Constitution has accorded the States over all elections, State and Federal.

It is inconceivable that this Congress will continue in existence a Commission which operates in this fashion.

These Commissioners tell us that the Founding Fathers were wrong; that the Supreme Court has been wrong throughout our history in holding that the plenary powers of State governments over the suffrage was essential was essential to the continued existence of both State and national authority under the Constitution; and that this Congress should overturn it all and allow complete Presidential control over the election machinery of the various States in Federal elections at the behest of nine frustrated applicants. As for me, I propose to abide by the Constitution and to leave suffrage, and the regulation of it, where it has always belonged. Nor can I in good conscience support the continued

existence of a Commission which advocates that the Federal system be torpedoed.

#### CALL OF THE ROLL

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

Mr. BIBLE. Mr. President, would the Senator withhold that request to let me introduce a bill and make a short statement on it?

Mr. MORSE. I had an understanding with the acting majority leader that immediately following the passage of the foreign service bill, we would have a call for a quorum. The Senator from Alabama [Mr. SPARKMAN] was not aware of that, and he obtained the floor. I am sorry, but I am going to have a quorum call, as my understanding calls for.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Johnson, Tex.	Sparkman
Bartlett	Keating	Talmadge
Bible	Kuchel	Thurmond
Byrd, W. Va.	Mansfield	Wiley
Cannon	Morse	Williams, Del.
Engle	Pastore	Yarborough
Fulbright	Proxmire	
Javits	Russell	

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNING] is absent on official business.

The Senator from Idaho [Mr. CHURCH] is absent on official business attending the Interparliamentary Union Conference at Warsaw, Poland.

The Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], and the Senator from Missouri [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. CASE] is absent on official business attending the Interparliamentary Union Conference at Warsaw, Poland.

The VICE PRESIDENT. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ALLOTT, Mr. BEALL, Mr. BENNETT, Mr. BRIDGES, Mr. BUSH, Mr. BUTLER, Mr. BYRD of Virginia, Mr. CAPEHART, Mr. CARLSON, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CHAVEZ, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DIRKSEN, Mr. DODD, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. FONG, Mr. FREAR, Mr. GOLDWATER, Mr. GORE, Mr. GREEN, Mr. HART, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. HILL, Mr. HOLLAND, Mr. HRUSKA, Mr. HUMPHREY, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. KEFAUVER, Mr. KENNEDY, Mr. KERR, Mr. LANGER, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MARTIN, Mr. MCCARTHY, Mr. McCLELLAN, Mr. McGEE, Mr.

**AMENDMENT OF HELIUM ACT OF 1937, RELATING TO NATIONAL DEFENSE—ADDITIONAL COSPONSOR OF BILL**

Mr. MURRAY. Mr. President, on August 19 I introduced Senate bill 2567, a bill to amend the Helium Act of September 1, 1937, for the defense, security, and general welfare of the United States. At that time the name of the distinguished and able senior Senator from Colorado [Mr. ALLOTT] was inadvertently omitted as a cosponsor to this important proposed legislation. I ask unanimous consent that when the bill S. 2576 is next printed, the name of the senior Senator from Colorado [Mr. ALLOTT] be added as a cosponsor.

The VICE PRESIDENT. Without objection it is so ordered.

**MUTUAL SECURITY APPROPRIATION BILL—ADDITIONAL COSPONSORS OF AMENDMENT**

Under authority of the order of the Senate of August 20, 1959, the names of Senators HART, CLARK, MURRAY, MANSFIELD, MOSS, CHURCH, NEUBERGER, DOUGLAS, ENGLE, CASE of South Dakota, and BUSH were added as additional cosponsors of an amendment, intended to be proposed by the Senator from Minnesota [Mr. HUMPHREY] to the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes, submitted by Mr. HUMPHREY, on August 20, 1959.

**ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX**

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. MANSFIELD:

Address entitled "Keeping the Peace," delivered by Senator JOHNSON of Texas to the National Convention of the American Legion, at Minneapolis, Minn., on August 27, 1959.

By Mrs. SMITH:

Statement written by Dr. Charles X. Hutchinson, Jr., president, National Temperance and Prohibition Council, Washington, D.C., relating to death of Elizabeth A. Smart.

By Mr. MCCARTHY:

Statement containing information relative to restoration of tax-exempt status of United Nations Children's Fund.

By Mr. DIRKSEN:

Column written by Roscoe Drummond, entitled "Newsmen See President in Full Command of Office," published in the Washington (D.C.) Post and Times Herald on August 26, 1959.

By Mr. PROXMIRE:

Editorial entitled "State Better Off Than Nation in Access to Lake Waters," printed in the Capital Times of Madison, Wis.

By Mr. SCOTT:

Editorial entitled "Getting Into the Act," from the Washington Evening Star of August 26, 1959, relating to the comments by ex-President Truman on the Eisenhower-Khrushchev discussions.

By Mr. WILEY:

Editorial entitled "Khrushchev's Visit," published in the Janesville Daily Gazette of August 25, 1959.

By Mr. RANDOLPH:  
Editorial entitled "Stop Fine-Tuning the Economy," published in Construction Equipment magazine for September 1959.

By Mr. TALMADGE:

Article entitled "Dixie Income Gains 35 Billion in 25 Years," published in the Atlanta Journal of August 24, 1959.

Resolution of the executive council of the Georgia Bankers Association commending Representative PAUL BROWN of the 10th District of Georgia.

By Mr. HENNING:

Article entitled "Prison Plight Poses a Crisis," published in the Kansas City (Mo.) Star on August 19, 1959.

By Mr. NEUBERGER:

Article entitled "The Rockefeller and Wyoming," relating to the Grand Teton National Park, written by Tracy S. McCracken, recently published.

Article relating to agricultural economy, written by Joe Bianco, agricultural editor of the Oregonian, published in the Portland (Oreg.) Oregonian of August 23, 1959.

By Mr. SMATHERS:

Article written by Carroll Kilpatrick, entitled "Hector Says Regulatory Agencies Try To Do Impossible and Fail," published in the Washington (D.C.) Post and Times Herald on August 26, 1959.

By Mr. KEFAUVER:

Article entitled "United States Lags in New, Economic Phase of Cold War, McCormick Warns," published in the Baltimore (Md.) Sun on August 5, 1959.

Article written by Paul Van Zeeland, entitled "United We Stand," published in the August 1959 issue of Western World magazine.

Article written by Earle Jellicoe, entitled "The Deceptive Mouse," published in the summer European-Atlantic Review.

By Mr. MAGNUSON:

Article entitled "Professor's Salmon Crops Migrate to Sea, Return Here," published in the Seattle (Wash.) Times on August 18, 1959.

By Mr. CASE of New Jersey:

Letter to the President of the United States, published in the Paterson (N.J.) Evening News on August 24, 1959.

**NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY**

Mr. JOHNSTON of South Carolina. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Richard A. Chappell, of Georgia, to be a member of the Board of Parole for the term expiring September 30, 1960, vice George G. Killinger, retired; and

Donald G. Brotzman, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years, vice Donald E. Kelley, resigning.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, September 3, 1959, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

**THE BACK PAGE AND THE BACK DOOR**

Mr. DIRKSEN. Mr. President, sometime later, perhaps on next Monday, I may devote myself to a few remarks

which probably might be captioned "The Back Page and the Back Door."

I notice a new table on the back page of the CONGRESSIONAL RECORD. I learn that there is actually no rule to cover the question of having tables printed on the back page of the RECORD; so it can be done by unanimous consent.

My remarks this morning will be entirely restrained, since the majority leader is unavoidably away for the moment; and I much prefer that he be here to enjoy my whimsies, when that time comes.

But, Mr. President, any subject that is discussed always involves the matter of emphasis. The new table, which appears on the back page of the CONGRESSIONAL RECORD as the result of authority requested and consent given, is captioned: "Table II.—New Obligational Authority Provided Outside the Appropriation Process (So-called Back Door Financing)."

Let us consider for a moment, Mr. President, for instance, the item "Aid to airports." All the confusing figures are set forth very nicely in one of the lines which extends all the way across the page. Under the heading "Senate," we find in the table the following:

Amount as passed, \$465 million.  
Amount agreed to by conferees, \$128 million.

Mr. President, probably the latter figure is a misprint.

I read further:

Increase or decrease made by the Congress—

And it shows a decrease in the amount of \$74 million.

Mr. President, the decreases always intrigue my fancy a great deal, because they do not quite tell the whole story; and I like to think of them in terms of our stance in the Senate and the actual effort which was made here to procure a larger sum. But that fact is not emphasized at all in the table.

I am wondering whether we ought to ask unanimous consent to have some other tables printed in the RECORD. Of course, we cannot have two back pages of the RECORD, Mr. President—that is the difficulty—any more than we can have two back doors. One back door that is wide enough and high enough is sufficient to enable money to be shoveled out of the Treasury. But there cannot be two back pages of the CONGRESSIONAL RECORD, unless I obtain unanimous consent to have such an arrangement made, although I do not know how the Government Printing Office would be able to contrive it. So I shall have to try to think up some other dodge, in order to have printed in the RECORD a table which will receive equal emphasis.

Mr. President, when I use the word "emphasis," I am reminded that the emphasis is certainly the most important consideration when one is dealing with budget figures. I am also reminded of an attorney who was trying a plagiarism case before a court. He said to the judge, "Your Honor, my whole case is one of emphasis and accent."

The judge replied, "Please illustrate."

The attorney said, "For instance, in the sentence, 'You, sir, are an ass,' the accent is on 'You.'"

Of course that remark convulsed both the court and all others who were in the courtroom.

So we have to place the emphasis where it belongs.

I do not believe this new table on the back page of the CONGRESSIONAL RECORD adequately accents or emphasizes either the action taken by the Senate or the ultimate results.

So, Mr. President, over the weekend, I shall try to take a little time—if I have any time to spare, which is rather doubtful—to try to think up some way to develop two back pages of the CONGRESSIONAL RECORD, so that the back door can be looked at from two points of view. That will take considerable doing, and that is why I cannot do it today. It would take a full weekend—no matter how artful or skillful I might be—in order to get that job done; and by that time our esteemed and beloved majority leader will be here, and will be able to comment on it.

Mr. DIRKSEN subsequently said: Mr. President, to amplify the remarks I made previously about the back door, I have been intrigued with the idea that perhaps I could ask unanimous consent to get the front page of the RECORD to do a little with the front door. I will take that under advisement over the weekend. I may come in with a request concerning the front door on the front page. That is a matter which will require careful pursuit and exploration.

Mr. MANSFIELD. Mr. President, I can well imagine the distinguished minority leader, in his sylvan retreat this weekend, cudgeling his brains and coming up with a solution of the problem which confronts him. I have no doubt that a solution will be found.

#### FIFTY-FIRST BIRTHDAY OF SENATOR JOHNSON OF TEXAS

Mr. MANSFIELD. Mr. President, I take this occasion to call to the attention of the Senate the fact that today is the 51st birthday of our distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON].

At 11 o'clock he will be delivering a speech to the national convention of the American Legion in Minneapolis.

I think that our party, the Senate, and the country are very fortunate to have in the person of LYNDON JOHNSON a leader who has shown the responsible qualities he has down through the years. So I take this occasion to extend to a great man my most heartfelt thanks for the many services he has performed for his party, for the Senate, and for the country through the years in which he has been a Member of this body. His inspiration, his wise counsel, and sound advice, his sterling leadership all have furnished guide lines to those of us who have had the privilege and opportunity of serving with him.

Mr. DIRKSEN. Mr. President, will the acting majority leader yield?

Mr. MANSFIELD. I yield to the distinguished minority leader.

Mr. DIRKSEN. I join with my distinguished friend from Montana in

tribute to the majority leader. The majority leader was actually a congressional secretary when I came to Washington in 1933. Our friendship dates from that time, and extends over a period of 25 years.

I have truly a deep affection for the majority leader, and I have high admiration for his ability, his skill, his capacity, and his deep and unerring instinct in the legislative field. I think he is actually to the manner born, and this is the field in which he excels so well. I have nothing but admiration for his whole legislative career and for the services he has rendered to the country.

Disagree we have, sometimes rather vehemently, and I assume that there will be points of disagreement so long as the legislative process continues. But notwithstanding that fact, I respect his viewpoint and I admire his capacity, and I pay high tribute to his contribution to the well being of the country.

The majority leader is in every sense a patriot. He is a dedicated person. Even his most durable enemy will not withhold from him the tribute that he is a patriotic, dedicated American, who seeks to serve his country as he sees his duty.

I am sorry the Senator cannot be here today on his 51st birthday. I wish every Member of the Senate were here so that we could proclaim the fact.

Mr. President, if the Senate will indulge me one more moment, as I think of that age 51, standing on the pinnacle of a more advanced age, I can almost become patronizing and utter the wish, "Oh, if I were only 51 again, would I redo, undo, and change many of the things that have marked the sometimes tortuous but otherwise pleasant course of this existence."

Mr. President, I love, in a moment of quiet and introspection, to stand on this pinnacle of age, which, I suppose, is one of the delights of advancing years, and look back and see others as they come along.

I hope my constituents will not interpret that statement as a confession that I am approaching senescence and senility. I never felt better. I never had more vigor in my life. I have reduced my waist line very considerably. I took off about 45 pounds. And may I say that one of the reasons for it is that 1 day in a colloquy here in the front row the majority leader was chiding me about my waist line. I said, "All right. I will accept that challenge. How much do you think I ought to take off?" He said, "I think you ought to take off 40 pounds." I said, "Is that an educated guess or is that based on medical testimony?" He said, "That is my estimate." I said, "I will go you one better. I will take off 5 pounds over the amount you have indicated."

So I did take off 5 more pounds. I owe the majority leader much for my having recovered a svelte figure—I hope it is svelte [laughter]—and in so doing, it energizes one's vitality quotient, and I hope it will add to my days, and that the worth of the days may be such as to make me a little proud, too.

So once again I salute the majority leader, who has made a contribution to my own physical well being.

Mr. MANSFIELD. Mr. President, it appears that the many contributions made by the distinguished majority leader, the Senator from Texas, are not all known; and we are delighted to have this latest testament to his persuasive ability to bring about a second childhood, so to speak, to the minority leader. [Laughter.]

Mr. DIRKSEN. Oh, Mr. President, I hope not. [Laughter.]

Mr. MANSFIELD. But I do wish to say that I am indebted to the distinguished minority leader for what he has had to say about the distinguished majority leader. Senator JOHNSON's contributions have been many in the past, and I anticipate that with his return to health—and he is in good health now—his contributions in the future will be just as great and just as much in the best interests of the country as a whole.

Mr. DIRKSEN. If the acting majority leader will yield for another second, I hope my remarks will at no time, nowhere, be interpreted as meaning there is an undue restraint on the minority leader in those moments when he takes exception to the viewpoint of the majority leader on matters of policy. I want to keep that great, big, unembroidered club handy at all times, so when occasion demands I can use it to assail the majority leader with fine restraints but with vigor, in the interest of the country.

Mr. MANSFIELD. May I say the shillelaghs will always be on the table on both sides.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILEY. I am sorry I was not here when this very complimentary exchange relating to the majority leader took place. My memories of the majority leader go back to the time when he first came to the Senate as a rather, let us say, unobtrusive character. He has gotten rid of that quality since becoming majority leader.

I will say, Mr. President, that in all of the years I have been a Member of the Senate, I have never seen one who works more effectively than the majority leader. What I am most pleased about, however, is that he has gotten more control of himself. Previously he used to lose his temper quite easily. Those were the days before he was taken ill; but apparently his going through that test changed him into a very pleasant, congenial, considerate majority leader.

I have enjoyed sitting back here where I do and seeing how these two giants, the majority leader and the minority leader, get along together. Then all at once they hit the ceiling because one has said something to which the other one feels he must retort. I would say that they are both masters in that respect. But LYNDON JOHNSON, in my humble opinion, as a leader, has been able to do more with the Democrats than has any man in the 20 years I have been here. He can whip them into shape one way or