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## LEGISLATIVE HISTORY

### DEPARTMENTAL REVIEWS OF TRAINING NEEDS

Section 5 provides for a review by the head of each department of the needs and requirements of his department for the training of the employees thereof. It is required that such review be conducted and completed within 90 days after the date of enactment of the bill and at least once every 3 years after the close of the 90-day period. The Civil Service Commission is authorized in its discretion to assist any department in its review if the department requests such assistance. It is required that any information obtained or developed in any such review be made available to the Commission upon the request of the Commission.

### TRAINING REGULATIONS OF COMMISSION

Section 6(a) authorizes the Civil Service Commission, after consideration of the training needs and requirements of each department and after consultation with the departments principally concerned, to prescribe regulations containing principles, standards, and related requirements for departmental training plans and programs conducted under authority of the bill. The bill does not require the Commission to obtain the approval of the President before it issues instructions to departments or publishes regulations. Such regulations must provide for the maintenance of information necessary to permit the President and the Congress to discharge their respective duties for supervision, control, and review of training programs. The regulations must provide for appropriate coordination of and reasonable uniformity in departmental training programs and plans and shall cover, with respect to training in both Government facilities and non-Government facilities, the following:

- (1) Determinations and continuing reviews by departments of their training needs and requirements;
- (2) The scope and conduct of departmental training programs and plans;
- (3) The selection and assignment of employees for training;
- (4) The utilization of trained employees;
- (5) The evaluation of the results of training;
- (6) The interchange among departments of training information;
- (7) The submission by departments of reports on the results and effects of training programs and plans, the economies resulting from such training programs and plans, and estimates of costs of training in non-Government facilities;
- (8) Payments and reimbursements for training expenses in both Government facilities and non-Government facilities; and
- (9) Such other matters as the Commission deems necessary or appropriate.

Section 6(b) directs the Commission to include in its regulations special provisions for training in non-Government facilities including coverage of such matters as:

- (1) Policies governing the selection of non-Government facilities for training purposes;
- (2) Determination that a Government facility is not reasonably available for training purposes and that appropriate consideration has been given to the then existing or reasonably foreseeable availability and utilization of fully trained employees; and

## GOVERNMENT EMPLOYEES TRAINING

(3) Prohibition against the training of an employee for the purpose of filling a position by promotion if, in the department concerned, another fully qualified employee of equal ability and suitability is available within a reasonable distance from the place or places of performance of the duties of the position concerned.

Section 6(c) specifically authorizes the Civil Service Commission, from time to time, to revise, supplement, or abolish its regulations and prescribe additional regulations.

Section 6(d) states that section 6 is not to be construed to authorize the Commission to prescribe, with respect to intradepartmental training, either the kind of training or the precise training methods to be used by the departments or to authorize the Commission to prescribe for the departments the details of such training. Section 6(d) will not deprive the Commission of any existing authority.

### ESTABLISHMENT OF PROGRAMS OF TRAINING THROUGH GOVERNMENT AND NON-GOVERNMENT FACILITIES

Section 7 directs the head of each department to prepare, establish, and place in effect, within 270 days after the date of enactment of the bill, training programs and plans which will, among other things, increase economy and efficiency of departmental operations and raise the standard of performance of employees. When regulations have been issued by the United States Civil Service Commission, such programs and plans shall conform to such regulations. Such programs and plans shall make provision for adequate and appropriate administrative control. Section 7 also authorizes two or more departments to conduct joint operations under a training program. Under training programs, self-development of employees is to be encouraged by means of appropriate recognition of increases in their proficiency and skill.

### GENERAL PROVISIONS OF PROGRAMS OF TRAINING THROUGH GOVERNMENT FACILITIES

Section 8 contains general provisions with respect to programs of training in Government facilities to the following effect:

First, section 8 directs each department to provide for employee training in its own facilities insofar as practicable.

Second, section 8 provides for the utilization by a department of the facilities of another department for employee training.

Third, a department may, in the discretion of the department head, make its training facilities available to another department on a reimbursable or nonreimbursable basis.

Fourth, section 8 also permits any agency, which is in any branch of the Government and which is not covered by the training programs under the bill, to make available its facilities, on a reimbursable or nonreimbursable basis, to those departments having training programs under the bill.

One purpose of section 8 is to encourage departments and agencies to make their training facilities available to other departments and agencies and to use available training facilities of other departments and agencies. However, this purpose is subject to the necessary limitation that no department or agency which requires the full capacity of its training facilities to

## LEGISLATIVE HISTORY

carry out its own responsibilities shall be called upon to make such facilities available to another department or agency.

### GENERAL PROVISIONS OF PROGRAMS OF TRAINING THROUGH NON-GOVERNMENT FACILITIES

Section 9 contains general provisions with respect to programs of training in non-Government facilities.

Section 9(a) authorizes the head of each department to enter into agreements or make other appropriate arrangements for the training of employees of such department in non-Government facilities without requesting bids on the cost of such training as normally would be required in such cases by section 3709 of the Revised Statutes (41 U.S.C. 5).

Section 9(b) (1) requires each department to inform its employees of training opportunities in non-Government facilities and of the limitations and restrictions applicable to employees who accept such training.

Section 9(b) (2) directs each department to consider the value of training as an inducement to be used in the hiring and retention of scientific, professional, technical, and administrative employees.

Section 9(c) authorizes each department to supplement the regulations of the Civil Service Commission with departmental regulations which will further protect the Government on matters affecting the payment and reimbursement of training expenses.

### EXPENSES OF TRAINING THROUGH GOVERNMENT FACILITIES AND NON-GOVERNMENT FACILITIES

Section 10 authorizes the head of each department, in accordance with regulations issued by the Civil Service Commission, to use funds appropriated or otherwise available to pay the salary of employees who are being trained (but not to pay them overtime, holiday, or night differential pay during periods of training). The section also authorizes the department head to cover the necessary expenses of an employee in training either by reimbursing him for those expenses or by providing money in advance in anticipation of such expenses. The necessary expenses include travel; per diem; transportation of family and household goods whenever such expenses would be less than payment of per diem; tuition; matriculation fees; library and laboratory services; purchase or rental of books, materials, and supplies; and other expenses directly related to the training of such employee. Membership fees are not allowed unless they are directly related to the cost of training.

### AGREEMENTS OF EMPLOYEES RECEIVING TRAINING THROUGH NON- GOVERNMENT FACILITIES TO CONTINUE IN GOVERNMENT SERVICE FOR CERTAIN PERIODS

Section 11(a) requires each employee who is to be trained at a non-Government facility to enter into a written agreement (1) to serve for a period at least equal to three times the length of the period of his training, unless he is involuntarily separated from the service, and (2) if he leaves the service voluntarily, to reimburse the Government for the additional expenses such as travel, tuition, and fees (but not salary) incurred by the Government in connection with his training. Section 11(a) further provides that no employee selected for such training shall be actually assigned to such training unless he has entered into such agreement.

## GOVERNMENT EMPLOYEES TRAINING

Section 11(b) permits an employee to transfer from a department which provided him with training at a non-Government facility to another department or to another agency in any branch of the Government. If he has not completed the period of service specified in the training agreement which he signed, the head of the department which provided the training may demand repayment of the additional expenses incurred but must give notice of such demand prior to the date of the transfer of the employee.

Section 11(c) provides for recovery by setoff from salary, retirement credit, or other credits, or by legal action, of money due to the Government from an employee who fails to complete the terms of a training agreement. However, in accordance with regulations of the Commission, the head of a department, in the cause of equity and good conscience, or in the public interest, may waive in whole or in part the right of the Government to collect from any such employee.

### LIMITATIONS ON TRAINING OF EMPLOYEES THROUGH NON-GOVERNMENT FACILITIES

Section 12(a) limits the training of employees in non-Government facilities in the following ways:

(1) Not more than 1 percent of a department's total number of man-years of civilian employment in any fiscal year (as disclosed by budget estimates) shall be devoted to training in non-Government facilities in such fiscal year.

(2) An employee must have had at least 1 year of current, continuous civilian service at the time he is assigned to training in a non-Government facility. Exceptions to this requirement may be made, in the public interest, by a department head in accordance with regulations of the Civil Service Commission.

(3) Employees are limited to 1 year of training at a non-Government facility in each 10 years of employment.

(4) The length of time spent in training at non-Government facilities shall be made subject to such other limitations as the Civil Service Commission may, in its discretion, establish.

Section 12(b) authorizes the Civil Service Commission, upon request of a department head, to waive or reimpose, in the public interest, any or all of these restrictions for an employee, or a department or part thereof.

### PROHIBITION ON TRAINING THROUGH NON-GOVERNMENT FACILITIES FOR SOLE PURPOSE OF OBTAINING ACADEMIC DEGREES

Section 13 prohibits the use of the authority of the bill to give employees opportunities to obtain academic degrees to qualify for appointment to a position. The section also prohibits the use of the authority of the bill to provide employees training solely for the purpose of obtaining academic degrees.

### PROHIBITION ON TRAINING THROUGH FACILITIES ADVOCATING OVERTHROW OF THE GOVERNMENT BY FORCE OR VIOLENCE

Section 14 forbids the use of appropriations of, or other funds available for expenditures by, any department for the training of any employee in a non-Government facility which teaches or advocates the overthrow of the Government of the United States by force or violence. It also forbids pay-

## LEGISLATIVE HISTORY

ment for training services to any individual with respect to whom determination has been made in a proper manner by a proper Government authority that there exists a reasonable doubt of his loyalty to the United States.

### REVIEW BY COMMISSION OF PROGRAMS OF TRAINING THROUGH NON-GOVERNMENT FACILITIES

Section 15 directs the Civil Service Commission to review, as it deems necessary, the operations, activities, and related transactions of departments in the training of employees at non-Government facilities and directs the departments to cooperate and assist in such review. When the Commission finds noncompliance with the provisions of the bill, with the training programs and plans, or with the regulations of the Commission, the Commission shall consult with the department concerned and then shall certify to the head of such department the recommendations of the Commission for overcoming that noncompliance. If, after a reasonable time for placing the recommendations in effect, the Commission finds that the department still is not complying with the bill, the program and plans, or the regulations, the Commission shall report such noncompliance to the President for such action as the President deems appropriate.

### COLLECTION OF TRAINING INFORMATION BY COMMISSION

Section 16 authorizes the United States Civil Service Commission to maintain an information service on training programs, plans, and methods both in and out of Government and, upon request, to make such information available to any department and to the Congress.

### ASSISTANCE BY COMMISSION WITH RESPECT TO TRAINING PROGRAMS

Section 17 authorizes the Commission, upon request of any department, to provide assistance in the establishment, operation, and maintenance of departmental training programs and plans, to the extent of the facilities and personnel of the Commission available for such purpose.

### REPORTS

Section 18(a) directs each department to submit annually to the Civil Service Commission reports on training in Government and non-Government facilities. Each report shall contain:

- (1) Information on training expenditures;
- (2) The name, grade, title, and duties of each employee (except cooperative education students) who received training in a non-Government facility for more than 120 days and the name of the non-Government facility in which the training was given; the nature, length, and cost to the Government of such training; and the relationship of such training to official Government duties;
- (3) The name of each employee who received a contribution or award from a private source as authorized by section 19(a) of the bill;
- (4) A statement of the value of training in non-Government facilities;
- (5) Estimates of economies and improved operations resulting from training in non-Government facilities; and
- (6) Such other information as the department or the Commission deems appropriate.

## GOVERNMENT EMPLOYEES TRAINING

It should be observed that paragraph (2) of section 18(a), discussed immediately above (requiring the inclusion in each annual report of a department to the Civil Service Commission of the name of each employee who received training in a non-Government facility for more than 120 days, the grade, title, and primary duties of his position, and certain other information) does not apply to individuals who are students in a cooperative education program—that is, a program in which there is a combination of classroom work and practical industrial experience in an organized program under which the students alternate the periods of attendance at college with the periods of employment in education, business, or government. In a cooperative education program of the type referred to in section 18(a) (2), the employment constitutes a regular, continuing, and essential element in the education process and some minimum amount of employment and minimum standard of performance are included in these requirements for a degree. Also, in a cooperative education program of such type, the work and the field of study must be related.

Section 18(b) requires the Civil Service Commission to include in its annual reports a statement on employee training which shall include:

- (1) A summary of departmental training operations and results;
- (2) A summary of information received by the Commission from the departments on training in non-governmental facilities; and
- (3) Recommendations and other matters that the President or the Commission deem appropriate or which may be required by the Congress.

Section 18(c) requires the Civil Service Commission to submit to the President for his approval and for transmittal to the Congress certain specified information concerning training in non-Government facilities, including the names and other data with respect to employees who received such training for more than 120 days and the names of employees who received a contribution or award from a private source under section 19(a). This information may be included in the annual report of the Commission or submitted separately.

### GENERAL

Section 19 contains general provisions relating to contributions, awards, payments, and other matters concerning the training of employees.

Section 19(a) provides that, to the extent authorized by regulation of the President and without regard to the conflict of interest provisions contained in section 1914 of title 18 of the United States Code, certain types of contributions, awards, and payments may be made and accepted, as follows:

(1) Contributions and awards incident to training in non-Government facilities may be made to and may be accepted by employees (as defined in and covered by the bill).

(2) Payment of travel, subsistence, and other expenses incident to attendance at meetings may be made to and accepted by employees (as defined in and covered by the bill).

Such contributions, awards, and payments may be made only by organizations determined by the Secretary of the Treasury to be non-profit organizations described in section 501(c) (3) of the Internal Revenue Code of 1954 and exempt from taxation under section 501(a) of such code.

Section 19(b) provides that, on and after the date of enactment of the bill, any appropriation available to any department (as defined in and to

## LEGISLATIVE HISTORY

the extent covered by the bill) for travel expenses also shall be available for expenses of attendance at meetings, if these meetings are concerned with the functions or activities for which the appropriation is made or will contribute to improved conduct, supervision, or management of those functions or activities.

Section 19(c) provides that, whenever, under section 19(a), a contribution, award, or payment, whether in cash or in kind, is made to any employee for travel, subsistence, or other expenses, an appropriate reduction shall be made from any payment by the Government to that employee for travel, subsistence, or other expenses incident to his training in a non-Government facility or incident to his attendance at a meeting. This reduction shall be made in accordance with regulations of the Director of the Bureau of the Budget.

Section 19(d) forbids the use of the authority granted by the bill for the training of any employee in a non-Government facility any substantial part of the activities of which is (1) carrying on propaganda or otherwise attempting to influence legislation or (2) participating or intervening in any political campaign on behalf of a candidate (including the publishing or distributing of campaign literature or other political statements).

Section 19(e) states that the functions, duties, and responsibilities under this bill shall be exercised subject to supervision and control by the President and review by the Congress. This provision is also discussed above in connection with the analysis of section 2.

### TRANSITION FROM EXISTING TRAINING PROGRAMS

To permit orderly transition from existing training programs, section 20 provides that training under any program in effect immediately prior to enactment of the bill may be initiated, continued, and completed within a specified time limit. Generally, this time limit will be less than nine months.

### REPEAL AND AMENDMENT OF EXISTING EMPLOYEE TRAINING LAWS

Section 21 specifically repeals a number of provisions of law now authorizing training of employees of eight different departments, agencies, or bureaus, as follows: (1) Atomic Energy Commission, (2) Central Intelligence Agency, (3) Civil Aeronautics Administration, (4) Federal Maritime Board, (5) Maritime Administration, (6) National Advisory Committee for Aeronautics, (7) Bureau of Public Roads, and (8) Veterans' Administration.

(The employee training authority now carried in the appropriation acts of six additional organizations will no longer require annual renewals. These agencies are: Civil Aeronautics Board; Department of Defense (including the Departments of the Army, the Navy, and the Air Force); Food and Drug Administration of the Department of Health, Education, and Welfare; Internal Revenue Service of the Department of the Treasury; and the Post Office Department).

### EXISTING RIGHTS AND OBLIGATIONS

Section 22 provides for the continuance of training contracts and agreements entered into by the Government before the date of enactment of the



## ALASKA STATEHOOD

bill or certain other dates specified in section 20 of the bill. The section also protects the rights and liabilities of employees who are in training, including their seniority, status, pay, leave, and other personnel rights.

### ABSORPTION OF COSTS WITHIN FUNDS AVAILABLE

Section 23 directs the Director of the Bureau of the Budget to provide by regulation for the absorption from applicable appropriations or funds, where practicable, of the costs of training provided under the authority of the bill. Nothing in section 23 is to be considered to require the separation from the service of an employee nor the placing of any employee in a leave-without-pay status.

## ALASKA—ADMISSION INTO UNION

*For text of Act see p. 392*

House Report No. 624, June 25, 1957 [To accompany H.R. 7999]

No Senate Report was submitted with this legislation.

### House Report No. 624

**T**HE Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7999) to provide for the admission of the State of Alaska into the Union, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of H.R. 7999, introduced by Congressman O'Brien of New York, is to provide for the admission of the State of Alaska into the Union. Before reporting H.R. 7999, the Committee on Interior and Insular Affairs of the House of Representatives carefully considered six additional Alaska statehood bills introduced during the 85th Congress. These bills included Delegate Bartlett's (Alaska) H.R. 50; H.R. 628, introduced by Congressman Engle; and H.R. 849, introduced by Congressman O'Brien of New York; each providing for the admission of the Territory into the Union. Two bills, H.R. 340, introduced by Congressman Mack, of Washington, and H.R. 1242, introduced by Congressman Saylor, would enable the people of Alaska to form a constitution and State government and to be admitted into the Union on an equal footing with the original States. Finally, Congressman Saylor introduced H.R. 1243; which would place Alaska and Hawaii in the same bill and permit the two Territories to seek statehood jointly. This bill was similar to H.R. 2535, which received lengthy and careful hearings during the 84th Congress.

H.R. 7999 was reported by the Committee on Interior and Insular Affairs following 16 days of hearings. In addition, a special subcommittee composed of 8 members held 3 weeks of hearings in Alaska during September and October 1955.

### A NEW APPROACH TO ALASKA STATEHOOD

H.R. 7999 will enable Alaska to achieve full equality with existing States, not only in a technical juridical sense, but in practical economic terms as well. It does this by making the new State master in fact of most of the

# Calendar No. 214

85TH CONGRESS }  
1st Session }

## AUTHORIZING THE TRAINING OF FEDERAL EMPLOYEES AT PUBLIC OR PRIVATE FACILITIES

APRIL 8, 1957—Ordered to be printed

Mr. CLARK, from the Committee on Post Office and Civil Service,  
submitted the following

### REPORT

[To accompany S. 385]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 385), to authorize the training of Federal employees at public or private facilities, and for other purposes, having considered the same, report favorably thereon with an amendment, and recommend that the bill, as amended, do pass.

#### AMENDMENT

The committee amendment strikes out all of the bill after the enacting clause and substitutes therefor a new bill which appears in the reported bill in italic type.

#### STATEMENT

The purpose of this legislation is to authorize training of Federal employees at public or private facilities. The bill as amended is designed:

- (1) To provide general statutory authority for employee training required to further Federal programs,
- (2) To make it possible for all agencies to use whatever facilities can best and most economically serve their training needs,
- (3) To provide the President a management tool essential to efficient operation of the departments and agencies,
- (4) To establish a central point of responsibility for and control of employee training programs, and
- (5) To consolidate a variety of existing training authorities of limited scope and applicability.

## JUSTIFICATION

Employee training is a necessary and inseparable function of management. It is recognized as an essential element in all modern personnel programs. Yet, the Government, largest employer in the Nation, lacks positive general authority to utilize this indispensable management tool. Training, alone among major personnel functions, has yet to be provided for in overall enabling legislation.

Two Hoover Commissions, among other responsible groups, have pointed up the damaging effects of this situation and have strongly recommended legislative action to correct it.

It is abundantly clear that no organization so large and complex as the Federal Government, responsible for such diverse and highly specialized programs, can long exist nor effectively operate without training certain of its employees under special circumstances. These barriers to the Government's development of effective and comprehensive employee training programs should be removed as quickly as possible. The bill would accomplish this purpose.

## PUBLIC HEARINGS

Public hearings on the bill were held March 8 and 12. Testimony favoring the bill was presented by the United States Civil Service Commission, Bureau of the Budget, Department of Defense, representatives of educational institutions and private industry, representatives of employee organizations and groups, and individual employees. There was no testimony in opposition to the bill.

## COST

The administration testified that the relatively small cost of the measure could be absorbed by the departments and agencies and that no increase in appropriations would be necessary as a result of its enactment.

It is estimated that the total Federal-wide cost of the measure would be between eight and nine hundred thousand dollars a year.

## EXPLANATION OF THE BILL BY SECTION

Section 1 places in the President authority to authorize the heads of Federal agencies to obtain training at non-Federal facilities for civilian employees.

Section 2 (a) defines "Federal agency" to include all of the executive branch (with specified exemptions); the municipal government of the District of Columbia; the Library of Congress; the Government Printing Office; and, the General Accounting Office.

Section 2 (b) defines "training" for purposes of the legislation.

Section 2 (c) defines "non-Federal facilities."

Section 2 (d) defines "employee."

Section 3 authorizes intraagency and interagency training activities.

Section 4 provides that appropriations or other funds available for salaries or expenses shall also be available for authorized training. It permits the payment of tuition, fees, and similar related expenses to the training institution or to the trainee. It further stipulates that no agency funds shall be available to pay for training at any facility

that teaches or advocates the overthrow of the Government of the United States by force or violence.

Section 5 provides that no training shall be provided under the act for any employee unless authorized by the head of the agency or his duly designated representative.

Section 6 provides that regulations pursuant to the act shall be issued by the President and shall set forth obligations to which employees given training under the act shall agree. This section provides, also, that any trainee failing to fulfill these obligations shall be required to reimburse the Government for the expense of the training to the extent the head of the agency finds equitable.

Section 7 provides that the act will become effective upon passage. After 90 days from enactment, no training shall be obtained from non-Federal facilities by the agencies covered by the act except as provided by it. As a transitional procedure, training begun or specifically approved prior to enactment or within 90 days thereafter may be completed in accordance with the authority upon which it was based.

Section 8 contains language suggested by the Comptroller General designed to make it possible for employees to obtain training at facilities supported in whole or in part by private sources.

Section 9 repeals all laws or parts of laws inconsistent with the act.

Section 10 directs the head of each agency to report annually to the Congress on any out-service training provided under authority of the act. The information to be provided in the report is carefully spelled out.

AGENCY VIEWS

Following are the views of agencies in regard to the bill:

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., February 28, 1957.

HON. OLIN D. JOHNSTON,  
*Chairman, Committee on Post Office and Civil Service,  
United States Senate, Washington, D. C.*

DEAR SENATOR JOHNSTON: Your letter of January 16, 1957, requested us to comment on S. 385, a bill to authorize the training of Federal employees at public or private facilities, and for other purposes which you introduced.

We strongly favor the enactment of S. 385.

Our studies have convinced us that training legislation is necessary and that it will contribute substantially to improved operation of the Federal Government.

We firmly believe in the necessity for flexibility in management and utilization of Government's manpower and in the need for clear placement of training responsibility on line executives, beginning with the President himself. S. 385 is based on these concepts and is sufficiently flexible and administratively practical to meet the needs of government.

S. 385 authorizes interagency and out-service training which is desperately needed. Because recent decisions of the Comptroller General hold that in-service training, which has been regarded as inherent in and inseparable from the normal management function, may require specific legislation, we urge that S. 385 also specifically authorize in-service training. This could be accomplished by removing the word "and" from line 6, page 3, and inserting "; and training

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by Federal agencies of their own employees" between "agencies" and "are also authorized" in line 7, page 3. We further recommend substitution of "the training in non-Federal facilities provided for under this Act" for "the operation of this Act" in line 21, page 5.

The Civil Service Commission wholeheartedly endorses the proposed bill S. 385. We strongly urge early and favorable action on it by the Congress and earnestly request that a provision for in-service training be made.

The Bureau of the Budget has advised us that there is no objection to the submission of this report to your committee.

By direction of the Commission.

Sincerely yours,

PHILIP YOUNG, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington 25, D. C., February 27, 1957.

Hon. OLIN D. JOHNSTON,  
*Chairman, Committee on Post Office and Civil Service,  
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of January 16, 1957, requesting the views of the Bureau of the Budget with respect to S. 385, a bill to authorize the training of Federal employees at public or private facilities, and for other purposes.

The bill would provide general governmentwide authority for inter-agency and out-service training of Federal employees when such training will serve the interests of the Government. S. 385 is identical with the administration's proposal, introduced in the 84th Congress as S. 3287.

On February 21, 1957, the Civil Service Commission Chairman re-submitted the administration training bill, identical with S. 3287, 84th Congress, and with S. 385 except for a new provision in section 3 to give specific authorization for intra-agency in-service training, and to modify section 8 accordingly by requiring the President to report to the Congress on out-service training programs only. The Civil Service Commission has stated this change has been made necessary by recent decisions of the Comptroller General questioning inter-agency training arrangements and certain intra-agency in-service programs.

Accordingly, you are advised that enactment of S. 385, amended as outlined above, would be in accord with the program of the President.

Sincerely yours,

A. R. JONES,  
*Deputy Director.*

POST OFFICE DEPARTMENT,  
BUREAU OF THE GENERAL COUNSEL,  
Washington, D. C., March 25, 1957.

HON. OLIN D. JOHNSTON,  
*Chairman, Committee on Post Office and Civil Service,  
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department with respect to S. 385, a bill to authorize the training of Federal employees at public or private facilities, and for other purposes.

While this Department favors enactment of legislation of this nature, the position of the administration with respect to this bill was stated in the testimony, in favor of the bill, which was given by Mr. Percival F. Brundage, Director of the Bureau of the Budget, on March 8, 1957.

In view of the foregoing, the Post Office Department will not report as to this measure.

Sincerely yours,

ABE MCGREGOR GOFF,  
*General Counsel.*

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 307 (B) OF THE CIVIL AERONAUTICS ACT OF 1838, AS AMENDED

[(b) The Secretary of Commerce is empowered to detail annually employees of the Civil Aeronautics Administration engaged in technical or professional duties for training at Government expense, either at civilian or other institutions not operated by the Secretary of Commerce. Such courses of instructions shall include, but not be limited to, aerodynamics, engineering mechanics, aircraft design and construction, and related subjects dealing with the scientific problems of aeronautics, such as advanced engineering techniques and practices, training in celestial navigation, advanced flight and flight test methods and procedures, application of medical and legal science to problems of aviation, and the use of radio in aviation. There is hereby authorized to be appropriated such sums, not to exceed \$50,000 for any fiscal year, as may be necessary to carry out the provisions of this subsection.]

THE LAST SENTENCE OF SECTION 201 (e) OF THE MERCHANT MARINE  
ACT OF 1936

[The Commission, under such rules and regulations as it may prescribe, may detail annually not to exceed five members of the personnel of the Commission for engineering, technical, or other scientific education and training at Government expense at institutions for scientific education and research, to enable such persons to acquire advanced

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and specialized knowledge or training of particular advantage to the Commission in carrying out its functions under this Act.]

SECTION 803 OF THE CIVIL AERONAUTICS ACT OF 1938

SEC. 803. In order to promote safety and efficiency in air navigation to the highest possible degree, the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, shall, in addition to any other functions or duties pertaining to weather information for other purposes, \* \* \*

\* \* \* (6) coordinate meteorological requirements in the United States in order to maintain standard observations, promote efficient use of facilities and avoid duplication of services unless such duplication tends to promote the safety and efficiency of air navigation; and (7) promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects unless such publication would be contrary to the public interest[; and (8) detail annually, within the limits of available appropriations made by Congress, members of the Weather Bureau personnel for training at Government expense, either at civilian institutions or otherwise, in advanced methods of meteorological science: *Provided*, That no such member shall lose his individual status or seniority rating in the Bureau merely by reason of absence due to such training].

SECTION 16 OF THE DEFENSE HIGHWAY ACT OF 1941

[SEC. 16. Detail of Employees as Students.—During any fiscal year the Commissioner of Public Roads is hereby authorized, in his discretion, to detail not to exceed ten of the regularly employed personnel of the Public Roads Administration as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned: *Provided*, That no expense other than the salaries of personnel so detailed and the cost of tuition and other regular fees required at such institutions shall be incurred by the United States under this section.]

PUBLIC LAW 472, 81ST CONGRESS

[To promote the national defense and to contribute to more effective aeronautical research by authorizing professional personnel of the National Advisory Committee for Aeronautics to attend accredited graduate schools for research and study.

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the National Advisory Committee for Aeronautics (hereinafter referred to as the NACA) is authorized to grant to any professional employee of demonstrated ability, who has served not less than one year in the NACA, a leave or leaves of absence from his regularly designated duties for the purpose of allowing such employee to carry on graduate study or research in institutions of learning accredited as such by the laws of any State.

[SEC. 2. Leaves of absence may be granted under authority of this Act only for such graduate research or study as will contribute materially to the more effective functioning of the NACA.

[SEC. 3. Leave or leaves of absence which may be granted to any employee under authority of this Act shall not exceed a total of one year.

[SEC. 4. Tuition and other incidental academic expenses shall be borne by the employee.

[SEC. 5. Any leave of absence granted under the provisions of this Act shall be without loss of salary or compensation to the employee and shall not be deducted from any leave of absence with pay authorized by any other law. Any such employee shall make a definite statement, in writing, that he will return to and, unless involuntarily separated, will remain in the service of the NACA for a period of six months if the period for which he is granted such leave of absence does not exceed twelve weeks, or for a period of one year if the period of leave exceeds twelve weeks. Any employee who does not fulfill any such commitment shall be required to reimburse the Government for the amount of leave granted under this Act.

[SEC. 6. The total of the sums expended pursuant to this Act, including all sums expended for the payment of salaries or compensation to employees on leave, shall not exceed \$50,000 in any fiscal year.]

#### SECTION 33 OF THE WORLD WAR VETERANS ACT, 1924

SEC. 33. The director, in his discretion, may provide courses of instruction for the professional personnel of the bureau and may detail employees to attend the same[, and may detail not more than 2 per centum of such professional personnel to attend professional courses conducted by other than bureau agencies, and such employees in addition to their salaries shall be entitled to the payment of expenses incident to such detail, including transportation: *Provided, however,* That travel or instruction outside the continental limits of the United States shall not be authorized under this section].

#### FIRST SENTENCE OF SECTION 9, PART VII, VETERANS REGULATION NUMBERED 1 (a)

9. The Administrator shall have the power to provide courses of instruction for personnel and may detail employees to attend the same [and may detail any such personnel to attend courses conducted by other than Veterans' Administration agencies, including private organizations, and such employees in addition to their salaries shall be entitled to the payment of expenses incident to such detail, including transportation and tuition, as the Administrator by rules and regulations shall provide]; and also in his discretion, to make, or, as by agreement with other agency or institution, cause to be made studies, investigations, and reports inquiring into the rehabilitation of disabled persons and the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped and as to how their potentialities can best be developed and their services best utilized in gainful and suitable employment, including the rehabilitation programs of foreign nations engaged in the present war.



## H.R. 10078—Continued

Mr. Tupper; Committee on Agriculture, 18167.

H.R. 10079—To provide for repair by the District of Columbia, at the expense of the owner, of buildings violating the District of Columbia housing regulations, and to make tenants evicted from unsafe and insanitary buildings in the District of Columbia eligible for relocation payments.

Mr. Widnall; Committee on the District of Columbia, 18167.

H.R. 10080—To amend Public Law 815, 81st Congress, relating to school construction assistance in federally impacted areas, so as to provide for assistance when a school district suffers a sudden and substantial increase in enrollment.

Mr. O'Hara of Michigan; Committee on Education and Labor, 18167.

H.R. 10081—To amend the Federal Credit Union Act to modify the loan provisions relating to directors, members of the supervisory committee, and members of the credit committee of Federal credit unions; to increase the unsecured loan limit that a member can borrow from a Federal credit union; to require each Federal credit union to establish an education committee; and for other purposes.

Mr. Patman; Committee on Banking and Currency, 18167.

H.R. 10082—To amend the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education.

Mr. Stratton; Committee on Ways and Means, 18167.

H.R. 10083—To improve Federal employee travel, transportation, and subsistence allowances, and for other purposes.

Mr. Tunney; Committee on Government Operations, 18167.

H.R. 10084—To establish the Great Basin National Recreation Area in the State of Nevada, and for other purposes.

Mr. Baring; Committee on Agriculture, 18167.

H.R. 10085—To prohibit labor organizations and corporations from making political contributions or expenditures in connection with State and local elections.

Mr. Vivian; Committee on the Judiciary, 18167.

H.R. 10086—To authorize assistance under title I of the Housing Act of 1949 for renewal of blighted areas of a locality containing war housing projects.

Mr. Burton of California; Committee on Banking and Currency, 18167.

H.R. 10087—To more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes.

Mr. Roosevelt; Committee on Education and Labor, 18167.

H.R. 10088—To authorize the Secretary of the Army to convey certain lands at the Old Hickory lock and dam, Cumberland River, Tenn., to the Tennessee Society for Crippled Children and Adults, Inc.

Mr. Grider; Committee on Public Works, 18168.

H.R. 10089—To provide for the conveyance of certain public land held under color of title to B. Frank Chenault of Decatur, Ala.

Mr. Jones of Alabama; Committee on Interior and Insular Affairs, 18168.

H.R. 10090—For the relief of Jesse W. Stutts, Jr.

Mr. Jones of Alabama; Committee on the Judiciary, 18168.

H.R. 10091—For the relief of Montano Di Benedetto.

Mrs. Kelly; Committee on the Judiciary, 18168.

H.R. 10092—For the relief of Dr. Benjamin Cruz Atanacio.

Mr. McCarthy; Committee on the Judiciary, 18168.

H.R. 10093—For the relief of Omrie Symester.

Mr. O'Neill of Massachusetts; Committee on the Judiciary, 18168.

H.R. 10094—For the relief of Theodora Gouloumls.

Mr. Pelly; Committee on the Judiciary, 18168.

H.R. 10095—For the relief of Vincenzo Marciano.

Mr. Powell; Committee on the Judiciary, 18168.

H.R. 10096—For the relief of Umberto Ettore Minore.

Mr. Powell; Committee on the Judiciary, 18168.

H.R. 10097—For the relief of North Counties Hydro-Electric Co.

Mr. Rostenkowski; Committee on the Judiciary, 18167.—Reported with amendment (H. Rept. 799), 20816.—Passed over, 23128.—Amended and passed House, 24580.—Referred to Senate Committee on the Judiciary, 24721.—Reported with amendment (S. Rept. 865), 26833.—Amended and passed Senate, 27079.—House concurs in Senate amendment, 27806.—Examined and signed, 28437, 28655.—Presented to the President, 28656.—Approved [Private Law 89-210], 28658.

H.R. 10098—For the relief of Alexander Ratto.

Mr. Burton of California; Committee on the Judiciary, 18168.

H.R. 10099—For the relief of Soon Young Ahn, his wife, Myung Sook Ahn, and their minor children, Julie Kun Shik Ahn and Douglas Wuy Shik Ahn.

Mr. Burton of California; Committee on the Judiciary, 18168.

H.R. 10100—For the relief of Ralph H. Dean.

Mr. Callaway; Committee on the Judiciary, 18168.

H.R. 10101—For the relief of Jesse C. Johnson.

Mr. Callaway; Committee on the Judiciary, 18168.

H.R. 10102—For the relief of Panagiotis Konstantopoulos.

Mr. Erlenborn; Committee on the Judiciary, 18168.

H.R. 10103—For the relief of Angelos Vourvahis.

Mr. Erlenborn; Committee on the Judiciary, 18168.

H.R. 10104—To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

Mr. Celler; Committee on the Judiciary, 18475.—Reported (H. Rept. 901), 22447.—Passed House, 22954.—Referred to Senate Committee on the Judiciary, 23357.

H.R. 10105—To amend Public Law 815, 81st Congress, relating to school construction assistance in federally impacted areas, so as to provide for assistance when a school district suffers a sudden and substantial increase in enrollment.

Mr. William D. Ford; Committee on Education and Labor, 18475.

H.R. 10106—To coordinate and consolidate the major civilian marine and atmospheric functions of the Federal Government through the establishment of a Department of Marine and Atmospheric

## H.R. 10106—Continued

Affairs, to enunciate national policies pertinent to the marine and atmospheric interests of the United States, to further the expanded exploration of marine environs and the use of marine resources, to encourage research and development in the marine and atmospheric sciences and technologies, and for other purposes.

Mr. Hathaway; Committee on Government Operations, 18475.

H.R. 10107—To authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing.

Mr. Hull; Committee on House Administration, 18475.

H.R. 10108—To increase the personal income tax exemption of a taxpayer and the additional exemption for his spouse from \$600 to \$1,000, and to increase the exemption for a dependent from \$800 to \$1,000.

Mr. King of New York; Committee on Ways and Means, 18475.

H.R. 10109—To amend the act of June 19, 1886, relating to coastwise passenger transportation, and for the purpose of protecting the balance of payments, and to further protect the traveling public, and for other purposes.

Mr. Mailliard; Committee on Merchant Marine and Fisheries, 18475.

H.R. 10110—To amend section 2 of the International Wheat Agreement Act of 1949.

Mr. Patman; Committee on Banking and Currency, 18475.

H.R. 10111—To amend title 10 of the United States Code to prohibit contracting for the construction of vessels for the U.S. Navy at places outside of the United States.

Mr. Pelly; Committee on Armed Services, 18475.

H.R. 10112—To amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act.

Mr. Roosevelt; Committee on the Judiciary, 18475.

H.R. 10113—Relating to dealings in good faith between parties to franchise agreements.

Mr. Roosevelt; Committee on the Judiciary, 18475.

H.R. 10114—To provide fellowships for elementary and secondary school personnel, to improve the quality of teacher training programs, and to establish a National Teacher Corps.

Mr. Scheuer; Committee on Education and Labor, 18476.

H.R. 10115—Authorizing the residents of the District of Columbia to make known their preference on the question of home rule and, if they wish, to elect a board for the purpose of preparing a municipal charter for submission to the voters and to Congress, and for other purposes.

Mr. Sisk; Committee on the District of Columbia, 18476.—Reported with amendment (H. Rept. 957), 22901.

H.R. 10116—To amend the Internal Revenue Code of 1954 to allow percentage depletion on certain clays at the same rate as allowed on calcium carbonates and limestone used in the manufacture of cement.

Mr. Stephens; Committee on Ways and Means, 18476.

H.R. 10117—To amend the provisions of title 28, United States Code, relating to retirement of judges for disability.

Mr. Sweeney; Committee on the Judiciary, 18476.

H.R. 10118—To amend the Consolidated Farmers Home Administration Act

- H.R. 10065—To more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes. Debated, amended, and passed House, 9118.—Ordered to lie on the table, 9298.
- H.R. 10090—For the relief of Jesse W. Stutts, Jr. Reported with amendment (H. Rept. 2135), 24200.—Passed over, 26087.—Amended and passed House, 27402.—Referred to Senate Committee on the Judiciary, 27538.
- H.R. 10104—To enact title 5, United Code, Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees. Reported with amendments (S. Rept. 1380), 16609.—Amended and passed Senate, 17006.—House concurs in Senate amendments, 19074.—Examined and signed, 20784, 20923.—Presented to the President, 21035.—Approved [Public Law 89-554], 22048.
- H.R. 10133—For the relief of Fritz A. Frerichs. Reported (H. Rept. 1431), 8055.—Passed House, 8405.—Referred to Senate Committee on the Judiciary, 8583.—Reported (S. Rept. 1231), 12712.—Passed Senate, 13022.—Examined and signed, 31133, 13143.—Presented to the President, 13339.—Approved [Private Law 89-253], 14898.
- H.R. 10151—For the relief of Dr. Luis Crespo. Reported with amendment (H. Rept. 2110), 24200.—Amended and passed House, 26084.—Referred to Senate Committee on the Judiciary, 26420.—Reported (S. Rept. 1804), 27310.—Passed Senate, 28039.—Examined and signed, 28859, 28898.—Presented to the President, 28899.—Approved [Private Law 89-471], 28903.
- H.R. 10185—Amending certain estate tax provisions of the Internal Revenue Code of 1939. Reported (H. Rept. 1222), 1109.—Passed House, 2383.—Referred to Senate Committee on Finance, 2521.—Reported (S. Rept. 956), 2596.—Passed Senate, 3513.—Examined and signed, 4229, 4232.—Presented to the President, 4526.—Approved [Public Law 359], 5314.
- H.R. 10220—For the relief of Abdul Wohabe. Reported with amendment (H. Rept. 1339), 6262.—Passed over, 7647, 8402, 9643.—Amended and passed House, 10622.—Referred to Senate Committee on the Judiciary, 10982.—Reported with amendment (S. Rept. 1391), 16609.—Amended and passed Senate, 17012.—House concurs in Senate amendment, 17831.—Examined and signed, 18170, 18323.—Presented to the President, 18538.—Approved [Private Law 279], 19274.
- H.R. 10249—For the relief of Mrs. Elisabeth Manninen. Reported with amendment (H. Rept. 1989), 21812.—Amended and passed House, 23219.—Referred to Senate Committee on the Judiciary, 23604.—Reported (S. Rept. 1851), 27521.—Passed Senate, 27983.—Examined and signed, 28859, 28898.—Presented to the President, 28899.—Approved [Private Law 89-395], 28901.
- H.R. 10253—For the relief of Dr. Luis E. Bencomo. Reported with amendment (H. Rept. 2111), 24200.—Amended and passed House, 26084.—Referred to Senate Committee on the Judiciary, 26420.—Reported (S. Rept. 1894), 27887.—Passed Senate, 28511.—Examined and signed,
- H.R. 10253—Continued  
28859, 28898.—Presented to the President, 28899.—Approved [Private Law 89-396], 28901.
- H.R. 10259—For the relief of Dr. Allan Baumal. Reported (H. Rept. 2056), 23496.—Passed House, 26081.—Referred to Senate Committee on the Judiciary, 26420.—Reported (S. Rept. 1895), 27887.—Passed Senate, 28511.—Examined and signed, 28859, 28898.—Presented to the President, 28899.—Approved [Private Law 89-397], 28901.
- H.R. 10267—To amend title 10 of the United States Code to extend for a period of 10 years the time during which certain military, naval, and air service records may be corrected. Reported with amendment (H. Rept. 1825), 18768.—Amended and passed House; title amended, 19286.—Referred to Senate Committee on Armed Services, 19467.
- H.R. 10284—To provide that the Federal office building under construction in Fort Worth, Tex., shall be named the "Fritz Garland Lanham Federal Office Building" in memory of the late Fritz Garland Lanham, a Representative from the State of Texas from 1919 to 1947. Reported (H. Rept. 1322), 5776.—Passed House, 6282.—Referred to Senate Committee on Public Works, 6436.—Reported (S. Rept. 1438), 18634.—Passed Senate, 18928.—Examined and signed, 19046, 19161.—Presented to the President, 19372.—Approved [Public Law 89-541], 22048.
- H.R. 10288—For the relief of Dr. Antonio B. Santillano. Reported (H. Rept. 2033), 22274.—Passed House, 23224.—Referred to Senate Committee on the Judiciary, 23604.—Reported with amendment (S. Rept. 1914), 27887.—Amended and passed Senate, 28513.—House concurs in Senate amendment, 28870.—Examined and signed, 28859, 28898.—Presented to the President, 28899.—Approved [Private Law 89-398], 28901.
- H.R. 10304—To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children. House disagrees to Senate amendments and asks for a conference, 3176.—Conferees appointed, 3176.—Senate insists on its amendments and agrees to a conference, 4245.—Conferees appointed, 4245.—Conference report (H. Rept. 2230) submitted in House and agreed to, 26585.—Conference report submitted in Senate and agreed to, 26363.—Examined and signed, 27205, 27281.—Presented to the President, 28899.—Approved [Public Law 89-775], 28902.
- H.R. 10327—To require operators of ocean cruises by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information. Reported with amendment (S. Rept. 1483), 19793.—Amended and passed Senate; title amended, 20176.—Senate insists on its amendments and requests a conference, 26570.—Conferees appointed, 26570.—House disagrees to Senate amendments and agrees to a conference, 26594.—Conferees appointed, 26594.—Conference report (H. Rept. 2285), submitted in House and agreed to, 27877.—Conference report submitted in Senate and agreed to, 27282.—Examined and signed, 27887, 28378.—Presented to the President, 28899.—Approved [Public Law 89-777], 28902.
- H.R. 10338—For the relief of Joseph B. Stevens. Reported (S. Rept. 1021), 4634.—Passed Senate, 4919.—Examined and signed, 5211, 5352.—Presented to the President, 5775.—Approved [Private Law 89-229], 6273.
- H.R. 10357—To provide for the striking of medals in commemoration of the 100th anniversary of the founding of the U.S. Secret Service. Passed House, 7483.—Referred to Senate Committee on Banking and Currency, 7836.—Reported (S. Rept. 1279), 13145.—Passed Senate, 13573.—Examined and signed, 13727, 13729.—Presented to the President, 13975.—Approved [Public Law 89-469], 14898.
- H.R. 10366—To establish the Mount Rogers National Recreation Area in the Jefferson National Forest in Virginia, and for other purposes. Reported (S. Rept. 1182), 10990.—Passed Senate, 11164.—Examined and signed, 11224, 11345.—Presented to the President, 11346.—Approved [Public Law 89-438], 12938.
- H.R. 10403—For the relief of Edward F. Murzyn and Edward J. O'Brien. Reported with amendments (S. Rept. 1044), 4633.—Amended and passed Senate, 4926.—House concurs in Senate amendments, 6661.—Examined and signed, 6862, 6873.—Presented to the President, 7204.—Approved [Private Law 89-231], 8399.
- H.R. 10431—To declare that certain federally owned land is held by the United States in trust for the Minnesota Chippewa Tribe. Reported (H. Rept. 1279), 3012.—Passed House, 3473.—Referred to Senate Committee on Interior and Insular Affairs, 3803.—Committee discharged; amended and passed Senate (in lieu of S. 2912), 11976.—House concurs in Senate amendment, 12579.—Examined and signed, 12986, 13145.—Presented to the President, 13133.—Approved [Public Law 89-459], 14898.
- H.R. 10451—To authorize the Secretary of the Interior to transfer certain lands in the State of Colorado to the Department of Agriculture for recreation development, and for other purposes. Reported with amendments (H. Rept. 1301), 4527.—Amended and passed House, 5015.—Referred to Senate Committee on Interior and Insular Affairs, 5211.—Reported (S. Rept. 1188), 11714.—Passed Senate, 11973.—Examined and signed, 12058, 12226.—Presented to the President, 12321.—Approved [Public Law 89-446], 12938.
- H.R. 10476—To retrocede to the State of Kansas concurrent jurisdiction over Haskell Institute. Reported (H. Rept. 1343), 6570.—Passed House, 7481.—Referred to Senate Committee on Interior and Insular Affairs, 7836.—Reported (S. Rept. 1192), 11714.—Passed Senate, 11976.—Examined and signed, 12058, 12226.—Presented to the President, 12321.—Approved [Public Law 89-442], 12938.
- H.R. 10481—For the relief of Mr. Robert A. Owen. Reported (H. Rept. 2136), 24200.—Passed over, 26087.—Passed House, 27402.—Referred to Senate Committee on the Judiciary, 27539.
- H.R. 10553—To preserve the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959 for congressional employees receiving certain congressional staff fellowships.

ALL

LAW NUMBER: [REDACTED]

DATE INTRODUCED: 06/26/79

EFFECTIVE: 08/14/79

CALENDAR NO: 293

S.REPT.96-276

H.R. 4614

SPONSOR: Hanley

REFERRED TO: House Post Office and Civil Service  
Senate Committee on Governmental Affairs

REPORTED BY: Senate Committee on Governmental Affairs

LATEST OFFICIAL TITLE:

OFFICIAL TITLE AS INTRODUCED

A bill to make certain technical and clerical amendments to title 5, United States Code.

LEGISLATIVE ACTIONS:

- Jun 26, 79 Referred to House Committee on Post Office and Civil Service.
- Jul 10, 79 House Committee on Post Office and Civil Service Discharged by Unanimous Consent.
- Jul 10, 79 Passed House by Voice Vote.
- Jul 12, 79 Received in the Senate, read twice, and referred to the Committee on Governmental Affairs.
- Jul 26, 79 Committee on Governmental Affairs. Ordered to be reported without amendments favorably.

PAGE 1 OF 4. READY FOR COMMAND, OPTION OR PG # (FOR NXT PG, XMIT):

\*H.R.4616 (LG96) continued:

- Jul 31, 79 Committee on Governmental Affairs. Reported to Senate favorably without amendments. With written report No. 96-276.
- Jul 31, 79 Placed on Senate Legislative Calendar under Regular Orders. Calendar No. 293.
- Aus 2, 79 Passed Senate without amendment by Voice Vote.
- Aus 2, 79 Cleared for White House.
- Aus 3, 79 Measure Signed in Senate.
- Aus 3, 79 Presented to President.
- Aus 14, 79 Signed by President.
- Aus 14, 79 Became Public Law No: 96-54.

ABSTRACT:

Makes technical and clerical changes to provisions of title 5 of the United States Code to reflect changes in the structure of various Government organizations.

Requires an agency which: (1) receives a function transferred from another agency; or (2) replaces another agency, to hire all competing persons who were employed in such function or replaced agency before hiring any other person.

DIGEST:

ALL, PAGE 2 OF 4. READY FOR COMMAND, OPTION OR PG # (FOR NXT PG, XMIT):

\*H.R.4616 (LG96) continued:

Makes technical and clerical changes to provisions of title 5 (Government Organization and Employees) of the United States Code to reflect changes in the structure of various Government organizations.

Amends the definitions, for purposes of title 5, of: (1) "preference eligible" to exclude any applicant to or member of the Senior Executive Service; and (2) "retired member of the armed forces" to eliminate the exclusion of any applicant to or member of the Senior Executive Service.

Requires any agency which: (1) receives a function transferred from another agency; or (2) replaces another agency, to hire all competing persons who were employed in such function or replaced agency before hiring any other perso.

INDEX TERMS:

MILITARY PERSONNEL/EXECUTIVE REORGANIZATION/CIVIL SERVICE SYSTEM/CIVIL SERVICE RETIREMENT/TRANSFER OF EMPLOYEES/RECRUITING OF EMPLOYEES/FEDERAL EMPLOYEES/ZR-FEDERAL EMPLOYEES/ARMED FORCES AND UNIFORMED SERVICES/RETIREMENT/MEMBERS OF SENIOR EXECUTIVE SERVICE/EXECUTIVE BRANCH AND AGENCIES/CIVIL SERVICE EMPLOYMENT/EMPLOYMENT PREFERENCES/FEDERAL EMPLOYEES AND OFFICIALS/APPOINTMENTS AND RETENTION/SENIOR EXECUTIVE SERVICE MEMBERS/SENIOR EXECUTIVE SERVICE/RETIRED

ALL, PAGE 3 OF 4. READY FOR COMMAND, OPTION OR PG # (FOR NXT PG, XMIT):

night. I further thought that the gentleman would agree.

Mr. ROUSSELOT. I certainly do.

Mr. HANLEY. I thank my colleague.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

Mr. BREAUX. Mr. Speaker, reserving the right to object, I would like to ask the gentleman, is the timing of the National Space Week to coincide with the visit that Skylab is supposed to pay us?

Mr. HANLEY. Mr. Speaker, if the gentleman will yield, there is a distinct possibility. There is an air of uncertainty associated with what might happen in the course of the next couple of days. So we thought that we should put this into concrete, if you will, and take the next few days as they may come.

Mr. BREAUX. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 353

Whereas the decision by this Nation to land men on the Moon and return them safely to Earth was a bold decision unlike any other; and

Whereas the success of the Apollo program, America's manned missions to the Moon, represented an unparalleled triumph of this country's scientific and technological genius; and

Whereas the vitality of the partnership between American industry, Government, and universities was demonstrated by the Apollo missions and their pioneering predecessors, Mercury and Gemini; and

Whereas the steadfast courage of the Apollo astronauts recalls the heroic spirit of earlier Americans and serves as models for skill and bravery in the future; and

Whereas the openness and peaceful nature of Apollo underscores the freedoms and desire for peace so characteristic of American society; and

Whereas the vision of planet Earth, floating in a sea of vast darkness as photographed by the men aboard the Apollo spacecraft, has altered forever our view of ourselves and of our fragile world; and

Whereas the National Aeronautics and Space Administration and other organizations throughout the world involved in space exploration have cooperated in the cause of peaceful exploration of space for the benefit of all mankind; and

Whereas in the week of July 16 through 24, 1969, the people of the world were brought closer together by the first manned exploration of the Moon: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress upon the tenth anniversary of the first manned landing on the Moon congratulates the men and women who made Apollo possible; and be it further*

*Resolved, That the President is authorized and requested to issue a proclamation designating the period of July 16 through 24, 1979, as "United States Space Observance", and calling upon the people of the United States to observe such period with appropriate ceremonies and activities.*

Mr. HANLEY. Mr. Speaker, I move the previous question on the joint resolution. The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was

read the third time, and passed, and a motion to reconsider was laid on the table.

MAKING CERTAIN TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 5, UNITED STATES CODE

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 4616) to make certain technical and clerical amendments to title 5, United States Code, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman please explain what these amendments are?

Mr. HANLEY. Mr. Speaker, if the gentleman will yield, they simply make technical changes to title 5 of the United States Code and correct a number of printing errors that have occurred during the last couple of years.

Mr. ROUSSELOT. The last how many years?

Mr. HANLEY. The last several years.

Mr. ROUSSELOT. Printing errors to title 5. How many of them are there?

Mr. HANLEY. About 18.

Mr. ROUSSELOT. Eighteen mistakes that this House has made?

Mr. HANLEY. Possibly a close count might say 19, somewhere between 18 and 19.

Mr. ROUSSELOT. Have we made that many mistakes in the last 2 years?

Mr. HANLEY. We have not, but it is due to human error in the Government Printing Office.

Mr. ROUSSELOT. I see. It is the Printing Office that is at fault.

Mr. HANLEY. We are usually not at fault, I think the gentleman will agree.

Mr. ROUSSELOT. Can the gentleman assure us that there are no major changes in title 5, that it is only printing errors?

Mr. HANLEY. The gentleman has my absolute assurance there are no changes at all to title 5. They are simply technical corrections.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill as follows:

H.R. 4616

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

REFERENCES TO TITLE 5, UNITED STATES CODE

SECTION 1. Whenever in this Act, any reference, amendment, or repeal is expressed in terms of a reference or amendment to, or repeal of, a section or other provision, it shall be considered to be made to a section or other provision of title 5, United States Code.

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 2. (a)(1) The table of parts is amended by striking out "The United States

Civil Service Commission" and inserting in lieu thereof "Civil Service Functions and Responsibilities".

(2) Sections 305(b), 4111(b), 4112(a), 5514(b), and 5602 are each amended by striking out "Director of the Bureau of Budget" wherever it appears and inserting in lieu thereof "President".

(3) Section 1306(a)(3) is amended by striking out "Office" and inserting in lieu thereof "Merit Systems Protection Board".

(4) Section 2101(3) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(5) Section 2105(a)(1)(F) is amended—  
(A) by striking out "the adjutants" and inserting in lieu thereof "an adjutant"; and

(B) by striking out ", United States Code".

(6) Section 2105(c)(1) is amended to read as follows:

"(1) laws (other than subchapter IV of chapter 53 and sections 5550 and 7204 of this title) administered by the Office of Personnel Management; or".

(7) Section 2106 is amended by striking out "from the District of Columbia" and inserting in lieu thereof "to the House of Representatives".

(8) Section 2108(3) is amended by inserting after "claimed" in subparagraph (G) (iii) a semicolon and the following: "but does not include applicants for, or members of, the Senior Executive Service".

(9)(A) Section 2108(5) is amended by striking out "; but does not include applicants for, or members of, the Senior Executive Service".

(B) The amendment made by subparagraph (A) shall take effect October 1, 1980.

(10) Chapter 31 is amended by inserting after the chapter analysis for such chapter the following:

"SUBCHAPTER I—EMPLOYMENT  
AUTHORITIES".

(11) Section 3102(a)(2) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(12) Section 3132(a)(1)(B) is amended by inserting "and," after "the National Security Agency".

(13) The chapter analysis for chapter 33 is amended by striking out the item relating to section 3315a.

(14) Sections 3305(a), 3315(a), 3317(a), 3326(b)(1), 5550a(a), 5596(c), and 7327(b) are each amended by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management".

(15) Sections 3305(b), 3315(b), 3317(b), 4102(b), 5347(e), 5550a(b), 6305, and 7327(b) are each amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(16) Section 3302(2) is amended to read as follows:

"(2) necessary exceptions from the provisions of sections 2951, 3304(a), 3321, 7202, 7203, 7321, and 7322 of this title."

(17) Section 3324(a)(4)(A) is amended by striking out "National Security Council" or "Office of Emergency Planning" and inserting in lieu thereof "or National Security Council".

(18) Subsections (a) and (b) of section 3503 are each amended by striking out "each preference eligible employed" and inserting in lieu thereof "each competing employee".

(19) Sections 4102(a)(1)(C) and 4109(a)(2)(A) and (B) are each amended by striking out "Environmental Science Services Administration" each place it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(20) Chapter 43 is amended by inserting after the chapter analysis for such chapter the following new heading:

**"SUBCHAPTER I—GENERAL PROVISIONS"**

(21) Section 4701(b) is amended—

(A) by striking out "subchapter" and inserting in lieu thereof "chapter"; and  
(B) by striking out "5 U.S.C. 5108 note" and inserting in lieu thereof "28 U.S.C. 509 note".

(22) Section 5102(23) is amended by striking out "Patent Office" and inserting in lieu thereof "Patent and Trademark Office".

(23) Section 5108(c) is amended—

(A) by inserting "and" at the end of paragraph (3); and  
(B) by redesignating paragraph (17) as paragraph (4).

(24) Section 5311(b)(1) is amended by striking out "Director" and inserting in lieu thereof "Director of the Office of Personnel Management".

(25) (A) Sections 5312, 5313, 5314, 5315, and 5316 are each amended by striking out the paragraph designations of the positions listed therein.

(B) The amendments made by subparagraph (A) shall take effect January 1, 1980.

(26) (A) The catchline for section 5333 is amended by striking out "wage-board employees" and inserting in lieu thereof "prevailing rate employees".

(B) The item relating to section 5333 in the analysis for chapter 53 is amended by striking out "wage-board employees" and inserting in lieu thereof "prevailing rate employees".

(27) Section 5334(a) is amended by striking out "section 106(a)" and "section 3186(2)" and inserting in lieu thereof "section 106(2)" and "section 3186(a)(2)", respectively.

(28) Section 5335(a)(3)(B) is amended by striking out "a administrative law judge" and inserting in lieu thereof "an administrative law judge".

(29) Section 5504(a)(B) is amended by striking out "this section" and inserting in lieu thereof "this title".

(30) Section 5518 is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Mayor".

(31) Section 5521(3)(B) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(32) Section 5545(c)(2) is amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(33) The sentence following paragraph (2) of section 5562(a) is amended by striking out "the date of enactment of this sentence" and inserting in lieu thereof "December 14, 1978".

(34) Section 5581(1) is amended by inserting "and" at the end of clause (iv).

(35) Section 5584(b)(4) is amended by striking out "the date on which this clause (4) is enacted into law," and inserting in lieu thereof "July 25, 1974".

(36) Section 5702(c) is amended by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

(37) Section 5943 is amended—

(A) in subsection (a), by striking out "and on recommendation of the Director of the Bureau of the Budget"; and

(B) in subsection (d), by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(38) Section 6104 is amended—

(A) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Mayor"; and

(B) by striking out "District of Columbia Council" and inserting in lieu thereof "Council of the District of Columbia".

(39) Section 6304(e) is amended by striking out "salary rate" and inserting in lieu thereof "rate of basic pay".

(40) Section 6323 is amended by redesignating the first subsection (c) as subsection (b).

(41) Section 6325 is amended to read as follows:

"§ 6325. Absence resulting from hostile action abroad

"Leave may not be charged to the account of the account of an employee for absence, not to exceed one year, due to an injury—

"(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

"(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee."

(42) The heading for subchapter III of chapter 71 is amended to read as follows:

"SUBCHAPTER III—GRIEVANCES, APPEALS, AND REVIEW".

(43) Chapter 72 is amended by inserting before section 7201 the following:

"SUBCHAPTER I—ANTIDISCRIMINATION IN EMPLOYMENT".

(44) Section 7325 is amended by striking out "Civil Service Commission" and "Commission" and inserting in lieu thereof "Merit Systems Protection Board" and "Board", respectively.

(45) Section 7701 is amended—

(A) in subsection (e) (1), by striking out "administration" and inserting in lieu thereof "administrative";

(B) in subsection (g) (1), by striking out "as the case may be," and inserting in lieu thereof "(as the case may be)"; and

(C) in subsection (h), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(46) Section 7702 is amended—

(A) in subsection (a) (1) (A), by striking out "affected" and inserting in lieu thereof "affected";

(B) in subsection (a) (1) (B) (1), by striking out "(42 U.S.C. 2000e-16c)" and inserting in lieu thereof "(42 U.S.C. 2000e-16)";

(C) in subsection (e) (1) (C), by striking out "of this title" and inserting in lieu thereof "of this section"; and

(D) in subsection (e) (1), by striking out "(29 U.S.C. 216(d))" and inserting in lieu thereof "(29 U.S.C. 216(b))".

(47) Section 8331 is amended—

(A) in paragraph (2), by striking out "and a Delegate to Congress"; and

(B) in paragraph (19) (C), by striking out "and".

(48) Section 8332 is amended—

(A) in subsection (b) (6), by striking out "United States Code"; and

(B) in the last sentence of subsection (b), by striking out "United States Code, on or after the effective date of the National Guard Technicians Act of 1968" and inserting in lieu thereof "after December 31, 1968".

(49) Subsection (o) of section 8339 is redesignated as subsection (n).

(50) Section 8347(h) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(51) Section 8701(a) is amended by striking out clauses (7) through (9) and inserting in lieu thereof the following:

"(7) an individual employed by a county committee established under section 590h (b) of title 16; and

"(8) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);"

(52) Section 8901(1) is amended by striking out clauses (F) through (H) and inserting in lieu thereof the following:

"(F) an individual employed by Gallaudet College; and

"(G) an individual employed by a county committee established under section 590h (b) of title 16;"

(53) Section 8908(b) (1) is amended to read as follows:

"(b) (1) Except as provided by paragraphs (2) and (3) of this subsection, the biweekly

Government contribution for health benefits for an employee or annuitant enrolled in a health benefits plan under this chapter is adjusted to an amount equal to 60 percent of the average subscription charge determined under subsection (a) of this section. For an employee, the adjustment begins on the first day of the employee's first pay period of each year. For an annuitant, the adjustment begins on the first day of the first period of each year for which an annuity payment is made."

(b) Except as otherwise expressly provided in subsection (a), the amendments made by subsection (a) shall take effect July 12, 1979, or the date of the enactment of this Act, whichever is earlier.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Trade Adjustment Assistance Act and to include extraneous material relating to that debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

**PERSONAL EXPLANATION**

Mr. RAHALL. Mr. Speaker, on rollcall No. 307, a motion to suspend the rules and pass the bill concerning the U.S. Postal Service dispute resolution procedures, I was necessarily detained in the Subcommittee on Mines and Mining. Had I been here I would have voted in the affirmative.

**EMERGENCY BUILDING TEMPERATURE RESTRICTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-162)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the authority vested in me by the Energy Policy and Conservation Act, I have found and proclaimed (copy of the Proclamation is enclosed) that a severe energy supply interruption currently exists with respect to the supply of imported crude oil and petroleum products and have implemented the authority vested in me to impose emergency building temperature restrictions as set forth in Standby Energy Conservation Contingency Plan No. 2.

The Plan will become effective as of July 16, 1979. A copy of the final Department of Energy regulations which more fully explain the manner for the exercise of the Plan is enclosed.

JIMMY CARTER.

THE WHITE HOUSE, July 10, 1979.

GOVERNMENT ORGANIZATION

**GOVERNMENT ORGANIZATION AND EMPLOYEES—  
TECHNICAL AND CLERICAL AMENDMENTS**

*P.L. 96-54, see page 93 Stat. 381*

Senate Report (Governmental Affairs Committee) No. 96-276,  
July 31, 1979 [To accompany H.R. 4616]  
Cong. Record Vol. 125 (1979)

**DATES OF CONSIDERATION AND PASSAGE**

House July 10, 1979

Senate August 2, 1979

No House Report was submitted with this legislation.

**SENATE REPORT NO. 96-276**

[page 1]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 4616) to make certain technical and clerical amendments to title 5, United States Code, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

**PURPOSE OF THE LEGISLATION**

H.R. 4616 makes technical and clerical amendments to title 5 of the United States Code to correct references which have become outdated, typographical errors, other deficiencies in the statute, and to update effective date provisions.

**HISTORY OF THE LEGISLATION**

H.R. 4616 was introduced by Congressman James M. Hanley (New York) on June 26, 1979. The legislation was considered by the House of Representatives and passed by unanimous consent on July 10, 1979. H.R. 4616 was referred to the Committee on Governmental Affairs on July 12, 1979. The committee met on July 26, 1979, and voted to report H.R. 4616 favorably to the Senate.

**SUMMARY OF THE LEGISLATION**

As stated above, H.R. 4616 makes no substantive change in existing law. All of the amendments proposed by this legislation are of a technical and clerical nature. With the enactment of new public laws and reorganization plans over the last several years, a number of deficiencies have crept into the statute. References to agencies (such as "Environmental Science Services Administration" and "Civil Service Commission") and Government officials (such as "Commissioner" of

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the District of Columbia and "Director of the Bureau of the Budget") have become outdated. Typographical errors and obsolete citations

## LEGISLATIVE HISTORY

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have occurred. H.R. 4616 corrects these inadvertencies. In addition, stylistic changes recommended by the Office of Law Revision Counsel of the House of Representatives are incorporated in the legislation.

### SECTION-BY-SECTION ANALYSIS

Section 1 of the bill provides that all references in section 2 are to title 5, United States Code.

Section 2(a) contains 53 paragraphs making the following amendments to title 5:

(1) Replaces a reference to "Civil Service Commission" in the table of parts, made obsolete by Reorganization Plan No. 2 of 1978, with the title "Civil Service Functions and Responsibilities";

(2) Strikes obsolete references to "Director of the Bureau of the Budget" in sections 305(b), 4111(b), 4112(a), 5514(b), and 5903 and replaces them with references to the President, consistent with the reorganization of the Office of Management and Budget under Reorganization Plan No. 2 of 1970;

(3) Replaces an incorrect reference to the "Office" [of Personnel Management] with "Merit Systems Protection Board" in section 1308(a)(3);

(4) Corrects an obsolete reference to the "Environmental Science Services Administration" which became the "National Oceanic and Atmospheric Administration" under Reorganization Plan No. 4 of 1970;

(5) Makes style changes in section 2105(a)(1), changing "the adjutants" to "an adjutant" and dropping an unnecessary reference to "United States Code";

(6) Corrects reference in section 2105(c)(1) which were erroneously transposed with reference in section 3302(2) by section 703(c)(1) and (2) of the Civil Service Reform Act so that "and 7204" is added to section 2105(c)(1) instead of "7202, 7203";

(7) Changes "Delegate from the District of Columbia" to "Delegate to the House of Representatives" to simplify the definition of "Member of Congress" in section 2106;

(8) Amends section 2108(3), the definition of "preference eligible," to exclude "applicants for, or members of, the Senior Executive Service," in accord with original intent to exclude application of veterans preference from SES effective with its creation, an exclusion which was erroneously placed at the end of section 2108(5) in the final enactment of section 401(d) of the Civil Service Reform Act;

(9) Removes the Senior Executive Service exclusion from the definition of "retired member of the armed forces" in section 2108(5) to agree with the change in paragraph (8) of these amendments, when section 2108(5) itself becomes effective, October 1, 1980;

(10) Inserts a title, "EMPLOYMENT AUTHORITIES" for subchapter I of chapter 31;

(11) Changes "Commissioner" of the District of Columbia to "Mayor" in section 3102(a)(2) in accordance with the District of

GOVERNMENT ORGANIZATION

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Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198);

(12) Inserts "and" in an appropriate place after the words "National Security Agency" in section 3132(a)(1)(B);

(13) Strikes a reference in the analysis of chapter 33 to section 3315a which has been repealed;

(14) Inserts "Office of Personnel Management" for "Civil Service Commission" in sections 3305(a), 3315(a), 3326(b)(1), 5550a(a), 5596(c) and 7327(b);

(15) Inserts "Office" in reference to Office of Personnel Management, instead of "Commission" which was a reference to Civil Service Commission in sections 3305(b), 3315(b), 3317(b), 4102(b), 5347(e), 5550a(b), 6305, and 7327(b);

(16) Corrects section references in section 3302(2) in accordance with amendments made by paragraph (6) of these amendments;

(17) Strikes out a reference in section 3324(a)(4)(A) to the "Office of Emergency Planning" abolished by Reorganization Plan No. 1 of 1973;

(18) Corrects an amendment to section 3503 in section 307(f) of the Civil Service Reform Act where the language being struck was incorrectly cited as "each preference eligible employee" rather than "each preference eligible employed";

(19) Changes the references in sections 4102(a)(1)(C) and 4109(a)(2)(A) and (B) from "Environmental Science Services Administration" to "National Oceanic and Atmospheric Administration" in accordance with Reorganization Plan No. 4 of 1970;

(20) Gives subchapter I of chapter 43 the title "GENERAL PROVISIONS" to agree with the chapter analysis;

(21) Amends section 4701(b) by correcting a reference to "subchapter," making it "chapter" and corrects the following statutory reference for the Crime Control Act of 1976;

(22) Changes reference in section 5102(23) to "Patent Office" to "Patent and Trademark Office" in accordance with Public Law 93-596;

(23) Amends section 5108(c) by adding "and" after paragraph (3) and correcting the designation of paragraph (4);

(24) Changes reference in section 5311(b)(1) from "Director" to "Director of the Office of Personnel Management" in accordance with the style of title 5;

(25) Strikes out the paragraph designations in sections 5512 through 5316, which list the Executive Schedule positions, to avoid future confusion in numbering, to be effective January 1, 1980;

(26) Amends section 5333 and the reference thereto in the chapter analysis to change "wage-board employees" to "prevailing rate employees" in accordance with Public Law 92-392;

(27) Amends section 5334(a) to correct references to sections of titles 40 and 42, United States Code;

(28) Amends section 5335(a)(3)(B) by changing "a" to "an" preceding the words "administrative law judge;"

(29) Amends section 5504(a)(B) by changing a reference to "this section" to "this title" to agree with the text of the section;



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(30) and (31) Change "Commissioner" of the District of Columbia to "Mayor" in sections 5516 and 5521(3)(B);

(32) Substitutes "percent" for "per centum" in section 5545(c)(2) to conform to the style of title 5;

(33) Inserts the actual date of enactment of a sentence of section 5562(a), "Dememner 14, 1973," for the words "the date of the enactment of this sentence";

(34) Adds an "and" after clause (iv) in section 5581(1);

(35) Inserts the actual date of enactment of a clause of section 5584(b)(4) for the words "the date on which this clause (4) is enacted into law" the date being "July 25, 1974;"

(36) Corrects paragraph designations from "(A)" and "(B)" to "(1)" and "(2)" in section 5702(c);

(37) Substitutes "President" for "Director of the Bureau of the Budget" and strikes out "and on the recommendation of Bureau of the Budget" in section 5943;

(38) Changes the reference in section 6104 from "Commissioner" of the District of Columbia to "Mayor";

(39) Changes "salary rate" to "rate of basic pay" in section 6304(e), in accordance with title 5 terminology;

(40) Amends section 6323 by correcting the subsection designation, from "(c)" to "(b)" for the first designated subsection (c);

(41) Changes the wording, but not the substance, of section 6325 to conform to the style of title 5;

(42) Correct the title of subchapter III of chapter 71 to agree with the title in the chapter analysis;

(43) Inserts a title for subchapter I of chapter 72 to agree with the title in chapter analysis;

(44) Amends section 7325 to strike out "Civil Service Commission" and "Commission", and inserting in their place "Merit Systems Protection Board" and "Board", in accordance with Reorganization Plan No. 2 of 1978;

(45) Changes a reference in section 7701 from "administration" to "administrative" in subsection (e)(1), inserts parenthesis around "as the case may be" in subsection (g)(1) and changes a reference from "subsection (d)" to "subsection (e)" in subsection (h) to correctly identify the provisions on reconsideration referred to;

(46) Amends section 7702 to change "effected" to "affected" in subsection (a)(1)(A), to correct a reference to 42 U.S.C. 2000e-16 in subsection (a)(1)(B)(i), to change "of this title" to "of this section" in subsection (e)(1)(C) to agree with the text of the section and by correcting a reference to 29 U.S.C. 216(b) in subsection (e)(1);

(47) Amends section 8331 by striking "and a Delegate to Congress" from paragraph (2) defining "Member of Congress", to agree with change made by paragraph (7) of these amendments and by striking out "and" in paragraph 19(C);

(48) Amends section 8332 by striking out an unnecessary reference to "United States Code" in subsection (b)(6) and in the last sentence of subsection (b) and by substituting "after December 31, 1968" for "on or after the effective date of the National Guard Technicians Act of 1968" in subsection (b);

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GOVERNMENT ORGANIZATION

P.L. 96-54

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(49) Changes the incorrect designation of subsection (o) to subsection (n) in section 8339;

(50) Changes "Commissioner" of the District of Columbia to "Mayor";

(51) and (52) Amend sections 8701(a) and 8901(1) by striking out, in the definition of "employee", a reference to "United States Commissioner," since they were replaced by United States Magistrates under chapter 43 of title 28, United States Code; and

(53) Amends the language, but not the substance, of section 8906(b)(1) to conform to the style of title 5.

Section 2(b) makes the amendments of subsection (a), except where otherwise expressly provided, effective July 12, 1979, or on the date of enactment of this legislation, whichever is earlier.

EVALUATION OF REGULATORY IMPACT

Paragraph 5(a) of the Senate Rule XXIX requires each report accompanying a bill to evaluate "the regulatory impact which would be incurred in carrying out the bill".

The amendments made by H.R. 4616 are technical and clerical in nature. Therefore, no regulatory or paperwork impact would occur as a result of enactment.

COST ESTIMATE

Because the amendments made by H.R. 4616 are technical and clerical, no additional costs will result from its enactment.

RECORD VOTE IN COMMITTEE

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the rollcall vote taken by committee was as follows:

Final passage: Ordered reported: 11 yeas to 0 nays:

YEAS	NAYS
Chiles	
Glenn	
Sasser	
Pryor	
Levin <sup>1</sup>	
Ribicoff	
Percy	
Javits	
Roth	
Durenberger	
Cohen	

<sup>1</sup> By proxy.

\* \* \* \* \*

MAY 1 1979

# TITLE 5 UNITED STATES CODE

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Approved September 6, 1966

PUBLIC LAW 89-554; 80 STAT. 378

## AN ACT

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

The laws relating to the organization of the Government of the United States and to its civilian officers and employees, generally, are revised, codified, and enacted as title 5 of the United States Code, entitled "Government Organization and Employees", and may be cited as "5 U.S.C., § —", as follows:

WEST  
LAW  
LIBRARY  
OF  
CONGRESS

**§ 4110. Expenses of attendance at meetings**

Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities.

**§ 4111. Acceptance of contributions, awards, and other payments**

(a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c) (3) of title 26 which is exempt from taxation under section 501(a) of title 26.

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction, under regulations of the Director of the Bureau of the Budget, shall be made from payment by the Government to the employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

**§ 4112. Absorption of costs within funds available**

(a) The Director of the Bureau of the Budget, to the extent he considers practicable, shall provide by regulation for the absorption of the costs of the training programs and plans under this chapter by the respective agencies from applicable appropriations or funds available for each fiscal year.

(b) Subsection (a) of this section may not be held or considered to require—

(1) the separation of an individual from the service by reduction in force or other personnel action; or

(2) the placement of an individual in a leave-without-pay status.

**§ 4113. Agency review of training needs; annual program reports**

(a) The head of each agency, at least once every 3 years, shall review the needs and requirements of the agency for the training of

Calendar No. 1344

80th Congress }  
2d Session }

SENATE

{ Report  
No. 1380 }

ENACTMENT OF  
TITLE 5, UNITED STATES CODE,  
ENTITLED "GOVERNMENT ORGANIZATION  
AND EMPLOYEES"

REPORT

FROM THE

COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

TO ACCOMPANY

H.R. 10104

A BILL TO ENACT TITLE 5, UNITED STATES CODE,  
"GOVERNMENT ORGANIZATION AND EMPLOYEES,"  
CODIFYING THE GENERAL AND PERMANENT LAWS  
RELATING TO THE ORGANIZATION OF THE GOVERN-  
MENT OF THE UNITED STATES AND TO ITS CIVILIAN  
OFFICERS AND EMPLOYEES



JULY 21, 1966.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1966

63-945

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In subsection (a) (1) and (2), the words "training under this chapter" and "the training" are substituted for "training by, in, or through Government facilities or non-Government facilities under authority of this chapter" and "such training", respectively.

In subsection (a)(2)(A), the words "and the Standardized Government Travel Regulations" are omitted as included by the reference to "subchapter I of chapter 57 of this title".

In subsection (a)(2) (A) and (B), the words "sections 404 and 405 of title 37" and "sections 406 and 409 of title 37" are substituted for the references to "section 253 of title 37" on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words "under section 5724 of this title" are substituted for "in accordance with section 73b-1 of this title, and Executive Order Numbered 9805, as amended" to reflect the codification of former section 73b-1 in this title and in view of the revocation of Executive Order No. 9805 by Executive Order No. 11012 of Mar. 27, 1962. The reference only to section 5724 is sufficient since that section contains the applicable substantive law, including the authority of the President to prescribe regulations.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### SECTION 4110

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2318(b)	July 7, 1958, Pub. L. 85-507, § 19(b), 72 Stat. 336.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### SECTION 4111

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2318(a)	July 7, 1958, Pub. L. 85-507, § 19(a), 72 Stat. 336.
(b)	5 U.S.C. 2318(c)	July 7, 1958, Pub. L. 85-507, § 19(c), 72 Stat. 336.

In subsection (a), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub. L. 87-849, § 2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### SECTION 4112

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2319	July 7, 1958, Pub. L. 85-507, § 23, 72 Stat. 338.

In subsection (a), the words "for each fiscal year" are substituted for "for the fiscal year in which this chapter is enacted and for each succeeding fiscal year".

In subsection (b), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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TITLE 5, UNITED STATES CODE, "GOVERNMENT  
ORGANIZATION AND EMPLOYEES"

AUGUST 31, 1965.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 10104]

The Committee on the Judiciary, to whom was referred the bill (H.R. 10104) to enact Title 5, United States Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PRELIMINARY STATEMENT

*Purpose.*—The purpose of this bill is to restate in comprehensive form, without substantive change, the statutes in effect before July 1, 1965, that relate to Government employees, the organization and powers of Federal agencies generally, and administrative procedure, and to enact title 5 of the United States Code. In the revised title 5, simple language has been substituted for awkward and obsolete terms, and superseded, executed, and obsolete statutes have been eliminated. This bill is a part of the program of the Committee on the Judiciary of the House of Representatives to enact into law all fifty titles of the United States Code.

*History.*—The statutes that relate to Government personnel begin with the first statute enacted by Congress, 1 Stat. 23. With the growth of the United States and the accompanying growth in the size of the Government's work force and the complexity of their duties, the personnel statutes grew in number and in complexity. Attempts were made periodically to consolidate personnel statutes, but these attempts had only partial success and grew obsolete through the enactment of subsequent statutes. The Commission on Organization of

## SECTION 4110

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2318(b)	July 7, 1958, Pub. L. 85-507, § 19(b), 72 Stat. 336.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## SECTION 4111

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2318(a)	July 7, 1958, Pub. L. 85-507, § 19(a), 72 Stat. 336.
(b)	5 U.S.C. 2318(c)	July 7, 1958, Pub. L. 85-507, § 19(c), 72 Stat. 336.

In subsection (a), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub. L. 87-849, § 2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## SECTION 4112

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2319	July 7, 1958, Pub. L. 85-507, § 23, 72 Stat. 338.

In subsection (a), the words "for each fiscal year" are substituted for "for the fiscal year in which this chapter is enacted and for each succeeding fiscal year".

In subsection (b), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## SECTION 4113

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2304	July 7, 1958, Pub. L. 85-507, § 5, 72 Stat. 329
(b)	5 U.S.C. 2317(a)	July 7, 1958, Pub. L. 85-507, § 18(a), 72 Stat. 335.

In subsection (a), the words "Within ninety days after the date of enactment of this Act [July 7, 1958]" are omitted as obsolete.

In subsection (b), the words "training of employees under this chapter" are substituted for "training of employees by, in, and through Government facilities and non-Government facilities under authority of this chapter".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## SECTION 4114

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2314	July 7, 1958, Pub. L. 85-507, § 15, 72 Stat. 334.

The words "modification or" are omitted as redundant.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

TREASURY DEPARTMENT LIBRARY




THE WHITE HOUSE

WASHINGTON

April 26, 1984

MEMORANDUM FOR PETER J. WALLISON  
GENERAL COUNSEL  
U.S. DEPARTMENT OF THE TREASURY

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence Concerning Mrs. Regan's  
Use of Government Transportation

Mr. Fielding received the attached letter concerning Mrs. Regan's use of government transportation, and the Secretary's comments upon that use. I assume the Secretary has received several similar letters, and we would appreciate your guidance concerning a response.

Many thanks.

Attachment

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

FIODI-02

John

- O - OUTGOING
  - H - INTERNAL
  - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 7 1

Name of Correspondent: Virginia Massa

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Use of limo by government employees and their families

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>W Holland</u>		ORIGINATOR	<u>84104102</u>		<u>1 1</u>
<u>WAT 18</u>		Referral Note:	<u>BR 84104103</u>		<u>584104113</u>
		Referral Note:	<u>1 1</u>		<u>1 1</u>
		Referral Note:	<u>1 1</u>		<u>1 1</u>
		Referral Note:	<u>1 1</u>		<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

Mrs. Virginia Maisa  
1408 E. Norwich St,  
Milwaukee, WI 53207

March 28, 1984

Mr. Fred Fielding  
White House Counsel  
White House  
Washington, D. C.

220188

Dear Mr. Fielding:

I am enclosing an article from today's USA Today regarding use of limos by government employees and their families.

Treasury Secretary Donald Regan does not consider his wife's use of the limo as illegal, immoral or unethical. Does the Secretary believe because he is the Treasury Secretary that he can dip into the til for his personal use.

I don't appreciate paying taxes to find out that I am paying for Mr. Regan's wife limo expense to take her to exclusive clubs, restaurants and the like. No small wonder we have such a huge deficit.

When are things like this going to stop. I am seriously considering quitting my job so that the boys and girls in Washington, D.C. won't get into my pocket book for their own pleasure.

Very truly yours,



Virginia Maisa

vcm

Enclosure

I always said Washington, D.C. is the biggest welfare recipient haven. People are unemployed for up to 2 years and the wasteful, immoral spending just never stops. I am sure anyone who really needs a job bad -without income, out of unemployment funds, would be glad to have Regan's job without the extra emnities.

# Govt. eyes limo use, misuse

By Mike Tucker  
USA TODAY

WASHINGTON — The new flap over who can use government limousines widened Tuesday into a White House review of the rules, as Treasury Secretary Donald Regan refused to repay the cost of his wife's limousine use.

White House counsel Fred Fielding will review policies on the use of limousines by Cabinet officers' spouses.

Regan press spokesman Larry Speakes said rules now vary among departments, and "we think it probably would be good practice to be uniform."

Regan said he has no plans to follow the example of Attorney General William French Smith, who repaid the government \$11,000 for his wife's use of a limousine.

"I'm not going to repay something that nobody as yet has proved to me is illegal, immoral, unethical or anything else," Regan said.

Regan's wife, Ann, reportedly used a limousine 75 times over 20 months — including trips from their northern Virginia home to exclusive clubs and restaurants.

A Smith aide said the outgoing attorney general made the payment to settle any issue before he left office.

THE WHITE HOUSE

WASHINGTON

April 26, 1984

Dear Mr. Blalock:

Your letter to the President concerning the use of Government aircraft for Presidential travel has been referred to me for consideration and response. In that letter you questioned the use of Government aircraft by the President when he travels on other than official business.

Article II, Section 2 of the Constitution provides that the President shall be Commander in Chief of the armed forces of the United States. In order to perform his official duties as Commander in Chief, and as the Chief Executive of our Government, the President must have access to the proper communications and command facilities at all times. Therefore, when the President is away from the White House, it is necessary for him to use specially equipped Air Force planes for his travel, so as to have constant access to these vital communications and command facilities. This is true regardless of whether the travel itself is for official or personal purposes.

I am certain you will also recognize that security demands would make travel in other than official vehicles not only impractical but probably more expensive and generally disruptive. For all these reasons, Presidents have found it necessary to use Government transportation, including official aircraft, when they travel. This necessity simply reflects the underlying reality that the President never leaves his official responsibilities behind, even when on "personal" travel.

I hope that this information is helpful to you.

Sincerely,



John G. Roberts  
Associate Counsel to the President

Mr. Sam Blalock  
502 West Maple Street  
Johnson City, TN 37601

FI001-02

Roberts direct  
*[Signature]*

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

JV

- OUTGOING
  - INTERNAL
  - INCOMING
- Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Sam Blalock

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: President's authority with regard to travel

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>CW Holland</u>	ORIGINATOR <u>084,104,06</u>	<u>1 1</u>
<u>CW AT 18</u>	Referral Note: <u>R 084,104,09</u>	<u>584,104,19</u>
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  - C - Comment/Recommendation
  - D - Draft Response
  - F - Furnish Fact Sheet to be used as Enclosure
  - I - Info Copy Only/No Action Necessary
  - R - Direct Reply w/Copy
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  - B - Non-Special Referral
  - C - Completed
  - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
  - Code = "A"
  - Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

62  
W.S. Finkley

Sam Blalock  
502 West Maple St.  
Johnson City, Tn., 37601  
Mar. 3, 1984

Mr. Ronald Reagan  
President of the United States  
The White House  
Washington, D.C., 20500

221159 *cu*

Dear Mr. President:

I am interested in how, and under what authority you are able to take unlimited trips aboard government aircraft to and from vacation spots, to and from resorts, with members of your family at taxpayer expense.

It seems to me that travel on official business is different from travel for personal gratification. Thus, a trip made to California for personal reasons is not the same as one made for reasons of national necessity, as in greeting an arriving head of state or attending a conference.

As you no doubt know, Article II of the Constitution states that the President shall receive a salary (not to be increased or decreased during his term of office) and no other emolument. An emolument is any pay or perquisite of office.

Why are your private trips then paid for by the taxpayer? Is free and unlimited travel not an emolument of office forbidden by the Constitution?

I should like to hear why suit should not be filed asking the following:  
(1) A restriction of presidential travel to official business; (2) A reimbursement of travel expenses to the government for violations of Article II that include, but are not limited to, travel.

I shall be interested in any Constitutional or statutory authority granting the President the authority and right to comander government transportation for his purely personal use.

Sincerely

*Sam Blalock*  
Sam Blalock

cc: Johnson City Press Chronicle

THE WHITE HOUSE  
WASHINGTON

Date 5/8/84

Suspense Date \_\_\_\_\_

MEMORANDUM FOR: John Roberts

FROM: **DIANNA G. HOLLAND**

**ACTION**

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for  
\_\_\_\_\_ signature
- As we discussed
- Return to me for filing

**COMMENT**

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_



United States of America  
Office of  
Government Ethics

Office of Personnel Management  
Washington, D.C. 20415

*travel  
file*

MAY 1 1984

M E M O R A N D U M

**SUBJECT:** Summary of Acceptance and Disclosure of Travel Expenses and Related Gifts

**FROM:** David H. Martin  
Director

*David H. Martin*

**TO:** Designated Agency Ethics Officials, General Counsels, and Inspectors General.

Because this Office has consistently received a number of questions regarding the acceptance and disclosure by executive branch employees of travel reimbursements and related gifts from private sources and because the annual filing deadline for public financial disclosure reports is again drawing near, we believe it is important to provide you with the following outline of the considerations involved in answering any questions regarding this subject. The materials and the statements set forth in this outline are not new; this is simply a compilation of the various statutes, regulations and other considerations involved in this subject area. We urge you to distribute copies of this memorandum to your field offices and deputy ethics counselors for their use. Our regional training sessions have indicated a strong need and desire for this and other similar information. With regard to this specific guidance, because the first and most important determination is whether the traveling employee is on official duty or not, this guidance is separated under those headings.

**If the traveling employee is on official business -**

1. When an executive branch employee is offered payment for travel expenses from a private source for expenses incurred in carrying out his or her official duties, the travel reimbursement expense payments can only be accepted, if at all, by the agency employing the individual on the individual's behalf. The employee may not personally accept the travel expenses without potentially violating 18 U.S.C. 209.
2. The agency may accept the travel expenses only if it has statutory gift acceptance authority to do so or if the gift qualifies under 5 U.S.C. 4111 discussed in paragraph 3 below. Otherwise the agency will be improperly augmenting its appropriations and running afoul of the Comptroller General's Decision B-128527 dated March 7, 1967 (46 Comp. Gen. 689). Authority to accept gifts, if it exists, will generally be found in your agency's organic statute. The authority may limit the acceptance to gifts for specific purposes and your agency must have a process to determine which offers of gifts can be accepted under that authority. An agency's authority to accept gifts, including travel expenses, cannot be granted by regulation; the grant must be made by statute. (Note: Most agencies do not have this statutory authority.)
3. If the donor is a non-profit, tax exempt institution described by 26 U.S.C. 501(c)(3), the Employees Training Act, codified at 5 U.S.C. 4111, authorizes an employee to accept the payment of travel expenses from that donor if the agency follows the regulations set forth in 5 C.F.R. 410.701 et. seq. These regulations require prior

written authorization for acceptance of such travel expenses and that acceptance of the expenses does not create an actual or apparent conflict. The important considerations involved here are two: First, the organization must be categorized by the I.R.S. under section 501(c)(3). There are many tax-exempt non-profit organizations which do not fall under subsection (c)(3). The I.R.S. reading room can confirm the status of the organization if you provide the exact name of the organization and the state of incorporation. Second, simply because the organization is categorized under section 501(c)(3) does not mean that the offered travel expenses are always acceptable. If the organization seeks grants from your agency or does business with your agency, especially if its staff deals directly with the employee involved, such offered reimbursements should, in most cases, not be accepted. Again, refer to the implementing regulations.

**Example:** A grants official at an agency is asked to speak at a University in his official capacity and the University offers to pay his travel expenses. The University is a 501(c)(3) corporation but it has one grant and is seeking others from the agency. The employee should not be allowed to accept the travel expenses because of the appearance of a conflict of interest.

4. If your agency does not have gift acceptance authority and the donor is not a 501(c)(3) corporation, neither the agency nor the employee may accept payment for travel expenses of the employee on official business. Further, the agency may not put the employee in non-duty status to carry out what is essentially official business simply to allow the employee to accept the travel expenses.
5. An employee who is on official business should never accept direct reimbursement of expenses (cash) if the payment of travel expenses is allowed pursuant to the methods set forth in paragraphs 2 or 3 above. Direct reimbursements must be made to the agency which has either advanced the money to the employee or will in turn reimburse the employee. Once given approval in advance, an employee may accept only in-kind gifts such as the travel tickets, meals and hotel room key. Further, the agency may wish to allow the employee only those expenses which would otherwise be covered by government travel regulations as if the agency were paying, and in no case should it allow the employee to accept excessive and lavish in-kind services. See Comptroller General's Opinion B-128527 and 5 C.F.R. 735.202(f).

**If the traveling employee is not on official business -**

6. The employee may not accept any travel expenses or any gift from any organization which
  - 1) has, or is seeking to obtain, contractual or other business or financial relations with his or her agency;
  - 2) conducts operations or activities that are regulated by his or her agency; or,
  - 3) has interests that may be substantially affected by the performance or non performance of his or her official duty.

These standards are set forth in 5 C.F.R. 735.202(a). Agencies may have regulations which are more strict and they may also have certain exceptions based on those in

5 C.F.R. 735.202(b). It is very rare that any of the exceptions will allow payment for travel expenses from an organization which is covered by section 735.202(a). Further, if the organization itself is not a prohibited source as outlined above, but all or a substantial majority of its members are, you should consider a travel reimbursement offer from the organization as if it were from one of the prohibited sources outlined in section 735.202(a).

Example: If a trade association comprised predominantly of members which are individually regulated by an agency offers an employee of your agency travel expenses so that he might, in his personal capacity, attend their annual convention, the employee may not accept the travel expenses. These travel expenses would be a gift from a prohibited source.

7. Finally, if the source of the payment of travel expenses or other gift is not otherwise prohibited and the employee attends the conference or meeting on annual or personal leave time, the employee may not use his or her official title as a title. These activities are prohibited by section 735.201(a). (The employee should also request that the host not misuse his or her title in an effort to make it appear the the employee is appearing officially or in order to draw business to a commercial endeavor.)

Example: The General Counsel of a Commission is asked to teach a course for a publisher of law texts. The agency determines that doing so is not within the mandate of the agency but approves her participating under its outside employment approval process. The General Counsel may not be "billed" by the publisher in its promotional materials listing the faculty of the course or at the course itself as Jane Doe, General Counsel, Government Commission X. If the materials provide a brief description of Ms. Doe's qualifications, it can state, along with such things as her education and other positions, the fact that she presently serves as the General Counsel of the Commission. The improper use of her position is the use of her government title as a title. She is not participating in her official capacity and it should not appear that she is, nor should the publisher be allowed to use the title to solicit business.

#### Public Disclosure (SF 278)

An employee required to file a public financial disclosure report (SF 278) should disclose travel expenses meeting the \$250 threshold in the manner set forth below. Note that the law treats in-kind services such as travel tickets, hotel rooms and meals as one disclosure requirement and cash reimbursements for any of those same items as a separate disclosure requirement.

#### **If the employee is on official business —**

1. When the agency has gift acceptance authority and has made the appropriate determination to accept travel expenses for an employee's travel prior to the expenses being incurred, then the employee need not disclose these expenses as the agency has accepted them, not the employee. If for any reason prior approval was

not received, these expenses must be disclosed because at the time they were accepted, it was the employee not the agency making the acceptance. For the employee's sake the agency may note subsequent approval on the form if it occurred.

2. When the employee accepts the travel expenses from a 26 U.S.C. 501(c)(3) corporation pursuant to 5 U.S.C. 4111, these expenses must be disclosed. Section 4111 specifically allows the employee to accept, albeit with agency approval, and because it is a personal acceptance it is governed by the public financial disclosure requirements. Again, the agency may wish to note on the form the date the agency gave acceptance approval.
3. If an employee accepts travel expenses without the benefit of agency gift acceptance authority or coverage of 5 U.S.C. 4111, the expenses must of course be disclosed.

**If the employee is not on official business —**

4. All travel expenses meeting the threshold values must be disclosed unless they are paid by a relative or are required to be reported under 2 U.S.C. 432.

**Gifts from a foreign government —**

5. Because the reporting threshold for gifts from a foreign government covered by the Foreign Gifts Act is lower than the \$250 threshold for reporting under the Ethics in Government Act, all such travel expenses should be disclosed under the procedures established pursuant to 5 U.S.C. 7342 and are therefore exempt from disclosure on the SF 278. (See Section 209(8)(B) of the Ethics in Government Act.) Note, however, that a gift other than reimbursement of travel expenses need only exceed the more than \$100 threshold of the Ethics in Government Act disclosure requirements. Therefore, any gift, other than travel expenses from a foreign government valued at more than \$100 but within the "minimal value" that triggers the acceptance and disclosure requirements of the Foreign Gifts Act, would have to appear on the SF 278. (In March, 1984, the GSA adjusted the "minimal value" to \$165 or less.)

**Example:** An employee is asked by a foreign government to participate in a symposium hosted by the government. The employee's travel expenses outside the United States are paid for by the foreign government and as a participant she is also given a small piece of sculpture. The travel expenses have a value of \$500 and the sculpture \$125. The Foreign Gifts Act "minimal value" at the time was \$140 or less. Because the travel expenses are more than the "minimal value" for Foreign Gifts Act purposes and are therefore subject to disclosure under 5 U.S.C. 7342, she need not disclose them on her SF 278. However, because the sculpture is within the "minimal value" for Foreign Gifts Act purposes but more than the over \$100 reporting requirement of the Ethics in Government Act for gifts other than travel expenses, she must disclose the receipt of the sculpture on her SF 278.

### **Suggested Procedures**

If your agency does not have procedures covering the acceptance of travel expenses, this Office considers the following to be essential elements which will protect not only the agency but the employee as well:

1. All offers of payment of official travel expenses must be approved in writing prior to acceptance.
2. If possible, all offers should be approved by the same office within an agency so as to provide consistency of interpretation of applicable statutes and regulations. Larger agencies which cannot centralize such approval should have a controlled delegation system.
3. All agency personnel should be made aware that such offers must be approved by the appropriate office. This is especially important for persons responsible for issuing travel orders.
4. Travel orders should note specifically what expenses are being accepted by the traveling employee and under what authority. For instance, the travel orders might note that an airline ticket and hotel room are being provided to the employee by the host and accepted pursuant to the agency's gift acceptance authority, whatever the appropriate statutory citation would be.
5. The traveling official should never be placed in a position of approving the acceptance of his or her own travel expenses.
6. If possible, a record of all travel expenses accepted should be kept by the agency in a central file.

If you have any questions concerning the acceptance of travel expenses, please feel free to contact this Office.

THE WHITE HOUSE

WASHINGTON

May 8, 1984

MEMORANDUM FOR CLAUDE GINGRICH  
GENERAL COUNSEL  
OFFICE OF THE U.S. TRADE REPRESENTATIVE

FROM: JOHN G. ROBERTS *JGR*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Use of Airline Discount Coupons or Bonuses  
From Official Travel

Attached, as we discussed, are the two memoranda Mr. Fielding has issued on this subject.

Attachments

THE WHITE HOUSE

WASHINGTON

November 2, 1983

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING Orig. signed by FFF  
COUNSEL TO THE PRESIDENT

SUBJECT: Bonuses or Discounts from Official Travel

You are reminded that any reduced fare coupons, bonuses, discounts, or similar items of value received by you incident to or on account of official travel must be accounted for and should never be used in connection with private travel. Such items, when obtained on the basis of travel paid for by the Government, are the property of the Government and should be turned in to the Travel Office.

Any questions on this subject should be referred to the Counsel's Office.

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR

FROM: FRED F. FIELDING, SPECIAL ASSISTANT  
COUNSEL TO THE PRESIDENT

SUBJECT: Travel

Questions have been raised concerning your use of official travel to accrue "points" that may be used to pay for private travel. By memorandum dated October 21, 1983 you have outlined your participation in the Pan American World Pass system, and indicated that "points" attributable to official travel were used pursuant to that system to pay for private travel by your spouse.

It is our view that use for private travel of points obtained from official travel is inappropriate. It appears that you have not, due to the nature of the Pan American World Pass system, appropriated anything of value to the government. Nonetheless, obtaining private benefit from official travel raises serious concerns about the use of public office for private gain. Both Executive Order 11222, § 201(c)(1) and the Standards of Conduct for the Executive Office of the President, 3 C.F.R. § 100.735-4(c)(1) require employees to "avoid any action... which might result in, or create the appearance of, [u]sing public office for private gain." A decision of the Comptroller General applied this basic principle to the question of airline bonuses based on official travel and concluded:

It is a fundamental rule of law that a Federal employee is obligated to account for any gift, gratuity, or benefit received from private sources incident to the performance of official duty, and therefore an employee may not retain any "half-fare coupon," "bonus point," or similar item of value received from a commercial air carrier on the basis of the purchase of an airline ticket to be used for official travel.  
B-199656 (July 15, 1981)



Accordingly, we advise you to refrain from using official travel to accrue points under the Pan American World Pass system. We also request that you consult with the Travel Office to determine if there is any way for you to turn over to the Government points accumulated from official travel that have not yet been used. In any event, such accumulated points should not be used for private travel.