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CLARIFYING OF GOVERNMENT
EMPLOYEES TRAINING ACT

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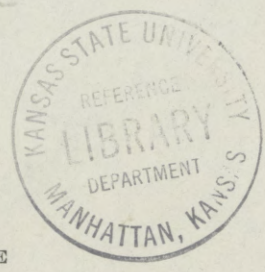


HEARING
BEFORE THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
USE OF REPRESENTATIVES
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON
H.R. 6374 and H.R. 6401

BILLS TO CLARIFY THE APPLICATION OF THE GOVERNMENT EMPLOYEES TRAINING ACT WITH RESPECT TO PAYMENT OF EXPENSES OF ATTENDANCE OF GOVERNMENT EMPLOYEES AT CERTAIN MEETINGS, AND FOR OTHER PURPOSES

AUGUST 10, 1961

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



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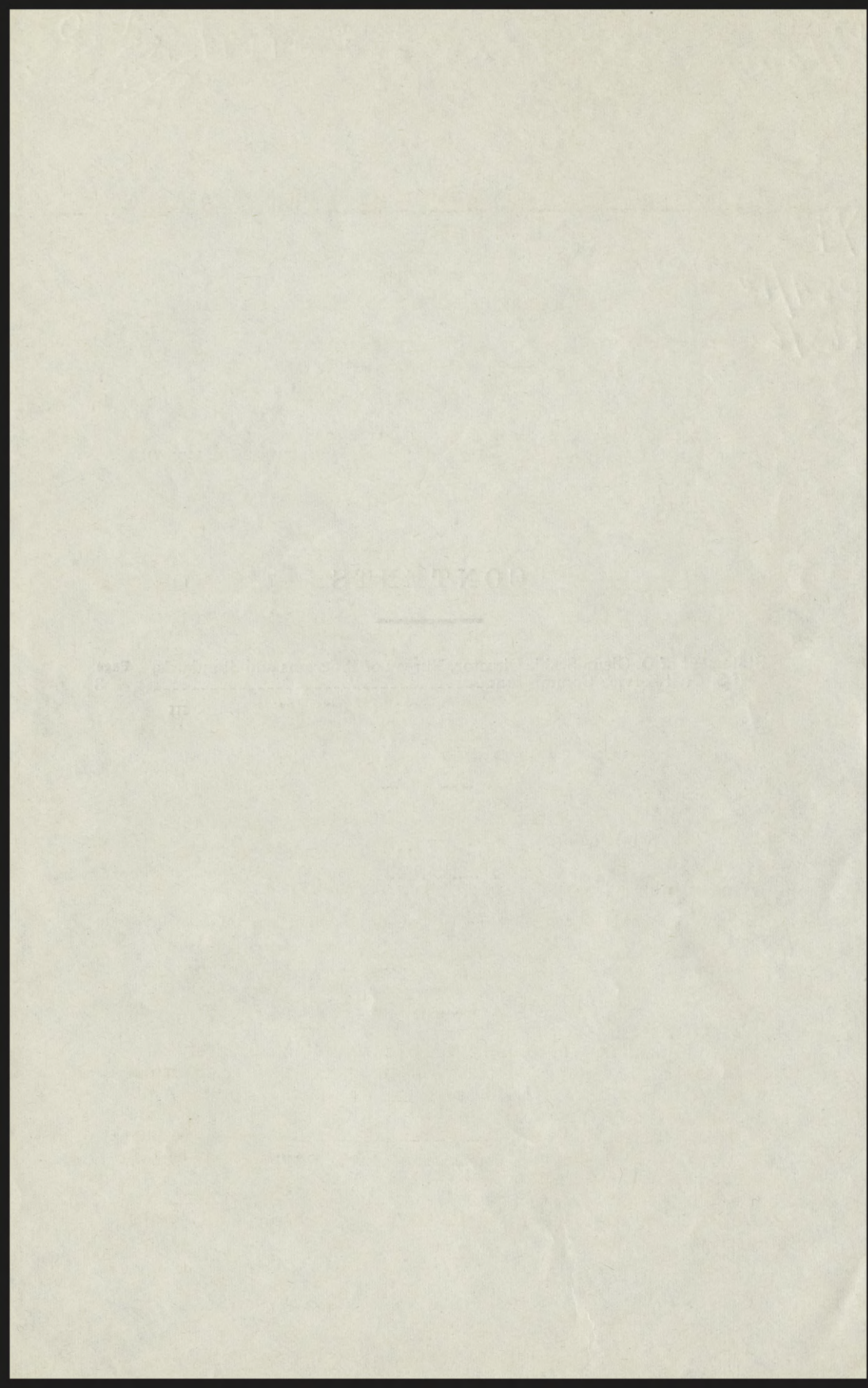
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CLARIFYING OF GOVERNMENT EMPLOYEES TRAINING ACT

THURSDAY, AUGUST 10, 1961

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

The subcommittee met, pursuant to notice, at 10 a.m., room 215, House Office Building, Hon. Richard Ichord (chairman of the subcommittee) presiding.

Mr. ICHORD. The committee will come to order.
(The bill, H.R. 6374, follows:)

[H.R. 6374, 87th Cong., 1st sess.]

A BILL To clarify the application of the Government Employees Training Act with respect to payment of expenses of attendance of Government employees at certain meetings, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 4 of the Government Employees Training Act, as amended (5 U.S.C. 2303(a)), is amended to read as follows:

“(a) (1) This Act shall not apply to—

“(A) the President or Vice President of the United States,

“(B) any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests, and

“(C) any individual (except an officer of the Coast and Geodetic Survey in the Department of Commerce) who is a member of the uniformed services as defined in section 102(a) of the Career Compensation Act of 1949, as amended, during any period in which he is receiving compensation under title II of such Act.

“(2) Except for the purposes of subsection (b) of section 19 of this Act and that part of subsection (a) of such section which relates to payment of travel, subsistence, and other expenses incident to attendance at meetings, this Act shall not apply to—

“(A) the Foreign Service of the United States under the Department of State,

“(B) the Tennessee Valley Authority, and

“(C) any individual appointed by the President by and with the advice and consent of the Senate (other than a postmaster) or by the President alone, unless such individual is specifically designated by the President for training under this Act.”.

Mr. ICHORD. This subcommittee, consisting of Mr. Hagan, Mrs. Norrell, Mrs. St. George, Mr. Derwinski, and myself as chairman, was appointed to consider H.R. 6374 and H.R. 6401, identical bills by Chairman Murray and Mr. Corbett, bills to clarify the application of the Government Employees Training Act with respect to payment of expenses of attendance of Government employees at certain meetings, and for other purposes.

The bills were introduced pursuant to an official recommendation of the administration submitted by the U.S. Civil Service Commission on April 7, 1961.

In summary, the purpose of this legislation is to correct an inadvertent oversight in the language of the Government Employees Training Act, Public Law 85-507, as amended.

From a review of the legislative history of Public Law 85-507 it is evident that the circumstances which make the present bills necessary were not considered at the time and that, had the committee been aware of such circumstances, the language now proposed would have been incorporated in the law.

As I reconstruct the situation, the Government Employees Training Act represents the culmination of several years of study and development work by this committee and representatives of the Civil Service Service Commission, the Bureau of the Budget, and the General Accounting Office—including consideration of special problems of other agencies.

The House Post Office and Civil Service Committee in the spring of 1958 scheduled hearings on H.R. 6001 and related bills, with primary emphasis on H.R. 6001 which represented the current thinking of the committee membership on the subject of legislation to provide a modern and effective program to train Federal employees for the more efficient performance of their public duties. The bill, therefore, dealt solely with the establishment of such a training program.

In the drafting of the bill, the committee also recognized that certain exclusions would be necessary because of security and other considerations affecting several agencies and several types of Federal officers and employees. These exclusions are spelled out in section 4 of Public Law 85-507. It is to be observed that these exclusions, and the necessity therefor, relate solely to the language of the law establishing the Government employees training program.

During the committee deliberations on the bill the Bureau of the Budget with the support of the Civil Service Commission and the General Accounting Office, proposed an amendment to the legislation which, although related in principle to training and development of Federal employees to better perform their duties, was not in fact an integral part of the training program itself.

H.R. 6374 and H.R. 6401 deal with that part of such proposed amendment which makes appropriations of departments and agencies "available for travel and subsistence expenses of authorized attendance at meetings concerned with the functions for which the appropriations are made"—as stated at page 6 of the committee report accompanying the bill that became Public Law 85-507. The purpose and intent of this authorization, now contained in section 19(b) of Public Law 507, was that it be applicable to all departments and agencies but, in approving the amendment, the exclusions in section 4 of the law were overlooked. Had the amendment now in section 19(b) been developed concurrently with the remaining provisions of that act, rather than as an amendment presented to the committee at a later point in time, the oversight undoubtedly would not have occurred.

The legislation now before the subcommittee will correct this inadvertent conflict of intent between sections 4 and 19(b) of the Training Act and clarify the legal basis for the use of appropriated funds by all departments and agencies, under uniform standards prescribed by the President, for authorized attendance of employees at meetings concerned with the functions for which the appropriations are made.

As a matter of convenient reference, I believe it is appropriate also to direct attention to the testimony presented by representatives of the Bureau of the Budget, the Civil Service Commission, and the General Accounting Office during the hearings on the bill that became Public Law 85-507. The amendment now contained in section 19(b) of the act was first presented by the Bureau of the Budget, and statements relating thereto appear at pages 76, 77, 99, and 110 of the printed hearings. It is clear from these statements that the exclusions in section 4 of the act were not intended to apply to section 19(b).

Our witness this morning on H.R. 6374 and H.R. 6401 is Mr. O. Glenn Stahl, Director, Bureau of Programs and Standards, U.S. Civil Service Commission. Mr. Stahl.

STATEMENT OF O. GLENN STAHL, DIRECTOR, BUREAU OF PROGRAMS AND STANDARDS, U.S. CIVIL SERVICE COMMISSION

Mr. STAHL. Thank you, Mr. Chairman.

May I first of all ask that you place in the record the letter from Chairman Macy of the Civil Service Commission, dated April 7, 1961, to which you referred, addressed to Speaker Rayburn of the House of Representatives?

Mr. ICHORD. Without objection, it will be done.

(The letter follows:)

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 7, 1961.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: We are submitting for the consideration of the Congress proposed legislation which would further amend the Government Employees Training Act, Public Law 85-507, as amended. The amendment would insure that authority exists for the payment from available appropriations of expenses of attendance at certain meetings by Foreign Service employees, Tennessee Valley Authority employees, and Presidential appointees. These are 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 those functions or activities.

Section 19(b) of the Government Employees Training Act provided that any appropriation available to any department for expenses of travel should be available for expenses of attendance at the above types of meetings and ostensibly provides all necessary authority for incurring such expenses. However, because of the exclusions from the coverage of the act as specified in section 4, it is doubtful whether such authority exists with respect to these named classes of individuals. Therefore, at the present time, there is no clear legal basis for the specified individuals to attend such meetings at Government expense.

The proposed bill is perfecting legislation intended to amend section 4 of Public Law 85-507. Enactment of this legislation will provide for the payment of the above-described expenses from appropriated funds. The Civil Service Commission strongly urges its early and favorable consideration.

The Bureau of the Budget advises that from the standpoint of the administration's program, there would be no objection to the submission of this draft bill to the Congress.

Sincerely yours,
By direction of the Commission:

JOHN W. MACY, Jr., *Chairman.*

Mr. STAHL. H.R. 6374 is, as you have indicated in your introductory remarks, designed to perfect the Training Act so as not to inadvertently omit several groups of Federal employees from authorization to attend meetings of a professional type.

I might point out, as you have already clarified, that this probably would not have occurred had the provisions in section 19 not been added in the process in the course of consideration of the legislation. The only anomaly we have now is that the members of the Foreign Service, the employees of the Tennessee Valley Authority, and Presidential appointees because they are exempt from the provisions of the act as a whole are also exempt from the authority authorized in section 19 for attendance at meetings, when it had been intended that they simply be exempted from the other training limitations and restrictions in the act since TVA and the Foreign Service had their own laws governing training.

We suggested then that this bill be designed only to make it clear that they were not exempted from section 19(b).

Your very able and careful staff, however, pointed out that if this is true of section 19(b) which relates purely to the payment of travel and expenses for attendance at meetings, then presumably the same consideration would apply to section 19(a). Section 19(a) reads in this manner:

* * * to the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities may be made to and accepted by employees and payment of travel, subsistence, and other expenses incident to attendance at meetings may be made to and accepted by employees without regard to the provisions of section 1914, title 18 of the United States Code * * *

and so on.

In an inquiry made to the Civil Service Commission, we responded affirmatively, indicating that there was no objection on the part of the Civil Service Commission to including in H.R. 6374 the provision that these three groups of employees not be exempted from section 19(a) as well as from section 19(b).

In the language of the bill, however, as now designed, if you will look on page 2 of the bill, section 2, it says:

Except for the purposes of subsection (b)—
on which there is no question—

of section 19 of this Act and that part of subsection (a) of such section which relates to payment of travel, subsistence, and other expenses incident to attendance at meetings this Act shall not apply to * * *.

On considering the suggestion of members of the committee staff, we felt that it would be just as well to have this read, "except for purposes of subsection (a) and (b) this Act shall not apply to—".

In other words, we see no reason to say in effect that a member of the Foreign Service or an employee of TVA could have his travel paid to accept an award but he could not accept the award. This was another minor point. The problem has not arisen and this is why we had not pressed the point. There has not been a case to our knowledge where anyone has received an award and had to travel to accept or receive it, so that no problem has arisen in this connection at all.

However, we would not for the future want to preclude the possibility that employees of the TVA, the Foreign Service, and Presidential appointees might not be treated the same way as any other employee.

It occurs to us that we could make the amendment even simpler than the present bill by saying under section 2:

Except for the purposes of subsection (a) and (b) of section 19 of this Act, this Act shall not apply to the Foreign Service, TVA * * *.

and so on.

That concludes my introductory comments that I might make and if I can be helpful in answering any questions, I will be glad to respond.

Mr. ICHORD. Are there any questions of Mr. Stahl?

Mrs. ST. GEORGE. I presume you would want an amendment to make that one slight correction; is that correct?

Mr. STAHL. Yes.

Mrs. ST. GEORGE. In other words, you would like the amendment to read: "Except for the purposes of subsection (a) and (b) of section 19"?

Mr. STAHL. Yes.

Mrs. ST. GEORGE. Is that correct?

Mr. STAHL. Yes, that is correct.

Mrs. ST. GEORGE. If it is in order, I would like to so move.

Mr. ICHORD. Mr. Stahl, does the bill accomplish anything other than permitting the employees of the excluded departments to receive travel and subsistence pay for attending meetings in connection with functions for which the appropriation was made? Does the bill have any other purpose?

Mr. STAHL. No, sir. It simply is designed to bring those people, those employees, abreast of all other employees, because it was overlooked that the general exclusions of those agencies from the act automatically excluded them from these particular provisions. It has no other purpose, to my knowledge, and I know of no other effect.

Mr. ICHORD. Are your postmasters now under the Government Employees Training Act?

Mr. STAHL. Yes, because by another amendment to the act earlier—I guess that this was about a year or two ago and I forget the exact time—in the 86th Congress we did put in a parenthetical statement under (c) that you see at the conclusion of this bill. That is reiterated in this bill. This is the way it now exists in the act.

Any individual appointed by the President, by and with the advice of the Senate, other than a postmaster is, in other words, exempt.

Mr. ICHORD. When was that amendment?

Mr. STAHL. In the 86th Congress, May 26, 1959, Public Law 86-33.

This was another inadvertence. When Presidential appointees were exempted, it was overlooked that postmasters were Presidential appointees and by putting the parenthetical clause in there "other than a postmaster" it made it clear that postmasters could be sent for training.

Mr. ICHORD. Thank you very much.

Do you have any questions, Mr. Derwinski?

Mr. DERWINSKI. Just one comment. It is my understanding that this bill is merely a technical improvement made necessary and the only request I would have is that our committee report show that we have no intention of creating something which might be called a loophole, or which might be abused in the future.

Mr. ICHORD. Thank you very much, Mr. Stahl.

Mr. STAHL. Thank you.

Mr. ICHORD. We will now go into executive session.

(Whereupon, at 10:20 a.m., Thursday, August 10, 1961, the subcommittee went into executive session.)

