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(1) A restatement of the Constitutional prohibition against any appointment of an ambassador or minister without the advice and consent of the Senate, other than by recess appointment; and

(2) A requirement that the President submit a report when conferring the personal rank of ambassador or minister at least 30 days in advance of the conferral.

The conference substitute in section 302(a)(2)(B) is similar to the Senate amendment but adds language permitting exceptions to the 30-day advance notice requirement in urgent cases.

#### REPORTS ON DEMONSTRATED COMPETENCE OF CHIEF OF MISSION NOMINEES

The Senate amendment required the President to provide to the Senate Foreign Relations Committee a report on the demonstrated competence of each person nominated for appointment as a chief of mission.

The House bill contained no comparable provision.

The conference substitute in section 304(a)(4) is identical to the Senate amendment.

#### REGULATION OF EMPLOYMENT OF FAMILY MEMBERS AT FOREIGN SERVICE POSTS ABROAD

The Senate amendment required the Secretary of State to issue regulations governing all Federal agencies' employment at Foreign Service posts abroad of family members of all Government personnel.

The House bill contained no comparable provision.

The Conference substitute contains no provision on this issue.

#### FOREIGN SERVICE SALARY SCHEDULE

The House bill established a 10-class Foreign Service salary schedule, with each class corresponding to a specified grade in the General Schedule. Each class was required to have 14 salary steps.

The Senate amendment authorized the President to establish a 9-class Foreign Service salary schedule with a maximum salary rate not exceeding the maximum rate for GS-15 of the General Schedule. However, the Senate amendment did not establish specific linkages between the Foreign Service Schedule and General Schedule for the Various salary classes.

The conference substitute in section 403 adopts the Senate amendment. The committee of conference understands that the pay schedule reproduced below will be implemented by the President, effective the first day of the first pay period beginning on or before October 1, 1980, under the authority provided to the President under the Federal Pay Comparability Act of 1970 (5 U.S.C. 5301, et seq.). The new pay schedule represents a compromise between the pay option adopted by the House and that initially supported by the Administration. The \$27.4 million proposal contains nine salary classes as do the present pay schedules for the Foreign Service. The September 24, 1980 letter from the Deputy Director of the Office of Management and Budget to the chairmen of the various committees follows, together with charts indicating the new linkages, com-

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parative details among various pay options and the intergrade differentials between salary classes in the new option:

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, D.C., September 24, 1980.

DEAR MR. CHAIRMAN: This letter is to advise you that the Administration strongly prefers the Senate provisions in Sections 403, 406 and 2101, regarding Foreign Service compensation, in H.R. 6790, the proposed Foreign Service Act of 1980. It also provides you with an up-dated Foreign Service pay schedule that the President would authorize in implementation of those Sections of H.R. 6790. As you can see, the attached up-dated schedule sets forth considerably higher linkages between the Foreign Service and the General Schedule than the one I provided you in my letter of April 1.

We believe that it is absolutely essential for the President to have authority to set the linkage between the FS and GS pay systems in order for him to carry out his responsibility for the management of the statutory pay systems in the executive branch. Duties and responsibilities for positions compensated under the FS and GS pay systems change from time to time, necessitating changes in linkage points. The Congress has recognized the need for continued attention to matters of this type in granting the President authority over linkages under the Federal Pay Comparability Act. We believe it inappropriate to take that authority from the President.

The higher linkages which the President would implement, under the provisions of the Senate-passed bill, take into consideration the critical concerns expressed both in the Senate and House. This proposal would make a one-time increase in FS pay that averages \$2,570 a year or 9.6 percent, effective in the first pay period and with conversion to the new schedule on a step for step basis, at a cost of approximately \$27.4 million annually. Compounded with the forthcoming October 1 Federal pay increase of 9.1 percent, FS pay would go up an average of 19.6 percent this year. The Administration believes that this proposal provides for a sound compensation system for the Foreign Service. At the same time, it is the largest increase that can be provided under a fair assessment of comparability between the FS and GS systems.

Accordingly, we strongly urge enactment of Sections 403, 406 and 2101 of the Senate-passed bill instead of the House-passed version of those sections.

The Administration's positions on other differences between the Senate and House bills have been conveyed by staff of the State Department of staff of your Committee.

Sincerely,

JOHN P. WHITE,  
Deputy Director.

Enclosure.

## LINKAGE PROVIDING COMPARABILITY BETWEEN

Current grade	Current linkage
FSO/R/RU-3	
FSO/R/RU-4	GS-13
FSO/R/RU-5	
FSO/R/RU-6	
FSO/R/RU-7	
FSO/R/RU-8	GS-7
FSS-1	
FSS-2	
FSS-3	
FSS-4	
FSS-5	
FSS-6	
FSS-7	
FSS-8	
FSS-9	
FSS-10	GS-4

<sup>1</sup> Approximate.

## COMPARATIVE DETAILS AN

Current class	New class	Current linkages
0-3	FS-1	GS-14.40
0-4	FS-2	GS-13
0-5	FS-3	GS-11.76
0-6	FS-4	GS-10.38
0-7	FS-5	GS-8.54
S-5		GS-9.22
0-8	FS-6	GS-7
S-6		GS-8.10
S-7	FS-7	GS-7.02
S-8	FS-8	GS-5.98
S-9 and 10	FS-9	GS-4

Cost in millions.....\$3

## OPTION AT \$2

Current
FSO/R/RN-3, FSS-1
FSO/R/RN-4, FSS-2
FSO/R/RN-5, FSS-3
FSO/R/RN-6, FSS-4
FSO/R/RN-7, FSS-5
FSO/R/RN-8, FSS-6
FSS-7
FSS-8
FSS-9, FSS-10

In adopting the Senate amendment, for the time being, the administration accepts the proposal as an urgently needed first step in pay for the Foreign Service. The Federal Pay Act of 1970 requires the President to

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## LINKAGE PROVIDING COMPARABILITY BETWEEN THE FOREIGN SERVICE AND THE GENERAL SCHEDULE

Current grade	Current linkage	Current first step pay	New grade	New linkage	New first step pay <sup>1</sup>
FSO/R/RU-3		GS-14.40	FS-1	GS-15	GS-15.00
FSO/R/RU-4	GS-13	GS-13.00	FS-2		GS-13.71
FSO/R/RU-5		GS-11.76	FS-3		GS-12.43
FSO/R/RU-6		GS-10.38	FS-4		GS-11.28
FSO/R/RU-7		GS-8.54	FS-5	GS-9/ step 2	GS-9.34
FSO/R/RU-8	GS-7	GS-7.00	FS-6		GS-8.20
FSS-1		GS-14.40	FS-1	GS-15	GS-15.00
FSS-2		GS-13.00	FS-2		GS-13.71
FSS-3		GS-11.76	FS-3		GS-12.43
FSS-4		GS-10.38	FS-4		GS-11.28
FSS-5		GS-9.22	FS-5	GS-9/ step 2	GS-9.34
FSS-6		GS-8.10	FS-6		GS-8.20
FSS-7		GS-7.02	FS-7		GS-7.10
FSS-8		GS-5.98	FS-8		GS-6.03
FSS-9		GS-4.97	FS-9	GS-5	GS-5.00
FSS-10	GS-4	GS-4.00	FS-9	GS-5	GS-5.00

<sup>1</sup> Approximate.

## COMPARATIVE DETAILS AMONG VARIOUS PAY OPTIONS

Current class	New class	Current linkages	House bill	Pay options		Compromise \$27.4 option
				I	II	
0-3	FS-1	GS-14.40	GS-15	GS-15	GS-15	GS-15
0-4	FS-2	GS-13	GS-14	GS-14	GS-14	GS-13.71
0-5	FS-3	GS-11.76	GS-13	GS-13	GS-12.5	GS-12.43
0-6	FS-4	GS-10.38	GS-12	GS-12	GS-11	GS-11.28
			GS-11	GS-11		
0-7	FS-5	GS-8.54	GS-9	GS-9	GS-9	GS-9.34
S-5		GS-9.22				
0-8	FS-6	GS-7	GS-8	GS-7	GS-7	GS-8.20
S-6		GS-8.10				
S-7	FS-7	GS-7.02	GS-7	GS-6	GS-6	GS-7.10
S-8	FS-8	GS-5.98	GS-6	GS-5	GS-5	GS-6.03
S-9 and 10	FS-9	GS-4	GS-5	GS-4	GS-4	GS-5
Cost in millions			\$34.1	\$33.8	\$29	\$27.4

## OPTION AT \$27.4 MILLION

Current	New	Step one rates	GS equivalents	Intergrade differentials (percent)
FSO/R/RN-3, FSS-1	FS-1	\$40,832	GS-15.00	23.41
FSO/R/RN-4, FSS-2	FS-2	33,086	GS-13.71	23.41
FSO/R/RN-5, FSS-3	FS-3	26,810	GS-12.43	23.41
FSO/R/RN-6, FSS-4	FS-4	21,724	GS-11.28	23.41
FSO/R/RN-7, FSS-5	FS-5	17,603	GS-9.34	11.85
FSO/R/RN-8, FSS-6	FS-6	15,737	GS-8.20	11.85
FSS-7	FS-7	14,068	GS-7.10	11.85
FSS-8	FS-8	12,576	GS-6.03	11.85
FSS-9, FSS-10	FS-9	11,243	GS-5.00	11.85

In adopting the Senate amendment, the committee of conference accepts, for the time being, the administration's September 24 proposal as an urgently needed first step in moving toward adequate pay for the Foreign Service. The Federal Pay Comparability Act of 1970 requires the President to establish appropriate linkages

among the various Government pay schedules and between those schedules and the private sector. It is clear that recent administrations have failed to bring Foreign Service pay in line with other pay scales. The conferees are not convinced that this proposal achieves the statutory mandate of pay equality. It does, however, move in the right direction.

In setting pay levels for the Foreign Service, the President should take the following special characteristics of Foreign Service duty, among others, into account: (a) the requirement that any member of the Foreign Service serve in any country to which he or she is assigned; (b) the extraordinary threat to personal safety in peacetime as well as in war; (c) the continual scrutiny of Foreign Service members and their families by foreign audiences; and (d) the accountability of the Foreign Service for the actions of the United States abroad.

#### WITHIN-CLASS SALARY INCREASES

The House bill provided that members of the Foreign Service paid under the Foreign Service Schedule shall receive within-class step advances after 52 weeks of service in each of the first 9 steps of each class and after 104 weeks of service in steps 10 through 13. The provision also authorizes denial of within-class salary increases by selection boards based on inadequate performance and additional step increases by the agency head based on especially meritorious service.

The Senate amendment contained a similar provision, but did not specify the frequency of within-class salary increases. Instead, it authorized the increases to be granted at periodic intervals leaving the time period to be set by agency regulation.

The conference substitute in section 406 is the same as the House provision.

#### PREMIUM PAY FOR FOREIGN SERVICE OFFICERS

The House bill in section 412 authorized the Secretary to pay special differentials to Foreign Service officers required to perform additional work on a regular basis in substantial excess of normal requirements. However, such a differential would not be payable with respect to work for which additional compensation is payable under the premium pay provisions in Title 5, United States Code. Section 2304 of the House bill amended title 5, United States Code, to authorize premium pay for Foreign Service officers other than members of the Senior Foreign Service, as was the practice prior to October 1, 1978.

The Senate amendment was designed to prevent junior FSO's from receiving premium pay. However, the amendment also continued special differentials for Foreign Service officers assigned additional work. Section 2304 of the Senate amendment continued the existing exclusion from premium pay of Foreign Service officers, but specified that compensatory time off could be provided.

The conference substitute in sections 412 and 2304 adopts the Senate amendment but adds language requiring reports to be made to the Committee on Foreign Affairs and the Committee on Foreign Relations should limitations be placed on the dollar amounts

of special differentials or the be paid.

#### REPORTS TO CONGRESS ON ASSIGNMENTS

The Senate amendment in section 406 to Congress on Foreign Service assignments specified more than one grade higher of the individuals assigned to the duty. The House bill contained no such provision. The conference substitute in section 406 adopted the Senate amendment.

#### FOREIGN SERVICE AWARDS

The Senate amendment directed the Secretary to establish a program of Foreign Service awards for meritorious service to the Nation by members of the Foreign Service, including extraordinary valor in the line of duty. The House bill contained no such provision. The conference substitute in section 406 adopted the Senate amendment. The committee report on the current law provides for monetary awards will not be monetary.

#### CAREER DEVELOPMENT

The House bill in section 703(c) authorized the Secretary to design training programs for career development for members of the Foreign Service. The Senate amendment in section 703(c) authorized the Secretary in more specific terms to establish a program for the members of the Foreign Service, and described the emphasis to be placed on the program at various career stages. The conference substitute incorporated the House bill and added a new section 703 which deals exclusively with language development. The substitute also adds language regarding language development skills.

#### MANDATORY RETIREMENT

The House bill raised the mandatory retirement age for members of the Foreign Service and the Senate amendment retained the mandatory retirement age of 60. The conference substitute in section 703(c) adopted the House provision. The committee of conference report reflects the advances made in life expectancy, availability of health care, and the retention of a mandatory retirement age. The retention of a mandatory retirement age reflects the demonstrated correlation between the demonstrated correlation between overseas assignability of members of the Foreign Service and a strong reaffirmation of the requirement.

## OLC—Conf. Rept.—H6790

96TH CONGRESS }  
2d Session }

HOUSE OF REPRESENTATIVES

REPORT  
No. 96-1432

## FOREIGN SERVICE ACT OF 1980

SEPTEMBER 29, 1980.—Ordered to be printed

Mr. FASCELL, from the committee of conference,  
submitted the following

## CONFERENCE REPORT

[To accompany H.R. 6790]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the 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, 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:

*SECTION 1. SHORT TITLE.—This Act may be cited as the "Foreign Service Act of 1980".*

*SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

## TABLE OF CONTENTS

Sec. 1. Short title.

Sec. 2. Table of contents.

## TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

## CHAPTER 1—GENERAL PROVISIONS

Sec. 101. Findings and objectives.

Sec. 102. Definitions.