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AMENDING OVERSEAS TEACHERS ACT

GOVERNMENT

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HEARING

BEFORE THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

R. 5399, H.R. 5430, and S. 841

BILLS TO AMEND THE DEFENSE DEPARTMENT OVERSEAS

TEACHERS PAY AND PERSONNEL PRACTICES ACT,

AND FOR OTHER PURPOSES

AUGUST 10, 1961

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to the Board of Directors, Office of the Assistant Secretary of
the Treasury (Washington)

AMENDING OVERSEAS TEACHERS 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. in room 213, House Office Building, Hon. Arnold Olsen (acting subcommittee chairman) presiding.

Mr. OLSEN. The subcommittee will come to order.

This subcommittee was appointed to consider H.R. 5430, introduced by Chairman Murray; H.R. 5399, by Mr. Corbett; and S. 841, which passed the Senate on July 7, 1961, without opposition, and which was referred to this committee on July 10, 1961. The subcommittee members are Mr. Morrison, chairman, Mr. Addabbo, Mr. Ichord, Mr. Broyhill, Mr. Wallhauser, Mr. Barry, and I have been designated acting chairman in the absence of Mr. Morrison, who must be absent and is back in Louisiana on official business.

The three bills are identical and were originally introduced at the request of the Department of Defense for the purpose of correcting two minor deficiencies or oversights in existing law which affect the operation of the Overseas Teachers Pay and Personnel Act since it was enacted in 1959.

(The bill, H.R. 5430, follows:)

[H.R. 5430, 87th Cong., 1st sess.]

A BILL To amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(d) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (5 U.S.C. 2355 (d)) is amended by inserting after the words "he shall", the words "except for reasons beyond his control and acceptable to the Department of Defense,".

SEC. 2. Section 7 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-3), is amended by inserting in the first proviso after the words "his appointment", and in the second proviso after the word "concerned", the words "or, in the case of a person employed in a teaching position (other than as a substitute) in the Department of Defense under the Defense Overseas Teachers Pay and Personnel Practices Act (5 U.S.C. 2351, and the following), for a minimum period of one school year as determined under such Act,".

Mr. OLSEN. In brief summary, section 1 of the proposed legislation is an amendment to the Overseas Teachers Act. Section 7(c) of this act provides authority for quarters and certain other types of allowances, during summer recess periods, for teachers who complete a school year and who agree in writing to serve for the next school year. The act further obligates any such teacher who does not report for duty at the beginning of the next school year to repay any allowances

received during the summer recess regardless of the reasons for not reporting. The amendment would permit administrative relief in appropriate situations when a teacher is unable to report for the next school year for reasons beyond his control and which are acceptable to the Department of Defense. These reasons could include death, serious illness, accidents, et cetera.

Section 2 of the legislation is an amendment to the Administrative Expenses Act of 1946, as amended. Section 7 of this act requires that an employee assigned to a post of duty outside the continental United States serve for 12 months following his appointment in order to be eligible for payment of the expenses of travel and transportation for himself, family, and household effects. As a general rule, services of schoolteachers are required only for a school year, which usually varies from 9 to 10 months. Thus, an effective "year of service" for teachers falls 2 to 3 months under the minimum services requirements of the present law. The amendment would authorize the Secretary of Defense to prescribe minimum periods of oversea service for teachers for transportation purposes consistent with the length of the school year in a particular country.

Our witness this morning is Mr. Edward A. Sompayrac, Office of the Assistant Secretary of Defense (Manpower). I would like to mention that Mr. Sompayrac was a most helpful and knowledgeable witness before our committee during original consideration of the Overseas Teachers Act in 1959.

You may proceed as you see fit, Mr. Sompayrac.

Mr. BROYHILL. Mr. Chairman, if you will yield for just a moment, I would like to amplify what you have just stated about Mr. Sompayrac being most helpful to the committee when the original act was considered. I somewhat consider him as a coauthor of the act. He was of great value to the committee at the time in putting this legislation in effect and correcting a lot of inequities that existed at the time, and I would like to express my appreciation to him for his wonderful assistance at that time.

STATEMENT OF EDWARD A. SOMPAYRAC, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (MANPOWER)

Mr. SOMPAYRAC. Thank you very much, Mr. Broyhill and Mr. Chairman.

I am Edward A. Sompayrac from the Office of the Assistant Secretary of Defense (Manpower). Secretary Runge has asked me to express his regret that he is unable to be here today. He had other commitments and was unable to make it.

Before discussing the provisions of S. 841, which I understand is the one mainly under consideration, I wish to take advantage of this opportunity to give this committee a brief report on the implementation of Public Law 86-91, the Defense Department Overseas Teachers Pay and Personnel Practices Act.

You will recall that this legislation, which was largely developed in cooperation with this committee, was intended to permit the establishment of pay and personnel practices for the teachers in the oversea dependents' schools comparable to those found in school jurisdictions in the United States. Prior to its enactment and implementation, the teachers were subject to the Classification Act, the Annual and

Sick Leave Act, and various provisions of the Employees Pay Act of 1945, which were designed for application to regular full-time civil service employees. Their application to professional schools personnel created a number of administrative problems because they were inappropriate for the schoolteaching situation.

Public Law 86-91 was implemented in January of 1960. There were some initial difficulties because it was placed into effect in the middle of a school year. The last school year was the first in which this law has been applicable during the entire year.

You will be pleased to know that Public Law 86-91 has been a highly successful piece of legislation. It has eliminated practically all of the administrative difficulties which it was designed to correct, and it has been most acceptable to teachers' organizations and to individual teachers. We are most appreciative of the efforts of this committee which resulted in its enactment.

In spite of the complexity of Public Law 86-91, we have experienced only two significant problems which were not adequately covered. S. 841 was developed to permit correction of these two problems.

Section 7(c) of Public Law 86-91 provides authority for quarters, or quarters allowance, or storage of household effects and personal possessions, during summer recess periods for those teachers who complete a "school year" and who agree in writing to serve for the next "school year." Section 7(d) of the act obligates any such teacher who does not report for service at the beginning of the next "school year" to repay moneys received as a quarters allowance, or for storage, or both, regardless of the reason for not reporting.

Section 1 of the proposed legislation would amend Public Law 86-91 so as to permit administrative relief when a teacher is unable to report for the next "school year" for reasons beyond his control, and acceptable to the Department of Defense. Such reasons could include death, serious illness, transfer (when considered to be in the interest of the Government), and other similar circumstances.

Section 7 of the Administrative Expenses Act of 1946 provides that transportation may be furnished employees to and from overseas posts of duty if they sign an agreement to serve for a period of not less than 1 nor more than 3 years. The services of teachers in the overseas dependents' schools are required only for the "school year," a period of some 9½ months. On completion of a "school year," those teachers who are not to be employed during the summer recess must resign in order to be eligible for return transportation to the United States. If they are to serve a subsequent school year, they must then be rehired.

Section 2 of the proposed legislation would amend the Administrative Expenses Act of 1946 to provide that in the case of teachers subject to Public Law 86-91 the minimum period of time that they would be required to agree to serve in order to become eligible for transportation at Government expense would be the length of the "school year" as prescribed by the Secretary of Defense.

The amendment proposed by section 2, in addition to eliminating administrative difficulties in regard to providing transportation, would also clarify the entitlement of a teacher to quarters, quarters allowance, or storage of household effects during the summer recess period, as authorized by section 7(c) of Public Law 86-91.

At present some doubt arises as to such entitlement in the case of a teacher who, although agreeing to teach during the subsequent

school year, resigns in order to return home during the summer recess. The proposed amendment, by authorizing transportation at Government expense upon completion of a school year, would permit the teacher to return to the United States without resigning. In such cases, the teacher would be carried in a leave-without-pay status during the summer recess, and entitlement to quarters or storage would be clear because there would be no separation.

S. 841 will thus correct the chief problems that we have experienced in operating under the Overseas Teachers Pay and Personnel Practices Act. On behalf of the Department of Defense, I urge that it be enacted.

Mr. OLSEN. Any questions?

Mr. BROYHILL. Mr. Sompayrac, when we enacted Public Law 86-91, as you point out in the early part of your testimony, we considered that the oversea schoolteachers were in a different category than the regular civil service employees in that the school year is from 9 to 10 months?

Mr. SOMPAYRAC. Yes.

Mr. BROYHILL. In putting that law into effect, was the pay still based on an annual basis even though it was recognized they only worked 9 or 10 months?

Mr. SOMPAYRAC. You will recall that Public Law 86-91 authorized the Secretary of Defense to establish a school year, or to prescribe what would constitute the school year. This was prescribed as not more than 190 workdays but to include not less than 175 days of classroom instruction. A school year salary was established for that period and that is what they received regardless of the actual calendar length of the school year.

Mr. BROYHILL. They received the entire salary within that 190-day period, or did they have it broken down in 12 calendar months?

Mr. SOMPAYRAC. They received the entire salary in those 190 days.

Mr. BROYHILL. They got it all in that period?

Mr. SOMPAYRAC. Yes.

Mr. BROYHILL. So during the summer recess when they had quarters allowance, and so forth, they were not receiving any salary at all?

Mr. SOMPAYRAC. That is correct. They are in a nonpay status during the summer recess.

Mr. BROYHILL. That is all, Mr. Chairman.

Mr. OLSEN. Mr. Wallhauser.

Mr. WALLHAUSER. How many teachers do we have overseas, approximately?

Mr. SOMPAYRAC. Last year we had—this is total professional personnel, including principals, area superintendents, counselors, and so forth—6,001. Next year we anticipate we will have around 6,500.

Mr. WALLHAUSER. Were there many instances where this law did not apply properly, or just a few instances?

Mr. SOMPAYRAC. I am sorry, I did not understand the question.

Mr. WALLHAUSER. Were there many instances where the need for this legislation was felt or were there just a few instances?

Mr. SOMPAYRAC. For the problem that would be taken care of by section I, which is where the teacher agrees to serve for the next school year and therefore is provided quarters during the summer recess and then fails to return, we do not have exact figures but we think it is around 50 per year. Of the 50, I do not know how many

would be excused as a result of this legislation, but it probably would be from one-half to three-fourths of them. We do have some that simply do not live up to their agreement, but not many. But 50 is enough to give us a headache.

Mr. WALLHAUSER. In the chairman's opening remarks he said the length of the school year varies in different countries.

Mr. SOMPAYRAC. It varies on a calendar basis because of the way the school year is prescribed. We may require up to 190 workdays with not less than 175 days of classroom instruction. If for any reason a school has to be closed for a week or two during the year—as for example in Okinawa where they have had some severe hurricanes and have had to close the school for a week or week and a half—the days of classroom instruction required are added to the end of the year so that the teacher may be forced to remain for a week longer than was originally anticipated. But this is inherent in the teaching profession and the teacher receives just her school year salary although the school year may have been lengthened a week or so beyond what was anticipated.

Mr. WALLHAUSER. In other words, the Secretary of Defense sets the standards?

Mr. SOMPAYRAC. As to the length of the school year, yes.

Mr. WALLHAUSER. Thank you.

Mr. BROYHILL. May I ask another question, Mr. Chairman?

Mr. OLSEN. Mr. Broyhill.

Mr. BROYHILL. In your statement you refer to schoolteachers that would be permitted to return home during the summer recess and then return overseas at the beginning of the school year. They would be carried on a leave-without-pay status during the summer recess?

Mr. SOMPAYRAC. Yes.

Mr. BROYHILL. But they would be entitled to quarters and storage allowance?

Mr. SOMPAYRAC. Yes.

Mr. BROYHILL. During the summer months they are on leave-without-pay status anyway?

Mr. SOMPAYRAC. Yes.

Mr. BROYHILL. So actually whether they return home or not does not affect the particular status, if they return home and go back at the beginning of the school year?

Mr. SOMPAYRAC. It would not affect them, but since a person to be eligible for transportation must serve 12 calendar months overseas, if a teacher wishes to return at the end of a school year, which is only 9½ or 10 months, in order to get that transportation he must go through the formality of resigning merely to be eligible for the transportation. We accept their resignation as being advantageous to the Government because we have no work for them. They come back to the United States and we have to rehire them for the next year, whereas those who remain overseas just are carried in a nonpay status during the summer recess.

Mr. BROYHILL. This legislation would permit you to provide transportation to the United States and back to Europe during the summer recess at Government expense both ways?

Mr. SOMPAYRAC. Yes. I would like to elaborate on that, if I may. This may give the impression we are bringing all these teachers back

every year. We are not. We have prescribed tours of duty for various oversea posts which apply to all employees who go to those posts. The normal tour of duty is 2 years. Everywhere in Europe it is 2 years, in Japan it is 2 years, and only in hardship posts do we prescribe a period of less than 2 years.

The teachers are required, if they go to one of the posts where the standard tour is 2 years, to sign an agreement to serve 1 year, but they are told, "If you wish to serve during the next year you must remain there during the summer, we will not provide you transportation back home, and if you do go back we will not hire you the next year." So this requires them to remain 2 years in such an area to get transportation.

We need this legislation only for the isolated cases where we feel it is necessary to bring them back at the end of each year—Iceland, Korea, and other isolated posts. At these places we have nothing for them to do during the summer, there is no opportunity for them to travel, and it is better to get them out of the area. So for those areas we feel we need this provision, which will enable us to get them back to the States and transport them back again without the formality of their having to resign and our having to rehire them.

Mr. BROYHILL. What about a schoolteacher who is recognized as an able teacher and has served a 9- or 10-month period and wants to come back to the United States—and let us say this is a post in Germany or some country you would not place in the category of an isolated area—and we will not use the word "blackmail" but suppose she stated if she would be permitted to come back to the United States and her transportation paid she would return and teach during the next school year, and you said "No," and she came back, then you would have to hire someone else.

Mr. SOMPAYRAC. We would have to hold firm and say, "You are a fine teacher, we would like to have you back, but we simply will not do it under those circumstances." We may lose her but we have to hold firm or others will do the same.

Mr. BROYHILL. In Germany, what percentage of your teachers only remain 1 year?

Mr. SOMPAYRAC. We have about a 30-percent turnover of teachers every year, and the average teacher has been overseas 2 years, so effectively we get between 2 and 3 years of service on the average from teachers who do go overseas.

Mr. OLSEN. Will the gentleman yield?

Mr. BROYHILL. Yes.

Mr. OLSEN. If a teacher has a 2-year contract and she resigns at the end of 1 year, would not this be regarded as a breach of contract, and this would be on the record of the teacher wherever she goes; is that not so?

Mr. SOMPAYRAC. Not necessarily. There is no breach of contract because we only hire a teacher for 1 year. The reason for that is, the majority of our teachers come from our established school systems in the United States and the opportunity to travel and teach abroad for 1 year is very attractive to them. Many school jurisdictions are quite willing to give teachers a 1-year leave of absence or sabbatical to permit them to do so, but most would object if the teacher said, "I want to go for 2 years." For this reason, and to aid us in recruiting—it is a problem to recruit competent teachers every year—we only

hire them for 1 school year but we make it clear at the time if they are good they can stay, and many of them do, and after serving 1 year many can get an extension from their school system to remain another year. So if they resign at the end of the first year this is not a breach of contract and it is not held against them.

Mr. BROYHILL. Referring again to your statement. By this legislation we would permit the Government to provide transportation to the United States and back to Europe for any teacher that you would like to provide it for; however, you propose to make it applicable only to these isolated areas?

Mr. SOMPAYRAC. That is all we do now. We only permit this in the isolated areas or areas where we have tours of duty of less than 2 years.

Mr. BROYHILL. But this legislation would permit you to do it everywhere if you found it desirable?

Mr. SOMPAYRAC. It would permit us to do it everywhere if we found it desirable.

Mr. BROYHILL. Take the isolated posts for employees other than teachers, are there provisions in the statute to bring them home at the end of 1 year and send them back?

Mr. SOMPAYRAC. At the end of 1 year, yes.

Mr. BROYHILL. Would this legislation give you the same authority for schoolteachers as for other employees?

Mr. SOMPAYRAC. We already have the same authority for schoolteachers as for other employees in terms of transportation, but the authority we now have requires serving 1 full calendar year and this is to permit us, for teachers only, to reduce it to the school year, whatever it happens to be.

Mr. BROYHILL. Thank you.

Mr. OLSEN. Any further questions?

Mr. WALLHAUSER. No questions.

Mr. OLSEN. I notice you contemplate some increase in the number of teachers. There has been some discussion on the floor of the House that there ought to be a reduction in civilian personnel with the Army overseas, and that dependents should be brought home. In the light of that, will you explain the reason for contemplating an increase in the number of teachers?

Mr. SOMPAYRAC. This increase in the number of teachers is not predicated on any anticipated increase in the number of military or civilian personnel overseas. It is based purely on the number of dependents that are coming of school age that keep crowding and crowding our schools. If there should be a decision made to return some of the dependents, then of course we would be able to reduce the size of the schools.

Mr. OLSEN. With the present size of oversea personnel they have the number of youngsters coming along that will require an increase in the number of teachers?

Mr. SOMPAYRAC. Yes. We will need this increase in teachers without increasing our military or civilian personnel.

Mr. BROYHILL. I believe you said you had about 6,000 teachers now and expect 6,500 next year?

Mr. SOMPAYRAC. Yes.

Mr. BROYHILL. How many students do you have? You figure 6,000 or 6,500 is the total schoolteachers overseas in all areas?

Mr. SOMPAYRAC. In all areas, and it includes all professional personnel, including principals, area superintendents, special assistants, nurses, counselors, and so on.

Mr. BROYHILL. How many students do you have?

Mr. SOMPAYRAC. In our service-operated schools last year we had 127,600. Next year we anticipate we will have 139,000.

Mr. BROYHILL. Do you know how that compares with the pupil-teacher ratio in the States?

Mr. SOMPAYRAC. Yes, sir; I have that.

In the Army the ratio is 25.5 students to each teacher; in the Navy it is 23.5 to each teacher; in the Air Force it is 24 to each teacher.

The national average for the United States, as reported in the National Education Association's Research Bulletin for February 1961 is 26.4 to every teacher. So we are just a pupil under that.

Mr. BROYHILL. You say there are 129,000 or 127,000 students?

Mr. SOMPAYRAC. We had 127,600 last year.

Mr. BROYHILL. Attending our own schools?

Mr. SOMPAYRAC. Yes, sir.

Mr. BROYHILL. We have a lot of the children of civilian and military personnel that are attending local schools in addition in many areas, do we not?

Mr. SOMPAYRAC. Yes, sir.

Mr. BROYHILL. Are there any cases where children of foreign nationals are attending our schools?

Mr. SOMPAYRAC. There are a very small number, maybe a dozen all together. They have been permitted to attend for, I imagine, largely political reasons. I understand two or three in Tunisia, for example, are attending our school at Wheelis Air Force Base. We had spaces for these children, they were children of high government officials, and for some reason they were permitted to attend our school, but they are very few.

Mr. BROYHILL. I might observe that what I saw of our school system abroad in 1955 indicated they had an excellent school system where children of our oversea personnel were receiving a fine education, certainly as good as in this country and in some instances maybe better. It was an excellent school system and well managed.

Mr. OLSEN. It seems to me it is well for us to have that kind of example around the world.

Mr. SOMPAYRAC. Yes. Our biggest problem is finding adequate school quarters. We have some very fine modern school buildings that have been built, but they are totally inadequate for the number of schoolchildren. We have had to take barracks and convert them and warehouses and convert them, but they do the best they can to provide good classrooms. That is part of the problem.

Mr. WALLHAUSER. In the recruitment of these teachers, do you often employ retired teachers from our U.S. school systems, or are they active schoolteachers?

Mr. SOMPAYRAC. They are usually active teachers presently in the teaching profession. While we do take some that have been out of the teaching profession for a year or two, we try to avoid that.

Mr. WALLHAUSER. The percentage of retired teachers would be small?

Mr. SOMPAYRAC. Very small.

Mr. OLSEN. As a matter of information, how do you conduct your recruitment?

Mr. SOMPAYRAC. We put on quite a drive in February and March of each year. We have to recruit at that time for the next school year. We make up about three teams of recruiters. Some of the members of these teams are usually school principals or persons from the school superintendents' offices in the Far East or in Europe. We map out an itinerary for these teams to travel around the country to interview prospective teachers and we send out a good bit of advertising. At the major locations these teams will hit, we send notices to the local civil service authorities, put them on the bulletin boards, advise the newspapers that the teams will be there to interview prospective teachers, and we send notices to the teachers' organizations in these locations, and word gets to the people in the profession that recruiting teams will be in town at a certain location on certain days and all who are interested can come down and apply.

These teams review their qualifications and usually will notify the teacher then and there they will or will not take them or will have to consider them further.

The recruiting teams then come back to Washington and decide on the ones they will employ for each of the some 300 schools we have overseas, and notify the teachers, and during the summer the processing goes on and they are shipped overseas.

Mr. WALLHAUSER. Do we have schools in Latin America?

Mr. SOMPAYRAC. No. We have a school in Guantanamo Bay, Cuba. That is the only one.

Mr. BROYHILL. Do you find that this 25 to 1 pupil-teacher ratio is a proper one? Has there been any question or argument about whether the schools are overcrowded or the pupils are not getting a proper education as a result of the schools being too crowded and there not being enough teachers?

Mr. SOMPAYRAC. Yes; we have had complaints on that score, not serious, but we have exactly the same situation overseas as we have here. Where we have a good school building with large classrooms we may put as many as 35 pupils with one schoolteacher.

Mr. BROYHILL. But the complaints arise from inadequate facilities rather than the ratio being too large?

Mr. SOMPAYRAC. I think that is right. To keep our ratio at this figure, where we do have big schools we pack them in. There may be only 10 children for a particular class in some locations so your ratio drops there.

Another problem we have is our inability to provide special facilities such as gymnasiums and musicrooms and things of that kind.

Mr. BROYHILL. The fact you are that close to our national ratio here is more of a coincidence than anything else, because you do have a larger spread between the various classes than we have here?

Mr. SOMPAYRAC. Yes, but we are pretty much a counterpart of what we are here. Here we have large classes and small classes, too, so we end up being pretty comparable.

Mr. OLSEN. Any further questions?

We thank the witness for his appearance.

The subcommittee is now adjourned and we will now go into executive session.

(Thereupon, the subcommittee proceeded into executive session.)





