

S 12444

## CONGRESSIONAL RECORD—SENATE

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on page 8; and nominations placed on the Secretary's desk on page 9.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, the reservation is for the purpose of advising the majority leader that the executive calendar items just identified by him are cleared on our calendar, and I might say after rather extensive negotiations, and that we have no objection to their consideration and confirmation.

Mr. ROBERT C. BYRD. Mr. President, I thank the minority leader.

I do thank him for getting clearance on those nominations.

Mr. President, I ask unanimous consent that these nominees be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

## DEPARTMENT OF THE INTERIOR

Lindsay D. Norman, Jr., of Maryland, to be Director of the Bureau of Mines.

## U.S. METRIC BOARD

Francis R. Dugan, of Ohio, and Dennis R. Smith, of Massachusetts, to be members of the U.S. Metric Board.

## CORPORATION FOR PUBLIC BROADCASTING

Howard A. White, of New York, to be a member of the Board of Directors of the Corporation for Public Broadcasting.

## THE JUDICIARY

Stephen R. Reinhardt, of California, to be U.S. circuit judge for the 9th circuit.

## IN THE ARMY

Maj. Gen. Robert Haldane, 131-14-7236, U.S. Army, to be lieutenant general.

Maj. Gen. Robert Joseph Lunn, 361-14-7936, U.S. Army, to be lieutenant general.

Maj. Gen. Harry Augustus Griffith, 113-18-4835, U.S. Army, to be lieutenant general.

## IN THE MARINE CORPS

Lt. Gen. Edward J. Miller, U.S. Marine Corps, age 57, for appointment to the grade indicated on the retired list pursuant to the provisions of title 10, United States Code, section 5233, to be lieutenant general.

Maj. Gen. Richard E. Carey, 279-20-96-19, U.S. Marine Corps, to be lieutenant general.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY, AND MARINE CORPS

Air Force nominations beginning Albert R. Amalfitano, to be lieutenant colonel, and ending William E. Dussetschleger, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 25, 1980.

Army nominations beginning Larry D. Aaron, to be major, and ending Joseph Saint Clair, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 1, 1980.

Army nominations beginning Michael H. Abbott, to be lieutenant colonel, and ending John J. Zegarski, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 18, 1980.

Army nominations beginning Gary D. Burrows, to be major, and ending Larry Smith, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 18, 1980.

Navy nominations beginning Raymond J. Adams, to be ensign, and ending Sheldon

Brotman, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 1, 1980.

Marine Corps nominations beginning Timothy C. Abe, to be second lieutenant, and ending Larry R. Shannon, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 18, 1980.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

## LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

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

## FOREIGN SERVICE ACT OF 1980

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 3058) to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

The Senate resumed consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. I thank the Chair.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will State it.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

S. 3058; a bill to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

Mr. HELMS. I thank the Chair and I thank the clerk.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the pending legislation, which has been agreed to by the majority of the Committee on Foreign Relations, fails to resolve the more serious weaknesses of the present Foreign Service. Indeed, several provisions will make the Foreign Service even less efficient in some respects and will deepen the crisis of morale which is presently endemic in the Service.

The Foreign Service of the United States and the diplomatic establishment which it is intended to serve have been in a state of crisis and decline for at least a decade, perhaps a generation. Their decline has accompanied, and contributed to, the decline of the United States as a world power. Thus the solution of the fundamental diplomatic functions of the Foreign Service should be seen in terms of the fundamental foreign policy goals of the United States.

Neither the committee bill, nor the administration bill, H.R. 6790, addresses the problems of the Foreign Service in terms of these larger issues.

Neither the committee bill nor the administration bill recognizes that the crisis in the Foreign Service does not arise mainly from such administrative issues as the number of classes of Foreign Service officers, the categories of its personnel, or even the promotion and selection out procedures it employs. It arises instead from confusions as to the proper role of the traditional Foreign Service in foreign policy; its status among the Federal departments and agencies, including the Central Intelligence Agency; its specific functional role within the Department of State with its separate civil career and excepted service personnel; and its ability to recruit quotas of women and minority personnel without a reduction in the professional quality of its members.

These fundamental problems, Mr. President, are not solved but, indeed, they are exacerbated by the committee bill, which is at best an effort to reconcile special interests rather than the creation of the best professional diplomatic and consular service which the United States could provide. At a time when there is an increasing use of private citizens and personnel from the White House and other departments to perform diplomatic missions of the most delicate nature, the Congress should not permit public attention to be deflected from the serious problems which the Foreign Service faces.

Foreign Service reform should recog-

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## EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed, for not to exceed 2 minutes, to consider the following nominations:

Lindsay D. Norman, Jr., Director of the Bureau of Mines, Calendar Order No. 265; Francis R. Dugan, and Dennis R. Smith under the U.S. Metric Board; Howard A. White, Corporation for Public Broadcasting; Stephen R. Reinhardt, of the Judiciary; nominations listed under U.S. Army and U.S. Marine Corps

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nize that the Corps is essentially the elite service, that differs fundamentally from the civil service. Although many of the cosmic problems relating to foreign policy must await a major reorganization of the foreign affairs agencies, including even certain functions of the Departments of Agriculture, Commerce, Treasury, and the military departments, Congress should focus on the immediate issues that trouble the Foreign Service today.

These issues are: selection and recruitment standards; classification and recruitment standards; classification of positions; pay and retirement benefits; labor-management relations; and supplemental compensation for the burdens and dangers with which foreign service personnel must contend.

The basic philosophy behind legislation specifically distinguishing the foreign service from the civil service should relate to the additional rigorous duties, greater sacrifices, more dedication to hazardous and onerous service. Consequently, Congress should begin with the policy that foreign service personnel must have all the rights and prerequisites of civil service personnel, plus such additional safeguards and rewards and protections which take cognizance of the greater demands on professional qualification and personal character and dedication.

The committee bill addresses the problems of the Foreign Service from the standpoint of improving administration of the Department, without regard to the function of the Foreign Service. Proper reform should, and must, heighten the character of the Foreign Service as an elite institution, while at the same time demanding a higher calibre of performance. It should recognize the increased hazard of service abroad, as well as the increased inconveniences and liabilities which accrue to family and professional life in times of uncertainty and rapid shifts in the international economic order. Finally, Mr. President, it should provide for a humane and sensible system for the elimination of redundant personnel, so that the taxpayers' money will not be continued to be wasted as is now the case.

In my opinion, the committee bill has failed to do this. It has not even taken note of such risks as the risk of being taken hostage—a situation which is certainly familiar to all Senators, indeed, to all Americans today.

Last month, on July 29, to be exact, I introduced S. 2986, which consists of only 11 pages of text, in contrast to the committee bill which is now pending. The committee bill, I would mention, has 250 pages. It covers the essential points in simple and understandable form—and I am referring to S. 2986 when I say this. These 11 pages of S. 2986 achieve more directly and more simply the essential urgent reforms which are now long overdue.

My bill, S. 2986, is like S. 3058, in that it provides a unified salary schedule for all Foreign Service personnel linked directly to Civil Service general schedule 4 through 18, and enacts into statute

present worldwide agency bargaining units now established by Executive order.

The principal difference, Mr. President, the difference between my bill, S. 2986, and the pending bill, S. 3058, the committee bill, is that my bill does not create a Senior Foreign Service. The top three salary classes, corresponding to GS 16, 17, and 18, are continuations of the same promotion process used throughout the Foreign Service ranks. The Senior Foreign Service, as constituted in S. 3058, the committee bill, is the seedbed of future frustration and discontent among our Foreign Service officers.

And I would say parenthetically, Mr. President, that if the Senate fails to take note of this and fails to adopt the amendment in the nature of a substitute, which I shall shortly call up, then future Senates will have to deal with many problems, not to mention the State Department and our entire Government, as well, in its international relations.

The Senior Foreign Service will be open to charges of arbitrary personnel management, political favoritism, cronyism, and manipulation of the system for reasons of bureaucratic power. And now, Mr. President, is the time to prevent that.

I hope Senators who may be reading the Record of what is being said here this morning by the Senator from North Carolina will bear in mind that the pending legislation is not pro forma. It is decidedly and vitally important if we are to make meaningful reforms in our Foreign Service.

I think that we should take a look at exactly what has been happening in the promotion system at the present time. Secretary after Secretary has refused to use the tools which have been provided to him to manage the personnel system effectively. The old theory of promotion is "up or out," that is, if an officer does not get promoted within a reasonable time-in-class, based on the needs of the Service, then that officer is selected out by a selection panel of his peers.

But the plain truth, Mr. President, is that system has not been working. I suggest that every member of the Foreign Relations Committee knows this or should know it. According to the House hearings on this legislation, there have been 3,345 Foreign Service officers selected out between 1969 to 1978. During that period, 71 percent of the selection outs were under the time-in-class provision, while 29 percent were selected out for substandard performance.

But the real problem, Mr. President, is that in the upper two classes, FS-1 and FS-2, there have been no officers selected out since 1974. There have been retirements for age and voluntary resignations, but none have been selected out. In other words, the system has stopped working at the top, and it is not working very well any where along the line.

I say again, now is the time to correct that. I say again that neither the pending bill nor the administration bill does the job.

What is the result?

The result is that there has been an impactment of officers at the top. Some estimates place the number of redun-

dant officers at the top between 100 and 150, making it more and more difficult to justify promotions all along the line. It should be noted that this problem is particularly acute at State, but is not a problem at all at ICA. Yet the officers at ICA will be subjected to the same drastic remedy under S. 2058.

What happens under this bill is that present FS-1's and FS-2's will be offered the choice of converting to the Senior Foreign Service within 120 days after this bill is enacted, or remaining where they are. Those are the 2 choices. If they remain where they are, they face mandatory retirement in 3 years. If they chose to go in the Senior Foreign Service, they have a three-year tenure—or possibly as long as five. Then they can be promoted, or they can be reappointed for a limited tenure of five years, after which they are out.

Thus, in order to cure an administrative problem, S. 3058 proposes a system which—and I want to be as charitable as I can be in assessing S. 3058—is arbitrary, capricious, and subject to subjective administration. Objectivity is out the window. Moreover, it proposes a drastic change for many officers all at once. What it does is to push the bulge at the top into an arbitrary system.

Mr. President, I will say to Senators, that is inviting deep trouble.

It is my understanding that upward of 1,500 new salary slots will be created under this legislation by the Secretary. The legislation itself does not address how this will be done, nor how will Congress have any control over the rate at which this is done. There is the danger that the rapid conversions envisioned in the transition sections of S. 3058 will result in the senior slots being filled very rapidly, thus freezing promotions at the top level for a considerable length of time.

In my view, the Senior Foreign Service is unnecessary and will create many, many problems up and down the line. The present selection board system should be retained, but it should be put under pressure to work more effectively, and to make sure that the needs of the service are taken into consideration constantly all down the line. We should not continue to promote too many people all along, and then cut them off in the end. There should be a natural, constant attrition.

There should be more emphasis, therefore, on the idea of the Foreign Service as an elite service, with rigorous standards, and more efficient practices.

Mr. President, I have tried to do my homework on this matter, and I believe I am correct in what I am about to say.

My bill would emphasize both the elite caliber of the Service, and the efficiency of its operation. My bill would require that all jobs filled by Foreign Service personnel be classified by the Office of Personnel Management according to civil service standards. This would give an objective benchmark for efficiency. The Secretary would have to place personnel in jobs corresponding to their salary level, and report to Congress on how well this is being done. Thus Congress

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would have some criteria to form the basis of appropriations of the taxpayers' money for the operation of the Service.

My bill would provide greater rewards for Foreign Service personnel, including a tax-free bonus at all levels and increased pensions in recognition of the disruptions caused by the worldwide availability and by increased hazards.

But it would also encourage more selection out of redundant personnel, and Congress would be aware if this were not happening. It would provide increased prestige for the service, but it would also require written examinations for promotions for the first five grades, thus insuring objective not subjective standards for appointment and promotion.

It would also, in recognition of the special debt owed to Foreign Service personnel who do become hostages, grant increases in pensions depending upon the number of days held, with options for immediate retirement.

And, I might add, in spite of the increased rewards for employees, my bill will not cost the taxpayers anything more because of the savings resulting from increased efficiency, better utilization of personnel, and a smaller staff.

My bill, I believe, is far more equitable both to employees and to the taxpayer. I might add, Mr. President, that it has received high praise from labor leaders who are involved in this area. The Foreign Affairs Employees Council, AFL-CIO, has expressed its enthusiastic endorsement of my bill, in a letter which will be on every Senator's desk prior to the vote on my proposal on Monday. I hope that Senators will read it.

Mr. Abe Harris, who is president of the American Federation of Government Employees Local 1812, which represents some 2,000 Foreign Service employees at the U.S. International Communication Agency as their exclusive bargaining agent has also written a similar letter of endorsement. The AFGE, of course, represents some 700,000 Federal employees in 50 States. Mr. Harris states that my legislation is "a clear and straightforward bill which focuses on issues basic to the Foreign Service."

Mr. President, I ask unanimous consent that both these letters may be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

AFGE,

Washington, D.C., September 9, 1980.

Hon. JESSE A. HELMS,  
Senate of the United States,  
Washington, D.C.

DEAR SENATOR HELMS: The American Federation of Government Employees Local 1812 represents some 2,000 Foreign Service employees at the United States International Communication Agency. Our International organization represents some 700,000 Federal employees in 50 states. We have represented USICA Foreign Service Officers since 1976, when they determined that the American Foreign Service Association, was not properly protecting their interests, and elected AFGE 1812 to be their exclusive representative in all employee-management matters.

Since the introduction by request of the proposed Foreign Service Act, we have noted and suggested improvements in the bill.

Always our concern was that the bill did not address the recruitment and retention issues of the Service in the 70's and 80's and their effect on our foreign relations, but would in fact aggravate the problems that already exist.

AFGE was thus gratified when you offered as a substitute for the proposed two hundred and seventy (270) page Act, a clear and straightforward bill which focused on the issues basic to the Foreign Service.

I have consulted with career members of the Foreign Service, Staff Counsel, and reviewed your alternative remarks in Senate Report No. 96-913 on the proposed Act. (S. 3058). These remarks suggest that (1) you do not intend to replace the Reserve Corps; (2) you are willing to accept a five percent limit on any officers appointed to Classes 1, 2, and 3 without having gone through the examination process. Your remarks also indicate that you are willing to preserve the current bargaining unit, which in recognition of the rank-in person system and the frequent rotation of people in and out of supervisory positions, includes these personnel in the unit. We understand a new draft of your bill includes these provisions.

We also urge that you include within your bill a grievance procedure which would reject the composition of the Board as proposed in the Pell bill. This provision, as explained in the attached Thomas Legal Defense Fund Report, would destroy the integrity of a third party process by allowing management officials of the agencies to appoint unilaterally all Grievance Board members.

Since the Helms bill does not presently address the process for resolving grievances, we would like to suggest that you adopt a grievance section which tracks the lines of S. 2712. The Senate has passed this bill previously on two separate occasions. We are attaching a proposal for a statutory grievance chapter to that purpose.

Again, let me say that we appreciate your efforts on behalf of the Foreign Service and with the inclusion of the above stated provisions in your bill, we can enthusiastically endorse S. 2986.

Sincerely,

ABE HARRIS,  
President,  
AFGE, Local 1812.

FOREIGN AFFAIRS EMPLOYEES COUNCIL,  
Washington, D.C., September 10, 1980.

Hon. JESSE A. HELMS,  
Senate of the United States,  
Washington, D.C.

DEAR SENATOR HELMS: Thank you for letting me see the final text of the Bill you have prepared to amend the Foreign Service Act of 1946.

We find your Bill would tremendously strengthen the Foreign Service. Your constructive proposals are far preferable to the voluminous text submitted by Senator Pell for the Committee on Foreign Relations.

I wholeheartedly endorse your Bill.

On behalf of the several thousand career employees of the foreign affairs agencies represented by the Foreign Affairs Employees Council of the American Federation of Government Employees, AFL-CIO, I urge its adoption by your colleagues in the Senate.

Sincerely,

BERNARD WIESMAN,  
President.

Mr. HELMS. Mr. President, my amendment in the nature of a substitute is identical to S. 2986, except for a few changes which have been suggested in discussions with many individuals concerned with the matter.

I have added, for example, sections 2314 and 2207 of S. 3058, dealing with retirement credits for "Radio" service, and "Retirement for Binational Center Em-

ployees," both of which were offered in committee by the distinguished floor manager of this bill. I am also in accord with the grievance procedure which would allow employees to have a representative of their own choosing at grievance hearings. That would have been overturned by S. 3058 if the distinguished Senator from Rhode Island (Mr. PELL) had not offered an appropriate amendment. Such an amendment is not necessary to my proposal, since my proposal retains the present system.

I have also accepted the State Department's criticism that the appointment of Foreign Service officers in the upper ranks without examination should be limited to 5 percent, as well as the Department's observation that an ambassador in a post abroad should be able to delegate labor-management issues to the DCM, or to an administrative or personnel officer. I have also accepted the Department's suggestion that "supervisors" should be included as employees rather than as management.

With these changes, I believe that my proposal, to be offered in the form of an amendment in the nature of a substitute, is a superior substitute for the pending bill, S. 3058.

Mr. President, I urge Senators to study this matter carefully and to bear in mind that what we do on this piece of legislation, which I am sure very few Senators have considered to any great extent, will very well have a bearing on the implementation of our foreign policy and the success of it in the future.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, there is a fundamental question which must be addressed in consideration of S. 3058 and the proposed substitute: What differences should there be between the way the Foreign Service is operated and the laws governing the civil service? The proposed substitute if adopted would represent far-reaching departures from well-established and successful practices used by the Foreign Service since 1946 and refined and improved under S. 3058. Although the sponsor of the substitute agrees with me that the Foreign Service is an elite service which is fundamentally different from the civil service, the thrust of many of the new departures in his substitute are in the direction of making the Foreign Service much more like the civil service.

I have always believed that the Foreign Service is more similar to the military services than to the civil service, and that similarity would be greatly undermined by the proposed substitute.

During the 15 months the new Foreign Service Act has been before the Congress, this issue of how separate should the Foreign Service be has been prominent. In their deliberations, the concerned

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committees and subcommittees of the Senate and House reached quite different conclusions from those reflected in the substitute. For example:

All, including the House Post Office and Civil Service Committee, accepted the proposition that the Secretary of State should continue to have classification authority separate from Office of Personnel Management (OPM) because of the continuing different circumstances which have caused the Foreign Service to be outside the civil service laws since the very first Civil Service Act in 1883. Chairman CAMPBELL of OPM supports S. 3058 which continues this provision. The heads of the Foreign Affairs agencies are explicitly directed by S. 3058 to give "appropriate weight to job factors relating to service abroad." This would not be possible under the civil service classification system that would be required by the substitute bill.

All agreed that the Foreign Service should continue to be operated, as it has by Executive order since 1971, under a somewhat different system of labor management relations than applies to the civil service. Chapter 10 of the proposed new act represents a careful incorporation of many of the pertinent features on this subject of title VII of the Civil Service Reform Act of 1978. Again, the Post Office and Civil Service Committee, whose orientation is toward maximum use of the civil service system, was in full agreement with the carefully negotiated approach finally adopted which takes into account the special conditions of Foreign Service employment.

All agreed that the 10 step pay schedule applicable to the civil service, and mandated by the substitute bill, did not suit the needs of the Foreign Service.

In spite of strong sympathy for the difficulties of Foreign Service life, all the committees concluded that it would be inappropriate at this time to change the Foreign Service retirement system, in view of the current examination of all Federal retirement systems which is now underway.

The several committees also addressed a number of current problems with the Foreign Service which are not taken up in the substitute bill. The latter—

Does not provide for clear separation of the Foreign Service and civil service, according to the type of career an individual will have;

Leaves some 1,500 "domestic Foreign Service" employees eligible for all Foreign Service benefits and subject to conditions of employment designed for those who serve rotational careers;

Fails to consolidate and codify all legislation pertaining to the Foreign Service in one place, as has not been done in 34 years;

Does not create a Senior Foreign Service comparable to flag ranks in the military and to the Senior Executive Service, with retention based strongly on performance; and

Does not simplify and consolidate the Foreign Service personnel system in the same degree as does S. 3058.

As a final point, the special plight of the hostages is being dealt with by other legislation which is already moving

through the Senate and the House: I am cosponsor, along with the chairman of the Foreign Relations Committee of two measures in the Senate, S. 2581, which is pending before the Finance Committee; and S. 2582, which has been reported by the Judiciary Committee and is on the Senate Calendar. Companion legislation has been reported by the House Foreign Affairs and Post Office and Civil Service Committees. These bills are more comprehensive in meeting the needs of the hostages than are the provisions in the substitute, and are preferable to them.

I ask unanimous consent that a section-by-section rebuttal of the Helms substitute be printed in the RECORD at this point.

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

**ANALYSIS OF AMENDMENT No. 2290 TO S. 3058, THE HELMS SUBSTITUTE FOR THE FOREIGN SERVICE ACT OF 1980**

**Section 1—Short Title:**

Section 1 identifies this Act as consisting of amendments to the Foreign Service Act of 1946 rather than providing a new charter for the Foreign Service as proposed in S. 3058. This illustrates the substitute's retention of a number of out-of-date features of the 1946 Act, its omission of a number of necessary provisions contained in S. 3058 and its abandonment of the objective of consolidating in an orderly coherent way the various laws relating to the several agencies which use the Foreign Service personnel system, but which are not contained in the basic legislation applicable to the Foreign Service.

**Section 2.—Objectives:**

This section would add two new objectives to Section 111 of the 1946 Act. The first would ensure Foreign Service personnel all rights accorded to personnel in the Civil Service. This is apparently in lieu of the detailed provisions of S. 3058 which specify the rights to be accorded to members of the Foreign Service. (See, e.g., section 105 on Merit Principles, Protections for members of the Service and Minority Recruitment; sections 607 and 608 regarding Selection Out Procedures; section 610 regarding Separation for Cause Procedures; Chapter 11 regarding Grievance Procedures.) The vague statement in the substitute is likely to lead to misunderstandings and confusion. For example, is it intended to guarantee to members of the Foreign Service who are separated for cause a right to a hearing before the Merit Systems Protection Board? This right is accorded to employees in the competitive service. Section 610 of S. 3058 provides instead for a hearing before the Foreign Service Grievance Board. The substitute would leave on the books section 637 of the 1946 Act which provides for a hearing before the Board of the Foreign Service in such cases. The bill before the Senate has been carefully drafted and scrutinized by three committees of the Congress who have assured themselves that it contains equitable treatment of Foreign Service personnel, but not an identity of procedures with the Civil Service.

This section would also add to the 1946 Act's statement of objectives the provision of further protections, procedures and emoluments to Foreign Service personnel, above and beyond those accorded to Civil Service personnel. However, the particular proposals of the substitute, as described below, are an inadequate substitute for the detailed protections, procedures and emoluments specified in S. 3058 which have been fashioned in the course of extensive Congressional deliberations and consultations with the mem-

bers of the Foreign Service and organizations which represent them.

**Section 3—Foreign Service Schedule:**

This section would establish a single Foreign Service schedule in lieu of the separate schedules for Foreign Service Officers and Reserve Officers on the one hand and for Foreign Service Staff Officers and employees on the other, now contained in the 1946 Act. This schedule, unlike S. 3058, would include the three senior ranks of the Foreign Service which S. 3058 deals with separately as a Senior Foreign Service into which officers could advance only on the basis of stringent requirements through a competitive process administered by Selection Boards operating under precepts negotiated between Department management and the exclusive representative of Foreign Service personnel. The substitute would link the 13 classes in this proposed Foreign Service schedule to specific grades in the general schedule established for Civil Service personnel. The specific linkages appear to bear little relationship to the intensive studies of Foreign Service compensation that have been conducted in recent years. Moreover, by establishing these linkages in legislation the substitute would depart from the procedures established for setting pay in the Executive branch under existing legislation. This combination of factors would be likely to cause this measure to be vetoed even if it were passed by the Congress.

This section would provide a salary supplement to each member of the Foreign Service equal to 15 percent of basic salary, but not less than \$2,500 or more than \$7,500 each year. This supplement would be exempt from federal income tax. Apart from the enormous cost of this proposal, it should be noted that since the substitute does not provide legislative authority for elimination of the anomalous domestic categories of Foreign Service personnel who have not and will not serve abroad, these tax-free windfalls would be paid to employees who are nominally members of the Foreign Service but who occupy positions in which many of these same individuals previously served as Civil Service employees. While the Foreign Service certainly deserves adequate compensation and benefits, this provision is not the answer. The answer is to be found in the comprehensive provisions of S. 3058 which cover not only pay but also travel, medical expenses, leave, allowances and other benefits. These provisions have been formulated, again, in close consultation with the members of the Foreign Service and their organizations and after careful study by three committees of the Congress. Finally, this proposal for tax exempt salary supplements would fall within the jurisdiction of the Committee on Finance. If it were necessary to refer this bill to yet another committee it is clear that the 96th Congress will adjourn without enacting meaningful and desirable Foreign Service legislative reforms.

This section would require the Secretary of State to classify the Foreign Service positions not only in the Department of State, but also in two other agencies—The Agency for International Development and the International Communication Agency. Yet, he is to do so in accordance with the provisions of chapter 51 of title 5, United States Code, which would not allow him to classify positions in other agencies. It is unclear how this conflict in the direction given by this section would be resolved. The mandatory application of the Classification Act to the Foreign Service would represent abrupt departure from existing law. The Classification Act is geared to a Civil Service based on the concept of rank in position with a fairly static work force. Jobs are classified by rank and people who move into those jobs acquire the rank to which the positions have been assigned.

Because the Foreign Service operates on



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a rank in person basis comparable to the military services and because its members are frequently rotated from post to post and from position to position, the Congress has wisely exempted Foreign Service positions from the inappropriate Classification Act. The existing authority of the Secretary of State to classify positions in the Foreign Service, which would be preserved by S. 3058, provides the Secretary with the ability to maintain an appropriate, flexible system for identifying the levels of responsibility of the various jobs within the Foreign Service to facilitate the assignment of appropriate personnel at the appropriate rank. The abrupt departure proposed in the substitute would be cumbersome and chaotic.

**Section 4—Admission to Foreign Service salary classes:**

This section would require written and oral examinations for entry into the lower ranks of the Foreign Service, including tests on geography, history, U.S. political structure, and major international events. This would create an unreasonable and unnecessary burden and would impede the recruitment of qualified technical, clerical and other support personnel and would impair affirmative action programs.

This section would also provide for admission to the senior ranks of the Foreign Service on the basis of oral examination alone, with no limit on outside hiring. In addition, this section would permit the appointment of senior officers with no examination at all upon notice to the Senate, so long as the number did not exceed 5 percent of the total number of employees (Foreign Service and Civil Service) in the Department of State. By contrast, S. 3058 provides for entry into the Senior Foreign Service by promotion of career Foreign Service personnel, and permits not more than 5 percent of the members of the Senior Foreign Service to be appointed from the outside. The substitute bill thus appears to provide a legislative basis for serious erosion of the professional character of the career Foreign Service. This provision would also appear to conflict with the objective stated at the outset of the substitute that Foreign Service and Civil Service personnel should have the same protections. Senior Executive Service personnel in the Civil Service are protected against noncareer appointments at the Senior levels by the Civil Service Reform Act.

This section would direct the Secretary of State to conform assignments of Foreign Service personnel with position classifications and to report to Congress on assignments which vary by more than one grade from the classification of the positions to which those assignments are made. It is unclear how this provision would relate to the existing authorities for assignment contained in a later chapter of the 1946 Act. The amendment appears to assume that the common sense approach of matching rank of the individual with the level of the position to which he is assigned is widely disregarded in the Foreign Service and that assignments are seriously out of kilter. This is simply not the case, and yet another reporting requirement is not needed. Moreover, the classification of a Foreign Service position is only one of a number of factors which must be considered, along with language ability, functional skills, familiarity with a particular country or experience in dealing with its leaders, the urgency of filling a vacancy, and the availability of qualified personnel. An effective Foreign Service should be responsive and its members should be available to fill any assignment where they are needed. The 1946 Act recognizes this in sections which are considered in section 501 of S. 3058.

Finally, this section would require that all persons in the Foreign Service be named in OPM registers, presumably with a view

to helping them find Civil Service employment if they leave the Foreign Service. The section also directs the OPM Director to assist any separated Foreign Service employee to find employment in the Civil Service. There are several things wrong with this provision. First, there is a greater rate of retention in the Foreign Service than in the Civil Service. The administrative burden imposed by this section is totally unwarranted with respect to the vast bulk of Foreign Service officers who enter in their youth and serve until retirement, and who have no interest in a Civil Service job. Second, the provision assumes that anyone who leaves the Foreign Service, for whatever reason, is suitable for Civil Service employment. This would appear to require that the Executive Branch find a Civil Service job for the Foreign Service information officer who was convicted of espionage in 1978 or any such case which may arise in the future. This assumes extraordinary law standards for employment in the Civil Service.

**Section 5—Labor-management relations:**

This section would scrap the labor relations system which has functioned smoothly and efficiently for the Foreign Service since 1971 and would substitute in its entirety the Civil Service system in which the Foreign Service has no experience or history of bargaining and which the three committees of Congress that have studied the matter has found inappropriate. The amendment does not address several anomalies that would be created because of basic differences between the Foreign Service and Civil Service systems. In addition it contains a number of novel and unworkable proposals, such as combining Civil Service and Foreign Service personnel in a single bargaining unit despite the absence of a community of interests that would promote efficient and effective dealings.

In addition the measure would permit only one senior official each from ICA or from AID to be treated as a management official at any Foreign Service post, thus creating the peculiar situation that an AID mission director would have to bargain with his own deputy, who would be represented by the union. Clearly, this section is no substitute at all for the carefully developed chapter 10 of S. 3058 which has been scrutinized in the House by the committee which had primary jurisdiction over the Civil Service Reform Act, and which is supported not only by the Administration but also by the American Foreign Service Association which is the exclusive representative of the vast majority of members of the Foreign Service.

**Section 6—Computation and payment of annuities:**

This section would alter the formula for computing Foreign Service annuities in a way that would increase the unfunded liability of the Foreign Service Retirement and Disability fund by \$400,000,000 according to the Treasury Department actuary.

This section would also provide increased annuity for hostages by giving them one year of retirement credit for each month of captivity, or two years of credit for each month of captivity exceeding six months. This is both too much and too little: it is too much because it would give a recent appointee held hostage for one year 24 years of retirement credit; it is too little because it would not permit that individual to retire, utilizing that 24 years of credit until he or she had reached a normal retirement age, at which time any years of credit in excess of 35 years would be disregarded in computing the annuity. The question of relief for hostages is being given separate and more appropriate consideration in other legislation before the Senate.

**Sections 7 and 8.—Retirement credit:**

These sections would provide retirement credit for employees of certain broadcasting facilities and for employees of binational centers.

Mr. PELL. I also ask unanimous consent to have printed in the RECORD a letter to the Members of the Senate from Dr. Henry Kissinger and Mr. Cyrus Vance, and a letter from Secretary of State Muskie urging the adoption of the Foreign Service bill.

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

SEPTEMBER 10, 1980.

To the Members of the Senate:

We join in urging your support for the Foreign Service bill (S3058) now up for final action by the Senate.

Both of us have testified in favor of this measure and believe its passage at this session is of vital importance to maintain and strengthen the Foreign Service of the United States.

In response to a 1976 Congressional mandate for a "comprehensive plan" for reform of the personnel system of the Foreign Service, work on this measure began in the last year of the Ford Administration and continued during the Carter Administration. As reported to the Congress before the change of Administration in January 1977, a key element in any proposed reform is the clear division between the Foreign Service and the Civil Service in the Department of State. The pending bill accomplishes this long overdue objective in a fair and equitable manner. In addition it codifies diverse laws affecting the Service in an effective new charter and accomplishes many other needed reforms.

This country has a diplomatic service second to none. The dedicated and able men and women of the Foreign Service serve this Nation in increasingly difficult and dangerous conditions abroad.

The proposed Foreign Service Act of 1980 is well designed to meet the needs of the Service and the needs of our Presidents and Secretaries and State in the years ahead.

HENRY A. KISSINGER.  
CYRUS R. VANCE.

THE SECRETARY OF STATE,  
Washington, D.C.

I am writing to urge your support of the Foreign Service bill (S. 3058) which will be up for Senate action shortly.

Since assuming the duties of Secretary of State four months ago, I have become keenly aware of the desirability of enactment at this session of this comprehensive and important bill to strengthen and to improve the Foreign Service. My predecessors strongly share this view as does a preponderant majority of the members of the Service. A brief description of the proposal is attached.

I want to give you my personal assurance that the Foreign Service bill is a completely non-partisan measure which has gained the overwhelming support of the Senators and Representatives who conducted extensive hearings and markups in 1979 and 1980. On September 8 the House passed the bill by a substantial bipartisan majority.

It is the direct result of five years of efforts begun during the last part of the Ford Administration in response to a Congressional demand in 1976 for a "comprehensive plan" for the improvement and simplification of the personnel system of the Foreign Service.

Your support will be greatly appreciated.  
Sincerely,

EDMUND S. MUSKIE.

FOREIGN SERVICE BILL: MAIN FEATURES

(A Bill (H.R. 6790) to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.)

The bill provides a closer linkage between performance and all aspects of Foreign Service personnel management: recruitment,

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tenure, advancement, incentive pay, and retention, as judged by impartial selection boards of career and public members.

It simplifies the present overly complex personnel structure of the Foreign Service and converts to Civil Service status those who have not and will not serve abroad with full protection of pay and rights.

It establishes a Senior Foreign Service compatible with the special needs and role of the Foreign Service and yet responsive to the purposes and goals which were sought through the creation of the Senior Executive Service under the Civil Service Reform Act of 1978.

Employee-management relations are placed on a sound statutory basis.

The bill replaces the Foreign Service Act of 1946 and codifies an accumulation of 34 years of legislation on the subject in one comprehensive new charter.

It effects numerous other reforms relating to the rights and benefits of the dedicated members of the Foreign Service and their families who are called upon daily to serve this country in increasingly dangerous and difficult circumstances abroad.

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

The PRESIDING OFFICER (Mr. Ford). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, my colleague from Rhode Island has brought before us an important and comprehensive bill which will strengthen the Foreign Service.

With respect to the impact of this legislation on AID, I take it that my colleagues' understanding is the same as mine—that the Administrator of AID will continue independently to exercise all authorities available under this legislation with respect to AID personnel.

When the International Development Cooperation Agency was established last year, we were told that it would have policy and budget responsibilities, but that it would not interfere in the day-to-day operation of AID. My subcommittee has been troubled by reports that IDCA has from time to time sought to intervene in the personnel management of AID, which is clearly beyond its intended scope.

I am taking this opportunity to clarify for all concerned any ambiguity as to whether AID continues to exercise its authorities as a separate Agency and to emphasize our view that all authorities, personnel and otherwise, necessary for the effective operation of the U.S. bilateral assistance program by AID are to be unambiguously vested in AID.

Mr. President, my subcommittee has worked for years to make AID as efficient an operation as we can. I think we have made substantial progress, and do not wish any ambiguities about the responsibilities of the Administrator of AID to interrupt this progress.

As far as I am concerned, a key test of IRCA's effectiveness and utility will be its ability to provide useful policy and budget guidance without in any way

hampering—indeed by positively reinforcing—the independent operation of its component agencies.○

(The following proceedings occurred during the statement of the program by Mr. ROBERT C. BYRD later in the day and are printed at this point in the RECORD by unanimous consent:)

## AMENDMENT NO. 2290

(Purpose: To amend the Foreign Service Act of 1946 to strengthen and improve the Foreign Service, and for other purposes)

Mr. BAKER. Mr. President, the distinguished Senator from North Carolina, who will offer the substitute amendment on Monday, or who would offer it today and make it the pending business, is necessarily absent from the floor temporarily.

In order to make sure that the Helms amendment is the pending business when we return, and after the recognition of the two leaders, as the majority leader has provided for, I now ask the Chair to lay before the Senate on behalf of Senator HELMS the amendment I just referred to.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. HELMS, proposes an amendment numbered 2290.

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

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

The amendment is as follows:  
Strike out all after the enacting clause and insert in lieu thereof the following:

## SHORT TITLE

SECTION 1. This Act may be cited as the "Foreign Service Act Amendments of 1980".

## OBJECTIVES

SEC. 2. Section 111 of the Foreign Service Act of 1946 is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(10) to ensure that personnel in the Foreign Service are accorded all the rights accorded to personnel in the civil service; and

"(11) to provide further protections, procedures, and emoluments to such personnel, in addition to the protections, procedures, and emoluments provided to personnel in the civil service, in order to compensate such Foreign Service personnel for the hazards, inconveniences, and disruptions which encumber such personnel and which require sacrifice and discipline not expected of civil service personnel."

## FOREIGN SERVICE SCHEDULE

SEC. 3 (a) Sections 412 through 415 of the Foreign Service Act of 1946 are amended to read as follows:

## "FOREIGN SERVICE SCHEDULE

"Sec. 412. (a) There is established the Foreign Service Schedule, which shall apply to the members of the Service who are citizens of the United States and for whom salary rates are not otherwise provided for by this title.

"(b) The Foreign Service Schedule shall have 13 salary classes, designated FS-1 through FS-13, which shall correspond to

grades of the General Schedule under section 5332 of title 5, United States Code, as follows:

"Salary class:	Shall correspond to grade:
FS-1	GS-18
FS-2	GS-17
FS-3	GS-16
FS-4	GS-15
FS-5	GS-14
FS-6	GS-13
FS-7	GS-12
FS-8	GS-11
FS-9	GS-9
FS-10	GS-7
FS-11	GS-6
FS-12	GS-5
FS-13	GS-4

"(c) Each class in the Foreign Service Schedule shall have 10 salary steps, equal to the steps for the corresponding grade in the General Schedule, except that the salary classes designated FS-1, FS-2, and FS-3 shall have 1, 5, and 9 steps, respectively.

## "ADDITIONAL COMPENSATION

"Sec. 413. (a) The Congress finds that the availability of members of the Foreign Service to serve worldwide at any post assigned without regard to hazards, inconveniences, or disruption of family relations and educational and other personal plans entitles such members to the additional compensation provided under subsection (b).

"(b) In addition to the basic salary prescribed under section 413 and any other allowance authorized by law, there shall be paid in a lump sum to each member of the Foreign Service an amount equal to 15 percent of the basic salary for such member at the grade and step prescribed under section 413, except that in no event shall a member of the Foreign Service be paid under this section less than \$2,500 or more than \$7,500. Such amount shall be exempt from taxation under chapter 1 of the Internal Revenue Code of 1954.

## "CLASSIFICATION OF POSITIONS

"Sec. 414. The Secretary of State shall designate and classify positions in the Department of State, the Agency for International Development, and the International Communication Agency and positions at Foreign Service posts, subject to the applicable provisions of chapter 51 of title 5, United States Code, in relation to the salaries established under section 413. Positions so classified shall be considered to be part of the civil service for purposes of title 5, United States Code. Career members of the Foreign Service shall be eligible to compete for positions classified under chapter 51 of title 5, United States Code, which are not classified by the Secretary pursuant to this section.

## "ASSIGNMENT TO POSITIONS

"Sec. 415. The Secretary shall, to the maximum extent practicable without prejudicing the foreign policy or national security interests of the United States, assign individuals holding a personal rank in the diplomatic service of the United States only to such classified positions as may be appropriate to the rank and salary of such individuals. The Secretary shall from time to time prepare and transmit a report to the Congress listing the names of each individual assigned to a classified position for which the salary was more than one grade higher or lower than the grade corresponding to the personal rank of such individual."

(b) Section 416 of such Act is repealed.

ADMISSION TO FOREIGN SERVICE SALARY CLASSES  
SEC. 4. Sections 516 through 518 of the Foreign Service Act of 1946 are amended to read as follows:

## "ADMISSION TO FOREIGN SERVICE SALARY CLASSES 7 THROUGH 13

"Sec. 516. No person may be eligible for initial appointment as a member of the Foreign

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Service of classes 7 through 13 unless such person has taken an appropriate written and oral examination, as the Board of Examiners for the Foreign Service may prescribe, to determine fitness and aptitude for the work of the Service and demonstrated loyalty to the Government of the United States and attachment to the principles of the Constitution. Part of the written examination shall test the applicant's knowledge of the geography, history, and political structure of the United States and of the major internal events of the twentieth century. The Board of Examiners for the Foreign Service shall interpret the results of such examinations in the light of the ordinary clerical, technical, or professional duties which the applicants would perform in the Foreign Service.

**"ADMISSION TO FOREIGN SALARY CLASSES 1 THROUGH 6**

"Sec. 517. No person may be eligible for initial appointment as a member of the Foreign Service of classes 1 through 6 unless such person has taken an appropriate oral examination, as prescribed by the Board of Examiners for the Foreign Service, to determine the fitness and aptitude of the applicant. Notwithstanding the preceding sentence, the Secretary of State may appoint an individual as a member of the Foreign Service of class 1, 2, or 3, without examination by the Board of Examiners for the Foreign Service if—

"(1) not later than 30 days after such appointment, the President notifies the Senate of such appointment; and

"(2) not more than 5 percent of the employees of the Department of State at one time are appointed pursuant to this sentence.

**"OFFICE OF PERSONNEL MANAGEMENT**

"Sec. 518. (a) The Director of the Office of Personnel Management shall cause the names of all individuals appointed to the Foreign Service to be placed on the registers or lists of eligibles, maintained by the Office of Personnel Management under subchapter I of chapter 33 of title 5, United States Code, together with the grade in the civil service corresponding to the salary class in the Foreign Service for each such individual. The Director of the Office of Personnel Management shall keep current the information provided under the preceding sentence.

"(b) If the employment of an individual in the Foreign Service is terminated, the Director of the Office of Personnel Management shall assist such individual in finding a position of corresponding grade in the civil service."

**LABOR-MANAGEMENT RELATIONS**

Sec. 5. (a) Section 7103(a)(2) of title 5, United States Code, is amended—

(1) by inserting "or" at the end of clause (iii); and

(2) by striking out clause (iv).

(b) Title VI of the Foreign Service Act of 1946 is amended by inserting after part E the following:

**"PART F—LABOR-MANAGEMENT RELATIONS**

"Sec. 651. (a) The provisions of subchapter 71 of title 5, United States Code, shall apply with respect to labor-management relations in the Foreign Service except to the extent such provisions are inconsistent with this section.

"(b) The Federal Labor Relations Authority shall resolve any dispute as to whether this Act or chapter 71 of title 5, United States Code, applies with respect to labor-management relations in the Foreign Service.

"(c) Each member of the Foreign Service who is a citizen of the United States, wherever serving, other than a management official, has the right to form, join, or assist any labor organization or to refrain from such activity, freely and without fear of pen-

alty or reprisal. Each such member shall be protected in the exercise of such right.

"(d) (1) For purposes of this section, except as provided in paragraph (2), the term 'management official' means an official who—

"(A) is a chief of mission or principal officer;

"(B) is serving in a position to which appointed by the President, by and with the advice and consent of the Senate, or by the President alone;

"(C) occupies a position which in the sole judgment of the Secretary is of comparable importance to the offices mentioned in clause (A) or (B);

"(D) is serving as a deputy to any individual described by clause (A), (B), or (C);

"(E) is assigned to carry out functions of the Inspector General of the Foreign Service; or

"(F) is engaged in the administration or formulation of the personnel policies and programs of the Department.

"(2) For purposes of labor-management relations with respect to a particular Foreign Service post, of the individuals assigned to such post from the Department, the International Communication Agency, and the United States International Development Cooperation Agency, not more than six senior officials shall be considered to be management officials for purposes of this section, including—

"(A) not more than one senior official each from the International Communication Agency and the United States International Development Cooperation Agency; and

"(B) not more than the following four senior officials from the Department: the chief of mission or principal officer, the deputy chief of mission, the principal administrative officer, and the principal personnel officer."

"(e) (1) For purposes of involvement in any labor organization, the employees, other than management officials, of the Department, the United States International Development Cooperation Agency, and the International Development Cooperation Agency and the International Communication Agency shall constitute, with respect to each such Department or Agency, as the case may be, a single and separate worldwide bargaining unit.

"(2) For purposes of involvement in any labor organization, all members of the Foreign Service, other than management officials, who are employees (including supervisors) of the Department of Agriculture and the Department of Commerce may constitute, with respect to each such Department, as the case may be, a single and separate worldwide bargaining unit or, if recognized as a bargaining unit on the date of enactment of this Act, may merge with any bargaining unit under paragraph (1) which accepts such merger.

"(f) Upon the approval of the Federal Labor Relations Authority and under such terms and conditions as the Authority may require, any bargaining unit representing civil service employees of a department or agency of the United States for which members of the Foreign Service are employed may merge with a worldwide bargaining unit representing only Foreign Service employees if such unit accepts such merger."

**COMPUTATION AND PAYMENT OF ANNUITIES**

Sec. 6. Section 821 of the Foreign Service Act of 1946 is amended—

(1) by striking out "2 per centum" in the first sentence and inserting in lieu thereof "2.5 per centum"; and

(2) by adding at the end thereof the following:

"(j) (1) The rate of annuity of any participant who, during his service, was held hostage or detained in a foreign country in violation of any treaty or other international agreement to which the United States and

such country are signatories shall be increased by a rate equal to—

"(A) one-tenth per centum of the average basic salary of the annuitant, as computed under subsection (a), for each day such annuitant was so held hostage or detained, if such annuitant was held hostage or detained less than thirty days; or

"(B) two-tenths per centum of the average basic salary of the annuitant, as computed under subsection (a), for each day such annuitant was so held hostage or detained in excess of thirty days.

"(2) For purposes of computing under subsection (a) the amount of the annuity for which each participant is entitled, the number of years of creditable service calculated under sections 851 and 853 shall be increased by one year for each month or fraction thereof a participant is so held hostage or detained less than six months and shall be increased by two years for each month or fraction thereof a participant is so held hostage or detained in excess of six months.

"(3) A participant so held hostage or detained shall not have his annuity reduced by reason of his age."

**RETIREMENT CREDIT FOR "RADIO" SERVICE**

Sec. 7. (a) Subsection 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after paragraph (9) the following:

"(10) Subject to sections 8334(c) and 8339(1) of this title, service in any capacity of at least 130 working days per year performed after July 1, 1946 for the (A) National Committee for a Free Europe; (B) Free Europe Committee, Inc.; (C) Free Europe, Inc.; (D) Radio Liberation Committee; (E) Radio Liberty Committee; (F) subdivisions of the entities referred to in clauses (A) through (E); (G) Radio Free Europe/Radio Liberty, Inc.; (H) Radio Free Asia; (I) the Asia Foundation; or (J) the American Forces Network, Europe (AFN-E)."

(b) Section 8332(b) of such title is amended by adding at the end thereof the following:

"The Office of Personnel Management shall accept the certification of the Executive Director of the Board for International Broadcasting concerning services for the purposes of this subchapter of the type performed by an employee referred to in paragraph (10)."

**RETIREMENT FOR BINATIONAL CENTER EMPLOYEES**

Sec. 8. Section 803(a) of the Foreign Service Act of 1946 is amended—

(1) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(2) by adding at the end thereof the following:

"(5) Any person who was appointed as a Binational Center Grantee and who has completed at least five years of satisfactory service as such a grantee or under any other appointment under this Act and who makes an appropriate contribution to the Fund in accordance with the provisions of this Act."

**EFFECTIVE DATE**

Sec. 9. The amendments made by this Act shall take effect on October 1, 1980.

**AGRICULTURAL SUBTERMINAL FACILITIES ACT OF 1980**

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. TALMADGE, I ask that the Chair lay before the Senate a message