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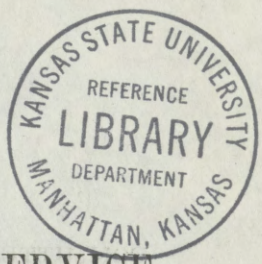
RENTAL QUARTERS AND SERVICES TO CIVILIAN OFFICERS AND EMPLOYEES

GOVERNMENT

Storage



HEARING BEFORE THE COMMITTEE ON OFFICE AND CIVIL SERVICE HOUSE OF REPRESENTATIVES EIGHTY-SEVENTH CONGRESS FIRST SESSION ON



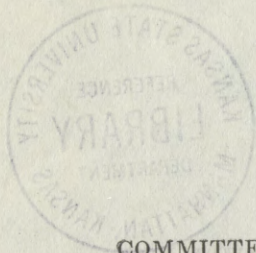
H.R. 7021 and related bills

BILLS TO AUTHORIZE GOVERNMENT AGENCIES TO PROVIDE
QUARTERS, HOUSEHOLD FURNITURE AND EQUIPMENT, UTILI-
TIES, SUBSISTENCE, AND LAUNDRY SERVICE TO CIVILIAN
OFFICERS AND EMPLOYEES OF THE UNITED STATES, AND
FOR OTHER PURPOSES

JULY 27, 1961

Printed for the use of the
Committee on Post Office and Civil Service





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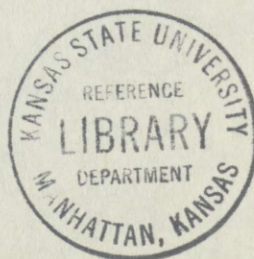
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RENTAL QUARTERS AND SERVICES TO CIVILIAN OFFICERS AND EMPLOYEES

THURSDAY, JULY 27, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met at 10 a.m., in room 215, House Office Building, Hon. Kathryn E. Granahan (chairman of the subcommittee) presiding.

Mrs. GRANAHAN. The committee will please come to order.

The members of subcommittee are Mr. Olsen, Mr. Addabbo, Mr. Cunningham, Mr. Wallhauser, and I was designated chairman.

This subcommittee was appointed to consider H.R. 7021 and related bills to clarify certain legislative provisions authorizing the Government to furnish quarters and related services to Government employees and to certain employees of Government contractors.

H.R. 7021 and H.R. 7273 are identical bills sponsored by Mr. Murray, chairman of the House Post Office and Civil Service Committee, and Mr. Corbett, ranking minority member, as a result of an official recommendation of the Bureau of the Budget. These two bills are intended to consolidate and restate related provisions of 5 U.S.C. 75a and regulations which authorize the furnishing of quarters, heat, light, household equipment, subsistence, and laundry service to Government employees.

The bills would not authorize any new construction or other acquisition of quarters for any personnel. The basic authority now granted Government agencies would be continued. In addition, the legislation contains authority, which is not contained in the existing law, for the President to issue standard regulations prescribing the rates to be charged for the quarters and related services. It also provides authority for regulations to be issued to prescribe rates and charges whenever Government owned or leased quarters are furnished by the Government, as an incidental service in support of the Government program, to persons of the uniformed service or where non-Government personnel occupy Government quarters, usually contractor employees at facilities of the Department of Defense or the Atomic Energy Commission.

The legislation also contains a prohibition, in section 4, against employees being required to occupy Government rental quarters unless a determination has been made that necessary service cannot be rendered or property of the United States cannot adequately be protected otherwise.

This latter prohibition is also the subject matter of several other bills pending before our subcommittee. The sponsors of these similar

bills are Mr. Morrison, H.R. 7625; Mr. Davis, H.R. 6171; Mr. Broyhill, H.R. 6282; Mr. Cunningham, H.R. 6033; and Mr. Moss, H.R. 5540. I also sponsored a similar bill, H.R. 6625.

It is my understanding that one of the purposes for the administration-sponsored proposal is to provide positive authority for the administration to issue standard regulations containing basic principles to be followed by all agencies to assure the charging of adequate rentals for the quarters and services furnished. The report of the Comptroller General of the United States dated July 13, 1961, while in general agreement with the purpose of the administration bill, contains comments very critical of the practice under the existing law of some Government agencies in not charging rents that are equivalent or comparable with rents charged for private housing in the area. The Bureau of the Budget communication also refers to this practice.

The Comptroller General's report cites as an example the lower than local comparable rentals charged employees occupying quarters at the Veterans' Administration stations in Los Angeles, Calif.; Albuquerque, N. Mex.; and Vancouver, Wash.; and at the Public Health Service hospital, Norfolk, Va. Similar findings were noted at other Veterans' Administration stations. The Comptroller General stated that at one station there were indications that rental rates were reduced to facilitate the recruitment of employees.

I believe that these conditions demand immediate correction and if the administrative proposal is needed to stop these practices, I believe the proposal requires immediate consideration by our subcommittee.

H.R. 6625, which I sponsored, would enact a prohibition intended to stop the undesirable practice of requiring Federal employees at certain locations to occupy Government quarters. Information has come to my attention that our civilian employees not infrequently are required to occupy inadequate Government quarters. This prohibition also is contained in section 4 of the administrative proposal.

As I have stated, several of the bills which the subcommittee has for consideration today, have been sponsored by other members of our own committee.

(The bills, H.R. 7021 and H.R. 6625, follow:)

[H.R. 7021, 87th Cong., 1st sess.]

A BILL To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of each department, independent establishment, and Government corporation may, under such regulation as the President may prescribe and where conditions of employment or availability of quarters warrant it, provide, either directly or by contract, civilian officers and employees stationed in the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands, with quarters (Government owned or leased), household furniture and equipment, utilities, subsistence, and laundry service.

SEC. 2. Rental rates for any Government owned or leased quarters provided under authority of section 1 of this Act, or occupied on a rental basis under authority of any other provision of law, and charges for any furniture and equipment, utilities, subsistence, and laundry service made available in connection with the occupancy of such quarters, shall be based on the reasonable value thereof to the officer, employee, or member of the uniformed services concerned, in the circumstances under which furnished. Such rates and charges shall be determined in accordance with such regulations as the President may prescribe,

and the amounts thereof shall be paid by or deducted from the salary of such officer, employee, or member of the uniformed services, or otherwise charged against them.

SEC. 3. Whenever, as an incidental service in support of a Government program, any Government owned or leased quarters, and any related furniture and equipment, utilities, subsistence, and laundry service are provided, under specific Government direction, to any person who is not an officer or employee of the Government or a member of the uniformed services, the rates and charges therefor, which shall be paid or otherwise credited to the Government, shall be determined in accordance with section 2 of this Act.

SEC. 4. No civilian officer, employee, or member of the uniformed services, shall be required to occupy Government owned or leased rental quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

SEC. 5. Section 2 of this Act shall not be construed as repealing or modifying any provision of law which may authorize the provision, without charge or at specified rates, or any of the items enumerated in section 1 of this Act, to any specific civilian officer or employee, or to any class of such officers or employees, or to such officers or employees under emergency conditions or to members of the uniformed services.

SEC. 6. Section 3 of the Act of March 5, 1928 (45 Stat. 193 (5 U.S.C. 75a)), is repealed.

[H.R. 6625, 87th Cong., 1st sess.]

A BILL To provide that civilian officers and employees of the United States shall not be required to occupy Government quarters unless the head of the agency concerned makes certain determinations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, on and after the date of enactment of this Act, no civilian officer or employee of the United States shall be required to occupy Government-owned or Government-leased quarters unless the head of the agency concerned shall determine that, without such occupancy, necessary service cannot be rendered or property of the United States cannot be adequately protected.

Mrs. GRANAHAH. Mr. Davis, we are pleased that you were able to take a few minutes out of your busy schedule and come here in support of your bill, H.R. 6171. We will be pleased to hear from you.

STATEMENT OF HON. JAMES C. DAVIS, REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. DAVIS. Thank you, Madam Chairman and members of the subcommittee. I deeply appreciate the opportunity to testify in support of this very desirable legislation, H.R. 6171, which, as the chairman has mentioned, is a bill which I introduced.

I was judge of the superior courts back home for 13 years and I have often made the statement that the hardest chair to sit in in a courtroom is the witness chair. I expect the same can be said about a committee room. I am delighted to be here this morning, however, on the other side of the bench from you, Madam Chairman, and you, members of the subcommittee.

As the chairman has so ably pointed out, H.R. 6171, which is the bill I introduced, would prohibit the very inequitable practice of requiring Government employees to occupy undesirable quarters. This would be accomplished under any of the bills before this subcommittee. While the administrative report on my bill recommends favorable consideration of the broader proposals contained in the administration's bill, there is no objection by the administration to enactment of the prohibition against requiring Government employees to occupy these quarters.

A proviso first appeared in section 1314 of the Supplemental Appropriation Act, 1953, prohibiting an employee from being required to occupy any Government quarters unless it was determined necessary in order to protect Government property. Similar provisos were contained in appropriation acts from that time through fiscal year 1959 but the proviso was not repeated in 1960. Since the expiration of the statutory provision, it has been reported to me that the employees in many instances have been required to occupy inadequate Government quarters.

Since the administration agrees with the basic purpose of this particular proposal, I believe it desirable to enact the prohibition into positive law and thereby remove once and for all any fear the employees may have that they will be required unnecessarily to occupy undesirable quarters.

I hope that the subcommittee will give this meritorious legislation its unanimous approval and report one of these bills favorably so that it can be taken up at the next full committee meeting.

Thank you very much.

Mrs. GRANAHAH. Thank you, Mr. Davis. Are there any questions?

Mr. WALLHAUSER. I have only one question. I think this is a very fine statement, and, of course, I am in full agreement with it.

My question is this. Why does the Government have such inadequate Government quarters? This is not related to this bill but it seems to me somebody should take steps to improve these conditions.

Mr. DAVIS. I had some personal experience, Mr. Wallhauser, with this matter at one time.

Some years ago I went with a group of Members of the House out to an airfield in Nevada to witness the firing of an atomic shell from a cannon. The only quarters available for us to occupy on that trip were quarters right there at the Air Force base.

Here is what we experienced. We had to sleep there. There were community baths. You just got in with the rest of the personnel there and you took a bath when you could get in. You were there with a bed here, here, and here, lined up just like Army barracks, which is what it actually was except this was the Air Force. Everybody does not go to sleep at the same time. They do not all come in and go to bed at the same time. If you have a hard day's work ahead of you the next day, which most of these Government employees do have, getting your needed rest during the night becomes a very serious problem.

Mr. WALLHAUSER. In other words, you have the feeling there are two different items involved here; one, the conditions of the living quarters which are agreeable for men in the Army or Air Force or some branch of the service but not necessarily—

Mr. DAVIS. They cannot help themselves. They have to occupy them.

I was in the Marine Corps during World War I. Of course, all of us who have been in the service just have to accommodate ourselves to what the situation is and make the best of it.

However, for a civilian not in the service and not under those regulations, and one who does not require the discipline which goes along with service in the Armed Forces, it is a different proposition. I think they are entitled to quarters so that they can come in when their day's work is done and be assured they will have a quiet place

to rest and sleep, and also that they can get their meals at a time which is in keeping with the work they have to do.

Many of these civilian employees do not have the same hours that the members of the armed services would have, and perhaps they feed those members of the armed services at a time which does not coincide with the requirements of the civilian worker. That is inconvenient, of course, and creates difficulty.

I can think of many reasons. I do not want to take up the time of the subcommittee in going into them, but I think there are many reasons why a civilian employee away from his home base ought to have sufficient funds furnished to him to provide him quarters at a hotel, motel, or some other convenient place.

Mr. WALLHAUSER. Thank you for your clarification.

Mrs. GRANAHAH. Thank you, Mr. Davis.

Mr. DAVIS. Thank you for the opportunity of appearing. It has been a pleasure.

Mrs. GRANAHAH. Mr. Cunningham.

Mr. CUNNINGHAM. Madam Chairman, I would like to join my colleagues in urging favorable consideration in enacting the prohibition against Government employees being required to occupy Government rental quarters under certain circumstances. The bill which I sponsored, H.R. 6033, like the bills sponsored by my colleagues, would place in permanent legislation a provision of law which appeared in appropriation acts for several years prior to 1960. The provision annually confirmed the principle that a Federal employee could not be compelled to live in Government quarters unless such occupancy was needed for the rendering of necessary service or the protection of Government property.

Unquestionably, the Government should have the right to require employees to reside near enough to their work so that they can be readily available for emergency service in cases where such service is necessary. On the other hand, I believe that where no essential public service is served, the Government has no inherent right to tell a civilian employee or his family where they must live. For this reason I have sponsored H.R. 6033.

I am sure that this subcommittee will give its most urgent consideration to this problem and I will lend my support to favorable enactment of this prohibition.

Mrs. GRANAHAH. Thank you, Mr. Cunningham.

Mr. Broyhill, a member of the full committee, and author of H.R. 6282, has submitted a statement which I will insert in the record at this time.

(The statement follows:)

STATEMENT OF HON. JOEL T. BROYHILL, CONGRESSMAN FROM VIRGINIA

Madam Chairman, it is my earnest hope that the subcommittee will see its way clear to give prompt approval to my bill H.R. 6282. This is a simple bill with no complications and no opposition of which I am aware.

The purpose of the bill is to permit the use and occupancy of non-Government quarters by certain civilian employees working on a temporary basis at military and other Government installations. Specifically, it results from requests by the International Association of Machinists on behalf of some of its skilled-mechanic members. They contend that under present law, they are frequently required to occupy temporary-personnel barracks while working at Government installations far from their homes and from their employing stations.

On many occasions, these skilled mechanics, brought in to perform highly technical work, find their barracks quarters so noisy, because of other personnel keeping different hours, that they are unable to sleep. Furthermore, the barracks frequently offer only inadequate accommodations. The result is that many of the mechanics quit and return home rather than put up with the conditions. This makes it unduly expensive for the Government to maintain an adequate force of skilled specialists to carry out essential work.

My bill seeks to correct this situation by providing that no civilian officer or employee of the Government shall be compelled to occupy Government quarters "unless the head of the agency concerned shall determine that, without such occupancy, necessary service cannot be rendered or property of the United States cannot be adequately protected." There would be relatively few instances in which such a finding would be invoked to require that temporary employees live on the base where they are working.

Such provision was carried in appropriation bills on an annual basis for several years. It was dropped inadvertently, however, when certain other sections of the overall provision, to which the Bureau of the Budget objected, were abandoned. This bill simply would write this particular clause, to which the Budget Bureau does not object, into permanent law.

Mrs. GRANAHAH. We will next hear from our colleague, the Honorable John E. Moss, of California.

STATEMENT OF HON. JOHN E. MOSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Moss. Mr. Chairman, I am making this statement in support of my bill, H.R. 5540, which provides that civilian officials and employees of the United States on travel status shall not be required to occupy Government quarters unless the head of the agency concerned determines that, without such occupancy, necessary service cannot be rendered or property of the United States cannot be adequately protected.

This legislation is no stranger to our statute books. You will find it under title II, section 208, Public Law 85-468. Actually the provision had been in effect since the 82d Congress.

However, during the 86th Congress, when hearings were held by the Subcommittee on General Government Matters of the House Appropriations Committee, Director of the Budget Maurice Stans appeared and urged that the provision be eliminated. Strangely enough, Mr. Stans made only this one recommendation in connection with the general provisions of this appropriations measure—that section 208 of the act be stricken out. At that time, he expressed the opinion that the section had been repeated in appropriations acts for a number of years, and that the departments and agencies generally were in compliance with the regulation. The committee took Mr. Stans' word that section 208 of the act was unnecessary and deleted it.

Subsequently, when the House Appropriations Committee issued its Report No. 266 of the 86th Congress, 1st session, dated May 15, 1959, the following statement was set forth on page 5:

The bill recommends continuation of numerous general provisions, unchanged from the act for fiscal year 1959. There has been deleted the provision carried in the act as section 208, relating to requirements and reports under the provisions of the Bureau of the Budget Circular No. A-45, dated June 3, 1952. That section of the general provisions had served its purpose and is no longer required.

Then Mr. Stans changed his mind. On March 11, 1960, Mr. Stans transmitted a letter to Vice President Nixon proposing legislation which would, among other provisions, restore the portion of section 208 that had been deleted from the statutes. Subsequently, this proposed measure was introduced as S. 3486 in the 86th Congress.

The bill was not enacted during the 86th Congress. Under date of January 13, 1961, Mr. Stans again wrote to both House Speaker Rayburn and Vice President Nixon urging introduction of legislation identical to S. 3486 of the previous Congress. It is my understanding that this legislation has been introduced and is presently pending before the appropriate committees.

In the meantime, as a direct result of the deletion of section 208 from Public Law 86-79, the military has attempted brazenly to subject all civilian employees under its authority to regimentation. As one of my constituents so aptly put it in a recent communication to me:

I spent 4 years in the Navy living under regimented conditions. I am no longer a member of the Armed Forces and I do not desire to live as if I were. I travel constantly, averaging 250 days out of the year, and in consequence of the deletion of section 208 I am now being forced to live in inadequate Government quarters.

Another constituent informed me that he was forced to occupy open barracks-type quarters, share a shower with a number of other men and was afforded no privacy whatsoever. This action was taken notwithstanding the Civil Service Commission's regulation specifically calling for private or semiprivate accommodations for civilian employees performing travel.

Still another employee complained that he had received only \$6 per diem while on temporary duty assignment at Vandenberg Air Force Base, Calif., but would have received \$10 per diem had he been fortunate enough to be assigned to McClellan Air Force Base, Calif., in my congressional district. As I was later able to verify, the Air Force had used reduced per diem rates as an effective and arbitrary instrument in its "urging" of civilian employees to occupy Government quarters.

Mr. Chairman, I call your attention to the fact that five of my colleagues, all members of this committee, have joined me in introducing legislation identical to my bill, H.R. 5540.

As I am sure this committee is aware, the Comptroller General and the Bureau of the Budget has recommended broader legislation than my bill. However, if my bill is enacted by the Congress and signed into law by the President, it would become a part of the permanent statutes, thus removing the necessity for repeating the language of section 208 each year in the appropriations act.

I thank the members of the committee for their consideration of my views, and I hope they will see fit to take favorable action on this legislation in order that the many financial hardships which are presently being enforced against our civilian Federal employees may be brought to an end at the earliest possible moment.

Mrs. GRANAHAH. Thank you very much, Mr. Moss.

Our next witness will be Mr. Carl W. Tiller, Chief of Budget Methods, Bureau of the Budget. He is accompanied by Mr. William T. Wolfrey, Budget Methods Specialist.

**STATEMENT OF CARL W. TILLER, CHIEF OF BUDGET METHODS,
BUREAU OF THE BUDGET, ACCOMPANIED BY WILLIAM T. WOL-
FREY, BUDGET METHODS SPECIALIST**

Mr. TILLER. Madam Chairman and members of the committee, I am pleased to appear before your subcommittee to discuss H.R. 6171, H.R. 7021, and other bills identical with these.

H.R. 6171 would prohibit Government agencies from requiring any civilian officer or employee to occupy Government quarters unless necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise. We are in agreement with this purpose; a somewhat similar provision appears as section 4 in H.R. 7021, draft legislation requested by both the Eisenhower and the Kennedy administrations.

With the chairman's permission, we would like to center our discussion around H.R. 7021 (or H.R. 7273, an identical bill) and deal briefly with the difference between its section 4 and H.R. 6171 a little later in our statement.

H.R. 7021 would consolidate and restate certain related provisions of law and regulations which authorize the providing of quarters for Government employees, and it would provide for filling in certain gaps in the present statutory situation. Our experience with this matter over the past decade indicates the need for legislation of this type. It has been drafted with the assistance of a number of agencies. A similar bill was passed by the Senate last year.

The basic policy under which the Government establishes rents for quarters occupied by employees goes back to the act of June 20, 1874 (5 U.S.C. 71) which, as codified, provides that:

No civil officer of the Government shall on and after June 20, 1874 receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law.

Many years later this statute cast doubt over the authority to provide quarters for Government employees, and the act of March 5, 1928 (5 U.S.C. 75a) was enacted to provide such authority. As codified it reads as follows:

The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry services; and appropriations of the character used before March 5, 1928, for such purposes are made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.

This in turn is not completely consistent with present compensation laws which are based upon the premise that salaries shall be fixed at the statutory rates or at rates determined in accordance with law on the basis of work performed, without regard to whether or not quarters are provided to the employee. In practice, the "reasonable value" of quarters and related items is treated as a rental charge, withheld from the employee's pay or in some situations paid in cash. Thus, the wording of the 1928 statute has become obsolete.

Since 1928, other laws have been enacted which authorize rental of quarters to Government personnel, but they lack even as much of a directive as the 1928 act contains as to how the rental rates are to be determined. These include provisions of the act of July 2, 1945, as amended (37 U.S.C. 111a) which authorize the occupation of certain quarters on a rental basis by members of the uniformed services, and the act of August 11, 1955, as amended (42 U.S.C. 1594a(f), 1594b), which authorizes the occupancy by civilian personnel on a rental basis of Capehart housing and Wherry housing acquired by the Government, and occupancy of Wherry housing by military personnel on that basis.

Furthermore, there came to the attention of the Bureau of the Budget and the General Accounting Office some 10 years ago evident inconsistencies and inequities on the part of various agencies in the administration of the laws on rents. Employees working in the same general location for different agencies, though occupying similar quarters, were being charged different rates because of lack of any guidance for the agencies concerned on the application of the law. As a result, the Bureau of the Budget issued a circular in 1951 (and reissued it in 1952) which established procedures intended to bring about more uniform and equitable practices. Under this circular, some rental rates were reconfirmed, some were increased, and some were lowered. The General Accounting Office has continued to include a review of the rental situation in some of its audits and has reported criticisms of agencies' practices from time to time. Where this has been done, we have sought to obtain corrective action.

In 1952, on the initiative of the House Appropriations Committee, the Congress began to include in an annual appropriation act a provision which specifically made the Bureau of the Budget circular controlling on this matter. In the same provision of law, Congress included a prohibition with respect to occupancy similar to the one provided in the bills before us. It read:

* * * notwithstanding the provisions of any other law, no officer or employee shall be required to occupy any Government-owned quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

Two years ago the Bureau of the Budget recommended that the relevant section of the appropriation act be omitted, with the hope and expectation that Congress would replace it with permanent legislation of a type similar to H.R. 7021. In our report to Congress at that time, commenting on proposed deletion, the Director of the Bureau of the Budget said:

Legislation will be proposed to Congress shortly to clarify the basic laws on this subject and to provide specifically and on a permanent basis for the issuance of regulations such as [Bureau of the Budget Circular No.] A-45 under direction of the President. It is recommended that such legislation be given favorable consideration by the Congress.

The provision was omitted from the appropriation act and has been since that time. It is our considered judgment that it will be helpful to both the Government and the employees if the necessary replacement legislation can be enacted.

Section 1 of H.R. 7021 would accomplish two things. First, it would continue the basic authority now granted Government agencies by the act of March 5, 1928 (5 U.S.C. 75a). Second, it would authorize the President (or his delegatee) to issue regulations to assure more uniform and equitable implementation of the act. The use of Presidential regulations is similar to that provided in other statutes dealing with employee allowances and benefits, such as the Travel Expense Act of 1929 (5 U.S.C. 835-842) and the Government Employees Training Act (5 U.S.C. 2301 et. seq.). Presidential regulations provide the most practical way of seeking a more uniform implementation of the statute and of allowing for necessary adjustments of details within the general principles set forth in the statute. The bill does not in itself authorize any new construction or acquisition of Government quarters; such action would continue to be authorized by appropriate public works legislation or other legislation as at present.

Section 2 of the bill would continue as a matter of law the equitable principle that the Government should charge the employees the "reasonable value" of quarters and related items furnished to them. It is expected that regulations will provide for reasonable values to be determined by the rule of "equivalence" when practical—that rent should be set at levels equal to those prevailing for comparable private housing located in the same area, after taking into account those considerations which reduce the value of the housing to the recipient, such as isolated location and instances where an employee might, for the convenience of the Government, be placed in quarters of a size or quality beyond that which he would choose of his own accord. Where comparable facilities are not available to make possible the rule of equivalence, the regulations will provide for other methods of determining the reasonable value.

This section would also permit the rentals to be collected either by pay deductions, as is most common, or by cash payments or other methods where appropriate. We expect that the rentals would continue to be disposed of in the same manner as at present; in most cases the amount remains as a credit to the appropriation from which the salary is paid, although in specific instances, the amount may be paid into a revolving fund for the maintenance and operation of the housing or may be transferred to some other appropriation or fund as provided by the laws pertaining to the particular department or agency concerned.

Section 3 would extend the concept of reasonable value to those cases where quarters or services are furnished to employees of Government contractors as an incident to the carrying on of a Government program. While it is not the general policy to house contractor employees in Government quarters, there are cases where no other quarters are available within reasonable distance of the site where the work must be performed, and it is to the advantage of the Government as well as the employees to provide for such housing. There is at present no clear-cut statutory basis for determining the charges in that event.

Section 4 restates the prohibition against forcing employees to occupy Government quarters. It continues the exception previously stated in appropriation acts and included also in H.R. 6171 and the other identical bills—an exception for cases where the head of the agency determines that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise. Section 4 differs from the earlier appropriation acts and H.R. 6171 in two respects. First, section 4 is broader, in that it affords uniformed personnel who occupy quarters on a rental basis with the same protection as civilian employees against being required to occupy quarters (which, in the case of rental quarters for the military are frequently substandard or inadequate) against their will. Note that this does not in any way interfere with the authority to require military personnel to live in free "public quarters" in accordance with the normal military practice. Second, the provisions of section 4 are applicable to all quarters for which the occupants are charged a rental (whether Government owned or Government leased), but are not applicable to free quarters; H.R. 6171 would be applicable to both rental and free quarters, so far as civilians are concerned. This means that section 4 would be applicable to civilian-occupied quarters

except in foreign countries, since all except those are on a rental basis. H.R. 6171 would be applicable in foreign countries as well. The State Department is prepared to explain its view that quarters in foreign countries should be excepted, a view in which we concur.

Section 5 preserves any specific provisions of law which may authorize the provision, without charge or at specified rates, of quarters or other services. It keeps this bill from disturbing the provision of law relating to free quarters in foreign countries, or from disturbing the law relating to the "public quarters" of the uniformed services. It also preserves any particular exemptions from the reasonable value rule that may have been enacted by Congress for specific officers or employees or groups thereof. It also continues a necessary emergency clause in the event of temporary occupancy in the case of disasters and other such occurrences.

Section 6 repeals the obsolete 1928 act.

The enactment of H.R. 7021 would bring the law up to date and provide a strong foundation for regulations to encourage greater uniformity in the application of the fundamental principles of equity and fairness. Even after the enactment of such legislation, it is possible that the General Accounting Office may find some apparent violations of the rule, resulting from faulty judgment on the part of the individual agency, misunderstandings, or other causes. On the other hand, it is equally possible that particular employees or employee groups may feel that they have been dealt with unfairly. A principal advantage of the proposed legislation is the opportunity it offers for Presidential regulations, and hence for review of problems that arise when they cannot be settled equitably within the agency concerned.

In summary, H.R. 7021 is primarily perfecting legislation which (a) would restate existing authority to provide housing for civilian employees, (b) would reinstate a statutory barrier against forced occupancy of Government housing such as was carried for some years in appropriation acts, (c) would authorize the President to issue regulations for more equitable application of the laws relating to quarters and related services, and (d) would clarify the applicability of the laws in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

While H.R. 6171 and the bills identical to it would serve one of these purposes, H.R. 7021 (or H.R. 7273) would serve all four purposes. Therefore, we strongly recommend the favorable consideration of H.R. 7021.

Mrs. GRANAHAH. Thank you, Mr. Tiller. Would this be an additional cost to the Government?

Mr. TILLER. No, Madam Chairman. We do not think there would be an additional cost or saving of any appreciable amount. Some rentals may be increased from time to time and some may be lowered, as we apply the rule of equivalence, but we do not forecast any particular monetary change.

Mrs. GRANAHAH. Thank you very much. I think your statement is very clear. Are there any questions?

Mr. OLSEN. I have no questions.

Mr. WALLHAUSER. I have no major question but I wonder about this. You interpolated in the statement that the Bureau of the Budget was going to submit legislation. Was that in 1958?

Mr. TILLER. 1959.

Mr. WALLHAUSER. Did they at that time submit proposed legislation?

Mr. TILLER. No. Unfortunately there was a delay in obtaining necessary agreements and clearances on the precise wording of the legislation to be most effective, and it was not submitted until 1960.

Mr. WALLHAUSER. Until 1960?

Mr. TILLER. Yes, sir. There was a year's delay we had not anticipated at the time it was recommended that section 208 of the General Government Matters Appropriation Act be deleted.

Mr. WALLHAUSER. Who actually would set up the regulations for the President?

Mr. TILLER. It is expected that the authority would be delegated to the Bureau of the Budget.

Mr. WALLHAUSER. That is all, Madam Chairman.

Mrs. GRANAHAH. Thank you very much, Mr. Tiller.

Our next witness will be Mr. D. Merle Walker, Acting Director, Office of Foreign Buildings, accompanied by Mr. John Leahy, liaison officer, congressional relations.

**STATEMENT OF D. MERLE WALKER, ACTING DIRECTOR, OFFICE OF
FOREIGN BUILDINGS, STATE DEPARTMENT, ACCOMPANIED BY
JOHN LEAHY, LIAISON OFFICER, CONGRESSIONAL RELATIONS**

Mr. WALKER. Thank you, Madam Chairman and gentlemen of the committee. I appreciate the opportunity of being able to present the views of the State Department on this legislation. We support the position of the Bureau of the Budget which you have just heard. We feel, however, that conditions leading up to the need for legislation of this type does not affect the Department of State in its Foreign Service. The Foreign Service, as the committee is aware, operates in a different manner. We do not have any property rented as encompassed within the terms of this bill.

The Foreign Buildings Act of 1926 and subsequent legislation has authorized the Secretary of State to acquire by lease, purchase, or construction, houses overseas. These houses are provided to the Foreign Service officers and staff members not on a rental basis. They are, in effect, in addition to the salary. In other words, the houses are made available to the officers and employees overseas as an additional compensation and not on a rental basis.

For that reason we feel that the terms of this legislation are not applicable to our needs.

Under H.R. 7021 and similar bills, it is provided that such legislation will apply only to the employees who are stationed in the United States, its territories, the Commonwealth of Puerto Rico, and the Trust Territories of the Pacific.

That, so far as the State Department Foreign Service is concerned, is entirely satisfactory.

Bills H.R. 6171 and similar bills do, however, constitute a serious problem in our opinion. This bill is of such scope that it could be interpreted as including the Foreign Service. For that reason the Department of State's position is that we would like to recommend that the language be such that the Foreign Service will be exempt.

If, however, favorable action is taken insofar as H.R. 6171 is concerned we would respectfully request that an amendment be affixed thereto which would in effect say that this act would apply only to quarters which are provided U.S. Government employees on a rental basis. That would exempt the Foreign Service and it would take care of our requirements.

I would be glad to go into this matter further but I believe that states our case.

Mrs. GRANAHAH. Would the administration bill apply to employees overseas other than those employed by the State Department?

Mr. WALKER. The Foreign Service, under the Secretary of State, administers the quarters facilities for all civilian agencies overseas, with the exception of the military. That includes ICA, USIA, the military attachés, and the agriculture attachés. The quarters are leased, or in lieu of quarters an allowance is given to each employee.

Mrs. GRANAHAH. How about the Department of Defense?

Mr. WALKER. The Department of Defense operates in an entirely different manner. The Foreign Service as such has nothing to do with their housing requirements.

Mrs. GRANAHAH. Thank you very much, Mr. Walker.

Mr. Olsen?

Mr. OLSEN. Would it be sufficient to state that the head of the agency concerned shall determine that the necessary service cannot be rendered unless the personnel are housed in Government property?

Mr. WALKER. Sir, that was given consideration. Under our present rules and procedures we have in existence a series of administrative regulations which charge each ambassador with the responsibility of assigning property. It is the aim not only to protect the property as such but also to do so in a manner which is the most economical and the manner in which the properties will serve the maximum purpose.

Under the language of the proposed legislation it is, in our opinion, something in addition to the administrative regulations which we have in existence at the present time and it would be superfluous to that extent.

We are in a position where we have so many properties overseas; it would be very uneconomical to have any of those properties remain vacant and permit an employee, as an example, to draw his quarters allowance and lease other quarters. Therefore the ambassador is charged with the responsibility of making an orderly assignment of these properties. He does so based on the needs of the service, the size of the family, the rank of the officer, and other conditions with which he has to deal with at the post.

Mr. OLSEN. It seems to me from what you said you are well protected and there are many exemptions in this act to protect the State Department.

I do not see that the State Department should have any objection at all. If you can give me a specific example I would like to hear it.

Mr. WALKER. The statement in H.R. 6171 would limit the ambassador and require the ambassador to find that without such occupancy necessary service cannot be rendered or the property of the United States cannot be adequately protected. Property could be protected without occupancy.

Mr. OLSEN. But the service could not be rendered without occupancy?

Mr. WALKER. I am afraid there would be a question of interpretation of what is meant by "service."

Mr. OLSEN. It is up to the head of the agency to decide.

Mr. WALKER. That is true. However, an important item which would not be in there would be the requirement that the property be occupied.

The Foreign Service, since 1946, has been endeavoring to provide as many properties as possible on a long-term-lease basis. Many of these properties are furnished. Consequently it would be a great waste of the taxpayers' money if properties would be provided but which would stand idle and at the same time the employee would draw quarters allowance and lease other quarters. It would be a double expense so far as the taxpayer is concerned.

For that reason current regulations have placed on the ambassador the requirement that he will not authorize quarters allowance as long as any Government houses stand vacant.

We have never, to my knowledge, received any complaints of substandard housing overseas. On the contrary, in a few instances there have been criticisms we have been a little bit overstaffed.

However, since the Foreign Service regulations and our administrative procedures are such that the ambassador has the authority and the responsibility to insure that the properties are properly utilized, and at the same time take into consideration the needs of the Service and the welfare of the individual, we feel that is sufficient without additional legislation.

Mr. OLSEN. Look at section 4 of H.R. 7021.

Mr. WALKER. That is the same language appearing in 6171.

Mr. OLSEN. Not quite.

Mr. WALKER. Section 4, taken in context with the entire bill, based on the fact that H.R. 7021 applies only to the people stationed in the United States and territories, Puerto Rico, and the Trust Territories would be satisfactory.

Basically that language—section 4—constitutes the entire bill known as H.R. 6171, and there are no exceptions of any kind.

Mr. OLSEN. If you take section 4 in context with H.R. 7021 your objection is eliminated?

Mr. WALKER. That is right, sir.

Mr. WALLHAUSER. That clarified the question I was going to ask. I wanted to be sure you are not opposing H.R. 7021, section 4.

Mr. WALKER. We are proposing the entire bill, H.R. 7021.

Mr. WALLHAUSER. You are endorsing that bill?

Mr. WALKER. That is right. We are opposing H.R. 6171 and similar bills unless we can obtain an amendment to that which would exempt the Foreign Service by stating that this would apply only to cases where Government-owned property is provided to Government employees on a rental basis.

Mrs. GRANAHAH. Thank you very much.

Mr. WALKER. It has been a pleasure. Thank you.

Mrs. GRANAHAH. Our next witness will be Mr. William H. Ryan, president, District No. 44, International Association of Machinists, AFL-CIO.

**STATEMENT OF WILLIAM H. RYAN, PRESIDENT AND LEGISLATIVE
REPRESENTATIVE OF DISTRICT 44, INTERNATIONAL ASSOCIA-
TION OF MACHINISTS, AFL-CIO**

Mr. RYAN. Madam Chairman and members of the subcommittee, my name is William H. Ryan, and I am president and legislative representative for District 44 of the International Association of Machinists, AFL-CIO; with offices located in the Railway Labor Building, 400 First Street NW., Washington, D.C.

District 44 is composed of affiliated locals of the I.A. of M. whose members are employed by the local activities of various agencies and departments of the Federal Government. Our organization has represented our membership before the committees of Congress and the administrative branch of the Government for over 47 years.

I am here today to testify in favor of the enactment of the provisions set forth in H.R. 5540, 6033, 6171, 6282, 6625, and 7625. All of the aforementioned bills are identical in language.

The language of these bills first appeared in section 1413 of the Supplemental Appropriation Act of 1953; and was later carried in section 1312 of the Supplemental Appropriation Act of 1955; and section 208 of the General Government Matters Appropriation Acts of 1956, 1957, 1958, and 1959.

The language was not contained in the General Government Matters Appropriation Act of 1960 or 1961; because in the opinion of the Bureau of the Budget, the affected agencies at that time were in general compliance with certain other requirements which were contained in Bureau of Budget Circular No. A-45 dated June 3, 1952.

The language that I am testifying in favor of did not appear in Bureau of the Budget Circular No. A-45.

Commencing in 1960, many of our Federal employee members who are skilled technicians and mechanics, while on temporary field trips to service and repair aircraft, missiles, and launching mechanisms located at military bases, were required to occupy substandard living quarters at these bases.

They were, in many instances, required to sleep in barracks billeted by military personnel who were in terminal status en route to other military bases, or being inducted or discharged from the military service. Because of the irregular hours kept by these military personnel, these skilled technicians and mechanics were unable to secure sufficient uninterrupted rest and sleep to condition themselves for a day of efficient work the following day.

Their living conditions at these Government-owned quarters were such that many of them wanted to either resign, or request that they not be given such temporary assignments away from home if they were to be required to utilize such quarters—even on a temporary basis.

It had been the practice when this language was incorporated in the appropriation acts, to let these technicians and mechanics reside in hotels or motels in the close proximity of the area of their assignment. The standard Government limitation of \$12 per day per diem was operative for this purpose.

Our organization can appreciate that at times the Government agencies may not have the amount of travel funds that they desire, however, we take serious issue with any decision which would jeop-

ardize the living conditions of technicians and mechanics who perform skilled work which directly bears upon the safety of members of our military forces, and the security of our Nation. I feel certain that this committee would not condone an overzealous administrative officer allocating travel per diem funds to favored categories of civilians, at the expense of those whose exacting duties require normal uninterrupted rest and sleep.

Early in 1961, when our organization protested the requirement that civilian personnel be required to utilize Government quarters to the Secretary of the Air Force, he wisely agreed, upon investigation of all pertinent facts, that the policy of the Air Force should correlate with the intent and purpose of the language I am supporting here today.

It is our contention that the Congress and the administrative branch should enact into law the language contained in the bill supported by our organization; so that subordinate administrators will not be permitted to require civilian officers and employees of the United States to occupy Government quarters unless the head of the agency concerned has determined that the necessary service cannot be rendered, or that property of the United States cannot be adequately protected, unless such occupancy is required.

I wish at this time to express the appreciation of our organization to Congressman Davis, Congressman Granahan, Congressman Morrison, Congressman Moss, Congressman Cunningham, and Congressman Broyhill for their interest in this legislation.

I also express our appreciation for the inclusion of somewhat similar language in section 4 of H.R. 7021 introduced by the chairman of the full committee, Congressman Murray, and section 4 of H.R. 7273 introduced by Congressman Corbett.

I respectfully request that this language be favorably reported to the House of Representatives, and I deeply appreciate the time and interest of this subcommittee. I shall be pleased to answer any questions that I am qualified to respond to.

I would like to just add one more thing, Madam Chairman. I believe that the objections of representatives of the Foreign Service of the State Department are adequately taken care of in the bills I am speaking in favor of today because certainly the head of the State Department could make a determination that the necessary service could not be rendered, and certainly if he made it they would be required to occupy these quarters which the State Department feels would be excluded if this legislation were enacted.

Mrs. GRANAHAN. Thank you very much. Any questions?

Mr. CUNNINGHAM. I want to say for the record that Mr. Ryan was very diligent in bringing this matter to our attention. He discussed it with me on several occasions and I hope his superiors, if he has any, will know he was diligent in this matter. I certainly hope we can pass the legislation you are requesting. I think it is fair and reasonable and should be enacted.

Mr. RYAN. Thank you.

I want to call the attention of the committee to one other problem that may be involved in the bill introduced by the chairman of the full committee and Mr. Corbett. Last year the Senate passed this bill, which was reported out of the Government Operations Committee. Now, if the chairman of the full committee's bill is passed by the

House of Representatives, it then goes to the Senate and I certainly hope the necessary missionary work is done so that there would not be any jurisdictional conflict, because we would not like to see this matter delayed until a subsequent session of the Congress. That is why I place emphasis on the bills introduced by the chairman of this subcommittee and the other identical bills, because those bills would not run into that problem. They apply only to civil service personnel whereas the bill introduced by the chairman of the full committee applies to military personnel and contractor personnel.

Mrs. GRANAHAH. Of course we do not know what they would do on the Senate side.

Mr. RYAN. That is why I raise that point.

Mr. CUNNINGHAM. You indicate you would prefer the language of one of the bills. Did I understand correctly the bill of the chairman of this subcommittee or perhaps mine is the one you want?

Mr. RYAN. They would not run into any problem.

Mr. CUNNINGHAM. Would some of the other bills run into problems?

Mr. RYAN. I anticipate they might unless missionary work is done.

Mr. CUNNINGHAM. The bill introduced by the chairman of the full committee is different from the one introduced by the chairman of this subcommittee?

Mr. RYAN. Yes.

Mr. CUNNINGHAM. And you would prefer the bill introduced by the chairman of this subcommittee?

Mr. RYAN. The bill introduced by the chairman of this subcommittee and yours. They are the same.

Mr. CUNNINGHAM. I think it should be the bill of the chairman of this subcommittee that we should act favorably on.

Mrs. GRANAHAH. The gentleman is being very complimentary.

Mr. CUNNINGHAM. Prior testimony from the Bureau of the Budget was specific in recommending H.R. 7021. Is that not so?

Mr. RYAN. That is correct, but it is my information that they have no objection to the bill introduced by the chairman of this subcommittee. It only covers one point that they have in their bill. We have no objection to it but what they are trying to do is include other matters in the bill, and inasmuch as their bill was handled by the Government Operations Committee in the last session and passed the Senate on their recommendation, that is what gives me concern as to a possible jurisdictional question. I would hate to see a jurisdictional matter arise that would delay the speedy enactment of this legislation.

Mrs. GRANAHAH. That is, the transfer of it to the Government Operations Committee?

Mr. RYAN. Yes.

Mrs. GRANAHAH. Any further questions?

Mr. WALLHAUSER. Would it be possible for me to ask Mr. Tiller whether his Bureau would or has endorsed H.R. 6171 without the inclusion of the other section?

Mr. TILLER. Madam Chairman.

Mrs. GRANAHAH. Mr. Tiller.

Mr. TILLER. Our Bureau has wished to defer to the State Department position about employees in foreign countries so far as H.R. 6171 is concerned. With that exception, we would endorse H.R. 6171 although, as has been indicated, preferring to have the broader bill enacted.

And may I point out, since the Senate did, without dissent as far as I know, pass a bill similar to the administration bill a year ago, we would hope there would not be any undue delay or jurisdictional conflict over there. I do not think we need to fear difficulties in the Senate if the House will pass the administration bill.

Mr. WALLHAUSER. Is this a satisfactory explanation to you, Mr. Ryan?

Mr. RYAN. Anything this committee or the Bureau of the Budget can do to forestall any jurisdictional question which would delay this legislation, we would be very happy about. We would like to have our provision enacted as rapidly as possible to remove the problem we have of some local administrative officers requiring our people to be billeted under substandard conditions.

Mr. CUNNINGHAM. I can well understand your concern and I am in agreement with it.

Madam Chairman, I wonder if you would be willing to give Mr. Ryan your support in asking the chairman of the full committee to ascertain, so far as he is able, whether there would be a jurisdictional dispute in the other body, and also to lend your support to Mr. Ryan's position?

Mrs. GRANAHAH. I would be very happy to do that. I really do not think there is any need for fear, myself. I think we can iron these things out in executive session, because I think we are all seeking this ultimate result. I know we are all thinking along the same line and are very, very much interested.

Mr. RYAN. Thank you, Madam Chairman.

Mrs. GRANAHAH. Mr. John McCart, director of legislation, American Federation of Government Employees, will be our next witness.

STATEMENT OF JOHN McCART, DIRECTOR OF LEGISLATION, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. McCART. Good morning, Madam Chairman, and gentlemen. I am John McCart, director of legislation, American Federation of Government Employees.

We have a prepared statement which we have presented to the subcommittee and with your permission we would like to have that appear in the record.

Mrs. GRANAHAH. Without objection it will be made a part of the record at this point.

(The statement referred to follows:)

PREPARED STATEMENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

The six bill involved in this hearing have the support of the American Federation of Government Employees for a twofold reason. They would correct a situation which causes inconvenience and hardship for many Federal employees and would benefit the Government because of the increased efficiency that would result.

First, we wish to commend the Members of the House who have sponsored these bills: Representative Moss who introduced H.R. 5540; Representative Cunningham, H.R. 6033; Representative James C. Davis, H.R. 6171; Representative Broyhill, H.R. 6282; Representative Granahan, H.R. 6625; and Representative Morrison, H.R. 7625. These bills are identical in their provisions.

We believe the change in Government policy they propose is needed. At present many employees who must travel a great deal in the regular performance of their duties, particularly those employed by the military departments, are

required to occupy Government-owned or Government-leased quarters. In many instances, it is required as a measure of economy. Actually, because of unfortuitous circumstances which attend their occupancy of such quarters, any obvious economy is outweighed by the disadvantages. Examples from the correspondence files of our national office will illustrate the need for this legislation.

Among the employees required to stay in Government quarters are highly skilled workers who install and maintain the strategically located electronic devices vitally connected with our whole program for national defense. These men are doing important work in the field of radio, radar, and wire communications in which a shortage exists in the labor market. On some occasions there is little alternative but to stay in Government quarters, but there are many instances where these employees could obtain satisfactory accommodations at a nearby motel.

One letter received at our national headquarters had this to say concerning air materiel travel fund policy:

"This, we agree, is an effort to operate the Government as economically as possible, and utilize funds in the accomplishment of operations accordingly to degree of importance. We disagree with the methods directed for the following reasons: Personnel cannot maintain their dignity, let alone that of the Government, on \$6 per diem. In many instances, Government quarters are used primarily for military. Civilians must take what is left or second best. We as civilians, are as loyal and as vitally interested in the welfare of our country as the military; therefore, why discriminate?"

A specific situation was called to our attention at Brookley Air Force Base in Alabama. There the cost of Government quarters to the civilian traveler was \$7 a night. Since the \$12 allowed for off-base residence was reduced to \$6 for on-base quarters, the traveler was required to pay the additional \$1 a night for which he could not be reimbursed.

We were told that quarters assigned to civilian Air Force employees were in many cases inadequate, and that it was not uncommon to find only one bath on each floor for the use of all residents on that floor. Heating was often insufficient or badly controlled. Complaints usually resulted in a "take it or leave" answer.

The inconvenience and hardship come about when these civilian employees whose work is exacting and of extreme importance are lodged in a barracks or in bachelor officers' quarters. They are awakened frequently during the night as soldiers or flying officers enter or leave the building.

These men work long hours. Because of the unusual timing of their shifts, it is difficult for them to be free for meals at the time scheduled by the mess facility where they are quartered. Many of the men travel about 90 percent of the time and single trips extend as long as 180 days. Inasmuch as they spend so much time away from their homes and families, it does seem unfair to penalize them further by a mandatory directive to live on base when on temporary duty. In addition to the inconvenience, they must cope with the ever-present possibility of lowered efficiency because of frequent interruption of their sleep at night and other unsuitable living conditions.

There is also one inconsistent feature of this policy. Government is supposed to avoid competing with private industry. Why is it not consistent to use private hotel or motel facilities when they are available and more satisfactory than some Government-owned quarters?

The situation which had arisen at Brookley Air Force Base in Alabama was alleviated by the Department of the Air Force directing the then Air Materiel Command to discontinue certain features of its travel practices. Insistence on the use of Government quarters was reduced from a mandatory requirement to one of encouragement. Despite this change of policy, the Director of Material Management at Hill Air Force Base issued a new directive that "it is still my policy that maximum use will be made of Government quarters. Each supervisor is held responsible to insure that personnel selected for TDY are willing to support our program under the present austere situation. Further, that these personnel are willing to stay in Government quarters when adequate and available."

Our members who were affected were disturbed at this development. Upon referral of the matter to Air Force headquarters in Washington we were assured that refusal to use Government quarters on TDY did not affect promotional opportunities.

The language of these bills was written into the General Government Matters Appropriation Acts for the fiscal years 1956 to 1959, inclusive. It was omitted in the appropriation acts for the fiscal years 1960 and 1961.

We submit, Mr. Chairman, that this language should be reenacted—this time as permanent legislation. The proposal embodied in these bills is needed permanent law. This need is illustrated and emphasized by just such situations as occurred at Brookley and Hill Air Force Bases.

We wish to express our appreciation for having this opportunity for an explanation of our position on this legislation.

Mr. McCART. I would like to proceed with some extemporaneous comments.

First, let me express my gratitude to you, Madam Chairman, and to the members of the subcommittee for scheduling these hearings, and I would like to make a contribution from the standpoint of outlining the two types of legislation we are discussing today.

H.R. 6171 and companion bills were introduced to correct an inequity, an inequity that developed because there was eliminated from appropriation bills language protecting employees in the use of Government quarters. H.R. 7021 and companion bills are designed as perfecting legislation to cover the entire field of Government quarters and their allocation to employees both civilian and military. So I think we have a little more clearly the rationale between the two types of bills.

My mission is to explain to the committee the inequity that resulted in the introduction of H.R. 6171 and identical measures, and in passing I would want to express my appreciation to the sponsors of these bills.

About a year or a year and a half ago the Air Materiel Branch of the Air Force decided its funds for travel were scarce and as a result it promulgated a directive ordering local commands to in turn encourage employees to use Government quarters during periods of travel.

This resulted in our receiving complaints from our members. To be specific, a situation was called to our attention at Brookley Air Force Base that the employees were being required, without good reason, to use the substandard Government quarters so far as their civilian work was concerned. The individuals involved in this situation are highly skilled technicians who do important work in the fields of radio, radar, and wire communications, and they travel from base to base to perform these services. These men spend as much as 90 percent of their time in travel status, and some of their trips require 180 days at a time.

As you are very well aware, the present per diem rate for employees who travel is \$12. The per diem rate of these employees was reduced to \$6 and in one instance at least that we know of, under the instruction to occupy Government quarters because the Government quarters cost less than regular quarters, the per diem rate was reduced to \$6 a day. The employees went to a particular base where they were required to occupy Government quarters and the cost of those Government quarters, bachelor officers' quarters or airmen's quarters, was \$7 a day.

Madam Chairman, this is not the proper place to make a plea on the per diem rate, but our purpose is to point out the inequity that resulted from the elimination of this language from the appropriations act.

As a result these employees suffered inconvenience and hardship by reason of having to use these quarters, without private baths and with military people coming in and out of the building at all hours. These

people were unable to enjoy their normal pursuits such as they would enjoy if they were occupying a room in a hotel or motel.

Complaint was made to the Air Force and as a result the policy was amended so that the men were not required but were urged to occupy these quarters in the future.

I have been referring to a situation at Brookley Air Force Base, but I want to cite to you a few words from our statement showing the absolute necessity for this type of legislation.

After the decision was made by the Air Force that employees would no longer be required to occupy Government quarters, the director of materiel management at Hill Air Force Base issued a new directive that—

It is still my policy that maximum use will be made of Government quarters. Each supervisor is held responsible to insure that personnel selected for TDY are willing to support our program under the present austere situation. Further, that these personnel are willing to stay in Government quarters when adequate and available.

My point in this instance is that this emphasizes even more clearly, in my opinion, the necessity for the enactment of legislation such as H.R. 6171.

When we complained to the Air Force about this ignoring of their policy, we were told that the failure of employees to occupy this kind of accommodations would not be considered in deterring them from promotions.

That is the case for H.R. 6171 and the other identical bills.

With regard to H.R. 7021 and similar bills, we can see no basic objection to the intent of those bills. Section 4 appears to adequately carry the same intent as H.R. 6171. If, however, the action of the subcommittee and the full committee on H.R. 7021 should result in deferring action on the legislation, then we would much prefer that immediate action be taken on H.R. 6171.

Comment has been made a few minutes ago about the problem that might arise in the Senate. I am concerned also about a problem which might arise in the House which I am sure can be handled very ably by the committee. That is the interest of the Government Operations Committee of the House and the interest of the Armed Services Committee of the House. I bring this to your attention only to indicate the necessity for clearance on this side even if the Government Operations Committee of the Senate would act speedily.

To sum up, we support H.R. 6171 and we have no objection to H.R. 7021 if it will not result in delaying action on the basic problem that was originally before the subcommittee.

That concludes my statement, Madam Chairman. I shall be glad to answer any questions.

Mrs. GRANAHAN. At this point I would just like to read this paragraph from the Department of Defense which states:

The Bureau of the Budget advises that, while there is no objection to the presentation of this report from the standpoint of the administration's program, the Bureau recommends the enactment of H.R. 7021 in lieu of the bills mentioned above.

I do not think there is any necessity to worry about this legislation leaving this committee.

Mr. McCART. Fine.

Mrs. GRANAHAN. It was steered to this committee and we were asked to have hearings on it.

Mr. McCART. I think the comments I have made on this score are tactical comments as to how to handle legislation, and we would be happy to leave this problem in the hands of this subcommittee.

Mrs. GRANAHAH. Any questions?

Mr. WALLHAUSER. I have no questions. You made a good statement.

Mrs. GRANAHAH. This will conclude our hearings for today and the subcommittee will go into executive session.

(Thereupon, the open hearing on the above-entitled bills was adjourned and the subcommittee proceeded into executive session.)



