I cannot believe that this body would ever eliminate the sugar program—or any other commodity program on the basis of whims so frequently and so capriciously expressed by critics who really wish to destroy merely for the sake of destruction.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 9, 1970, pages H11351–H11357, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, this legislation now before the Senate, I want to stress, is a mechanism for comparability pay for Federal employees. It is a mechanism piece of legislation. Its substance, in fact, involves no money, but in its application it would involve money if the President of the United States so rules. The point of the legislation is to approve a mechanism for achieving comparability for Federal employees. This is a principle legislated by this body a good many years ago. Now we are simply trying to translate that principle into a fact of life.

The legislation provides for a permanent system to adjust the salaries of the civil service employees of our Government on an annual basis, in accordance with the principles of pay comparability set out in the Federal Employees Salary Reform Act passed in 1962 by this body.

Hereafter, if this conference report is adopted, the President would make annual adjustments, effective on October 1 of each year, on the basis of recommendations submitted by the Civil Service Commission and the Office of Management and Budget reflecting current wages for similar jobs for levels of responsibility in the private sector. He would consider the views of the Federal Employee Pay Council, made up of representative employee organizations, and he would consider the views of an advisory committee to the President on Federal pay.

If for reasons of national emergency, inflation, or whatever other conditions, the President should determine on a pay adjustment other than that recommended by the advisers, he would have the option of submitting an alternate proposal.

Such a proposal would be submitted to Congress, subject to the disapproval of either House within 30 legislative days. The matter would be highly privileged under the rules of House and Senate, and if either House disapproved, the President would be required to implement the original recommendation.

The bill covers all Federal employees subject to the general schedule, the Foreign Service schedule, and the VA schedule, and authorizes increases for employees who are paid under nonstatutory salary schedules. It does not apply to employees in the postal field. It does not apply to employees in the blue collar grades and crafts who are paid under prevailing rates.

The initial adjustment that would be possible for the President to make would become effective on January 1, 1971, and that is the day after tomorrow; and the second adjustment, if that were to be made, would be made effective on January 1, 1972. Thereafter, after that second adjustment, it would go back to the regularly scheduled adjustment date of October 1 for that adjustment each year. By moving the date to October, the data from private enterprise would be about 3 months behind the time; but that is compared with 8, 10, or 12 months now.

We think that is about as close to the mark as we can come. There are two or three other provisions in the bill of a minor nature which have the approval of the administration and have been considered by the House on earlier occasions in the past.

The cost of these minor adjustments is negligible and applies to a very tiny number of employees.

The bill also adds 20 supergrades to the pool administered by the Civil Service Commission, and gives five supergrades to the Tax Court of the United States.

The conference report represents an agreement for permanent salary legislation developed by Members of the House and Senate in cooperation with the executive branch. I stress that. We had some differences across-the-board in seeking some Federal mechanism that would be equitable, but we have arrived at this position with the White House, with the Civil Service Commission, and with the Chairman, Robert Hampton, with the two parties, and the two committees in the two Houses.

We think that it is as close, again, as we can come to a workable mechanism for achieving this goal. The pay of the employees of Congress is also included in this bill.

I want to say a word about that, so that there will be no misunderstanding.

After the President makes the adjustment in salaries each year, the President pro tempore of the Senate is directed to issue an order implementing similar salary increases for employees of the Senate. The President pro tempore would have very broad authority to increase salaries and salary limitations, or make exclusions or modifications as he sees fit, and to delegate to Senators as committee chairmen and other officers of the Senate who have appointive authority as well, to make such salary adjustments, if that is their judgment.

In other words, this is not automatic, in terms of Senate employees or committee employees.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Hawaii (Mr. FONG).

There being no objection, the statement of Senator FONG ordered to be printed in the RECORD, as follows:

FEDERAL PAY COMPARABILITY ACT OF 1970

(Statement of Senator FONG)

Mr. President, I urge Senate approval of the conference report on H.R. 13000, the Federal Pay Comparability Act of 1970.

Enactment of this legislation would put into effect a permanent system for setting the pay of Federal statutory-salaried employees. It also includes authorization for pay increases for employees of the Congress of the United States, and the judicial branch.

Consideration of similar proposals have been presented to the Senate Committee on Post Office and Civil Service in the past. However, this is the first time that agreement on such legislation has been reached among members of both the Senate and House Post Office and Civil Service Committees, the Administration and Federal employee groups.

It is a far reaching plan and one which I believe has great merit.

The comparability principle as enacted in 1962 for Federal salaries continues as the basis for pay increases.

The Bureau of Labor Statistics will continue to take annual surveys of pay in private industry. These statistics together with pay comparisons for similar work in the Federal government will be forwarded on to the Civil Service Commission, as is being done now. However, it is at this point that this measure makes its reforms.

The proposal now before us would give the President of the United States authority to put into effect without congressional action salary increases recommended by an agent which he would designate. The agent's recommendations would be made after reviewing the Bureau of Labor Statistics' survey results and consulting with a Federal Employees Pay Council.

Presently, the Congress must pass affirmative legislation giving Federal employees pay increases.

Under this legislation the President is also authorized to establish a 3-member Advisory Committee on Federal Pay. The Committee, composed of non-government members, would review the recommendations of the President's agent and would make recommendations of its own to improve the system for establishing Federal salaries.

The President is also required to submit annually to the Congress a report on Federal pay increases together with the recommendations of his agent and the Advisory Committee on Federal Pay.

In any year, should the President decide for national economy or emergency reasons that the recommendations of his agent are not in the best interests of the country he must submit to the Congress an alternative pay plan. Should either House of the Congress disapprove within 30 days the alternative plan the President would then have to implement by October 1 of that year the pay recommendations of his agent.

The procedures I have just outlined will go into effect beginning October 1, 1972. Prior to that time the President is authorized to effectuate Federal pay increases on January 1, 1971 and January 1, 1972 based on Bureau of Labor Statistics surveys for 1970 and 1971, respectively.

According to the latest BLS statistics just released Federal salaries are now lagging an average of 6.2 percent behind those in private industry.

Should H.R. 13000 be enacted and the President order a 6 percent Federal salary increase for January 1, 1971, the estimated Fiscal Year 1971 cost would be approximately $500 million. By authorization of Public Law

AGRICULTURE—SUG R HISTORY

Mr. HOLLAND. Mr. P sident, during the time I have served in he Senate our world has changed with i credible speed, so much so that perhaps the most distressing trend of the tin is the loss of continuity experienced by Americans in general. Tried and prove methods receive less and less appre ation of their value; we crave what is ew simply because it is new; we e n discuss our heritage today almost e irely in terms of "Where did we begin o go wrong?"

Nowhere has the chan e been greater than in agriculture, yet t day the country as a whole no longe seems to take pride in our achievement in this field—achievements that place s many, many years in front of our nea st competitors.

In fact it is quite the contrary; one of the favorite pastime that we have is to criticize farmers, a especially to criticize farm programs have watched this trend closely in rec t years, and I am alarmed at the amaz rate at which it has grown during th years I have served as chairman of t e Subcommittee on Agricultural App priations, and as a ranking member o the legislative Committee on Agricultu and Forestry. Now I am in my last w of service in the Senate after more han 24 years work in this Chamber, a d I find this a fitting occasion first to t ank especially those Senators, staff me bers, Members of the other body and embers of the executive department wi whom I have worked so closely over the years—to thank them not only fo their cooperation, but more importa ly for the tremendous contributions to agriculture that they have helped make possible.

Former Agriculture Se retary Orville Freeman once described he work of the American farmer as "a m dern miracle." I believe it is an apt desc ption, but fear that far too few people eally recognize and understand its sig ficance.

Consider the great ac ievements that are now taken for gran d with almost breathtaking ease:

Our farmers have m the challenge of a 16.7 percent popula n increase over the past decade by prod ing 20 percent more food and fiber.

They produced that m ch on 6 percent fewer acres.

A scant 10 years ago ne farmworker fed himself and 23 other ; today he provides more than enough or himself and 43 others or 20 more pe ons than he did in 1960. What an incred ble record. But the really incredible pa is that hardly anyone really appreciate it. Ask the first person you meet to nam the largest employer in the Nation. M ore than likely the answer will be auto , steel, or utilities. The correct answ , agriculture—usually earns a look of isbelief. Nevertheless, it is true and th disbelief makes it nonetheless significan

Agriculture employs million workers—that is more tha the combined total for transportation public utilities, the steel industry, and t automobile industry.

Agriculture creates th e out of 10 jobs in private employment

Today our farmers a e exporting the production from appro mately 78 million of the 300 million acres of cropland we farm each year, and these exports play a crucial part in feeding the hungry, keeping the peace, and promoting international trade.

Instead of gratitude, this record earns more and more contempt. Agriculture's critics dislike farm programs and habitually characterize farmers as the all-time champion subsidy recipients, the facts notwithstanding.

Certainly the farm programs are not perfect, but the strides they have enabled us to make far outweigh their imperfections.

My purpose is not to defend farm programs, it is to alert you to the dangers inherent in this trend.

There are a great many different kinds of farm programs and you are already familiar with the major features of most of them. During this session we have passed programs for some of the major farm commodities for a 3-year period. Other commodities have permanent legislative authority. Still others must be considered next year. Each of these programs intimately affects the economic well being of the areas in which the particular crop affected is grown. For example, one major farm program of particular importance to my home State, to other producing areas and to all consumers will be considered by the Congress during 1971. This program is perhaps more frequently criticized and more frequently misunderstood than any other. I refer to the Sugar Act which will be reviewed and hopefully renewed the next legislative session. In origin this act dates back to a time long before I came to the Senate, and was designed by Congress to protect the welfare of consumers, that of the domestic sugar-producing industry.

The act has accomplished both purposes, yet it too is continually singled out for criticism. Consider the fact that consumers have had guaranteed supplies at reasonable prices, producers have received fair prices for sugar produced and our export trade has benefited. In addition, I note that sugar prices in relation to per capita disposable income have risen only 40 percent—using the years 1935–39 as a base—while all foods are up about 90 percent for the same period.

Consider also the fact that the entire cost for this program has been financed through the excise tax on sugar imposed at the rate of 50 cents per 100 pounds raw value. Moreover, during the 35-year life of the program excise tax collections paid into the U.S. Treasury have totaled $500 million more than actual program costs.

The basic objectives of the Sugar Act are: first, to make sure that we have enough sugar; second, that prices paid by consumers are reasonable; and, third, that our domestic producers receive a fair return for the sugar they produce. Each of the components necessary to make sure that these crucial objectives are met is provided for in the legislation. To illustrate: supplies of sugar were jeopardized this past summer for certain sections of the country by a strike. Secretary Hardin increased the consumption estimate which permitted additional imports of sugar from foreign suppliers and also permitted our domestic producers to market additional sugar. Shortly after this was done the strike was settled and the increased sugar available to the market resulted in depressed prices to the sugar producers. After conferring with the Secretary and other USDA officials, I recommended that provisions be put into effect which restrict the amount of sugar imported in the United States during the first 6 months of the year. Such a limitation, if imposed, would result in a rise in raw sugar prices equivalent to that deemed in the act as fair to domestic producers. The recommendation was followed and prices have improved.

This is an example of how a complicated program, when properly operated, functions—it works smoothly.

The built-in features of this program should be changed to permit an upward adjustment in the quota for mainland cane growers; it is an adjustment that should be made. Presently, these growers are the only domestic producers operating under quota restrictions. In fact, their permitted acreage is much less than what they grew more than 6 years ago when they were encouraged by our Government to expand rapidly because of the Cuban crisis.

Certainly their acreage should be as large today as it was when they were asked—and when they responded—to meet an urgent national objective. Upward adjustment on quota should go along with more acreage.

With all the efforts expended to give us an adequate domestic supply of this necessary staple it is still a program for a deficit commodity producing only 55 percent of the total consumption of sugar consumed in the United States and requiring the importation of the remaining sugar requirements of the Nation.

This is the example of one program involving one commodity of strategic importance, and I predict that next year this same program will be both criticized and condemned when it comes up for consideration before this body.

Undoubtedly much of the criticism will center on payment features of the program. Again I reiterate the point that the sugar program has more than paid its own way in the past, and will continue to do so in the future. In addition, it is significant that for years this program has operated smoothly with a limitation on payments in effect. Designed as a means of assisting the smaller producer, this provision permits a maximum payment of 80 cents per 100 pounds for those producing 350 tons or less. The rate of payment is scaled down at various levels to a low of 30 cents per 100 pounds for producers of more than 30,000 tons.

I hope—in fact I feel confident—that my colleagues will respond to criticism of this vital program, no matter how vocal it may become, on the basis of how well the program has functioned in the past. In that event it will continue in operation—and continue working well.

Otherwise, we will be in for some tough times.

The important point is that the critics only criticize; they are always "fresh out" of workable alternatives.

90–207, military personnel would automatically receive a similar pay increase costing a little over $500 million for Fiscal Year 1971.

In no case shall a salary affected by this measure be increased above that of Executive Level V, which is now $36,000 per annum.

Employees of the legislative and judicial branches would be subject to pay increase orders issued by the appropriate heads of those bodies, following the lead of the President's for the executive branch.

The new procedures required by H.R. 13000 would drastically reduce the long time lags that are built into the present Federal salary comparability system. By giving the President the authority to increase pay for Federal employees the time lag would be cut from the normal year and a half we now experience to about six months. At the same time it retains for Congress the ultimate decision for putting increases into effect should the President decide against comparability pay adjustments.

The bill also contains some other minor provisions affecting very small groups of Federal workers and would cost not more than $100,000 a year. These other provisions have been reviewed by the Civil Service Commission and they fully support enactment of these provisions as well as the new Federal pay setting procedure contained in the main part of H.R. 13000.

I would also like to point out to my colleagues that except for minor changes the proposal now before the Senate is the same as that which I introduced as S. 4270 earlier this year.

I have been a member of the Senate Post Office and Civil Service Committee now for eleven years and have had the privilege of working on every Federal pay bill enacted since 1960. Based on my experience in this area I believe that H.R. 13000 as now presented to us is a very good bill. I am convinced it is in the best interests of the Federal service and Federal employees. I am hopeful that the Senate will approve this conference report so that it can be sent to the House of Representatives for similar action before we adjourn sine die this year.

SUMMARY, FEDERAL SALARY BILLS, 1960–70

Public Law	Effective date	Percent
85–568	July 1, 1960	[1] 7.5
87–793	Oct. 11, 1962	[2] 5.5
	Jan. 1, 1964	4.1
88–426	July 1, 1964	4.2
89–301	Oct. 1, 1965	3.6
89–504	July 1, 1966	2.9
90–206	Oct. 1, 1967	4.5
	July 1, 1968	7.0
	Jan. 1, 1969	7.0
91–231	Dec. 27, 1969 [3]	[4] 6.0
Total		52.3

[1] Over President's veto.
[2] Comparability principle adopted.
[3] Based on June 1969 Bureau of Labor Statistics figures.
[4] In Postal Reform Act—8 percent more than what other classified got Aug. 12, 1970.

H.R. 13000 authorizes the President to effectuate a pay increase on January 1, 1971. The June, 1970, Bureau of Labor Statistics survey shows Federal salaries an average of 6.2% behind private industry. A 6% pay increase effective January 1, 1971, would cost an estimated $500 million for the last half of Fiscal Year 1971 (Jan. to June 30) for civilians and a little over $500 million for the military. Civil Service Commission advises this increase has been included in the 1971 budget.

June 1970 BLS figures gotten between Mar. and Sept. 1970. So this would be a lag period of 6 months instead of almost a year to a year and a half when bill is enacted. Under this procedure lag would be 6 months or less.

Mr. AIKEN. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. AIKEN. Does the term "employees" here on the Hill apply to employees in our offices?

Mr. McGEE. Yes.

Mr. AIKEN. So that the President pro tempore may fix the maximum and minimum salaries for them?

Mr. McGEE. The Senator would have the authority either to say yes or no whether it applies to one of his employees, but the range in which it applies, that is, to the level of the employment, would be determined by the President pro tempore.

Mr. AIKEN. The President pro tempore could say that the salary of a senatorial office employee may be a minimum of $3,000 or a maximum of, say, $60,000 or $70,000. Would he have the right to do that?

Mr. McGEE. The maximum allowed here under title 5 would be $36,000 at the present time.

Mr. AIKEN. This would require a vote of one House or the other?

Mr. McGEE. That chapter would not require a vote of the Houses. That is up to the individual Senator, or the committee chairman, whether that is to be allowed or disallowed for a particular employee. But the range would be set by the President pro tempore.

Mr. AIKEN. At the same time, the President pro tempore would set the maximum of $36,000 a year?

Mr. McGEE. That is set in the legislation.

Mr. AIKEN. Had this law been in effect 2 years ago, how would it have affected the salaries of Members of the Senate?

I believe that the Presidential Commission on Executive, Legislative, and Judicial Salaries recommended $50,000 a year, and through some mechanisms here in the Senate, it was reduced to $42,500. Inflation was then on its way. We could not stop it any longer.

Mr. McGEE. I think it could not have been stopped. It had very little relevance to that.

Mr. AIKEN. Could the people downtown fix our salaries?

Mr. McGEE. No. This was set when the Senate adjusted its own salaries, and the decision is retained in its committees.

Mr. AIKEN. Does the bill provide for debate on any proposals which are made for the salaries of people working on the Hill?

Mr. McGEE. Not in terms of the range of those salaries.

Mr. AIKEN. Does it provide for debate?

Mr. McGEE. No.

Mr. AIKEN. In other words, we turn it over to the executive branch.

Mr. McGEE. To the President pro tempore of the Senate.

Mr. AIKEN. The President pro tempore estimates what these salaries should be. Are they on a comparable level with the salaries which are fixed for the executive branch?

Mr. McGEE. They would be comparable with the salaries fixed by the advisory board to the President for Federal employees. And that salary is fixed in the legislation at $36,000 as far as its application here is concerned.

Mr. AIKEN. Are the decisions and actions of the President pro tempore subject to debate on the Senate floor?

Mr. McGEE. No. It is simply delegating the authority. What we try to do is remove as far as is feasible the involvement of Congress in lobbying operations affecting pay.

Mr. AIKEN. I do not have my report of the committee with me. However, it seems to me that there are some actions which are subject to debate and that the conferees limit the debate to 2 hours. Do I understand correctly?

Mr. McGEE. I am advised that is not true. For the last couple of years this has been the case.

Mr. AIKEN. But if it did limit debate, would that be infringing on the Senate's right to make its own rules or is the Senate delegating the rulemaking authority to the President pro tempore?

Mr. McGEE. This would be the formula of the law setting salaries for Federal employees. It would regard the Senate employees as Federal employees.

Mr. AIKEN. Mr. President, for the next 2 years would the President pro tempore be elected by the Senate or designated by the Vice President?

Mr. McGEE. He is selected, however he is selected now. There is no change in the procedure.

Mr. AIKEN. I plead ignorance, too. How is he elected now?

Mr. McGEE. The President pro tempore of the Senate is elected, I presume, by the majority.

Mr. AIKEN. I was wondering if our present Vice President would take over the Senate and fix its rules.

Mr. McGEE. I would yield to the Parliamentarian on that as the Senate historian.

Mr. AIKEN. Mr. President, I do not doubt that our present Vice President would do an excellent job. There may be some who would not agree with me.

The PRESIDING OFFICER (Mr. HUGHES). The President pro tempore is elected by the Senate. If for some reason one is removed, the Senate through its own procedure selects the replacement.

Mr. McGEE. The present procedure is that the majority party in the Senate would select the President pro tempore. In fact, he generally is the senior member of the majority party.

The PRESIDING OFFICER. He is elected by the majority of the Senate.

Mr. AIKEN. Mr. President, suppose that I were to join the Democratic Party. Would I then be the President pro tempore?

Mr. McGEE. That would be a circumstance under which we would be delighted.

Mr. AIKEN. I was just wondering if under those circumstances I could take over the Senate.

Mr. McGEE. The selection is made by the majority of the Senate, not the Vice President, who is the President of the Senate.

Mr. AIKEN. But they select the senior member. I would have to yield to Senator ELLENDER, anyway. He is my senior.

Mr. McGEE. That is only the custom. The majority makes the decision and the majority can remove.

Mr. AIKEN. Now that I have been fully informed as to the bill, I have no more questions.

Mr. PASTORE. M . President, will the Senator yield?

Mr. McGEE. I yie .

Mr. PASTORE. M . President, do I understand the Sena correctly that the President pro tem e does not initiate this action and ne er does the Senate. The President pro mpore has to wait for the President to sk for it.

Mr. McGEE. The enator is correct.

Mr. PASTORE. W have to wait for the President to act b re the elected official of the Senate n act.

Mr. McGEE. In ms of the range of the pay scale. Thi is simply the proposal.

Mr. PASTORE. C t can the President pro tempore go bey d the recommendations of the Presid t or go under the recommendations of the President? As I understood the Sen or, he can only say "Yes" or "No."

Mr. McGEE. I a advised that under the legislation the P esident pro tempore would have broad thority to apply it to the employees o he Senate.

Mr. PASTORE. apply what?

Mr. McGEE. Th increase that the President had app ed to Federal employees, in the sam proportions.

Mr. PASTORE. herefore the President pro tempore c uld never move unless the action had first come from the President.

Mr. McGEE. No. herwise there would have been no salary increase for Federal employees.

Mr. PASTORE. en what are we delegating to the Pres nt pro tempore?

Mr. McGEE. The ecision as to whether he would increa or not increase the salaries.

Mr. PASTORE. s recommended by the President?

Mr. McGEE. As ecommended by the President.

Mr. PASTORE. ut he has no right to increase or dec ase or do anything unless the Presiden acted?

Mr. McGEE. Unl s the other salaries were going up.

Mr. PASTORE. r. President, step by step I think we are iving away the function and responsibi ity of the Senate of the United States.

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

Mr. McGEE. I yie i.

Mr. TALMADGE Mr. President, with reference to the q stions asked by the Senator from Verm nt and the Senator from Rhode Islan . I refer to page 8 of the conference r port, paragraph (b), and I read therefro :

> The adjustments ade by the president pro tempore shall b made in such manner as he considers adv ole and shall have the force and effect of la

Will the Senat clarify that? That gives the Presidin Officer of the Senate extremely broad a hority, as I see it.

Mr. McGEE. Not the President of the Senate, the Presid nt pro tempore, who is elected by the ma ority.

Mr. TALMADGE The Senator is correct. The President pro tempore is what I meant to say.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Does that mean that he can reach into a Senator's office and take out a secretary and raise her salary?

Mr. McGEE. He cannot touch a Senator's office. This applies to the employees of the Senate, not to the employees of a Senator.

Mr. TALMADGE. What about the employees of a Senate committee?

Mr. McGEE. The money available for the salary limitations is available. But whether that is applied by the Senator to his employees is his business as Senator. The money is made available in the Senator's allocation.

Mr. TALMADGE. Getting specific now, would this authorize the President pro tempore to raise the chief of staff of the Finance Committee, in his discretion?

Mr. McGEE. The chairman of the Finance Committee would have the jurisdiction for that decision.

Mr. TALMADGE. In other words, the President pro tempore then could not fix the specific salaries of members of the committee staffs?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Is that what the Senator was saying?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. And the Senator has also said that the President pro tempore would not have authority to fix specific salaries in a Senator's office.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Suppose that the Presidential Commission and the President recommended a 5-percent salary hike for employees. Then the President pro tempore would have authority, as I understand it, under section (b), to grant it to Senate employees or to withhold it or make it 3.5 percent if he saw fit.

Mr. McGEE. The question concerns employees of the Senate who are not on any Senator's committee and who are not on any Senator's staff. Then the President pro tempore has broad authority to make that decision.

Mr. TALMADGE. If the President recommended a pay raise, the President pro tempore could make it zero or could make it 2½ percent or make it 5 percent or 10 percent in his discretion. Am I correct in my understanding?

Mr. McGEE. With a general increase for Federal employees, the President pro tempore complies. The separation comes with the staff members of the Senate committees and the Senator's staff members. Otherwise the application would apply automatically under the judgment of the President. Let us say it is 5 percent to Senate employees—not Senate committee employees or staff members.

Mr. TALMADGE. Then, I am still confused, I might say. The Senator has stated that the chairman of the committee would have the authority to fix the salaries of the staff of the committee.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. The Senator has further stated that individual Senators would, as now, fix the salaries of the staff people in their own offices. I understand that would leave the President pro tempore with the authority to make such salary increases or not make them, as he saw fit, to employees of the Senate proper. Do I correctly understand that?

Mr. McGEE. Anyone not under a jurisdiction. For instance, we have the Sergeant at Arms, who has his employees, and we have the Architect of the Capitol, who has his employees.

Mr. TALMADGE. That is right.

Mr. McGEE. They would have the decision as to whether to apply it in their cases.

Mr. TALMADGE. Am I correct in saying the President pro tempore could authorize it and the individual Senator or chairman of the committee would determine whether or not it would be applicable?

Mr. McGEE. That is precisely it.

Mr. TALMADGE. I thank the Senator for clarfying the matter, because I thought it was somewhat confusing.

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

Mr. McGEE. I yield.

Mr. PACKWOOD. Could the Senator clarify something for me? Forget the legislative employees for the moment. Can the Senator tell me how many employees, percentagewise, we are talking about?

Mr. McGEE. About one-half of the civilian employees of the Government.

Mr. PACKWOOD. Let me make sure I understand. The President sets up this Council. It makes recommendations as to what the salary level should be.

Mr. McGEE. What the comparability figure might be.

Mr. PACKWOOD. Very well. Does that mean they establish what the pay scale should be?

Mr. McGEE. Yes. The Civil Service Commission actually makes the recommendation.

Mr. PACKWOOD. To the President?

Mr. McGEE. To the President. But this is in consultation with the Bureau of the Budget, and the Employee Advisory Council will be consulted on it. But the recommendation to the President is made by the Chairman of the Civil Service Commission.

Mr. PACKWOOD. What about the recommendation from the Advisory Council? The recommendation is made by the Civil Service Commission?

Mr. McGEE. Yes.

Mr. PACKWOOD. And the President has the choice at that stage to either submit it to us or an alternative?

Mr. McGEE. He does not submit it to us ever unless he rejects the recommendation.

Mr. PACKWOOD. That is what I was afraid of.

Mr. McGEE. If the recommendation is that there should be a 5-percent adjustment because of rising costs, whatever it is, this becomes the automatic increase for those Federal employees on October 1 of that year. If the President decides that is too much because of the times or because of some national emergency that it should not be allowed at all, and he so decides, in that case it has to be bucked back to Congress for both Houses for judgment, and either House can decide to take it.

Mr. PACKWOOD. I wish to pursue this matter further. This commission, the

Civil Service Commission, or whatever, finally made the recommendation to the President that there should be a 10-percent wage hike. At that stage that automatically becomes the pay scale. We do not veto that.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. If he makes an alternative recommendation that is sent to Congress and either House may veto it; but if they do, the other one automatically goes into effect. Is that correct?

Mr. McGEE. That is right.

Mr. PACKWOOD. If we are now in an election year and the President suggests there should be a 25-percent hike in salaries—and this is his own recommendation—instead of the 12 percent recommendation suggested, Congress is stuck with two alternatives, either 25 percent or 12 percent. Then, the President is in a position to say, "I recommended the 25 percent and that niggardly Congress turned it down." We have to raise the money. But we have no alternative as to what it should be.

Mr. McGEE. The Senator's illustration carries the matter to a very extreme and most improbable situation. The problem now has been that in an election year Congress has been on the spot to provide a salary increase across the board for Federal employees for obvious reasons. We have sought a way, if we can, to keep Congress from being the object of the lobbying business, particularly in an election year.

However, we could not get them out completely, or get the President out as long as we have elections, but this removes it to a degree.

Mr. PACKWOOD. How does comparability work now? What commission does what and who recommends it?

Mr. McGEE. The Bureau of Labor Statistics submits its reading on comparability. That reading is 6 to 12 months behind.

Mr. PACKWOOD. That is submitted to Congress?

Mr. McGEE. To the President.

Mr. PACKWOOD. The President. Do they automatically have the force of law if the President submits them to us?

Mr. McGEE. The last 3 years it has been automatic once that reading was supplied. But it would not necessarily be automatic. That has been a coincidence.

Mr. PACKWOOD. Explain that to me again. I am not sure I understand that.

Mr. McGEE. For the last 3 years, beginning in 1967, when the Bureau of Labor Statistics made its reading public, this automatically was applied on a comparability basis.

Mr. PACKWOOD. And that increase went into effect without any legislative action at all.

Mr. McGEE. That is right.

Mr. PACKWOOD. I do not understand. All we are doing is transferring it from one agency to another if we do not act at the moment on the salaries.

Mr. McGEE. What we are doing that makes it different is we are asking it be done on a professional management basis in arriving at the formula for adjusting the wages in terms of comparability.

Mr. PACKWOOD. It is not done professionally now?

Mr. McGEE. It is open to question. This would use the Bureau of Labor Statistics, and the Bureau of the Budget would be involved, and the labor-employee group would be consulted.

Mr. PACKWOOD. We argued for 3 months out of this year whether the President should have all kinds of power in connection with foreign relations and here in one fell swoop we give him power over $15 or $20 billion a year; and we have misgivings about when he chooses between the recommendations of his council and we are stuck and have no choice of our own.

Mr. McGEE. It seemed to the committee the advantage for this was the mechanism for carrying out the policy of Congress in trying to arrive at the way in which comparability was reached.

Mr. PACKWOOD. Why do we not carry it out?

Mr. McGEE. We have, in a way, but it has been sporadic and in accordance with the ups and downs of election dates. To this extent it has not been even and often lagged in some categories where the realities would have recommended otherwise.

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

Mr. McGEE. I yield.

Mr. AIKEN. Were the hearings printed?

Mr. McGEE. Yes.

Mr. AIKEN. When were the hearings held?

Mr. McGEE. It would have been in late August.

Mr. AIKEN. Of last year?

Mr. McGEE. A year ago.

Mr. AIKEN. 1969.

Mr. McGEE. I thought it was August or September.

Mr. AIKEN. I had not heard anything about the bill being considered.

Mr. McGEE. It was considered and passed by this body. This is a conference report, not new legislation.

Mr. AIKEN. Apparently it was passed at Christmas time last year.

Mr. McGEE. Yes.

Mr. AIKEN. It would be a wonderful Christmas present if it goes through, to a few people, but as to the rest of us I am not sure.

Mr. McGEE. I think the emphasis of it is the mechanism.

Mr. AIKEN. When we agreed to permit our salaries to be raised 41 percent, we were not in a very good position to hold down others. In the absence of Senator RUSELL, who is ill, ALLEN ELLENDER would be the acting dictator of the Senate. If we have to have one, I would rather have him than anyone else I could think of.

Mr. McGEE. He does not want to be one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand if we approve this and this board makes a recommendation of x percent, and the President sends another recommendation, higher or lower, all we can do is accept or reject one, and if we reject the one the President sent, we automatically approve the other?

Mr. McGEE. That is correct. But we do not give up our right to legislate.

Mr. WILLIAMS of Delaware. It seems to me we are indicating that we are giving it up. Under the previous plan, which some of us objected to, we had a commission appointed that would send a recommendation down, but if we rejected that recommendation, nothing went into effect. It seems to me they are safeguarding here against the fact that Congress may want to reject one of these.

Suppose, for example, the commission recommended 20 percent and the President went down to 15 percent and the Congress felt we could not afford anything but 10 percent. We would have to accept the President's recommendation; otherwise we would be taking 20 percent.

Mr. McGEE. No. The Senate could pass a law.

Mr. WILLIAMS of Delaware. We could repeal that law, but if we are going to repeal the law to exercise our rights, why do we not just enact the law and then pass an original bill? My point is that if the Senate rejected the recommendation of the President which was 15 percent, because it was too high, it would already have approved the 20 percent.

Mr. McGEE. Yes.

Mr. WILLIAMS of Delaware. It looks to me like Senators had better turn in their resignations, as some of us have, if they feel they should not vote on it later. I feel I should vote on this proposal, at least, before I leave.

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

Mr. McGEE. I yield to the Senator from Louisiana.

Mr. ELLENDER. I would like the Senator to tell us whether or not this bill has been debated on the floor of the Senate and to what extent.

Mr. McGEE. This provision in the bill was not debated on the floor. It was considered and discussed in committee, but not debated on the floor.

Mr. ELLENDER. The report we are considering is the work of the conferees of both houses.

Mr. McGEE. That is correct.

Mr. ELLENDER. And neither the Senate nor the House passed on the bill as reported by the conference.

Mr. McGEE. That is not correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand that, because this is not in the Senate bill, it was not in either the House bill or the Senate bill?

Mr. McGEE. It was in the House bill.

Mr. WILLIAMS of Delaware. It was in the House bill?

Mr. McGEE. Yes, it was in the House bill.

Mr. WILLIAMS of Delaware. And the Senate accepted it?

Mr. McGEE. That is correct.

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

Mr. McGEE. First let me yield to the Senator from Louisiana.

Mr. ELLENDER. Mr President, I hope the Senator will corre himself. What is it that the House ad d in this bill?

Mr. McGEE. The ouse added this particular phase of t mechanism.

Mr. ELLENDER. B the mechanism that was in the Hous bill was stricken, and that mechanism p ovided for a veto by the House or Sen of any scale of rate made?

Mr. McGEE. That correct.

Mr. ELLENDER. A d the conference report struck that pr ision out.

Mr. McGEE. That correct.

Mr. GRIFFIN. Mr. resident, will the Senator yield?

Mr. McGEE. I yield

Mr. GRIFIN. I am trying to understand the legislation d trying to follow the questions of the enator. Is it the recommendation of t Federal Employees Pay Council that ecomes effective?

Mr. McGEE. The a swer is "No." The Federal Employees Pa Council is strictly an advisory group.

Mr. ELLENDER. he Senator is in error.

Mr. McGEE. In ot r words, they are not the ones that su mit the formula. The formula that is f ally passed on by the President is one t at has heard the Federal Employees P y Council, consulted the Bureau of the Budget, and then submitted the be recommendation from the chairman of the Civil Service Commission.

Mr. GRIFFIN. Wh t is the name of the group, or commis on, or whatever it is, and how is it made up that does make the final recommenda ion?

Mr. McGEE. It i the Civil Service Commission, the Bu au of the Budget, advisory to the Presi nt—it is the President's advisory grou

Mr. GRIFFIN. Is h limited in his appointment of that g up?

Mr. McGEE. Yes; u der these terms he is. That is, the Civil S rvice Commission and the Bureau of t e Budget limit the President's advisory roup. In the discussions we had on they were advised to go through the u al procedure with the Bureau of Labor tatistics, as one of the procedures they would go through.

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

Mr. McGEE. I yield

Mr. ELLENDER. What is the function of the Federal Empl yees Pay Council?

Mr. McGEE. The unction is strictly advisory. This is t e Employees Pay Council.

Mr. ELLENDER. That is not what the report says. The Fed ral Employees Pay Council is the body hat fixes the rate of pay that is presen d to the President.

Mr. McGEE. I th ought the Senator said the Federal E nployees Advisory Council.

Mr. ELLENDER. Y .

Mr. McGEE. The F ederal Pay Council is the group that m es the recommendation. I misunders od the Senator.

Mr. ELLENDER. Who composes that council?

Mr. McGEE. The Civil Service Commission, the Chairm n, and the Bureau of the Budget.

Mr. ELLENDER. The Senator is in error. They are so e of the heads of the labor organizations here at the Washington level, appointed by the agents of the President.

Mr. McGEE. No. That is the Federal Employees Advisory Council.

Mr. ELLENDER. I am speaking of the Federal Employees Pay Council.

Mr. GRIFFIN. I refer the Senator to page 3.

Mr. McGEE. Referring to the top of page 3 of the report relating to the Federal Employees Pay Council, and I read now—"of five members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than three members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations."

The Federal Employees Pay Council is strictly advisory.

Mr. ELLENDER. Will the Senator read it into the RECORD?

Mr. McGEE. I will read it into the RECORD. It is spelled out here.

The President's agent shall:

(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

Mr. ELLENDER. It is the Federal Employees Pay Council that makes those recommendations. That is what I have been saying.

Mr. McGEE. Their views are only thoroughly considered by the group that is primarily responsible to the President. These are advisory opinions.

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

Mr. McGEE. I yield.

Mr. PACKWOOD. Is the Advisory Committee on Federal Pay referred to on page 2 of the report the same as the Federal Employees Pay Council?

Mr. McGEE. No.

Mr. PACKWOOD. They are not the same?

Mr. McGEE. Where is the reference on page 2?

If the Senator will notice at the bottom of page 2, the final recommendation is transmitted to the President only by the President's agent, chairman of the Civil Service Commission. These others are advisory.

Mr. ELLENDER. What is transmitted to the President?

Mr. McGEE. The figure for the recommended increase, if there is to be one.

Mr. ELLENDER. And that is fixed by the Federal Employees Pay Council?

Mr. McGEE. That is one of the groups that recommend 6, 5, 10 percent, and so on.

Mr. ELLENDER. That is right and that is what I have been saying.

Mr. McGEE. That is subject to a different recommendation to the President by the President's agent.

Mr. ELLENDER. At any rate, suppose the Federal Pay Council fixes the rates and that recommendation is submitted to the President's agent; the agent submits it to the President?

Mr. McGEE. They submit it to the President's agent, not the President. The Chairman of the Civil Service Commission makes the final adjustment.

Mr. ELLENDER. That is only for the first 2 years. Thereafter there is a different organization.

Mr. McGEE. This is a permanent organization. It is not just for the first 2 years.

The President does it on his own temporarily, on the first two January 1st's for those years, until the mechanism gets going.

Mr. ELLENDER. But he gets advice from the Civil Service head?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the Bureau of Labor Statistics?

Mr. McGEE. And the Bureau of Labor Statistics and the Bureau of the Budget.

Mr. ELLENDER. And those remain the agents for 2 years?

Mr. McGEE. That is correct.

Mr. ELLENDER. And thereafter they do not remain the President's agents.

Mr. McGEE. They are the President's agents.

Mr. ELLENDER. They are the President's agents the first 2 years, and then the Federal Employees Pay Council and another council that is appointed to take over; it is a different organization altogether, from what I can understand from this report.

Mr. McGEE. The President can designate some other group if he were so to decide, but his agent in the mechanism is the Chairman of the Civil Service Commission and the Bureau of the Budget.

Mr. ELLENDER. And what they do is simply transmit to the President what this Federal Employee Pay Council recommends.

Mr. McGEE. If that should be their decision.

Mr. ELLENDER. Yes.

Mr. McGEE. This is not a transmittal job. Their job is to make a judgment and recommend to the President, and among the factors that influence their judgment as it is spelled out is that they examine these statistics from the Bureau of Labor Statistics and they take the recommendations from the Federal Pay Council and assimilate them, and make their recommendation.

Mr. ELLENDER. Who composes the Federal Employee Pay Council?

Mr. McGEE. The five designated members from the various employee groups.

Mr. ELLENDER. And, as I have stated, this group will be the ones to make the recommendations as to what the pay increase shall be.

Mr. McGEE. They make their recommendation.

Mr. ELLENDER. Yes.

Mr. McGEE. They make their recommendation, not the recommendation. There is a difference.

Mr. ELLENDER. Those are the ones that will be considered and followed, though.

Mr. McGEE. Not necessarily. I think that is where we are missing the track here. That is not true. They make their recommendation of what they think is fair, but the President's agent is the one that has to make the final recommendation that the President accepts. They need not be the same, though they might be.

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

Mr. McGEE. I am happy to yield.

Mr. HOLLAND. I think I understand the Senator, and I hope that if I am wrong in what I say now, he will correct me.

As I understand it, the President's agent, who is the chairman of the special commission, considers all these recommendations that come in from the Federal Employees Pay Council, and also the coverage of the annual survey by the Bureau of Labor Statistics, and also the Advisory Committee, and the Civil Service Commission Chairman makes recommendations to the President.

Mr. McGEE. To the President, that is correct.

Mr. HOLLAND. All right. Suppose he recommends a 10 percent pay raise, based on all the facts and reports he has, and suppose the President, operating under section c(1) of the act, as shown on page 3 of the bill, because of national emergency or economic conditions, decides that that 10 percent is too much, and he recommends instead 5 percent, and that is what comes to Congress.

Mr. McGEE. That is, then, what comes to Congress; that is right.

Mr. HOLLAND. All right. Suppose one House of Congress turns down the President's recommendation of 5 percent. Then, if I understand this act, the recommendation of 10 percent which was made earlier by the Civil Service Commission, the agent of the President, would be come operative and go into effect.

Mr. McGEE. That is correct. That is my understanding.

Mr. HOLLAND. Mr. President, this would mean that the President's agent is given stronger standing, under this act, than the finding and recommendation of the President itself; am I right or wrong in that?

Mr. McGEE. That would be correct, in that instance.

Mr. HOLLAND. Mr. President, I could never support a measure under which, if the Congress turned down a smaller recommendation made by the President himself, we would go back to a larger recommendation made by someone serving as the President's agent.

Mr. McGEE. What is left out there, if I may say to the Senator, is that if it were this serious, and seemed to be a flagrant disregard of the wishes of the President, Congress has the legislative process directly available, and I hope would resort to it in a case like that.

Mr. HOLLAND. I understand. I think I understand that; and that would mean that if this machinery had been available to President Johnson and the President who suceeded him, who recommended that the congressional salaries be raised to $42,500, whereas the agency before that had recommended $50,000, if either House had then turned down the President's recommendation of $42,500, and this machinery had been in effect, the $50,000 salary would have gone into effect; am I right or wrong?

Mr. McGEE. If that were applied to Federal employees, but not Senators as in the Senator's illustration, that would be correct, yes.

Mr. HOLLAND. Again it seems to me that we are putting the agency ahead of the President and that we are making it possible for a House that is being highly pressured by employees of the Government to ignore a more economical recommendation made by the President than has been made earlier by his agent and go back to the less economical recommendation that is made by the President's agent, making the President's agent the final power, the final authority, who has raised salaries.

If I incorrectly understand this bill, I want to be corrected. But it seems very clear to me, after the brief study possible here, and I reinterate the fact stated by the Senator from Louisiana, that this provision did not appear in either of the bills and it has never been debated on the floor of the Senate before.

I could never agree to a program under which the President's agent is given more authority than the President himself.

Mr. McGEE. It seems to me that the one missing link in order to make that statement complete is that it also means that Congress can support the President, if the President cut it from 10 to 5 and there was no action.

Mr. HOLLAND. That is correct.

Mr. McGEE. And that prevails.

Mr. HOLLAND. I wonder whether the Senator thinks any pressure would be put upon Congress if the agent had recommended a 10-percent raise and the President, animated by his understanding of the economy, had cut that to a 5-percent raise. Would there be any pressure placed upon Congress by employees groups and employees?

Mr. McGEE. I am sure that in that circumstance pressure would be applied. It is applied constantly now. This would be on those selected circumstances such as the Senator has selected for his illustration.

The point still is that the judgment of Congress would be the turning factor, and if Congress is going to have bad judgment at a time like that, it is the responsibility of Congress.

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

Mr. HOLLAND. I have one more question.

There would be no way at all to maintain present salaries except by the passage of new legislation approved by the President, would there?

Mr. McGEE. That is correct.

Mr. HOLLAND. Under the situation I have named, the only choice left to Congress would be to approve either the 5 percent recommended by the President or the 10 percent recommended by the President's agent.

Mr. McGEE. Or to legislate otherwise.

Mr. HOLLAND. I say that the only choice, short of legislation, which would have to be approved by the President and passed by both Houses, would be, within 30 days, to either accept the 5 percent or go back to the 10 percent.

Mr. McGEE. Yes, that is correct.

I think it is fair to add that the theoretical possibilities on almost any mechanism in representative government are sometimes horrifying. I think we would be better grounded if we start with the assumption of honorable men, with good intentions, and that this would be the more average case that would arise on this annual basis. We have now been talking about extreme possibilities that could arise in these circumstances and how they would be resolved.

Mr. HOLLAND. I do not think that these are the maximum conditions that could arise. I do not think men who ask for a 10-percent raise are dishonorable, and I do not think it is a question of honor. It will be a question of pressure for the largest raise that has been suggested, whether it be by the agent of the President, which will have to be made known, or by the President himself. I would much prefer to give the President's recommendation higher standing than is given by this bill.

Mr. McGEE. Congress could take that action by not repudiating the President's decision.

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

Mr. McGEE. I yield.

Mr. STENNIS. I will be quite brief in this matter. My position on it is the same as it was when we had the commission concerning our own salaries, that it was aborting our personal and official responsibility, which I think is one of the primary responsibilities we have.

The argument was made then that we ought to resort to some other method because we were directly involved personally. But now the system we adopted under that commission is being used as a precedent here to set up another.

My general, basic position—and it is a fundamental position with me—is that Congress has no right whatever under the Constitution, by any kind of subterfuge—call it what we will—to dodge its direct responsibility in this very important field, which involves billions of dollars. I certainly want justice to be done. I am not against all pay raises. I was one of those who voted the other day with reference to the administrative assistants. I thought that the ones who qualified were entitled to that pay.

I want to make his point: The primary part of this bill, as I understand it, has not been before the Senate before. It was not in the Senate bill. Only 10, 12, or 15 Senators have heard this debate. I do not blame them for not being here. With their other duties, there is not time, under this procedure, to get this matter developed before the Senate.

There is no report—it is scant, if any—that contains a full explanation. So there is no staff member who can read the report. The Senator may have some report. To what extent is this matter reported and backed up by testimony?

Mr. McGEE. The statement of the managers of the bill a conference report.

Mr. STENNIS. It is not the usual presentation of testimony on this point, as I understand it.

It is unthinkable, if I may say further—thanking the Senator for his valuable work, as always—that we could adopt what I call a Rube Goldberg setup here; and I say that with all deference to the memory of that fine artist and entertainer, who recently passed away. Here is a trapeze that looks to me as though it is brought in with a double string on it, the recommendation of someone way out yonder—whom we do not know—and the other is a man who does have responsibility as President of the United States. We just make a vote here as to a choice between the 2, and whichever one goes down, the other one comes up. I have never heard of anything that goes to the vitals of government that is such a trapeze as this would be.

I believe we ought to provide some way to get Senators in here to hear the debate—to hear the facts, not to debate; just to hear the facts, so that we can make a judgment on it.

My opinion is that the primary responsibility is on us, that this thing, instead of helping anyone politically, if anyone has that mind, can be a pitfall, a mine, or a stump hole that we could fall into; that the people at large want us to exercise our direct responsibility in this important field.

I thank the Senator very much for yielding to me. I am going to listen to the rest of the facts and hope I can be recognized.

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

Mr. McGEE. I yield.

Mr. STEVENS. I think that the questions that have been directed to the chairman of our committee have missed the basic purpose of this bill, which is to establish comparability, throughout Government employment with wages paid in the private sector.

If anything, with due regard to my friend, if there is a Rube Goldberg system, it is the one that is in effect today. Congress, in effect, in the past years has had an across-the-board concept of increasing salaries, so that there has not been particular consideration for each grade nor comparability with the work that is performed in that grade to the wage concepts of private industry.

Is it not true that just the other day we passed the wage board bill, which involves the same principle on a local level? For example, in Anchorage, the Wage Board people have wage rates reviewed annually; they are reviewed in comparison to private industry, under the Bureau of Labor Statistics. And if the finding is that comparable wage rates in private industry are higher than those paid the Wage Board employees, the Wage Board employees automatically get a raise. We passed that the other day. We extended it into post exchanges, into the unappropriated fund area.

This is trying to face up to the total problem of salaries in Government employment and to put the salaries paid to Government employees on a comparable basis with those in private business.

I think the fears expressed here are the fears that the Chairman of the Civil Service Commission would look at Government wages and recommend increases that go across the board; whereas, this bill envisions a mechanism for establishing different rates of pay comparable to those paid in private industry—and private industry must take the lead if there is any increase at all. This is to provide comparable rates of pay in Government employment to those paid for similiar jobs in private employment.

We are trying to delegate the authority to do this on a scientific basis, with advice from the employees' group and from a separate advisory body, but leaving it to the President's agent to make the final recommendation as to what rates of pay shall be applied to each grade, each type of job, through the entire Government. It would take us years and years to try to get this pay schedule back into shape, where Government employees have comparable rates of pay for Government employees doing the same job that is done in private industry.

Is that not the main purpose of this bill—the mechanism for the adjustment of comparability?

Mr. McGEE. The Senator is correct. The whole focus of the bill is to try to make it possible for Congress to arrive where it legislated its intentions long ago—namely, comparability—to try to place on a comparable level in the various categories of employment in Federal service a salary return that meets fair competition from the private sector. That is the whole purpose of it, and we simply want to remove the uncertainty and chaos of the present mechanism and have some procedure that at least offers us a more orderly chance to arrive at that comparability judgment. It is the only purpose of the measure.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. CHURCH. I see no objection in establishing a special board to assist in achieving comparability, and certainly the recommendation of that board should be brought to Congress, together with the recommendation of the President.

The part I do not follow is why we should bind the hands of Congress at that point. Let us have the recommendations for comparability. Let us have the suggestion of the President. But why, then, should not Congress be free to choose one recommendation or another, or some figure in between? Why should we delegate away the opportunity to exercise our own judgment at that point, which, after all, is the essence of legislative responsibility?

Mr. McGEE. The best explanation I could give to the Senator from Idaho is that in the years I have been on the Civil Service Committee, we have always been playing a game of catchup with Federal employees—and I mean really catchup. We run a little faster catching up every other year, when somebody is up for reelection. We lag behind in the years when nobody is running for reelection. It is an attempt to take it out of that context, if it is feasible, and still preserve the basic intent. That is the reason for the mechanistic approach that was suggested here.

Mr. CHURCH. With all deference to the Senator, I do not feel he has answered the question.

I can understand the need for comparability. I can understand the possible utilization of a special committee to make recommendations with respect to comparability. I understand that the President should have or say in the matter. Yet, after all that has occurred, this bill then ties the hands of Congress. It says, as the distinguished Senator from Mississippi mentioned a moment ago, that we have one or two choices, but that is all. No choice or choices lie in between. There is no discretion. There is no opportunity to come to our own judgment after we have had the recommendations.

This seems to me to be another abdication by Congress of its responsibility. With all respect to the Senator, he has not answered the question I posed.

Mr. McGEE. I apologize if I did not answer the question. I think the point that is valid is that Congress has not been in a position to meet the test of comparability. It has not taken the time. It has not had the inclination. It has been an uneven and a spotty performance. It was our feeling that comparability should be arrived at as a judgment in a far more scientific way than we have been prone to do up until now, and that in arriving at what is comparability, we have essentially removed the need for any critical serious judgment factor except in a national crisis of some sort, including an inflationary crisis, in which there is that reserve for the President of the United States.

Mr. CHURCH. The Senator has answered my question and has confirmed my misgivings. This bill represents an abdication on the part of Congress; we are turning over to an advisory committee not only authority to make recommendations with respect to comparability, but authority recommending a definite rate, too. If the President disagrees with that rate, we then confine ourselves to just one or the other, thus denying ourselves the right to exercise any judgment in between. For that reason, I am unable to support the bill.

Mr. STEVENS. The Senator from Idaho, so far as I am concerned, puts this into a fair framework that the Federal employee pay raises are based on 3 percent, 4½ percent, or 7 percent, across the board, and we are trying to

set up a mechanism whereby some might get none, some 20 percent, some 10 percent. If we do, we will have a pay plan which comes up every year to be adjusted on the basis of what is comparability to private employment.

For 8 years I was on the receiving end of what Congress did in terms of pay raises, as a Federal Government employee, and, believe me, it is not understandable from the other end of Pennsylvania Avenue. When one really looks at it, Congress has not faced up to the problem of adjustments within the total schedule, so far as what is comparable and what is sound in comparison to the private industry sector. This bill gives the Civil Service Commission and the Bureau of the Budget—two groups, incidentally, that have not been more generous than the Congress has been in terms of Federal employee pay raises—the power to make recommendations to the President. The President may then, if he wishes, change them and send them up here. But we—the Congress—are delegating, by this bill, the authority to the Civil Service Commission, as a practical matter, and the Bureau of the Budget, to make the recommendations for total comparability annually on the basis of an adjustment throughout the Government. That is not the same as we dealt with here in the past when we debated pay increases before and reached a compromise. That had no relation to total comparability to any particular portion of the Government. The mechanism for comparability is the thing we in the committee have sought.

Mr. McGEE. If I may add to what the Senator has said, the judgment that the Senate has exercised and that requires sober judgment, was whether Federal employees should be entitled to comparability. While the Senator has understandable misgivings about what is comparability, we believe that we come closer to arriving at a substantive comparability reading in this mechanism than to retreat to what I think the Senator unfairly calls senatorial judgment.

I do not think that is open to that kind of judgment, if one can arrive at the mechanism for taking readings on equivalent income in the private sector for that kind of job. I think that is where the gap is in our dialog here.

Mr. CHURCH. I follow the Senator's words, but not his reasoning. I have no objection to establishing comparability for Federal employees. That is a good objective. I understand it is difficult and complex. It may be beyond the technical capacity of congressional committees. I have no objection to referring that to a competent committee, under the law, so that thorough study can be made on a yearly basis, and that that committee could then make its recommendations as to what in its judgment would represent comparability for every Federal employee. However, that is not what I am objecting to in this bill.

What I am objecting to is that after the recommendation is made, then Congress is straitjacketed and placed in the position of either accepting the recommendation just as it is made, or a differing recommendation, just as it is made by the President, so that Congress would be confined to two choices—maybe only one.

Mr. McGEE. Three choices.

Mr. CHURCH. The third choice is not really a practical choice for, under the circumstances, the 30 days for new legislation would be subject to discussion. That third alternative is theoretical. It is not a real one. So, if we pass this bill, we will be confining ourselves to accepting one recommendation if the President concurs in it, and two recommendations if he does not, and denying ourselves any other choice or choices. That would be an abdication of our power and responsibility. It is typical of the trend in Congress over the years which, fortunately, many Senators are now trying to reverse, restoring the Senate to its proper coequal role in our constitutional system of government.

Mr. McGEE. I would like to try to rephrase this, while it is directly relevant. The judgment of the Senate and the responsibility of the Senate for decisionmaking, it seems to me, is constantly present there. We are proposing to set up a new mechanism for arriving at comparability, which we all say in our rhetoric we favor, and we have registered our support of comparability. We have recommended here a way of arriving at comparability if, in the judgment of the Senate in the exceptional cases, or the unusual cases, where there is a discrepancy between a recommendation by the President's agent to the President, or the President's judgment in regard to a national emergency. The Senate is constantly there judging, and would be required by its own conscience, I think, to put this into legislation.

At that point, if it so required it, the Senate has given up nothing. We have tried to facilitate the process without forfeiting that responsibility. I do not see that the Senate has given up its responsibility in this case. I think it has tried to make it possible for the Senate to keep up with the changing problems of comparability and remain the judge of the abuses of those judgments that the agent might make and, thus, to correct them through legislative power.

Mr. CHURCH. The Senator from Wyoming and the Senator from Idaho see the bill quite differently.

Mr. STENNIS. Mr. President, if I may make this observation, as I understand the Senator from Idaho, his point is that he does not object to the recommendations coming in, one or more, or two, at least, but what he is objecting to, as I understand it, is that if they come in here frozen, solidified, we have to take one or the other. When we reject one, we automatically have to take the other. Is that the substance of the Senator's argument?

Mr. CHURCH. The Senator from Mississippi is absolutely correct. The bill presently before us straitjackets the Congress. There are many considerations that have to be weighed in regard to increasing salaries, besides pure comparability, before a decision can be made.

Mr. STENNIS. Well, Congress can still change the rules. Why pass a law when we can keep the power we already have to change the law now?

It is something like a story from my hometown where one man says to the other, "Do you have a job?" The other man answers, "No."

The first man says, "Do you want to make some money?"

The other man says, "Yes."

The first man says, "Do you want to save some money?"

The other man says, "Yes."

The first man says, "If you earn some money and save some money then you will not have to work."

The other man says, "I do not work now."

So, if Congress has the power already, and it certainly does, we should keep that power and exercise it as soundly as we can. I am willing to go to any reasonable length——

Mr. McGEE. The Senator makes an excellent point there. Our feeling is that while the Senate has that power now, it has not been able to use it satisfactorily in terms of the changing levels of comparability with the private sector and measuring it in a scientific way. We are trying to fill that gap.

I would resubmit again, although I realize it is becoming repetitious, that the powers of this body have not been forfeited. We are not straitjacketed in these options. We have the full sweep of the options most of the time. I would be certain in predicting that most of the time the recommendations would be reasonable, they would be cautious and wise and there would be no question raised about it. That would be the typical one.

In cases where the President may have thought otherwise, it is necessary for the Senate and the House to determine. Finally, there is the third option that is constantly present that must never be dismissed, which would be the decision by the Congress that they can determine it. Congress has not given up that prerogative or responsibility.

But I think that in the predominant instance we would find conscientious comparability figures arrived at. It would be that there would be no challenge. We have really concentrated on fears and the possibility that something might happen which might not be more numerous.

Mr. PACKWOOD. Mr. President, where would the bill say that the President's agent is the Civil Service Commission?

Mr. McGEE. It does not say he is the agent. In this report, the practical operation of all Federal employee legislation throughout our experience has been the President through the Civil Service Chairman.

Mr. PACKWOOD. Mr. President, let me go through this once more, and see if I understand it. The President appoints his agent—the Civil Service Chairman or call him what we want—and, he appoints the Federal Employee Pay Council to give the agent advice.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And then we have an advisory committee on Federal pay which in essence gives the President advice. Its principal function is to report to the President and that would be one of the factors that the President considers.

Mr. McGEE. The are the three private citizens. The Senator is correct. What we have done is to diversify and broaden the base of sources of recommended pay action in the comparability figure.

Mr. PACKWOOD. Who makes the final recommendation, the President?

Mr. McGEE. The gent, the chairman of the Civil Service Commission.

Mr. PACKWOOD. If the President does not want to exercise his prerogative in the second alternative and changes it, is he stuck with that recommendation?

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. What does it mean here, going back to page 2 of the report, subsection 5305, (2) "after considering the report of his agent and recommendations of the advisory committee on Federal pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; . . ."

Why does he have to bother to go to the Committee on Federal Pay if the agent's recommendations are the ones that are relevant?

Mr. McGEE. I think the directive in the mechanism simply provides for that as the final decision making authority. It simply says in the language the Senator has just read, it seems to me, that the President would have access to review that. He does not have to take any agent's recommendation blindly without reviewing it himself.

Mr. PACKWOOD. Mr. President. I thought the Senator said he was stuck with the agent's recommendations.

Mr. McGEE. Mr. President, if he chose to change it, it goes directly to another process of decision unless he challenges it.

Mr. PACKWOOD. Mr. President, let me go to page 15 near the bottom of the page where it reads

> After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles . . .

We have not yet gotten to that second alternative of the President. What does that mean?

Mr. McGEE. Mr. President, in my opinion, this means that he is accepting the composite judgments that can be submitted.

Mr. PACKWOOD. Does he have power to make changes in the recommendations submitted?

Mr. McGEE. Yes.

Mr. PACKWOOD. I mean in the first step.

Mr. McGEE. If he makes the change, then the other process is set in motion.

Mr. PACKWOOD. No, because we get to the other process later on. I am curious about the first process.

Mr. McGEE. Is the Senator reading from the top of page 16?

Mr. PACKWOOD. Down in about the last one-fourth of page 16, section (c) of section 5305 of the conference substitute it is provided that if the President chooses to do something, he then goes into the second alternative or goes to the alternative of the agent's recommendations as shown by the report at the bottom of page 15. Before that second procedure, the President can change what his agent has recommended and can listen to the Advisory Committee on Federal Pay.

Mr. McGEE. These are the words of the manager of the bill in the House, rather than the law itself. What we interpret the law to mean in the language of the law itself is that in any case after the President has reviewed it, he has this safeguard of reviewing the prerogatives. But if the President's recommendations turned out to be different than that of the agent, if the President decided not to follow the advice of the agent, then the other mechanism is set in motion.

The agent's recommendations are final unless the President challenges them and wants to go to the second recommendation.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. Then, the Congress has the two to consider together.

Mr. McGEE. Congress has three things to consider.

Mr. PACKWOOD. It has three, if we want to change the law or repeal it.

Mr. McGEE. Unless the Senator wants to move to abdicate the responsibility of the Congress. I do not want to do so.

Mr. PACKWOOD. I do not care whether the Senator calls it three or two. They have two alternatives.

Mr. McGEE. The Senator is correct. In most cases they would have one recommendation.

Mr. PACKWOOD. Mr. President, the Senator has indicated that in determining comparability there is no reason why this law could not read that Congress should appoint the agent and that he shall have an advisory committee and we can put them into effect.

Mr. McGEE. There is no reason why Congress could not do that.

Mr. PACKWOOD. Why are we not going that way?

Mr. McGEE. The answer is that it was thought under normal circumstances that we should delegate this responsibility to the executive to carry out the intent of congressional law.

Mr. PACKWOOD. Mr. President, forgetting the fact that Congress at any time has the right to change the law, the Senator says that Congress has the third altrenative under the present law which is that unless Congress acts, nothing automatically goes into effect.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And if we pass this, it automatically goes into effect unless Congress vetoes it.

Mr. McGEE. The Senator is correct.

Mr. ELLENDER. Mr. President, would the Senator explain this statement on page 15. It is a statement by the manager of the bill on the part of the House. It reads:

> The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

What does that mean? Is it not a fact that the House bill provided that the pay scale should be sent to Congress and that Congress should be the one to make the determintaion?

Mr. McGEE. The Senator is correct. And one of the adjustments we made in an attempt to get it working was that accommodation. The Senator is correct.

Mr. ELLENDER. And instead of following the House language, the conferees proceed to this second alternative wherein if the President decides that the rates submitted are too high or too low, he then sends his own recommendations to Congress, and that is the only time Congress has a chance to vote on the matter. Is that correct?

Mr. McGEE. Well, no. We would assume that Congress has looked into the matter constantly and established the legislative third alternative, which is constantly present.

Mr. ELLENDER. That would necessitate a change in law, would it not?

Mr. McGEE. Yes; but Congress would complete that action.

Mr. ELLENDER. Of course Congress does have the right to repeal the law. Let us take the law as it will be if this conference report is adopted. If the President determines that the rate is too high and he reduces it, then his recommendation comes to Congress and Congress vetoes it. What happens?

Mr. McGEE. When Congress vetoes it, then the original recommendation prevails.

Mr. ELLENDER. Without Congress having a right to do anything except to provide funds with which to pay the pay hike recommended.

Mr. McGEE. No. Congress would have already had its say by vetoing the President's recommendation. The veto prevails. We are not leaving that to chance.

Mr. ELLENDER. But the President's recommendation, if vetoed, would be bypassed and the original recommendation would prevail.

Mr. McGEE. If that were the judgment of Congress, it would not be the first time Congress bypassed the President's decision. But Congress would not veto the President's decision unless it was the judgment of Congress it should go back to the other figure.

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

Mr. McGEE. I yield.

Mr. PACKWOOD. The President does not send any alternative. Congress would act, and they could either veto it or not.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. At least we have a chance to veto, whereas under the first one we would not. We assume we are interested in achieving comparability. If, in the judgment of Congress, the President and his agent ran wild and for political reasons ran it up to 20 percent, 30 percent, or 40 percent, Congress would have a responsibility and a criterion in this mechanism to act. We are assuming the very extreme possibility that Congress has not given up anything. We have set up the mechanisms.

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

Mr. McGEE. I yield.

Mr. STEVENS. What is more, in the wage board procedure we have already set up, pay raises are automatic and never come back to Congress. We give the President, in this bill, the alternative to recommend something different. If he recommends something different, we can choose between them. This is a different mechanism than we approved last week for wage board employees. Under that procedure the cost of living index would be determined by a comparability survey, and if there is an increase in private employment wage rates in that area, wage rates go up. I do not understand the reasoning which opposes this bill when the chairman and the conferees have given the Congress an extra chance to review increases when the President does not follow the Civil Service Commission recommendations.

Mr. PACKWOOD. I thought the chairman indicated the fundamental difference is now this recommendation would not go into effect unless Congress acts.

Mr. STEVENS. We were talking about wage board employees last week.

Mr. PACKWOOD. Whom does that cover?

Mr. McGEE. The blue-collar employees throughout the country. They are not covered by this.

Mr. STEVENS. This covers employees in the legislative branch and in the independent agencies, and those who are not blue-collar workers.

Mr. ELLENDER. Why did the conferees adopt this alternative plan rather than the original House plan?

Mr. McGEE. I must say we adopted it with some misgivings. We adopted it because we took the composite that came out. My plan would have been the best of all and someone else's plan would have been ideal. We have learned we must accept compromise if we are going to have legislation on the books that will work. I think this will work.

Mr. ELLENDER. But there was nothing in the Senate bill on the subject.

Mr. McGEE. That is right.

Mr. ELLENDER. The whole program was described and provided for in the House bill.

Mr. McGEE. That is right.

Mr. ELLENDER. And the conferees simply set aside the House version and adopted their own in conference.

Mr. McGEE. Only in that one step.

Mr. ELLENDER. But that is very important. The House version provided that the pay scale would be submitted to Congress, with the right to modify it if we desired, or to amend it, but it was stricken.

Mr. McGEE. We felt that would not have a chance to be tried.

Furthermore, we felt that the risk implicit in this is not as great as the Senator from Louisiana, the Senator from Idaho, and others believe. Our judgment was that this was a risk we could afford to take to see if we could get it off the ground. If it does not work, we can exercise our legislative responsibility.

Mr. ELLENDER. Who promoted the method adopted, the Senate side of the House?

Mr. McGEE. The consultations we had were with our colleagues in the House, the Civil Service Commission, and representatives from the White House. In other words, it was not an isolated judgment that was made.

Mr. ELLENDER. I go back to the proposition that no consideration was given to any Senate action because there was no Senate action.

Mr. McGEE. That is correct, except we spent a lot of time wrestling with it.

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

Mr. McGEE. I yield.

Mr. STEVENS. I probably have interfered with the Senator's handling of this matter too much. But, I do wish to observe that when I was Solicitor of the Interior Department, my salary was around $20,000, as I recall. That was in 1960. The Solicitor of the Interior Department now receives in excess of $40,000. In 1960 my assistants' salaries were about $14,000 to $18,000. Today they are about $16,000 to $22,000.

In terms of what Congress has done to salaries in the executive branch, it has gone across the board with pay increases coming out of political compromises; we have entirely escaped the comparability we sought for jobs performed by people in Government whose salaries must be adjusted if we are to have the type of civil service system we must have.

I think this is a good mechanism which we will have more opportunity to review than in the wage board system or other systems we have set out. I might add our own pay system brought us a pay increase under a similar mechanism.

Mr. McGEE. Mr. President, I wish to call to the attention of the Senate that my colleague on the committee, the Senator from Alaska, was one of the leaders in our attempt to come to grips with the implications of comparability and in all the problems that go with it when we try to seek that comparability for Federal employees. His contributions here have been very helpful and constructive.

I also mention that the ranking minority member of the committee, the Senator from Hawaii (Mr. FONG) was one of the leaders in the dialog and the studies and the judgments that were made in this regard. Without the judgments of the Senator from Hawaii we would have been retarded considerably in our efforts.

Mr. President, I am ready to yield the floor. I understand the Senator from Louisiana would like to address himself to this matter. I am pleased to yield the floor at this time.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, and I would like to have a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 460 Leg]

Aiken	Cotton	Hansen
Allen	Cranston	Holland
Allott	Curtis	Hughes
Baker	Dole	Jordan, N.C.
Bayh	Ellender	Kennedy
Bellmon	Ervin	Long
Bennett	Fulbright	Magnuson
Bible	Griffin	Mansfield
Brooke	Gurney	McClellan
McGee	Percy	Stennis
McIntyre	Prouty	Stevens
Miller	Proxmire	Talmadge
Moss	Randolph	Williams, N.J.
Packwood	Ribicoff	Yarborough
Pastore	Sparkman	Young, N. Dak.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Byrd, Va.	Hartke	Nelson
Byrd, W. Va.	Hollings	Pell
Case	Jackson	Saxbe
Church	Javits	Schweiker
Cook	Jordan, Idaho	Scott
Cooper	Mathias	Smith
Fannin	McGovern	Spong
Goodell	Metcalf	Symington
Gore	Mondale	Williams, Del.
Gravel	Murphy	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. LONG. Mr. President, since midafternoon on yesterday, the Senate has been seeking a conference with the House of Representatives in order to complete action on the bill to increase social security benefits by 10 percent and to increase welfare benefits for the aged, blind, and disabled.

Meanwhile, the clock is running as this session is scheduled to come to an end at noon on Sunday, January 3. We have 4 days left.

As a Senate committee chairman, the RECORD should show that both I and our Senate conferees have been ready to meet on any basis whatever for the last 24 hours. It would be a sad state of affairs if this Congress fails to pass at least a cost-of-living increase for the 26 million people whose small incomes from social security have been sadly diminished by inflation.

Mr. President, like other members of the Committee on Finance, I worked very hard to pass a social security bill which provided more benefits and more social and economic justice than the package the House sent to us.

In order to do this I found it necessary to make the motion to strike down many very good legislative proposals with which I found myself in wholehearted agreement. It is somewhat difficult to ask a person to vote to strike down on the RECORD something with which he agrees. But this was necessary in order to break two, and possibly three filibusters that were developing in the consideration of this important social security measure.

The extent to which statesmen in the Senate were willing to sacrifice their prevailing views for the common good of the Nation reached a high point in the consideration of this legislation. The Senator from Georgia (Mr. TALMADGE),

and the two Senat s from South Carolina deserve high raise for foregoing their trade amen ient although the record will reflect at they had strong support for their p tion and could have prevailed if the enate could have reached a vote on ie trade matter.

The Senator fr Connecticut (Mr. RIBICOFF), the Sen or from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. HARRI also deserve great credit for permitti the social security bill to pass withou insisting on a vote on the family assi nce plan for which they labored for nths. Again, there were indications t y might have prevailed if a vote cou have been reached. But it became clea hat a vote on these issues could not oc r. Both of these examples could be m tiplied many times over to indicate th nselfishness and devotion to duty evid iced by Members of the Senate in wor ng out a legislative package which th Senate regarded as a vast improvemer over the House bill.

It is disappointi to read in the papers that after so many Senators have gone beyond the c of duty to accommodate themselve o the views of others—to the extent hat a bill passes by a vote of 81 to 0- hat the other body will decline to eve discuss the matter in a conference be een the two Houses.

We have succee d in passing a good bill by a unanimou vote and the Senate will be indeed disappointed if the House declines to ow 29 million people the courtesy of c sidering the Senate amendments.

I wish the RECOR o reflect that at this point we, in the Sen te, have done everything that we can d to get a conference with the House. F m 4 p.m. Tuesday, the Senate has bee calling on the House to act and the Hou sits with the phone ringing, declining e n to lift the receiver from the hook. T t is a metaphor. I have been to the house of Representatives to discuss th matter with Members, including the hairman of the Ways and Means Comm ee there.

I am aware, of c se, that it is possible to pass a bill next ear which would increase retroactive social security payments. If this pro ture were to be followed, it would be ly or August or later before 26 million p ople could have the benefit which the would otherwise receive on April 3 if e House would only permit us to comp e action on this bill now.

To ask the poor d the social security pensioners to wait nother 3 or 4 months or longer is comp ely unnecessary.

On measures c aining far less difficult issues than proposed social security increase, r resentatives of the Senate and House ave been able to resolve their differe es in less time than that which remai in this session.

Let me make it lear that I, for one, have no intentic of being adamant about any provis n contained in the Senate amendmen to the bill. So far as I am concerned, I ould insist on nothing more than tha the House conferees give us the benefi f their honest judgment with regard t the Senate amendments.

Nor am I impressed with the argument that there are 100 items of "potential controversy" in the bill. This requires nothing more than 100 decisions by the conferees and, when men of good will work together, that sort of thing should be possible in less than 6 hours.

It might be that in the days remaining we could not resolve all the differences between the two versions. If I had my way, we would at least be caught trying. The Senate has never taken a "can't do" attitude about this bill. Today's apparent "can't do" attitude on the part of the House of Representatives is a new experience to this Senator. In years gone by, I have experienced a "won't do" attitude when dedicated and sincere statesmen from the House refused to agree to the viewpoint of the Senate.

In each of those cases, I have respected and even admired those who spoke for the House in discharging their duties as they saw them. But, I must say that it is more difficult to admire a "can't do" attitude when so much is involved in the interests of so many.

All we are asking is the opportunity to discuss the social security bill with the duly appointed representatives of the House. It is beyond this Senator's understanding that the House should be unwilling to so much as talk about the needs of 26 million social security recipients and 3 million aged, blind, and disabled welfare clients.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a board of arbitration, and for other purposes.

Mr. ELLENDER. Mr. President, I should like to address myself to the pending question, and I am very hopeful that the Senate will reject this report.

The bill in question, H.R. 13000, was never considered by the Senate. It was never debated on the Senate floor. Even the House measure, when it was before the conferees, was not followed by the conferees.

In the House bill was a provision whereby the Senate was given the opportunity to amend, to change, or to do whatever it chose to do, with any suggestions made by the Federal Employees Pay Council in regard to pay hikes.

I should like to relate some history about this bill. It is somewhat mysterious. It has been on the calendar for more than a year; and it was only on December 8, this month, that the conferees met and produced the report that is now before the Senate. When the conferees met, particularly the Senate conferees, they had no guidance from the Senate because, as I said, the Senate itself never passed upon the question of providing a board, or of providing ways and means of fixing a wage scale. The House bill did. The House bill also provided that whatever recommendations were made by the board, the Senate would have the right to veto it, to change it, to amend whatever recommendations came from the board.

The bill passed the House of Representatives on October 14, 1969. It established a Federal Employees Salary Commission and a board of arbitration to implement the Federal employee pay comparability system by providing for annual adjustments in compensation of Federal employees upon adoption by Congress of a concurrent resolution approving the recommended pay increase. That was what was in the House bill. But we do not find it in the conference report.

Second, the bill was reported by the Senate Committee on Post Office and Civil Service on December 8, 1969. All House language was stricken. The new text provided for pay increases for Federal employees, other than congressional employees, as follows:

Four percent if employees earned less than $10,000; 3 percent if employees earned between $10,000 and $15,000; 2½ percent if employees earned between $15,000 and $20,000; 1 percent if employees were at the level of GS–15 or any comparable position; above a GS–15, no pay increase.

That, Mr. President, is the only matter that was discussed by the Senate, the matter of pay increases in line with what I have just stated.

The bill also provided a second rate increase effective July 1, 1970, so that rates of Federal employees would be comparable as of June 1969 to those in private industry, but in no event was the increase to be less than 3 percent.

This bill, as reported by the Senate committee, passed the Senate on December 12, 1969. I wish to again emphasize that the only matter that was discussed before the Senate was the pay increases I have just indicated.

The Senate returned the bill to the House, and the House disagreed with the Senate amendments, asked for a conference, and appointed its conferees. The Senate agreed to the conference and appointed its conferees. However, the conferees did not meet until December 8, 1970. That is this month. More than a year elapsed before the conference was held.

On April 8, 1970, the Senate considered and passed S. 3690, which authorizes an increase in pay of Federal employees by 6 percent retroactive to the first pay period beginning on or after December 27, 1969. This 6 percent increase in pay was determined to be necessary so that Federal employees salary rates would be comparable to rates in private industry as of June 1969.

Mr. President, I am wondering why it it that the conferees did not meet to make that decision, instead of proposing to the Senate a new bill. On almost the same day, the House put in a bill similar to the one put in by the Senate affecting pay increases, and both bills were passed by the respective Houses. There were

very little changes to be made in the two bills. The President signed the bill and it became Public Law No. 91–231, the Federal Employees Salary Act of 1970.

Thus, that public law substantially enacted the provisions of H.R. 13000 as passed by the Senate. For all practical purposes, I thought that H.R. 13000 was dead because, as I said, the matter involved, as presented to the Senate, pay increases only and that matter was determined by the bill subsequently introduced in the Senate and passed by the Senate, with one by the House. That settled the pay matter so far as H.R. 13000 was concerned.

As I said a moment ago, it was only on December 8 of this year that the conferees met.

Now what did the conferees have in mind?

Nothing from the Senate, because the matter that was considered by the Senate in H.R. 13000 was considered in another bill that was introduced under date of July 1, 1970. That was disposed of.

Now it would seem to me that the conferees might have at least followed the provisions of the House bill in respect to the creation of a commission that would fix the salaries and then submit its findings to the Senate. That provision was in the House bill, but the conferees bypassed it. They did not take that provision. They added another provision in the bill which does provide that if the President differs in his views from the rates prescribed by the advisory agency, he can lower them or he can raise them, and only in that case will the Senate or the House of Representatives have the opportunity to pass upon the matter.

If the President's views as presented to the Congress are vetoed by either House, it means that the wages fixed by the advisory agency that was created for the purpose of fixing the rates will prevail. Congress would have no opportunity whatever to pass upon the matter of raising or lowering the wages submitted.

Mr. President, I think this is an abdication of the powers of Congress to place in the hands of an advisory agency composed of five men chosen from the large unions here at the Washington level that have to do with the employees of the Federal Government, the power to fix rates of pay for Federal employees. It is that agency that will recommend to the President what the rates of pay should be, and the President can either accept them or make his own recommendations. And if the President decides that those rates are too low or too high, he may do so and send a message to the Senate and have the Senate vote the matter up or down within 30 days. If Congress should veto what the President suggests then the recommendations made by the advisory group would become effective immediately, giving Congress no power whatsoever to deal with or change or amend any of the rates of pay made by the commission.

Now, Mr. President, what does that mean?

If this conference report is adopted tonight, it will mean that beginning January 1, 1971, we will have an immediate increase in pay of an average of 6 percent, and that 6 percent will apply to all the employees in Government except the blue collar workers. It will trigger an increase in the wages of every serviceman in the country. In dollars, it would simply mean that beginning January 1, 1971, Congress would have to provide $2.2 billion to meet the pay that will arise, because of what is included in this conference report. It gives this advisory agency the opportunity to fix wages.

I will read to the Senate an interpretation of the conference report by Mr. Joseph Young, who writes the Federal Spotlight. Here is his evaluation of what would happen if the conference report is adopted. I presume that many Senators have already read the article:

Here are the highlights of the system about to be approved by Congress:

The Jan. 1 pay raises are expected to range from about 4 to 7 percent.

There will be another pay adjustment Jan. 1, 1972.

Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.

The salaries of congressional employes and military personnel will also be adjusted.

Mr. President, as was pointed out earlier in debate the moment that this goes into effect, for classified employees, then the President pro tempore of the Senate and the Speaker of the House of Representatives will be empowered to increase the salaries of all legislative employees.

Reading further:

The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

These five impartial appointees, as I said, are described in this report which I hold in my hand as being the heads of the large labor unions that control or are at the head of all of the labor organizations at the Washington level. I think there are seven or eight of them.

The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman of Civil Service Commission and the director of the Office Management and Budget, as well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the President's rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidential action dating from the time it received his message.

Mr. President, in other words, if the President desired to lower the recommendations made by the Advisory Council, he could send his recommendations to Congress and if Congress vetoed them, then the original recommendations of the Advisory Council would take effect. Congress, as I said, would have nothing to say about the matter except to provide the funds to pay for those pay increases.

Mr. President, I do not think Congress is ready to abdicate its right to fix salaries to an advisory committee appointed by the Civil Service Chairman and the head of the Budget Bureau.

Mr. President, I ask unanimous consent that the article from which I have been reading be printed in the RECORD together with a similar article by Mr. Cramer, and an article from the Newsweek of December 21, 1970, which indicate what would happen by way of pay raises if this method of increasing wages is adopted.

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

THE FEDERAL SPOTLIGHT: SMOOTH SAILING INDICATED FOR CLASSIFIED PAY RAISE

(By Joseph Young)

Top officials of the Civil Service Commission and the Office of Management and Budget meet today to discuss implementation of the new system of semiautomatic annual pay adjustments for federal classified employes that has been approved by House and Senate conferees.

The meeting is a good tipoff that the legislation—once it is finally approved by Congress next week—will be promptly signed by President Nixon and that the initial pay raise averaging around 6 percent will be authorized by him, effective Jan. 1.

The mechanics of the new system won't be used this year because there is so little time left before the scheduled pay raise. Instead, the CSC and OMB will discuss the Bureau of Labor Statistics industry pay figures with the unions and from these discussions will make their recommendations to Nixon in the next few weeks.

However, the machinery setting up the permanent annual semiautomatic classified pay adjustments will be ready in time for the Jan. 1, 1972, salary revisions.

Here are the highlights of the system about to be approved by Congress:

The Jan. 1 pay raises are expected to range from about 4 to 7 percent.

There will be another pay adjustment Jan. 1, 1972.

Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.

The salaries of congressional employes and military personnel will also be adjusted.

The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman of Civil Service Commission and the director of the Office Management and Budget, as

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[From the W ington Daily News, Dec. 10, 1970]

DEVELOPMENT COMING FAST ON PAY FRONT

(By John Cramer)

Developme on the Federal pay raise front will co fast and furious in the next few weeks.

Like this:

First—Fin House and Senate action on the confere committee report on H.R. 13000 with new automatic pay-setting system for ernment's 1,100,000 classified and other w e collar employes, and with its potential Ja ary pay raises for them.

The bill s uld breeze to final passage—no later than t t week.

Second—ce the bill is approved, the President m t submit pay raise proposals to Congress n later than Jan. 1. If the increases are ficient to bring employes to the national average private enterprise level of last June, and retroactive to Jan. 1, they will take effect automatically.

But if the President proposes smaller or later increases, we then will have—

Third—The possibility that Congress will veto the President's plan. A majority vote by either House or Senate would do it. Action would have to come within 30 legislative days after the President submits his proposal. And if Congress vetoes, there'll be—

Fourth—Automatic increases to bring employes to the June, 1970, private level. They would take effect at the Start of the first pay period after the veto. In normal course, that would mean late February or early March.

NIXON MAY BALK

At this point, no one can predict what the President will recommend. But his new jawboning against inflation, and particularly against wage increases, strongly suggests he may be unwilling to propose January increases to bring employes to the June private level.

It suggests he'll propose smaller or later raises—and perhaps both.

So what sort of a raise would it take to bring employes to last June's private level?

Well, national average white collar rates advanced 5.7 per cent in the year ending June, 1969, and 6.2 per cent in the year ending last June—a total of 11.9 per cent.

But last spring's postal pay strike brought classified employees a 6 per cent increase retroactive to last January. Its effect, government pay experts said, was to put current federal rates roughly .25 per cent ahead of June, 1969, private rates.

So you subtract the .25 from the 6.2 advance in private enterprise for the year ending last June, and you come up with a prospective federal raise of 5.95 per cent.

CLOSE ENOUGH

That's close enough. Even so, however, it's strictly a rough figure.

For one thing, the way government pay schedules are constructed, the percentage increases in private rates over a year isn't always matched by a federal increase of the same precise pecentage.

The federal increase can be a little less; or even a little more.

But just for now, we'll settle for 5.95.

The Senate probably will act tomorrow on the conference report. The House will delay until conferees complete action on pending bills to increase the pay of wage board (blue collar) federal workers 4 per cent.

R-R-R-R-R!

Government can't be proud of the way it treats some of its employees.

Item one—Ft. Meyer firemen, assigned to the Pentagon helioport, are required to sit outside in coldest weather in a heaterless fire truck. They get heat only when they can borrow a portable heater. And technically, it's use is against regulations. Takes too long to remove in case of a 'copter accident.

Item two—GSA building guards assigned to Navy-occupied Ballston Tower No. 1 and Ballston Tower No. 2 buildings in Clarendon have it almost as bad. They're inside, but heat in the leased buildings is turned off at night, while blowers bring air from the outside remain on.

Item three—Navy employees in one unit of National Center Building No. 3 in Virginia report having had to work in 30-degree temperature Monday. They were told to go home early if they wished. As of yesterday, things were better.

Item four—On the sixth floor of National Center Building 3 yesterday, temperature was normal, but weird drafts blew thru some areas. Really weird, employees insisted.

AUTOMATIC PAY RAISE FOR FEDERAL WORKERS EVERY YEAR?

A major change in the way federal employes get pay raises is in the works.

From now on they can look forward, for the first time, to the prospect of getting annual increases.

A House-Senate conference recommended giving the President responsibility for raising the level of federal paychecks annually, as salaries in private industry go up.

Government employes, over the years, have complained that their pay increases lagged behind the private sector, primarily because Congress had to vote on each raise and was often late in doing so.

The new system would relieve Congress from that function unless it felt the President was not being generous enough with raises.

EARLIER INCREASES

The change comes after many years of trying to keep abreast of private-industry pay. Since 1962, legislators have approved nine raises for federal white-collar workers. In the past year and a half alone, these Government employes' salaries went up 9.1 per cent in July, 1969, and an additional 6 per cent last December. Postal workers received even larger increases during that time.

Postal workers are not covered by the new pay plan. In the future they will bargain wage rates with the newly formed postal corporation. Blue-collar employes also are excluded, but stand to get substantial wage boosts under other legislation pending in Congress.

However, all military personnel are covered by a separate law which states they must receive the same pay raises that federal white-collar workers do.

Some experts contend that, in many job categories, private and federal pay are now compatible and that Government workers in the lower clerical and stenographic positions have an edge over their counterparts in business.

The promise of annual raises for federal workers is believed certain to place heavy pressure on State and local governments, labor unions and some industries to grant similar hikes to keep their employes content and prevent them from seeking jobs with U.S. agencies.

There will be considerable impact on the federal budget as well. Each year, it is foreseen, raises will add billions of dollars to U.S. Government spending.

UNDER THE NEW PLAN

Though the President is trying to hold down inflation, he is expected to move quickly to increase Government paychecks once the bill is signed. It is anticipated Mr. Nixon will order a wage boost averaging 6 per cent for about 4.5 million white-collar and military employes effective in January, 1971. Cost to Government: about 2.2 billions in calendar year 1971.

Actually, the increases will vary from job to job, reflecting what is comparable in private industry. The pay-increase figures were given to the President recently by the Bureau of Labor Statistics. The President will be allowed to grant another raise by this method in January, 1972. But after that, pay increases under the "comparability" plan will be decided this way:

A five-man panel of representatives of the biggest employe unions will make their annual recommendations for pay raises to special advisers appointed by the President. After the proposals are studied, these advisers will send a final set of pay recommendations to the President. In the early stages, this advisory job probably will be shared by the Civil Service Commission and the Office of Management and Budget.

If the President accepts the recommendations, they would go into effect in October of each year.

Should the President decide the suggested pay hikes in any year would be too much of a strain on the economy, he could present an alternate plan to Congress. If Congress took no action within 30 days, the President's

plan would take effect. But if Congress vetoed the President, the more costly original recommendations given the President by the advisory group would set pay hikes.

THE PAYROLL AND COST

The promise of annual raises held out by this new system probably ends all hopes of ever cutting down the total cost of Government payrolls. For, as the charts on page 19 show, even though the number of Government workers has fluctuated, the payroll has gone up and up.

In the past year, there was a sizable drop in Government employment. The bulk of cutbacks came in military personnel, as the Administration reduced defense spending and wound down the war in Southeast Asia. But there were moderate declines on the civilian side, as well.

Nevertheless, the two big pay hikes workers got in 1969 boosted total Government payrolls almost 4 billion dollars for the fiscal year ended June 30, 1970.

Now it looks as though payrolls in fiscal year 1971 will be up another 2.7 billions, including the first increase expected under the new comparability plan to match private-industry pay.

Groundwork for these trends was set in the period between 1960 and 1970. Then Government's civilian force grew only about 24 per cent, but civilian pay climbed 109 per cent to 26.8 billions.

The average mean pay of a Government civilian worker in June of this year was estimated at $9,100, more than 70 per cent higher than 10 years earlier.

For white-collar employes, the results have been even more dramatic. They now have an average pay of $11,000, a jump of 94 per cent since 1960.

During the same 10-year period, military employment, spurred sharply by fighting in Vietnam, rose roughly 24 per cent, or about the same rate as civilian numbers. But military pay rose 112 per cent, to 22 billion dollars in 1970, a record for both peacetime and war.

PRIVATE INDUSTRY

Many companies are concerned about what effect the huge increases in Government pay, now promising to come year after year, will have on their own pay and hiring problems.

Most businesses in the Washington, D.C., area, where the greatest number of Government employes work, are sensitive to federal pay increases. If they do not raise the wages they pay to keep pace, key personnel can be lost to Government agencies.

Businessmen doubt that the impact on private industry in other cities will be anywhere nearly as great. The next-largest group of federal workers is in the New York City area, but the total there is only about one third of the more than 300,000 in the Washington area. Other city areas with more than 50,000 federal employes each include San Francisco-Oakland, Philadelphia, Chicago, Los Angeles-Long Beach and Baltimore.

The influence on State and local government hiring could be more immediate, some officials believe. Out of about 12.7 million civilians working for all levels of government in the U.S., more than 10 million are employed by State and local agencies. Where pay for similar jobs is below that of federal workers, discontent could arise.

However, during the last decade State and local-government payrolls have risen 156 per cent—a good deal faster than federal costs—to 58.9 billion dollars in 1969. During the same period, State and local employment increased by 61 per cent—again much more than the number of federal jobholders.

INCENTIVE FOR UNIONS?

Few doubt that labor unions will pay close heed to pay increases the Federal Government grants under the new law.

In recent months, labor has come under heavy fire for seeking large wage hikes, while the Administration battles to bring inflation under control. Union leaders have countered that the increases they want are to keep their members' pay in line with the cost of living.

If the President grants a 6 per cent increase to keep up with pay in private industry, it is likely unions will want to get their members in private industry and State and city agencies further hikes of at least that much.

Thus, the country faces this question: Will these annual Government raises merely reflect private pay, or will they tend to guide industry and unions in the direction of more private pay increases in the future?

Mr. ELLENDER. Mr. President, I do not want to take more of the time of the Senate. I prepared a letter some time ago which was delivered to every Senator, indicating the implications involved if the Senate adopted the pending conference report.

Mr. President, I am very hopeful that the report will be rejected because I think we are doing the President an injustice by placing him in a position where he will have to act on the recommendations of a certain council created by the bill in question. A 6-percent increase will mean an increase of $2.2 billion in Federal expenditures for Government workers and our military personnel.

Some time ago Congress raised the salaries of the clerks of the major committees to the tune of about $35,000-some-odd, and notwithstanding that raise, they would be entitled to an additional 6-percent raise if this report is adopted.

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

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the letter that I addressed to every Member of the Senate—and I am sure that it was delivered—be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C.

DEAR ———: The Conference Report on H.R. 13000 (the Federal Pay Comparability Act of 1970) will be considered before the Senate adjourns sine die, and I think you know that I will oppose adoption of the Report and will request a record vote.

I want you to understand the reasons for which I am opposing adoption of the Report. If all Senators understood the full implications of what is about to happen, I think a substantial majority might side with me in wanting either to reject the Report entirely or, at very least to have it recommitted with instructions.

Simply stated, neither the House Bill nor the Senate Bill delegated final Congressional authority over Federal wage increases, but the Conference Report does just this and is therefore most improper and is at least subject to challenge in substance, if not on a point of order.

The Senate bill simply did not touch on the subject; it did not delegate any final authority whatever over the enactment of wage increases.

The House bill set up a Commission whose recommendations still had to be specifically approved (or modified, or rejected) by the Congress.

The conference report, however, in Sec. 5305, sets up a remarkable system whereby the Congress will retain no option whatever in any given year to reject a wage increase, or even to design one of its own. We will instead be relegated to choosing between the recommendations of a Panel of "experts" yet to be named and the possible counter-recommendations of the President.

In any given year, this system would afford the Congress nothing more than a choice between what might be the lesser of two evils. As far as the Senate itself is concerned, we may not even have that choice, because rejection of the President's recommendations by the House would automatically put the recommendations of the Panel into effect. At that point nothing the Senate could do would have any effect whatever on what pay increases, if any, should go into effect. By the same token, the House would be denied any say in the matter once the Senate had rejected the President's recommendations, thereby putting the Panel's recommendations automatically into effect.

Although the substitute language of Sec. 5305 may have been technically proper for the Conference to recommend (because it results basically from striking part of a provision found in the House Bill) it is substantively improper because it results in a *major delegation of congressional authority which is clearly and emphatically beyond the intention of both the Senate in its bill and the House in its bill.*

I sincerely hope that you will look carefully into this matter and will help me in having this Report either rejected so that the Senate can have full debate on the subject or at least recommitted with instructions to our conferees that they secure a provision which does not delegate away any more of the Congress' final authority over Federal wage increases than does the provision in the House-passed bill. Under that language, we would retain full power to accept, reject or modify recommendations from the Panel or the President.

To adopt the Conference Report in its present form would give away that power on a *permanent* basis, because to get it back would require new legislation which would itself be subject both to filibuster and to the presidential veto.

In view of the seriousness of this threat to the Congressional power over Federal pay scales, I hope you will join me on the floor for a detailed examination of the Report when it is called up.

With personal regards, I remain

Sincerely yours,

ALLEN J. ELLENDER,
U.S. Senator.

P.S.—I think you realize also that if this Report is adopted, it will mean an across-the-board 6% increase on January 1, 1971, for all classified and military personnel at a cost of $2.2 billion. Under the workings of the peculiar and totally-unpredictable mechanism described above, it will also provide for additional increases on January 1, 1972, on October 1, 1972, and on every October 1 thereafter. Assuming that the two increases scheduled for 1972 are also on the order of 6% each, we will have given 5 increases, totaling 37.7%, in a period of only three years and four months—July 1969 to October 1972. This is hardly a way to fight inflation!

Furthermore, if after adoption of the Report the President pro tempore adjusts the pay of Senate employees in an equivalent manner, the top salary of one person in your office would exceed $35,200. This particular result directly contradicts a 51–33 record vote on December 14 in which the Senate specifically rejected a provision in the 1st Supplemental Appropriations Bill which would have raised the top assistant's salary to $35,496.

As I understand it, t[h]ese adjustments could increase the Commi[t]ee Staff maximum to $36,000.

Mr. ELLENDER. [M]r. President, in that letter I indicated:

Assuming that the [i]ncreases scheduled for 1972 are also on [t]he order of 6 percent each, we will have gi[v]en five increases, totaling 37.7 percent, in [a] period of only 3 years and 4 months—July [1]969 to October 1972. This is hardly a way [t]o fight inflation.

Mr. President, a[s] I said, it would put the President in a[n] awkward position. I do hope that the [r]eport is rejected.

The PRESIDING [O]FFICER. The question is on agreeing to the conference report.

Mr. HOLLAND. Mr. President, I strongly support the position just stated by the distinguished Senator from Louisiana. I strongly hope that the Senate will not be in a position to abdicate or surrender its own jurisdiction in the way proposed by the conference report.

I call attention to several specific objections that I have to this report at this time. First, this particular plan has never before been before the Senate. It has never been the subject of hearings by the Senate or any of its committees. We have no report based upon this particular plan embraced in this conference report which differs very greatly from both the Senate bill as originally passed, which has already been enacted—or more than already enacted because the more generous salary bill was enacted in 1970—more generous than the original Senate bill passed in 1969.

We have not had this matter before the Senate. It has not been debated here. We have not had hearings. We have not had a report on it and we do not have a report on it now.

The second objection I have is to the way the conference report is drawn. It subordinates the President to his agents who, we are told, will be the Chairman of the Civil Service Commission or the Director of the Budget, or both of them. They are not named in this bill. They are simply named as the President's agent, whomever he might appoint.

Under this bill various committees are set up. The Senator from Louisiana has mentioned them. First, there is the Federal Employees Pay Council of five members, who are the heads of the unions of civil service employees. The article by Mr. Young states they will be the heads of the largest civil service unions.

Second, there is required the appointment of an advisory committee of three members. This is provided for in section 5306 of the bill on page 5. They are supposed to be not otherwise employed in government. They are supposed to be recommended to the President for his consideration as persons generally recognized for impartiality, knowledge, and experience in the field of labor relations and pay policies.

I remind the Senate of a somewhat similar bill, where the rights of Congress were much better reserved than under this bill, where a similar Commission of impartial men from business recommended pay raises which were so large that then-President Johnson could not agree to them. That Commission recommended a $50,000 rate for Members of Congress. The President, in his judgment, thought that was too much and cut the amount to $42,500. That Commission recommended similarly high rates for various members of the judiciary. The President, in his judgment, cut down some of them materially before he made any report to Congress.

However, under this bill, this advisory committee and the Federal Employees Pay Council make their recommendations to the President's agent, who, as I said, would be either the Chairman of the Civil Service Commission, the Director of the Budget, or someone named by him, or both of them, and those people are said to be the agent of the President under this bill. They, after considering these recommendations, and in the effort to accomplish comparability of pay, which all of us desire to see accomplished, recommend a pay rate which they think will be comparable to pay rates in private industry.

Mr. President, I call attention to something that was mentioned by the distinguished Senator from Alaska and which has not been mentioned by anyone else in this debate. These rates will not be equal as to all classifications any more than were the rates recommended by President Johnson some time ago. They will be addressed to each of the groups in the effort to obtain comparability in the judgment of the President's agent. When the plan comes to us, if it comes to us at all, it will have to come because the President disagrees with his agent. If the President does not disagree with his agent, whatever that plan is, we have surrendered to the President, who announces the program as recommended to him by the agent. We have agreed in advance to that.

We are asked by this bill, therefore, to abdicate our right to consider the plan, if the President recommends the plan that is recommended to him by his agent. I do not think Congress is ready to abdicate its right yearly—more than yearly for the early future, but on a year by year basis for the indefinite future—to have anything to say about pay raises.

Particularly do I think it is unwise when we remember what we did when the President's program came to us, which I mentioned a while ago, in which $42,500 was recommended as the rate of pay for Members of Congress. We changed some details of that plan because we had the right. We had reserved to ourselves the right to pass upon the merits of the proposal, and its several details.

We do not reserve any such right at all under this particular conference bill to make any change at all if the President approves what his agent recommends and simply sends it to us. It is something which will take effect regardless of what we do unless we pass a law to set it aside. The Presiding Officer (Mr. SPARKMAN) knows how difficult it would be to pass such a bill in the limited time set out here, which is 30 days.

It is only when the President varies from the recommendation of his agent that the plan comes to Congress, so Congress has the right to either accept the President's plan or reject it within 30 days and, therefore, to go back to the plan recommended by his agent.

In other words, if the agent recommends a program of pay rates that averaged a 10-percent increase, and if the President because of his feeling that the Nation was not in a condition to justify such a raise, recommended an average 5-percent pay raise, we would have a magnificent choice between the average 5-percent rate and the average 10-percent rate, and that is the only choice we have. If we turn down the President's more economical plan, under this bill we go back to the original plan, the average of 10 percent.

This has been admitted by the sponsors of the bill in colloquy with the few Members of the Senate who were here. I wish more Members of the Senate had been here.

I repeat that in the event the President refuses to pass on the recommendation of his agent, but instead refuses it, the magnificent right is reserved to Congress to either approve or disapprove the President's recommendation and should we disapprove it we go back to the recommendation of his agent. We have only the choice between those two programs and no other choice. There is no doubt about this. It is admitted by the sponsors of the bill and the handlers of the conference report.

To me it is rather unthinkable that in the first instance we are asked to approve a program under which if the President approves his agent's recommendation we have no jurisdiction at all. It would not even come to us; and in the second instance if he disapproves those recommendations and sends us different ones, let us say reduced ones as in the case of President Johnson, we have the choice of either approving those reduced recommendations as a whole or disapproving them, and in the event we disapprove them we go back to the agent's recommendation, meaning we put the agent before the principal. That is what we are asked to do or to be permitted to do under the terms of this conference report.

Mr. President, for the reasons I have stated, it would seem to me completely intolerable for this Congress to seriously consider approving this conference report—a conference report that sets up a new plan, appearing in neither the Senate bill nor the House bill, a new plan on which there have been no hearings, on which there has been no report, on which there has been no debate heretofore, because we have never seen it until it comes here in the form of a conference report more than a year after the original bills were passed.

For the reasons which I have cited, but particularly for the reason that I think this Congress should not even think about surrendering, abjectly resigning, its rights entirely in such a manner, and particularly in view of the fact that we might find some recommendations which we approve in a general set of recommendations, and some which we disapprove but are unable to get at, I think we should reject the conference report; and I strongly plead that the Senate do just that—reject the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Delaware would vote "yea" and the Senator from South Carolina would vote "nay."

One this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 40, nays 35, as follows:

[No. 461 Leg.]

YEAS—40

Baker	Javits	Percy
Bayh	Jordan, N.C.	Proxmire
Bible	Kennedy	Randolph
Brooke	Magnuson	Ribicoff
Byrd, W. Va.	Mansfield	Saxbe
Case	Mathias	Schweiker
Cook	McGee	Scott
Dole	McGovern	Smith
Goodell	McIntyre	Stevens
Gravel	Metcalf	Talmadge
Griffin	Mondale	Williams, N.J.
Hartke	Moss	Yarborough
Hollings	Nelson	
Jackson	Pell	

NAYS—35

Aiken	Ervin	Murphy
Allen	Fannin	Packwood
Allott	Fulbright	Pastore
Bellmon	Gore	Prouty
Bennett	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Church	Holland	Stennis
Cooper	Hughes	Symington
Cotton	Jordan, Idaho	Williams, Del.
Cranston	Long	Young, N. Dak.
Curtis	McClellan	Young, Ohio
Ellender	Miller	

NOT VOTING—25

Anderson	Goldwater	Muskie
Boggs	Harris	Pearson
Burdick	Hart	Russell
Cannon	Hatfield	Stevenson
Dodd	Hruska	Thurmond
Dominick	Inouye	Tower
Eagleton	McCarthy	Tydings
Eastland	Montoya	
Fong	Mundt	

So the conference report was agreed to.

Mr. CANNON subsequently said: Mr. President, when the vote on Federal pay legislation was called, I was unavoidably detained and arrived on the floor 2 minutes after the vote had been concluded. I would like the RECORD to show that had I been here for the vote I would have voted "no" on the conference report on Federal pay legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended.

LEAD-BASED PAINT POISONING PREVENTION ACT—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-1802)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

(b) The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local progra should include:
(1) development an carrying out of comprehensive testing pr rams to detect the presence of lead-base aints on surfaces of residential housing;
(2) the developmer and carrying out of a comprehensive pr am requiring the prompt elimination lead-based paints from all interior s aces, porches, and exterior surfaces to w ch children may be commonly exposed, of sidential housing on which lead-based pai have been used as a surface covering, in ding those surfaces on which non-lead-b d paints have been used to cover surface o which lead-based paints were previously plied; and
(3) any other acti which will reduce or eliminate lead-bas paint poisoning.
(b) Each such progr shall—
(1) be consistent th the appropriate local program assisted der section 101, and
(2) afford, to the ma num extent feasible, opportunities for emp ing the residents of communities or neigh rhoods affected by lead-based paint poi ing, and for providing appropriate tra ing, education, and any information whic may be necessary to inform such resident of opportunities for employment in lead-b d paint elimination programs.

TITLE III—FEDERA DEMONSTRATION AND RESEAR PROGRAM

FEDERAL DEMONSTRA ON AND RESEARCH PRO M

SEC. 301. The Secr ry of Housing and Urban Development, in onsultation with the Secretary of Health, E cation, and Welfare, shall develop and carr out a demonstration and research program determine the nature and extent of the roblem of lead-based paint poisoning in t United States, particularly in urban ar s, and the methods by which lead-based int can most effectively be removed fr n interior surfaces, porches, and exterior faces to which children may be comm y exposed, of residential housing. With one year after the date of the enactment f this Act the Secretary shall submit to t Congress a full and complete report of h findings and recommendations as develo d pursuant to such program, together wi a statement of any legislation which sh d be enacted, and any changes in existin law which should be made, in order to ca y out such recommendations.

TITLE IV—PROHIBI ON AGAINST FUTURE USE OF LE D-BASED PAINT

PROHIBITION AGAINST U OF LEAD-BASED PAINT IN FUTURE CONSTRUCTI AND REHABILITATION

SEC. 401. The Secre y of Health, Education, and Welfare sha take such steps and impose such condition as may be necessary or appropriate to pro bit the use of lead-based paint in resid ial structures constructed or rehabilita d after the date of enactment of this Ac by the Federal government, or with Fed l assistance in any form.

TITLE V— ENERAL

DEFIN ONS

SEC. 501. As used in is Act—
(1) the term "Sta means the several States, the District of Columbia, the Commonwealth of Puerto tico, and the territories and possessions f the United States;
(2) the term "unit f general local government" means (A) a y city, county, township, town, borough, ish, village, or other general purpose poli al subdivision of a State, (B) any com nation of units of general local governm it in one or more States, (C) an Indian ibe, or (D) with respect to lead-based pa t poisoning elimination activities in their ban areas, the territories and possessions f the United States; and
(3) the term "lead-b ed paint" means any paint containing mor than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $3,330,000 for the fiscal year 1971 and $6,660,000 for fiscal year 1972.
(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $5,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972.
(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $1,670,000 for the fiscal year 1971 and $3,340,000 for the fiscal year 1972.
(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

And the Senate agree to the same.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS,
TED KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
Managers on the Part of the Senate.

WM. A. BARRETT,
HENRY REUSS,
T. L. ASHLEY,
WILLIAM MOORHEAD,
WILLIAM B. WIDNALL,
SY HALPERN,
WILLIAM STANTON,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, the principal author of this bill is the distinguished Senator from Massachusetts (Mr. KENNEDY). I am one of the coauthors. As chairman of the Subcommittee on Health, I have heard the testimony. Senator KENNEDY has been very diligent in pursuit of the measure and so have some Senators across the aisle in the other party, and some Members of the House. We have diligently pushed this bill.

This bill is designed to help local governments develop programs to eliminate the causes of head-based paint poisoning that affects almost 400,000 children annually, causing 200 deaths and leaving many thousands permanently mentally retarded. This is not some new disease recently found. This is something that has been going on for scores of years, and we have known it for scores of years, and it is one of those things about which we have done nothing up to this time.

Several cities have led in this country in doing something about it on a local basis—notably Baltimore, Md., and Cincinnati, Ohio. Boston, Chicago, and New York are now following suit, but in most of the country practically nothing is being done.

Children between the ages of 1 and 5 are afflicted with something called pica.

I do not think it is a disease, but it is a trait of those years of age in children, they go around eating almost anything they can get their hands on—paint, dirt, most anything. They often become permanently retarded if they eat lead-based paint, which they find peeling off the walls, usually of old buildings.

The Senate bill authorized $24.5 million annually for 3 years; the House bill authorized $15 million annually for 2 years. The conferees agreed on $10 million for the first year—fiscal 1971—and $20 million for the second year—fiscal year 1972. Since 6 months of 1971 are already passed, we consented to the lower figure the first year, and raised the House figure for the second year.

The distinguished Senator from New York (Mr. JAVITS) made a notable contribution to this. He proposed that we cut out the third years authorization, to have time to amend this law and improve it after the first year and a half.

It is hoped that the bill will be a proven success after the first 2 years and Congress can enact an extension with a larger appropriation.

I urge my colleagues to approve this conference report on a very worthy bill.

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

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. First of all, I urge the adoption of the conference report by the Senate.

I commend the chairman of the Subcommittee on Health, the distinguished Senator from Texas (Mr. YARBOROUGH), for the work he has done on the measure. He has had strong bipartisan support.

I see the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) on his feet. He has been extremely interested in this program and proposal and has a somewhat different approach, but he has been extremely helpful in the development of the measure.

This is one of the most significant and important pieces of legislation to come out of our committee this year. It is not a measure of massive scope, but best estimates are that the adoption of this conference report will result in the saving of the lives of 200 children in the next year. It is therefore a matter of great importance. It has had strong support on both sides of the aisle, and I am grateful for its passage.

I join the distinguished Senator from Texas in urging adoption of the conference report, and I commend him for the work he has done in the matter.

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

Mr. YARBOROUGH. I yield.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Texas for his leadership in this area, as well as the Senator from Massachusetts. They have been very diligent in pursuing this matter.

I think this is one of the few cases in which we can point to a disease and we say that we know how to stop it, and all

Rostenkowski	Snyder	Waggonner
Roudebush	Stafford	Watts
Rousselot	Staggers	Weicker
Ruppe	Steiger, Ariz.	Whalen
Sandman	Steiger, Wis.	Whalley
Schadeberg	Stephens	Wilson, Bob
Scherle	Sullivan	Winn
Scheuer	Taft	Wold
Sebelius	Talcott	Wright
Shipley	Thompson, Ga.	Wydler
Sikes	Tiernan	Wyman
Sisk	Tunney	Yatron
Smith, Calif.	Ullman	Zion
Smith, N.Y.	Vigorito	

The SPEAKER. On this rollcall, 232 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 13000, IMPLEMENTING FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of December 9, 1970.)

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. DULSKI) is recognized.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL), the author of the bill.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. UDALL. I yield to the gentleman.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Is the gentleman in the well, my friend from Arizona, the author of the bill or the author of the conference report. If so, which bill—the bill that was in the other body or the bill that passed this body? The distinguished chairman said he yields to the gentleman from Arizona, my friend, who is the author of the bill. I am just not quite sure which bill we are discussing.

The SPEAKER. The Chair believes the inquiry should be directed essentially to either the chairman of the committee or the gentleman from Arizona.

Therefore, the Chair expects the parliamentary inquiry should be directed either to the chairman of the committee or to the gentleman from Arizona.

The Chair would like to be able to answer the question as a parliamentary inquiry, but the Chair does not think it proper to do so.

Mr. HALL. If the gentleman will yield, I would pose the same question, although I always address the Chair, to the gentleman from Arizona.

Mr. UDALL. I would be happy to enlighten the gentleman as to the history of this legislation.

In October of 1969, nearly 15 months ago, this House passed the bill H.R. 13000, of which I was one of the drafters and sponsors. The bill as then presented would have created a permanent system of fixing salaries of Federal employees.

The bill went to the Senate, where, in December 1969, it was stripped down into a plain old pay raise. We went to conference in 1970. Because of the postal strike and some intervening events, that conference was idle for many months, and in December of this year, 1970, the conference was reconvened to determine what we should do about pay for 1.3 million Federal civilian employees and, incidentally, what would be done for the nearly 3 million men in the armed services, because they will be affected by what happens to this bill.

I helped draft the conference committee substitute which is now before us. I also helped draft the original bill. I hope that answers the gentleman's question.

Mr. HALL. If the gentleman will yield further, it really does not. Your distinguished chairman and my friend yielded to you as the Member who was the author of the bill. All I want to know is whether it was the original bill, H.R. 13000, or whether it is the conference substitute or——

Mr. UDALL. We are dealing today with the conference substitute. I do not deny paternity of it, either. I had something to do with the drafting of both. I think the question, the narrow question, in these 40 minutes of debate, if we take it all, is whether this conference substitute is a good bill and whether it should be approved or defeated. I think it is a good bill and should be approved.

Mr. HALL. If the gentleman was the mother of the bill, who was the father?

Mr. UDALL. I do not know. I have not figured out the ancestry entirely. But I am prepared to defend the bill and explain it. That is what I hope to do in these 5 minutes, if they have not already expired.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

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

Mr. GERALD R. FORD. On October 14, 1969, when H.R. 13000 came to the floor of the House, I, along with 50 other Members of the House, opposed it. At that time it was, I believe, pretty well known that the administration was vigorously opposed to this legislation and I was also on the merits. I am now told that the content of the bill before us is quite different from the version that came before us in October 1969. Is that an accurate statement?

Mr. UDALL. The gentleman is correct.

One of the main reasons the gentleman and others opposed the bill is that at that time we set up a permanent system of fixing pay regularly, in an orderly manner, and with comparability adjustments. In that procedure in the original bill the President was left out. We created a salary commission. When the salary commission acted, its findings and decisions would come to the Congress, we would vote it up or down, and then it would take effect.

The President felt very strongly, as overseer of the whole Federal establishment and as the one required to make up the Federal budget, that he ought to be taken into the procedure. We met that objection over months of negotiation with the Civil Service Commission and the Bureau of the Budget, and the President, I am told—and the gentleman is more of a spokesman for him than I am—now approves this bill and would like to see it enacted.

Mr. GERALD R. FORD. The executive branch of the Government has made known its views as to what ought to be the content of the legislation before us and, as I understand, the content before us does contain the recommendations that were made by the executive branch of the Government. So as of now the head of the Civil Service Commission endorses the legislation. The head of the Office of Management and Budget likewise endorses the legislation. The net result is that the objections originally raised by the President no longer exist. It is good legislation and I support it.

Mr. UDALL. I thank the gentleman from Michigan for that statement. I am proud and pleased that in this bill the Federal Government is taking the lead, because I foresee if we do not do something, if this is voted down today, next year the same trends and the same unhappiness in the Federal establishments that brought on the postal strike, and the same kind of unhappiness and frustration that brought on the slowdown of the aircraft controllers is going to erupt.

We have had all these problems in this country. We have seen raises in other fields of 20 percent or 30 percent. If this bill passes, what will happen is that we will have a Federal pay raise of probably 5 or 6 percent next year. Unless we pass this bill and unless we see to it that we will have some machinery to take care of the problem, I foresee we will have more and more teachers' strikes and strikes of all kinds of public employees.

This is an attempt to set up an orderly, rational, sensible system to make the adjustments in a decent way.

I am proud to say the AFL–CIO supports this, and President Nixon supports this, and the major employee independent union supports this. I think this is a fine way to discharge our responsibilities in the adjustment of Federal pay.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, the only thing we are talking about is comparability and competition in having people employed by the Federal Government on a comparable basis with those employed in private enterprise. That is all we are talking about.

Mr. UDALL. That is right. I thank the gentleman for the contribution he made as a conferee and as one of the people who helped put this conference report together.

Mr. Speaker, I want to answer some of the questions that have been raised by some of my colleagues about the application of this bill to the employees of the House, to the legislative branch employees. We wanted to have a permanent system that would apply to the employees in the executive branch, and the question arose about what we should do regarding our own employees. The

bill approaches ... in this fashion. If through this pro...ess, this regular annual adjustment ...ocess, the salaries of the regular empl...ees are adjusted by 5 percent, let us s...y, then the allowance available for Hou...e employees, for the Members' staff all...wance, would be automatically adjus...d by 5 percent, or 6 percent, or whate...r the figure is.

There have been many complaints previously that we a...omatically made increases to employe...s of Members, and to employees of the H...ouse committees. This bill takes a diffe...nt approach. There will be no automa...tic increase, but the salary allowance ... Members, the clerk-hire allowance of ...ach Member will be changed. If there ... a 6-percent increase for the classified ...mployees, there will be an increase of ... percent, for example, in the clerk-hire ...llowance. The Member who now has $ 33,500 in staff allowance would go to 141,510—but no employee would get ...at extra money unless the Member ...mself decided to allocate some of th... The Member could allocate some of ... or none of it, or all of it in increases. ... could hire new staff members, for exa...ple, under the bill out of the House Adm...istration Committee, which increases f...m 13 to 15 the number of staff positio...s allowed.

So I think thi... is a sensible, sound way to handle th... particular problem.

Mr. DENNIS. ...r. Speaker, will the gentleman yield?

Mr. UDALL. I ...ld to the gentleman from Indiana.

Mr. DENNIS. T... question is basically for information. ... was reading an account of what was ...urported to be in this bill. I want to ask ...he gentleman, as the father or mother ... the bill, as the case may be, whether ...his account is substantially accurat... It says here that the procedure would ... that each year an official designate... by the President makes a report a... o the new pay scale, then a board rev...ws it and makes its recommedations. ...d if the President orders the new s...e into effect, that is the end of it. We ...ave nothing further to do. Is that corre...t?

Mr. UDALL. Th...t is correct.

Mr. DENNIS. I... however, the President sends in an ...ternate plan, we can veto that, but if ... do, it goes back to the plan set by t... board. Is that substantially correct?

Mr. UDALL. Th...t is correct. Let me give the gentlema... the philosophy behind that, becaus... this is very fundamental to the perm...nent pay-fixing plan. I have always bee... an advocate of the philosophy that C...ngress ought to set the policy. This bi... does not depart from that philosophy. I... this bill we say Federal pay should b...omparable to pay in private enterprise.

We delegate to ...he Bureau of Labor Statistics and t... the Bureau of the Budget and to ...e President of the United States th... power to determine what numbers are ...ecessary, what dollar figures are necessa...y, to carry out that policy.

The SPEAKER ... pro tempore (Mr. SLACK). The time ... the gentleman from Arizona has expire...

Mr. DULSKI. M... Speaker, I yield the gentleman 2 additi...nal minutes.

Mr. UDALL. If that policy is carried out, that is the end of it. There is no point in coming back to the Congress, any more than there would be for one of the gentleman's employees to come back to him if the employee had carried out his policy.

If, however, the President decides to say, "Sorry, I am not going to have a pay raise this year," or if for any other reason he makes any decision other than to achieve the comparability policy, then it will come back to us, and the bill guarantees that we will have a vote on it.

I believe that is a sound compromise between those who do not want to delegate anything—who want to wrestle every year with the salary fights, as we have since I have been engaged in in the Congress—those who want to continue as we have in the past and those who want to delegate entirely to someone else.

We make the policy and we delegate to someone else the mechanics of carrying out that policy.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. I would point out that even the policy may be subject to some dispute, because personally I do not believe any Federal or public employee's pay is exactly in the same situation as pay in a private industry where there is the element of profit to consider. There are no profits available out of which to pay public salaries—every penny comes out of the taxpayers.

Passing that question, the cardinal point remains that under this bill we can do nothing as Members of the Congress except to chose between the pay scale set by the President and that set by the board, if the President disagrees with this appointed board.

Mr. UDALL. Yes. If we do not like this system we can change it. I want to try it around the track for a couple of years, to see if it works. There is something we can do. We can repeal the law, and I will be with the gentleman in repealing it if it does not work, if the President is going to abuse this power.

Mr. DENNIS. If it is better for some appointed board to discharge the functions of this body in this respect, why not let them do it all and get rid of the Congress?

Mr. UDALL. We set the policy, and give the appointed board the authority to carry out that policy.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to my friend from Iowa.

Mr. KYL. There is nothing in this bill which prevents the Congress from doing what it has always done, if we do not like the procedure.

Mr. UDALL. Precisely. We can pass a law at any ime changing what the President did.

Mr. KYL. If the Congress does not like what the Board does, we can act.

Mr. UDALL. We can, indeed.

Mr. Speaker, I am happy to be able to rise today in support of the conference report submitted last week on H.R. 13000. The road has been a long and arduous one and I would like briefly to take the time to outline the path that has led us here.

On October 14, 1969, the Federal Salary Comparability Act (H.R. 13000) passed the House of Representatives. On December 12, 1969, a different version passed the Senate. The House version provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees in the statutory pay systems, and included certain miscellaneous employee fringe benefits. The Senate version, by and large, provided for a flat percentage increase in Federal pay.

The House disagreed to the Senate amendment and asked for a conference. The Senate in turn insisted on its amendment and agreed to the conference which convened March 25, 1970. The conference committee had several meetings during the early part of 1970 but came to no resolution.

Subsequently, Public Law 91–231 was approved in April providing for a 6-percent salary increase, retroactive to December 27, 1969, for all employees under the statutory pay systems, as well as for employees in the Agricultural Stabilization Service, and certain employees in the judicial legislative, and executive branches whose rates of pay are fixed by administrative action.

Also, Public Law 91–375, the Postal Reorganization Act of 1970, approved in August, provided for an 8-percent pay increase for all employees of the Post Office Department, retroactive to April 16, 1970. If you will recall, Mr. Speaker, these legislative developments resulted from the settlement of the postal employees' strike during that period. Left unresolved and still before the conference committee was the question of a permanent method of adjusting rates of pay for Federal employees.

Realizing that the problem of Federal wages will not be solved until a rational, permanent method of establishing rates of pay is enacted into law, a number of my colleagues and I introduced H.R. 18403, a bill designed to implement the pay comparability system for Federal employees on a semiautomatic basis. The Chairman of the Civil Service Commission in turn submitted a legislative recommendation proposing similar permanent procedures for applying the pay comparability policy adopted by this great body in 1962. This proposal took legislative form in H.R. 18603, as introduced by Mr. CORBETT.

Both of these bills were referred to my Subcommittee on Compensation of the Post Office and Civil Service Committee. We held extensive hearings on the measures and worked out the proposal that ultimately was submitted to the conference committee on H.R. 13000. The conferees in turn accepted this substitute and on December 8, 1970, reported out the version that is before us today.

Let me briefly summarize the conference substitute for H.R. 13000 and contrast it with provisions of the original bill. We propose a permanent method of adjusting the rates of pay of Federal employees under the general schedule, Foreign Service, and for physicians,

dentists, and nurses of the Veterans' Administration. These categories are commonly referred to as the statutory pay systems.

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the conference substitute is that under the latter the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission was directed to submit recommended pay adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the conference substitute requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee union representatives, a report—

First, that compares the rates of pay of the statutory pay systems with the pay in private industry;

Second, that makes recommendations for adjustments in rates of pay based on comparability; and

Third, includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles effective October 1 of each year, except that in 1971 and 1972 such adjustments will become effective on January 1.

If, because of a national emergency or economic conditions affecting the general welfare, the President determines that it is not appropriate to make the pay comparability adjustments, he is directed to prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to put into effect the original comparability recommendations. The congressional veto of an alternate plan would follow the same procedures established for congressional disapproval of an executive reorganization plan.

Recommendations of Federal employee union representatives will be considered by the President through the newly established Federal Employees Pay Council. This group consists of five members chosen from representatives of employee organizations and is charged with the duty of consulting with the President's agent in implementing the comparability procedure.

An advisory committee on Federal pay is also established for the purpose of recommending to the President pay proposals that will implement the comparability principle. This is an independent body consisting of three members appointed by the President from outside of the Government. Members will serve for 6-year terms.

The establishment of these two advisory bodies represents a significant feature of the committee substitute before us today, Mr. Speaker. The Federal Employees Pay Council will give our Federal employee organizations a significant voice in the fixing of Federal pay. Their views must be considered by both the President's agent and the President himself in devising pay plans and the President in turn must pass on to the Congress employee recommendations concerning pay.

The advisory committee on federal pay will give the President still another perspective as to the pay needs of our Federal employees. This group will consist of individuals not employed by the Federal Government who are generally known for their expertise and impartiality on pay matters.

This is not to say that members can not or will not have a labor or management background. Indeed we would be hard put to find anyone versed in the complexities of pay matters without such backgrounds. In fact, under the bill, any interested party such as a labor organization, may make nominations for membership on the committee. I fully anticipate that both labor and management organizations will have names to submit to the President and hope the President will give close scrutiny to these recommendations. But the advisory committee is not intended to be an adversary body. It is intended to give a hard, impartial look at pay questions and to serve as a valuable party in the fixing of Federal pay.

In the conference substitute we also included provisions authorizing administrative pay fixing authorities in the legislative, judicial, and executive branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary. This means that Members of the House of Representatives will for the first time have the authority to raise wages or withhold a raise in accordance with performance rendered by congressional staff employees.

The conference substitute contains some miscellaneous provisions as well. Allowances for employees at remote worksites and allowances for employees involved in floating plant operations with the Corps of Engineers are authorized. The nepotism provisions of law have been extended to employees of the U.S. postal service and additional supergrade positions for the U.S. Tax Court and for allocation by the Civil Service Commission among departments and agencies in the executive branch have been authorized.

Mr. Speaker, let me deal briefly with the subject of a pay raise for 1971. Many columists have labeled this legislation a "pay bill", but this is really a misnomer. There is no comparibility increase ordered by the bill. It was our feeling that the Civil service commission and the Office of Management and Budget could better devise a pay plan to fit the needs of all employees in the statutory pay systems for 1971 and for that reason we refrain from including any mandatory pay increase.

This is not to say, however, that we do not anticipate a pay raise effective January 1, 1971. In the course of our negotiations we were assured time and again by individuals both within the Civil Service Commission and within the Office of Management and Budget that the President fully intended to use the authority that we have granted him under this bill to make a comparability increase for the upcoming year. I for one would like to go on record as being in favor of this increase; I think it is needed and I think we owe it to our federal employees to bring them up to full comparability as we guaranteed them under the 1962 law.

If the President does not see fit to make this adjustment, the matter will not end there. Once the bill becomes law the Congress will immediately have the authority to serve as overseer of the President's action on pay matters. The congressional machinery provided in the bill for overriding an alternative plan submitted by the President will be available to us immediately and I for one intend to hold this administration to the assurances that have been given us.

Lest there be any doubt concerning the availability of the congressional machinery for 1971 and 1972, let me quote you the language of the relevant section. Section 5308(c) of the committee substitute provides that the President may make the initial adjustment—(for 1971)—without regard to the Advisory Committe on Federal Pay and the Federal Employees Pay Council.

It further provides that notwithstanding any provision prescribing an effective date of October 1 for any pay provision made by the President, the initial adjustment shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Finally, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, U.S. Civil Service Commission.

Note, Mr. Speaker, that this section does contain language that suspends the role of Congress as overseer of the pay process for these 2 years. And indeed, why should it? It is nonsensical to think that the years 1971 and 1972 should be treated differently from any other year. Our interest in the well being of Federal employees is not cyclical—it is constant.

In other words, it was and is the intent of the conferees to make available the congressional machinery immediately upon enactment of this legislation. And in fact, this was and is the intent of the administration as well. At the end of my remarks I am including a letter from Chairman Hampton of the Civil Service Commission in which he states:

It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternate plan. (It was our intent) . . . simply to permit the first adjustment to me made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present (BLS) survey schedule . . . We interpreted the Committee print to permit the submission of alternate plans these first two years.

Part and parcel to the alternate plan procedure is the congressional review procedure. Thus for 1971 and 1972, if the President determines that he cannot make the full comparability adjustment, he must submit an alternate plan to the Congress. Upon receipt of the alternate plan, the Congress has 30 days within which to act. If the President, because of

congressional acti , is required to make the full adjustme , increases in rates of pay will take effe on the first day of the first applicable pa period that begins on or after the day congressional action.

I do want to ge my colleagues to support our effor Mr. Speaker. This is really an historic iece of legislation in every sense of that overworked term. For 6 years I have een trying to bring about some kind of rational, sensible, permanent meth of approaching the problem of the justment of Federal salaries. In 1967 w took a big step in this effort by passing e Federal Salary Act.

That bill set ecedent by directing Federal salaries employees under the statutory pay s ems to be adjusted automatically in 68 and 1969. The Congress was partial taken out of the nonsensical position fighting year in and year out over Fed al pay legislation. Instead, Congress viewed the decisions reached by the ex utive and maintained overall control of e process, and that is as it should be.

We took anoth big step in bringing permanence to ge fixing procedures last August. It w then we shifted pay setting for postal employees from Congress to a new asi-corporate governmental agency. B e collar workers have been under a sim ar system for almost 100 years. What I ay we should do today is to complete t process by enacting this bill, the re t being a systematic method of raisin ay for nearly all Federal employees.

U.S. CIVIL S VICE COMMISSION,
Washingto D.C., November 9, 1970.

Hon. MORRIS K. UD ..
Chairman, Comp sation Subcommittee, Committee on ost Office and Civil Service, House of presentatives, Washington, D.C.

DEAR MR. UDALL /e have learned from the Committee staff t your Committee Print of October 8 is be interpreted to preclude the President's s mitting an alternative plan with respec o the pay adjustments which would othe ise take effect in January 1971 and Jan y 1972.

It was definitel not our intent in fixing a January date for he first two adjustments to preclude the P sident from submitting an alternative plan The purpose of section 3 of the Administra on's bill was simply to permit the first ad stment to be made without reference to ne President's Advisory Committee and t hange the dates for the first two adjustme s to accommodate to the present survey sch ule.

My testimony e pages 57 and 58 of the printed hearings makes clear our intent that the Presiden ould submit an alternative plan with re ect to the January 1971 adjustment. We i erpreted your Committee Print to permit th submission of alternative plans in these fir two years. If you believe that the language f the Committee Print is not sufficiently cl r on this point, I should be pleased to su gest amendments which would bring it in line with the Administration's position n this point.

Sincerely y rs,
BERT E. HAMPTON,
Chairman.

Mr. GROSS. r. Speaker, I yield myself 8 minutes.

(Mr. GROSS ked and was given permission to revis and extend his remarks and include ex neous matter.)

Mr. GROSS. r. Speaker, the deplorable maneuver bringing this conference report to the House under suspension of the rules procedure is just one more sordid—and I emphasize sordid—example of the irresponsibility of this "lameduck" session. The tactics invoked by the proponents of the conference report are an obvious admission that the handiwork of the conference committee fractured every rule of the conference and it could not on its merits be presented to the House in orderly fashion to stand the test of the House rules.

At this point I note the presence of the distinguished majority leader (Mr. ALBERT). I should like to ask him when the House last considered a conference report under suspension of the rules procedure which prohibits amendments and prevents the offering of points of order?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield.

Mr. ALBERT. I do not remember the last time, but the Speaker has the authority to recognize for suspension of the rules.

Mr. GROSS. No one disputes that he has that authority.

Mr. ALBERT. And the majority leader never encroaches on that authority.

Mr. GROSS. I should like to address an inquiry to the distinguished minority leader (Mr. GERALD R. FORD).

Did the minority leader join in this enterprise—this irresponsible enterprise of bringing a conference report to the House floor under a suspension of the rules procedure?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. I am sure the distinguished gentleman from Iowa knows that the prerogative for invoking this procedure is not in the jurisdiction of the minority leader. It is the sole prerogative of the distinguished Speaker.

I happen to be for this legislation, but I had no choice as to whether or not this conference report should come up under this procedure.

Mr. GROSS. The gentleman has not answered the question as to whether he approved this procedure.

The gentleman usually is consulted as to how legislation comes to the House floor in situations of this kind, especially the dying hours of a session of Congress.

Why have committees of the Congress if members of a committee can go into a conference with the other body and put anything—and I mean anything—into the legislation, come back to the House and be protected under a suspension of the rules by which it is impossible to raise points of order or offer amendments to remove the ungermane provisions? Why have committees if such dictatorial procedures are to be used?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. No; not at this time.

Mr. Speaker, I was prepared to make a point of order against the conference report but being denied that privilege I want to submit for the RECORD and for the edification of the House those items which I contend are in flagrant violation of the rules and precedents of the House of Representatives.

The conference report contains at least three specific provisions which were not committed to the conference committee, which were not contained in either the House or the Senate amendments, and which are clearly not germane to the conference substitute.

First, the conference substitute, in section 8, contains an amendment to the Postal Reorganization Act (Public Law 91-375) dealing with "restrictions on Postal Service employment of relatives" which was not contained in either the House bill or the Senate amendment. It is completely nongermane and irrelevant to the general matter of Federal employee pay which was committed to the conference committee.

Second, the conference substitute, in section 9, provides for 20 adidtional supergrade positions to the supergrade pool administered by the Civil Service Commission and specifically creates five new such positions for the U.S. Tax Court. The matter of supergrade positions was not even remotely involved in the House bill or the Senate amendment and inclusion in the conference substitute is certainly not germane, and clearly introduces extraneous matter not committed to the conference committee.

Finally, Mr. Speaker, the conference substitute, in section 3(a) delegates to the President all authority in the future to set the rates of pay for employees under the statutory pay systems. This is a radically new concept incorporated in the conference substitute that was not in the House bill or the Senate amendment. This concept is not germane to the matter that was in disagreement and it is not a matter that was committed to the conference committee by either House.

This is a vitally important point, Mr. Speaker, since it is the very substance of the conference substitute, yet it clearly violates the rules and precedents of the House. Rule 28, clause 3, of the Rules of the House reads:

> Whenever a disagreement to an amendment in the nature of a substitute has been committed to a conference committee it shall be in order for the Managers on the part of the House to propose a substitute which is a germane modification—

I repeat, "a germane modification"—

> of the matter in disagreement, but their report shall not include matter not committed to the conference committee by either House.

The Senate bill was an amendment in the nature of a substitute for the House bill. The conference report is an additional substitute on the same subject. However, the conference report distinctly, clearly, and specifically includes matter not committed to the conferees by either House, and matter which cannot be held to be a "germane modification on the matter of disagreement."

Mr. Speaker, H.R. 13000 passed the House and Senate in late 1969—more than a year ago—and for all intents and purposes was abandoned and superseded by the enactment of Public Law 91-231, enacted in April of this year granting a 6-percent retroactive pay raise to all Federal employees.

It is clearly evident that this bill was resurrected as a convenient vehicle for ramming through the Congress, in the closing days of the 91st Congress, with complete disregard—yes, with complete contempt—for the orderly procedures of this body, an entirely new, radical, nongermane proposition for setting Federal pay.

I cannot in good conscience participate in such maneuvering and in such deception.

Mr. Speaker, aside from the incredible procedures being used to ramrod this legislation through Congress with a minimum amount of consideration, the conference report should be rejected entirely because it is dangerously bad legislation.

It represents a complete abdication of congressional responsibility in a vital area of national fiscal affairs. It is explosively inflationary, and completely contrary to the best interests of the American people.

What is here planned, simply stated, is for the Congress to turn over to the President for all time in the future blank-check authority to set the pay of all Federal employees. It is proposed here in the dying days of the 91st Congress to divest the Congress of a vital responsibility which it has properly exercised since the founding of the Nation.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 3 additional minutes.

I submit, Mr. Speaker, that this bill does violence to the appropriation and revenue-raising responsibilities of the legislative branch. It turns over to the President—any President—sole responsibility for managing the $48.8 billion a year civilian and military payrolls of the United States with each 1-percent increase in those payrolls amounting to an automatic additional Federal expenditure of $361 million.

Under the procedure proposed in this bill, the sole role of Congress in the future with respect to setting Federal pay will be to find the money somewhere, somehow, to pay the bill. Congress will have absolutely no control over the amount of any future pay raise regardless of how critical the fiscal situation may be at any particular time.

In fact, under the specific provisions of this legislation the Congress can only act at such time as the President does not increase pay, or does not increase it enough—I repeat, does not increase it enough. And incredibly enough, the authors of this legislation have, in effect, told the President that from now on "you increase the pay of Federal employees on a periodic basis with the Congress looking over your shoulder to make sure you do so."

Mr. Speaker, it must be made abundantly clear that by reason of this conference report the President will be required to raise the pay of all Federal civilian and military personnel effective January 1, 1971—tomorrow—again on January 1, 1972, again on October 1, 1972, and on each October 1 thereafter. Thus, the first three pay raises will come in less than 2 years.

It is expected that the pay raise effective January 1, 1971—tomorrow—will approximate 6 percent and will increase the total budget by $2.3 billion. This money is not in the budget. It means adding another $2.3 billion deficit to a budget that is already in the red by over $10 billion and this during a critical period of rapid inflation and rising unemployment. The President himself has just recently pleaded with business and labor to make a special effort to exercise restraint in price and wage decisions. Any example of restraint should certainly begin in Federal Government wage decisions.

The action this House takes today goes far beyond any so-called inflation alert. If this bill is enacted it will be an inflation blast that will ring in the ears of all Americans for a long time to come. The consequences on our economy could be devastating.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, just 3 years ago in this same month, in the closing days of a congressional session, I opposed the enactment of legislation which turned over to the President the final authority to set the pay of Members of Congress, judges, and Cabinet officials. I pointed out then, as I do now, that this is an important responsibility that belongs in the Congress which must be accountable for the expenditures of public moneys and the raising of tax revenues. I pointed out then, as I do now, the inflationary aspects of such action. I pointed out, too, the shameful step-by-step delegations of power to the President—powers and responsibilities no Congress should surrender.

On December 11, Donald Saltz, business editor of the Washington News, devoted his entire column to the consequences of our action of 3 years ago.

His first two paragraphs are as follows:

One of the great mistakes of recent years occurred in early 1968 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Mr. Speaker, it is imperative for this Congress to decide here and now that it will not abdicate to the Chief Executive its role in managing a $48,800,000,000 total Federal payroll and that it will not recklessly feed the already intense fires of inflation.

Mr. Speaker, it is imperative for the general welfare of this Nation that we here and now reject this conference report.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I have promised to yield time to others.

The SPEAKER pro tempore. The gentleman from Iowa has consumed 13 minutes.

Following is the full text of the article by Mr. Donald Saltz in the Washington Daily News:

[From the Washington News, Dec. 11, 1970]

HILL RAISES STIMULATE INFLATION

(By Donald Saltz)

One of the great mistakes of recent years occurred in early 1969 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Automobile workers, now rail workers, government employes and numerous other organized groups are seeking sharp additions of pay, under the guise of simply offsetting cost-of-living increases.

ABOVE INFLATION

The pay increases being sought and the sums received, in most cases, are more than enough to meet the rate of inflation. What they have the effect of doing is causing more and stronger inflation, and the cycle continues.

If selfish individual demands for more money continue, the U.S. will likely price itself out of more world markets. Already, about one of every nine cars bought in this country is foreign-made. American-made cars have gone up another $175 to $200 or so, as an after-effect of large wage settlements for auto workers.

A large rail pay settlement will mean higher freight rates which will be passed along to the consumer, and that means almost everybody because we all use products that are shipped by rail.

Federal government workers have come to expect annual raises "to bring the workers up to private industry scale," but many government people do not take into account the stability of their positions, their fringe benefits or even annual increments as a result of length of service.

An exact equal, on-the-surface pay footing for government workers stimulates private employers to pay a bit more to offset other advantages of government workers.

HANDICAPPED-RETIRED

As the Congress prepares to raise social security benefits, the other side of the coin shows social security taxes rising at a staggering rate. It offers another reason for workers to demand more pay, which in turn makes prices go up, and once again the retired persons on social security find their dollars inadequate.

The cycle will continue, interrupted only by breathing spells.

As salaries go up, taxes do more than rise proportionately. Higher incomes are assessed higher tax rates.

A large union could win long-time public favor if it would face contract time with a sensible approach and seek wage increases equal to productivity gains. If there has not been an increase in productivity, is it right to seek wage increases?

In some instances, probably, where underpayment is severe. For most lines of work, however, no real justification exists for higher pay on a regular basis.

How can we complain about a higher cost of living when we are responsible for it?

Voluntary restraint is one way to keep prices down. But as long as groups of people plunge headlong into a pool of pay-raise advocates and refuse to consider the longer-term effects of more money for the same work, the country's in trouble.

Mr. DULSKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, the legislation before us today is long overdue. As

has been indicat previously the Congress is not abdi ing its responsibility in this area of F deral pay legislation. What we are doing is creating an administrative mechani which would enable the pay raise to reach the employees sooner to give son equity in the matter of comparability.

The legislative process is slow and cumbersome and, because this is so, Federal employees ar always lagging behind in comparability.

The Congress the United States promised Federa employees comparability in 1962, but t has been an empty promise since tha time because we have been unable to spond to the cost of living increases in sufficient time to get the benefit to the employees when they deserve them.

Mr. Speaker, w it this legislation before us today doe s create a mechanism to get the raise t the employee quicker.

Mr. Speaker, t conference report on H.R. 13000, the y Comparability Act of 1970, provides my opinion a rational and realistic ap oach to a problem which has beset t Post Office and Civil Service Committe , and the Congress, for too long. That s, the fixing of pay of Federal employe under the statutory pay systems.

In effect, what e are trying to do today is fulfill a ple e which the Congress made in 1962 to a ord full comparability to Federal emplo es. That principle of comparability is sensible and fair today as it was then but it cannot ever be properly effected in a timely manner unless we adopt a ermanent pay-setting system as propos in this legislation.

As one of the riginal cosponsors of this legislation, I hope this conference report now befo us will be promptly approved.

In brief, the c iference substitute to H.R. 13000 provid s the following:

First, it requir the President to direct such agent he considers appropriate—normally he Chairman of the Civil Service Com ission and the Director, Office of Man gement and Budget—to prepare and su mit to him annually, after considering he views and recommendations of Fe eral employee organization represent tives, a report recommending pay a justments in rates of pay of the stat ory pay systems on the basis of com rability with private industry. The P sident is required to make adjustmen in statutory rates of pay as he dete mines appropriate to carry out the c parability principles, effective October of each year, except that in 1971 and 972 such adjustments would become e ective on January 1. Congress would t be involved in these adjustments.

Second, if, b ause of a national emergency or e nomic conditions affecting the gene l welfare, the President determines nappropriate to make the pay compar ility adjustments, he shall prepare and transmit to the Congress, before Sept nber 1, an alternative pay adjustment lan. The alternative plan would beco effective on October 1 and would con nue unless within 30 days after receivi g it, Congress vetoed the plan. In suc event, the President is required to issu the original comparability adjustments. The congressional veto of an alternative plan would follow the same procedure established for congressional disapproval of an executive reorganization plan.

Mr. Speaker, I recognize there will be some Members objecting to this procedure in fear the Congress is abdicating its responsibility of setting pay, but I do not agree that this is the case. To answer their anticipated arguments, I agree that we in the Congress are responsible for establishing basic pay-fixing policies, which we will be doing, but the long bitter history has shown that the Congress is just not very well suited to the administrative task of determining and fixing pay schedules. Federal employees who always have to wait on inordinately for their much deserved pay raises, are the sufferers from Congress inability to respond to their need more promptly.

Our Post Office and Civil Service Committee has struggled for years to arrive at a solution to this problem of rate setting whereby our Federal employees and Federal Government would jointly share in a system affording fair and comparable pay to Federal employees, while allowing a competitive climate for our Government to retain and recruit the best possible employees.

As my distinguished minority leader has stated, the administration is not opposed to this legislation.

Mr. Speaker, I am convinced we have found in this legislation a workable solution, and I urge the adoption of the conference report by the required two-thirds vote.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. HALL).

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, as a longtime student of the procedures of this body and having observed its proceedings since 1965 through the recent bill that was enacted into law on the reorganization of the Congress, I enthusiastically associate myself with the remarks of the gentleman from Iowa (Mr. GROSS) about the technique of bringing this bill on the floor so that points of order cannot be lodged against it, nor can it be amended or properly debated.

I would like to ask the principal sponsor of the bill, my friend, the gentleman from New York, the distinguished chairman of the Committee on Post Office and Civil Service, was the substance of this conference report ever considered in any hearings held by the committee of this body?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. Yes; it was.

Mr. HALL. Will the gentleman cite those hearings to me, please?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. A compensation on the Federal classified system hearing before the Subcommittee on Compensation of the Committee on Post Office and Civil Service of the 91st Congress, second session, on H.R. 13000, July 27, 28, 29, 30, and 31 of 1970.

Mr. HALL. Is my distinguished friend by his answer implying that the substance of this conference report, and particularly the statement of the managers on the part of the House, evolved as a direct result of those hearings—is that correct?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. When I ask the gentleman a question, I automatically yield to him to answer.

Mr. DULSKI. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. GROSS. I suggest you ask the chairman of the committee if there was any committee action on this substitute.

Mr. HALL. Would the gentleman care to respond to that?

Mr. DULSKI. The subcommittee acted on this.

Mr. GROSS. The question: Was there any full committee action on this substitute?

Mr. DULSKI. The gentleman knows very well that there was none.

Mr. GROSS. I am glad to have that established in the RECORD.

Mr. HALL. I think it is important to make this record, and I say to the Members who are sitting here under suspension of the rules that this is why points of order against portions of this conference report cannot be lodged, and I presume it is why the signers or the managers on the part of the House do not include all of those who were appointed to the conference.

I would further like to ask if the new supergrades included in the conference report for the Civil Service Commission are needed, and if those already assigned to the downtown pool have been exhausted and, in that same context, whether or not these include the level 4's for the advisory committee?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me to answer that question?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. I ask unanimous consent to include at this point in the RECORD a letter dated December 7, 1970, from Mr. Robert E. Hampton, Chairman of the Civil Service Commission, which answers that specific question.

The SPEAKER pro tempore (Mr. SLACK). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The letter is as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 7, 1970.

Hon. THADDEUS J. DULSKI,
Chairman, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is a follow-up of my discussions with members of your committee about the need for 30 additional supergrade positions.

The increase of 150, which the Congress authorized in December 1969, was sufficient to meet only the most crucial, barebones needs that existed at that time. Attached is a list indicating our distribution of the 150 positions authorized by Congress. When I testified in support of the positions, I pointed out to members of your committee

that we would review future program requirements to determine how many additional supergrades would be needed. We now conclude that a minimum of 30 new positions are required. Most of these new critical needs are in the following new or anticipated organizations and functions:

The Environmental Planning Agency. This newly founded agency desperately needs authority to appoint its top staff to permit it to begin its attack on national environmental problems.

The Office of Telecommunications Policy. Top-level posiltons need to be established to develop a national policy for this heretofore splintered function.

The National Oceanographic and Atmospheric Administration. Established from several different agencies, this new Administration needs to have sufficient executive manpower to coordinate and establish centralized control over the various programs assigned.

Inter-American Social Development Institute. This new organization, part of the President's program "Foreign Assistance for the Seventies," will strive to bring improvements in education, agriculture, health, housing, and labor to Latin America by working principally through private organizations, individuals and international organizations. Supergrade spaces are required for the top several positions in this new Institute.

In order to make most efficient use of quota spaces currently available, the Commission, on a daily basis, has been reassessing priority needs among the agencies and questioning priority needs within the agencies. Space control has been rigorously followed and spaces have been moved among agencies and within agencies after careful scrutiny of priorities and needs. The Commission has launched a program wherein positions that are not filled within 180 days are automatically returned to the Commission pool and reassigned to satisfy higher priorities. I have personally discussed these stringent control measures with the Under Secretaries of the major agencies. These efforts have been successful in getting maximum use from the existing quota, but we have now reached a point where we simply need additional spaces.

I would greatly appreciate a favorable reception to this request for 30 additional supergrades.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Distribution of 150 spaces

	Total
Agriculture	4
Bureau of the Budget	1
CAB	1
Commerce	4
Commission on Civil Rights	1
Council on Environmental Quality	4
Export-Import Bank	1
FCC	2
Federal Home Loan Bank Board	1
Federal Labor Relations Council	4
Federal Mediation and Conciliation Service	1
FPC	1
FTC	2
GSA	2
Government of District of Columbia	5
HEW	10
HUD	11
Indian Claims Commission	1
Interior	6
ICC	1
Justice	21
Labor	7
National Communication Consumer Finance	1
National Foundation on the Arts	1
Post Office	5
Pres. Comm., Empl. Handicapped	1
Selective Service System	10
Smithsonian	1
DOT	27
Treasury	3
Veterans' Administration	3
Office of the Vice President	4
Reserve	1
	150

Mr. UDALL. In that letter the Chairman of the Civil Service Commission says that they are exhausted, that they do need additional supergrades. In fact, they asked desperately for 50 for the new environmental agencies that have been set up. The gentleman from North Carolina (Mr. HENDERSON) negotiated with them and said, "We will not give you 50, but we will give you 20," and so it was at the request of Mr. HENDERSON that we put 20 in the conference report.

Mr. HALL. I thank the gentleman for his answer, but I submit to the Members who are attentive to the question of this violation of good procedure; that the House, after the bill is enacted, would have nothing more to do about those. We will have lost the committee's responsibility of surveillance, review, and oversight as to how these are allotted from time to time and whether or not, indeed, they are needed. I question whether they are, although I know the problem of recruiting.

Gentlemen, what we are here involved with, is the question of a sacred cow on the part of the big spenders versus the violation of a principle, a principle that goes back to the Constitution itself, wherein it says that the people's personal representatives, their Representatives in the House, will originate such proposals, pertaining to taxes, including stamps, tariffs, and levies, and it was for a violation of that principle that we fought King George in his effort to enforce the Stamp Act, and thus become a representative Republic.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. HALL. Mr. Speaker, will the gentleman from Iowa yield me additional time?

Mr. GROSS. Yes. Mr. Speaker, I yield the gentleman from Missouri 2 additional minutes.

Mr. HALL. I appreciate the gentleman yielding further.

Mr. Speaker, this violation of the principle of nongermaneness, the right of the minority to strike by submitting points of order against that which, under any rule of the House, is not pertinent; and bringing back a conference-originated complete new bill is unconscionable, and the question is not merely whether we are going to have comparability. I believe maybe that could be a good thing, although I do not believe in all of the requirements of the bleeding hearts for comparability or that it can even be assayed. But the point at issue here, is that we are leaving Congress completely out of any effective action, which is required by the Constitution.

I would like to ask one other question in the short time remaining: Who is the "President's agent," as referred to in the conference report, and how is he derived or appointed?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. He is paid nothing but his usual salary. The agent for the first 2 years will be jointly the Director of the Office of Budget and Management, Mr. Shultz, and the Chairman of the Civil Service Commission, Mr. Hampton.

Mr. HALL. So there are two agents, and it is Mr. Hampton, not Mr. HENDERSON. I appreciate the gentleman correcting that from his last statement.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. Be that as it may, I do not know how these men can act vis-a-vis the President's requirement, which we here impose upon him from the prerogatives of the House, including reports vis-a-vis the Civil Service Commission and vis-a-vis the gentleman's committee on which he acts, and for which he speaks.

Finally, I think we have had enough raises in this session of the Congress. We certainly have had enough in this Congress, the 91st Congress, starting out with a doubling of the President's salary, not at his request but at the request of an advisory commission previously submitted by a prior administration, and then we raised our own salary 41 percent.

Then we raised the salary of our help. Then we raised the salary of our own committees. Then we raised the salaries of House functionarys administration. Then we raised that of the Speaker and gave him an unconscionable going-away present only last week. There are other examples and the people are toteing them.

Mr. GROSS. Mr. Speaker, I would point out there have been three pay raises in the last year for Federal employees and this legislation will trigger another raise, effective tomorrow, and costing more than $2 billion.

Mr. HALL. There have been pay raises and they have been in the interest of comparability and equity. It is the responsibility of the Congress to decide these things, whether they be in the military or in the Postal Service or in the General Service Act.

An often forgotten truth these days is that the Treasury tax funds are not the subject for charity or to be given away at the instigation of headline-hunters or those who would please indivdual segments by such legislation.

I recommend from the bottom of my heart, not only because of the procedure under which we consider this, but also because it is a violation and a raid on the Treasury, that it be voted down without the slightest compunction.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania.

[Mr. FULTON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. UDALL. Mr. Speaker, before the debate closes, I want to make two points. I was a little bit disturbed to hear that

gentleman from Missouri, who served with distinction on the Armed Services Committee, talking about bleeding hearts and talking about the $2 billion cost of this bill. Over $1 billion of that $2 billion will go to the armed services. The cost of this bill includes 5 percent for the military. If anybody has been squeezed by the inflation in the last 2 years, it has been these people

Second, the big point about germaneness and the talk about the 20 supergrades, that is less than 2 percent of the supergrades in the Federal service.

There is another point about the antinepotism provision We passed in 1967—and the gentleman from Iowa (Mr. SMITH), was the author of it, the father of it, and he had the support of the gentleman from Iowa—an antinepotism provision. I promised the gentleman on the floor when we passed postal reform and we left that provision out, that I would support a provision to get antinepotism provision made governmentwide.

So these are the two main things about which we are hearing in this order of business, about the increase of less than 1 percent in the supergrades, which is less than one-half of what the administration wanted, and the redemption of a promise some of us made that we would correct the oversight regarding the antinepotism provision which was left out of the Postal Reform Act.

(Mr. DULSKI asked and was given permission to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, this legislation originally passed the House over a year ago by a record vote of 311 to 51. As passed by the House, the bill provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees under the statutory pay systems, and included certain miscellaneous fringe benefits for Federal employees.

The Senate passed a different version of the bill, the bill was sent to conference, and the conferees held several meetings during the early part of 1970 but came to no resolution. Subsequently pay adjustments for employees under the statutory pay system were enacted and became law under Public Law 91-231 and Public Law 91-375. However, the most important part of H.R. 13000 as passed the House, involving the question of a permanent method of adjusting rates of pay for Federal employees, remains unresolved

On July 22, 1970 the Chairman of the Civil Service Commission submitted a legislative recommendation proposing new, permanent procedures for implementing the pay comparability policy adopted by the Congress in 1962. Additional hearings were held on the administration's proposal. The provisions that are before us today are basically the same as the provisions included in the administration's proposal of July 22, 1970.

The provisions have the complete support of the administration and are not objected to by the employee organizations representing employees under the statutory systems covered by the bill.

The primary purpose of the legislation now before the House is to prescribe the statutory procedures for fixing rates of pay under the comparability system for employees under the three statutory salary systems—the general schedule, staff officers and employees in the Foreign Service, and physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration.

The procedure requires that an agent of the President—ordinarily the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—will prescribe a comparability pay survey to be conducted by the Bureau of Labor Statistics, prepare an annual comparative statement of the rates of pay based on the survey and submit recommendations for pay adjustments to the President.

An Advisory Committee on Federal Pay, to be composed of three Presidential appointees, will review the recommendations and report to the President its findings and recommendations.

The President is to make adjustments in the rates of the statutory pay systems as he determines necessary to carry out the comparability principle.

The provisions of the legislation also require the establishment of a Federal Employee Pay Council consisting of five members to be chosen from representatives of employee organizations. This pay council, as well as other representatives of employee organizations, has the right to consult with the President's agent and the Advisory Committee on Federal Pay on the procedures for implementing the comparability.

The pay adjustments will become effective in October of each year except that in 1971 and 1972, respectively, they would become effective on January 1. The action by the President in implementing the comparability increases would be final and does not require any action by the Congress. However, provisions are included so that the President, if because of a national emergency or economic conditions affecting the general welfare, considers it inappropriate to make the comparability adjustments, he may submit to the Congress an alternate plan providing pay adjustments other than those required by the comparability survey.

An alternate plan would become effective on October 1 and would continue in effect unless, prior to the end of a period of 30 calendar days of continuous session of the Congress, after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

The legislation also authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government whose rates of pay are fixed by administrative action. Such adjustments are required to be in amounts not exceeding the rate of any adjustments that may be made by the President for the general schedule employees.

In the case of the House of Representatives, provisions are included authorizing the Clerk of the House to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House. The Clerk is also authorized to adjust the monetary limitations and monetary allowances applicable to House employees. This includes the authority for the Clerk to adjust automatically the Clerk-hire allowance for Members. However, the legislation does not contain any provisions under which the pay of House employees would be adjusted automatically. It does contain authority for the pay of House employees to be adjusted at the discretion of the pay fixing authority, such as by a Member, in the case of an employee in a Member's office.

Mr. Speaker, I wish to emphasize that this legislation does not contain any increases in rates of pay. It does prescribe a permanent system or method under which the rates of pay of the majority of employees of the U.S. Government may be adjusted on an annual basis to fulfill the comparability policy adopted by the Congress in 1962.

I urge that the House act favorably on this proposal here today.

I include a summary of the proposal approved by the conferees:

SUMMARY OF CONFERENCE SUBSTITUTE TO H.R. 13000

The Conference substitute provides a permanent method of adjusting the rates of pay of Feedral employees who are paid under the statutory pay systems (General Schedule, Foreign Service, and Physicians, Dentists and Nurses of the Veteran's Administration).

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the Conference substitute is that in the substitute the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission would submit recommended adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the Conference substitute requires the President to direct such agent as he considers appropriate (normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget) to prepare and submit to him annually after considering the views and recommendations of Federal employee union representatives, a report—

(1) That compares the rates of pay of the statutory pay systems with the pay in private industry;

(2) That makes recommendations for adjustments in rates of pay based on comparability; and

(3) Includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress is not involved in these adjustments.

ALTERNATE PAY PROPOSAL

If, because of a national emergency or economic conditions affecting the general welfard, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The Congressional veto of an

alternate plan would follow the same procedure established for Congressional disapproval of an executive reorganization plan.

FEDERAL PAY COUNCIL

A Federal Pay Council is established, consisting of five members chosen from representatives of employee organizations. The function of the Council is to consult with the President's agent in implementing the comparability procedure.

ADVISORY COMMITTEE ON FEDERAL PAY

An Advisory Committee on Federal Pay is established as an independent establishment consisting of three members appointed by the President for six-year terms. The function of the Committee is to review the report submitted by the Agent to the President, consider all recommendations, and report its findings and recommendations to the President.

PAY ADJUSTMENTS FOR EMPLOYEES NOT UNDER THE STATUTORY SYSTEMS

Provisions are included authorizing administrative pay fixing authorities in the Legislative, Judicial, and Executive Branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary.

MISCELLANEOUS

The Conference substitute contains provisions—

(1) Relating to allowances for employees at remote worksites and allowances for employees involved in floating plant operations;

(2) Extending the nepotism provisions of law to the employees of the United States Postal Service;

(3) Authorizing a total of five supergrade positions (GS 16, 17, and 18) for the United States Tax Court; and

(4) Authorizing 20 additional supergrade positions for allocation by the Civil Service Commission among departments and agencies in the Executive Branch.

Mr. DERWINSKI. Mr. Speaker, in order to place this proceeding in proper perspective, I want to emphasize a few points about the conference report on H.R. 13000, so that we realize the ramifications of our action here today.

Notwithstanding all the trappings of advisory and consultatory panels, what this legislation does is place in the hands of the executive branch the absolute authority over the expenditure of public funds for the Federal civilian and military payrolls.

I hope, Mr. Speaker, that we all realize that this legislation will permanently separate the Congress from any future determination on the size and scope of the Government employee payroll.

It must be noted, Mr. Speaker, that in this bill Congress is surrendering authority over salaries of Government employees while two weeks ago it arbitrarily mandated a pay raise to employees of America's railroads. Could there be a possible contradiction here?

The requirements of this legislation, and the statements made about it, seem to indicate that all future pay raises are mechanical reactions to the prevailing economic trends in private industry.

I understand that the Civil Service Commission favors in large part this package, but its inflationary consequences are clearly underestimated.

Therefore, Mr. Speaker, I offer these comments in the spirit of caution but wonder if the proponents of this elaborate package have truly anticipated these possible difficulties.

I do, Mr. Speaker, want to offer one word of commendation to the conference committee. Section 5 of the conference substitute, which deals with pay adjustments of employees in the House of Representatives, is a long overdue reform of congressional pay procedure.

Under the language of this section, each Member of the House is the pay fixing authority for the employees on his staff and will be able to exercise his independent judgment on the merits of each annual adjustment. This new procedure is an enlightened departure from the past arrangement, and because I proposed the same change in many previous pay bills, I am especially pleased to find this bright spot in an otherwise doubtful legislative package. If this becomes law, then, for the first time, a Member of the House will be able to apply a consistent and progressive pay policy in the administration of his office.

Mr. SCHWENGEL. Mr. Speaker, today I shall vote "no" on the salary bill not because I am against adequate pay and salaries for Government employees, indeed with one exception in my 14 years in Congress I have voted for salary raises for Government employees. The principal reason for my "no" vote today is because of the low priority Congress has given the plight of our retirees—23,000,000 people on social security have to wait now to get their due—a raise just to meet the ravages of inflation. Mr. Speaker, we of the House, first acted on the social security bill last April. What a shame that these people to whom we owe so much and given so little should have to wait so long—when oh, when will we make proper evaluation and set proper priorities when we deal with the well-being and needs of deserving people.

Mr. DENNIS. Mr. Speaker, this, in my judgment is a bad bill.

In the first place the much vaunted principle of comparability is, itself subject to some question. Private and public employment are not entirely the same—there are essential differences. Private industry attempts, at least, to operate at a profit—and the profits are properly used, in part, to pay wages and salaries. There are no profits to draw on where public employment is concerned—every penny paid comes out of the hide of the taxpayer. Again, the high wages of industry are balanced by the changes or layoff; the public employee, if sometimes more modestly paid, under a civil service system at least, has a much greater degree of job security.

Laying the matter of comparability entirely aside, there is another, and overriding, reason why this is a bad bill; it is an abdication by the Congress, and by each individual Member of the Congress, of its and of his constitutional duties and responsibilities. We were sent here, as elected representatives of our people, to exercise our judgment on matters within our jurisdiction, including the rate of pay of employees of the Federal Government. By this measure we surrender this duty and responsibility to unelected employees of the executive branch—and, to a lesser degree, to the President of the United States.

Moreover, calls for an automatic annual pay raise, which the Congress, by this measure, so long as it remains upon the books, renders itself powerless to prevent. It is a clear surrender of the responsibility we owe to the American people who pay the bill, and it is a built-in invitation to a continued inflation.

With all respect and good will toward my colleagues who take a different view, I must say that I can see no justification for supporting legislation of this character.

Mr. DULSKI. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SLACK). The question is on the motion of the gentleman from New York that the House suspend the rules and agree to the conference report on H.R. 13000.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 54, not voting 195, as follows:

[Roll No. 457]

YEAS—183

Adams	Frey	Mizell
Albert	Fulton, Pa.	Mollohan
Annunzio	Galifianakis	Monagan
Arends	Garmatz	Morgan
Ashley	Gonzalez	Morse
Ayres	Green, Oreg.	Natcher
Barrett	Green, Pa.	Nedzi
Beall, Md.	Gude	Nix
Bennett	Halpern	O'Hara
Bevill	Hamilton	Olsen
Biester	Hanna	Patman
Bingham	Hansen, Idaho	Patten
Blanton	Harsha	Pelly
Blatnik	Hathaway	Perkins
Boggs	Hechler, W. Va.	Pettis
Boland	Heckler, Mass.	Pickle
Bolling	Helstoski	Pike
Brademas	Hicks	Poff
Brasco	Hogan	Preyer, N.C.
Bray	Horton	Price, Ill.
Brinkley	Hosmer	Pucinski
Brooks	Hungate	Quie
Brotzman	Hunt	Quillen
Brown, Ohio	Ichord	Rees
Burke, Mass.	Jones, Ala.	Reid, N.Y.
Bush	Jones, N.C.	Reuss
Byrne, Pa.	Jones, Tenn.	Robison
Byrnes, Wis.	Kastenmeier	Rodino
Carey	Kazen	Rogers, Colo.
Chamberlain	Kee	Rogers, Fla.
Clark	Keith	Ruth
Cleveland	King	Ryan
Cohelan	Koch	St Germain
Conte	Kuykendall	Saylor
Conyers	Kyros	Scheuer
Corman	Leggett	Schneebeli
Coughlin	Lloyd	Scott
Culver	Long, Md.	Shriver
Daniels, N.J.	Lukens	Skubitz
Davis, Wis.	McCarthy	Slack
Dellenback	McCloskey	Smith, Iowa
Downing	McDade	Springer
Dulski	McFall	Stanton
Duncan	Macdonald, Mass.	Steed
Eilberg	Madden	Steele
Feighan	Mailliard	Stokes
Findley	Matsunaga	Stratton
Flood	Meeds	Stubblefield
Foley	Melcher	Stuckey
Ford, Gerald R.	Mikva	Taylor
Ford, William D.	Miller, Ohio	Teague, Calif.
Forsythe	Minish	Thompson, N.J.
Fraser	Mink	Thomson, Wis.
		Tiernan

Tunney	W[illi]on	Wright
Udall	Wh[it]e	Wyatt
Van Deerlin	Wh[it]ehurst	Yates
Vander Jagt	Wi[ld]nall	Young
Vanik	W[il]kins	Zablocki
Vigorito	Wi[ll]iams	Zwach
Waldie	Wi[ls]on,	
Wampler	C[ha]rles H.	
Ware	W[yl]ie	

[YE]AYS—54

Abernethy	Fl[ow]er	Marsh
Alexander	Fl[ow]ers	Mayne
Ashbrook	Fl[yn]t	Mills
Belcher	Fo[gg]tain	Montgomery
Betts	Fu[lt]a	Nelsen
Burke, Fla.	Go[od]ling	Obey
Burleson, Tex.	Gr[os]s	Pryor, Ark.
Cabell	Ha[le]	Rarick
Camp	Ha[rs]ner-	Roberts
Chappell	[Sm]midt	Roth
Clancy	Ja[ck]an	Satterfield
Conable	Jo[hn]s	Schmitz
Crane	Ke[ar]	Schwengel
Daniel, Va.	La[ird]grebe	Symington
Dennis	La[ni]er	Teague, Tex.
Derwinski	Mc[Cl]ure	Whitten
Devine	Mc[Gr]egor	Wylie
Dickinson	Mo[rt]on	
Fish	Mu[rp]hy	

NOT [VO]TING—195

Abbitt	Es[ch]man	Moss
Adair	Ev[an]s, Colo.	Murphy, Ill.
Addabbo	Ev[an]s, Tenn.	Murphy, N.Y.
Anderson, Calif.	Fa[rb]n	Myers
	Fa[sc]tein	Nichols
Anderson, Ill.	Fa[sc]ell	O'Konski
Anderson, Tenn	Fo[gl]nan	O'Neal, Ga.
	Fr[el]nghuysen	O'Neill, Mass.
Andrews, Ala.	Fr[el]el	Ottinger
Andrews, N. Dak.	Fu[lt]on, Tenn.	Passman
	Ga[ll]agher	Pepper
Aspinall	Ga[yd]os	Philbin
Baring	Ge[ay]s	Pirnie
Bell, Calif.	Gi[am]no	Poage
Berry	G[ra]ons	Podell
Biaggi	G[il]bert	Pollock
Blackburn	G[ol]dwater	Powell
Bow	Gr[if]fiths	Price, Tex.
Brock	Gr[if]fin	Purcell
Broomfield	G[ro]ths	Railsback
Brown, Calif.	G[ro]ver	Randall
Brown, Mich.	G[ub]ser	Reid, Ill.
Broyhill, N.C.	H[al]n	Reifel
Broyhill, Va.	H[ar]vey	Rhodes
Buchanan	H[ar]ley	Riegle
Burlison, Mo.	H[as]en, Wash.	Roe
Burton, Calif.	H[ar]rington	Rooney, N.Y.
Burton, Utah	H[ar]vey	Rooney, Pa.
Button	H[as]tings	Rosenthal
Caffery	H[aw]kins	Rostenkowski
Carney	H[eb]ert	Roudebush
Carter	H[eb]ert	Rousselot
Casey	H[en]derson	Roybal
Cederberg	H[el]stoski	Ruppe
Celler	H[en]ard	Sandman
Chisholm	H[un]t	Schadeberg
Clausen, Don H.	H[ut]chinson	Scherle
	J[ac]obs	Sebelius
Clawson, Del	J[oh]nson, Calif.	Shipley
Clay	J[oh]nson, Pa.	Sikes
Collier	K[ar]th	Sisk
Collins, Ill.	K[ee]pe	Smith, Calif.
Collins, Tex.	K[lu]czynski	Smith, N.Y.
Colmer	L[ai]rd	Snyder
Corbett	L[an]gen	Stafford
Cowger	L[ed]on	Staggers
Cramer	L[ow]y, La.	Steiger, Ariz.
Cunningham	L[ev]enstein	Steiger, Wis.
Daddario	Lu[ja]n	Stephens
Davis, Ga.	M[al]lory	Sullivan
de la Garza	M[ar]sh	Taft
Delaney	M[cC]ulloch	Talcott
Denney	M[cD]onald,	Thompson, Ga.
Dent	M[cE]wen	Ullman
Diggs	M[cK]neally	Waggonner
Dingell	M[cM]illan	Watts
Donohue	M[ad]in	Welcker
Dorn	M[ah]on	Whalen
Dowdy	M[at]hias	Whalley
Dwyer	M[ay]ne	Wilson, Bob
Eckhardt	M[il]ls	Winn
Edmondson	M[in]ish, Calif.	Wold
Edwards, Ala.	M[in]shall	Wydler
Edwards, Calif.	M[it]chell	Wyman
Edwards, La.	M[or]head	Yatron
Erlenborn	M[or]ton	Zion
Esch	M[os]her	

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of Illinois with Mrs. Chisholm.
Mr. Clay with Mr. Lowenstein.
Mr. Abbitt with Mr. McClory.
Mr. Howard with Mr. Anderson of North Dakota.
Mr. Johnson of California with Mr. Mize.
Mr. Murphy of New York with Mr. Hawkins.
Mr. Hanley with Mr. Buchanan.
Mrs. Hansen of Washington with Mr. Broyhill of Virginia.
Mr. Roybal with Mr. Diggs.
Mr. Gibbons with Mr. Schadeberg.
Mr. Gettys with Mr. Winn.
Mr. Collins of Illinois with Mr. Jacobs.
Mr. Purcell with Mr. Zion.
Mr. Pepper with Mr. Thompson of New Jersey.
Mr. Passman with Mr. Erlenborn.
Mr. Edmondson with Mr. Hastings.
Mr. Dorn with Mr. Esch.
Mr. Davis of Georgia with Mr. Denney.
Mr. Casey with Mr. Smith of New York.
Mr. Caffery with Mr. Riegle.
Mr. Aspinall with Mr. O'Konski.
Mr. Long of Louisiana with Mr. Brook.
Mr. Watts with Mr. Broyhill of North Carolina.
Mr. Randall with Mr. Mathias.
Mr. Roe with Mrs. Dwyer.
Mr. Rooney of Pennsylvania with Mr. McDonald of Michigan.
Mr. Rosenthal with Mr. McEwen.
Mr. Sisk with Mrs. Reid of Illinois.
Mr. Staggers with Mr. Berry.
Mr. Stephens with Mr. Rousselot.
Mr. Hagan of Georgia with Mr. Weicker.
Mr. Haley with Mr. Whalen.
Mr. Gaydos with Mr. Stafford.
Mr. Evans of Colorado with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. Eshleman.
Mr. Delaney with Mr. Smith of California.
Mr. O'Neill of Massachusetts with Mr. Rhodes.
Mr. Waggonner with Mr. Bow.
Mr. Hébert with Mr. Bob Wilson.
Mr. Griffin with Mr. Edwards of Alabama.
Mr. Andrews of Alabama with Mr. Collier.
Mr. Henderson with Mr. Martin.
Mr. Lennon with Mr. Don H. Clausen.
Mr. Celler with Mr. Anderson of Illinois.
Mr. Addabbo with Mr. Michel.
Mr. Biaggi with Mr. Sandman.
Mr. Dent with Mr. Corbett.
Mr. Dingell with Mr. Price of Texas.
Mr. Donohue with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Blackburn.
Mr. Fascell with Mr. Myers.
Mr. Fulton of Tennessee with Mr. Bell of California.
Mr. Gallagher with Mr. Broomfield.
Mr. Gray with Mr. Cederberg.
Mr. Rostenkowski with Mr. Pirnie.
Mr. Rooney of New York with Mr. Wydler.
Mr. Shipley with Mr. Whalley.
Mr. Sikes with Mr. Lujan.
Mr. Philbin with Mr. Harvey.
Mr. Nichols with Mr. Johnson of Pennsylvania.
Mr. Miller of California with Mr. Talcott.
Mr. Moss with Mr. Hutchinson.
Mr. Hull with Mr. Minshall.
Mr. Holifield with Mr. Langen.
Mr. Karth with Mr. Scherle.
Mr. Kluczynski with Mr. Mosher.
Mr. Yatron with Mr. Sebelius.
Mr. Moorhead with Mr. Railsback.
Mr. Edwards of California with Mr. Goldwater.
Mr. Burton of California with Mr. Ruppe.
Mr. Burlison of Missouri with Mr. Snyder.
Mr. Podell with Mr. Grover.
Mrs. Sullivan with Mr. Burton of Utah.
Mr. Ullman with Mr. Meskill.
Mr. Landrum with Mr. Morton.
Mr. Colmer with Mr. Pollock.
Mr. de la Garza with Mr. Roudebush.
Mr. Eckhardt with Mr. Steiger of Wisconsin.
Mr. Giaimo with Mr. Wold.
Mrs. Griffiths with Mr. Wyman.
Mr. Hays with Mr. Steiger of Arizona.
Mr. Harrington with Mr. Gubser.
Mr. O'Neal of Georgia with Mr. Foreman.
Mr. McMillan with Mr. Collins of Texas.
Mr. Brown of California with Mr. Powell.
Mr. Anderson of California with Mr. Cramer.
Mr. Anderson of Tennessee with Mr. Brown of Michigan.
Mr. Baring with Mr. Reifel.
Mr. Daddario with Mr. McKneally.
Mr. Dowdy with Mr. Kleppe.
Mr. Gilbert with Mr. Carter.
Mr. Ottinger with Mr. Cunningham.
Mr. Fallon with Mr. Button.
Mr. Farbstein with Mr. Adair.
Mr. Friedel with Mr. Cowger.
Mr. Carney with Mrs. May.
Mr. Taft with Mr. McCulloch.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have until midnight tonight to extend their remarks and to include extraneous matter on the conference report on H.R. 13000.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1421, MAKING FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1337, Rept. No. 91–1804) which was referred to the House Calendar and ordered to be printed:

H. Res. 1337

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment. No amendments shall be in order to said joint resolution except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Appropriations may be offered to the joint resolution at the conclusion of the consideration of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amend-