

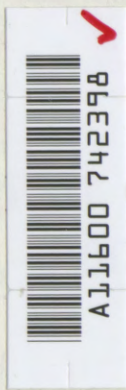
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90-30 ASSISTANCE TO VETERANS OF VIETNAM OR ELSE-
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HEARING
BEFORE THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS
SECOND SESSION
ON

H.J. Res. 1052
JOINT RESOLUTION

TO ASSIST VETERANS OF THE ARMED FORCES OF THE
UNITED STATES WHO HAVE SERVED IN VIETNAM OR
ELSEWHERE IN OBTAINING SUITABLE EMPLOYMENT

FEBRUARY 20, 1968

Serial No. 90-30

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ASSISTANCE TO VETERANS OF VIETNAM OR ELSEWHERE IN OBTAINING SUITABLE EMPLOYMENT

TUESDAY, FEBRUARY 20, 1968

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

The committee met at 10:15 a.m., in room 210, Cannon Building, Hon. Thaddeus J. Dulski (chairman of the committee) presiding.

Mr. DULSKI. The committee will come to order.

The committee is meeting in special session this morning to consider a number of House joint resolutions to encourage employment of returning veterans which members of this committee and others have joined in sponsoring.

Copies of the resolutions introduced by Mr. Corbett, Mr. Charles H. Wilson of California, Mr. Brasco, Mr. Ruppe, and the Chair are at each member's desk.

These resolutions express the sense of the Congress that all arms of the Government exert every effort to place returning veterans in Federal positions within the terms of existing law. They preserve and implement all the existing rights and privileges of the Veterans' Preference Act and related statutes.

The resolutions further express the sense of the Congress that Government contractors should give priority to employment of returning veterans and call upon others in private enterprise to help carry out the same objects and purposes in cooperation with the Government.

The resolutions provide the foundation for a positive program, under the leadership of the Veterans' Administration and the Civil Service Commission, to channel returning veterans toward employers who will be most receptive and who can offer real employment opportunities.

This guidance, involving both Government and private enterprise, will help relieve the veterans of searching out possible employment on a hit-or-miss basis.

Gentlemen, we all appreciate the sacrifices made by members of our Armed Forces in Vietnam and other duty posts encircling the world—sacrifices that give them a place of honor in this Nation.

Words of praise and appreciation, however, cannot replace positive, tangible actions when these men and women return to civilian life in this country. They must find that we have kept our trust with them, and that their homeland is still the land of opportunity.

The joint resolutions before us reaffirm the traditional policy of the Congress to recognize the debt of gratitude the Nation owes its vet-

erans. I know they express the desire and the deepest sentiments of all Americans that we welcome back returning veterans with more than words alone.

It is my hope that the committee will approve one of the resolutions this morning. Accordingly, if there is no objection, the public hearing will be adjourned at 11:30 a.m., and the committee will proceed at that time to consider action on the resolutions in executive session. (No objection was heard.)

Also, without objection, House Joint Resolution 1052 and the official report of the Veterans' Administration received this morning will be printed in the record at this point.

(The documents referred to follow:)

[H.J. Res. 1052, 90th Cong., second sess.]

JOINT RESOLUTION To assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment

Whereas the members of the Armed Forces of the United States are and have been making great personal sacrifices to defend freedom and bring justice and peace to the world; and

Whereas the veterans of the Armed Forces who have served in Vietnam or elsewhere are deserving of the gratitude and respect of the Government and people of the United States and deserving of assistance from such Government and people in connection with the major problems of transition to civilian life; and

Whereas one of the most immediate and acute needs of members of the Armed Forces upon discharge from the service is to obtain early and suitable employment in positions which will enable them to be self-reliant, which will provide meaning, purpose, and fulfillment in their lives, and which will assist the United States in the solution of its pressing problems and in providing a better foundation for its continued growth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the sense of the Congress that each department and agency of the United States—

(1) shall endeavor, to the maximum practicable extent, to provide employment with the United States Government for veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere during the Vietnam era;

(2) shall give preference, in accordance with law, to such veterans in the selection of persons for employment with the Government; and

(3) shall follow such policy and take such action, through the process of procurement for the Government of material, supplies, services, and equipment from private industry and through other means, as may be appropriate to secure from private industry for such veterans a priority in employment in positions in private industry as soon as possible following the re-entry of such veterans into the labor market.

SEC. 2. It is further declared to be the sense of the Congress that employers in private industry should exert every effort to carry out the objects and purposes of this joint resolution with respect to reemployment of veterans in positions in private industry and should consult, advise, and cooperate with the United States Government to the extent appropriate to carry out such objects and purposes.

SEC. 3. The provisions of this joint resolution shall be held and considered to be in effect until the President by proclamation, or the Congress by concurrent resolution, declares that the provisions of this joint resolution are no longer essential to the public interest, whichever first occurs.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., February 19, 1968.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for a report by the Veterans Administration on H.J. Resolution 1052, 90th Congress, "To assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment."

In his message to Congress on January 30, 1968, the President declared that "A man who has fought for his country deserves gratitude. But gratitude can be no substitute for the job he wants—and needs." The veteran who is unable to find suitable employment is precluded from making a successful transition from military to civilian life. Yet, it is in his interest, and in the interest of America, that he returns to society as a productive citizen.

The true goal of every readjustment program has been to assist all returning veterans in this transition from military to civilian life. During the last two years the Congress has taken major steps to meet this need.

The Veterans Readjustment Benefits Act of 1966 provided many readjustment benefits for veterans being discharged from current service, including education and training, home loan guaranties, and preference in Federal employment. The Veterans Pension and Readjustment Act of 1967, approved on August 31, 1967, improved these programs and, in addition, authorized the remainder of the so-called "war-time" benefits (e.g., war-time rates for disability compensation, pension and funeral allowance), for veterans having service during the Vietnam era. The effectiveness of these readjustment programs is demonstrated by the fact that approximately 50 per cent of all veterans currently being discharged from the military service avail themselves of the educational assistance benefits. For many, however, the greatest need is to obtain immediate and suitable employment. To elicit the help of private employers in meeting this need, the President called for the enactment of a joint resolution expressing the sense of the Congress that private employers should give job priority to our returning servicemen.

H.J. Resolution 1052 is designed to accomplish this purpose. It would express the sense of the Congress that employers in private industry should exert every effort to afford employment priority to veterans who have served in the Armed Forces during the Vietnam era. It would also urge that the Government provide employment to the maximum extent practical for Vietnam era veterans and take action through the Federal procurement program to encourage private employers to give priority in employment to Vietnam era veterans. While the provisions of these resolutions would not be mandatory upon either the Government or private industry, the expression of the sense of the Congress would be a powerful force, both in bringing the problem of the returning veterans to the attention of employers in private industry, and in enlisting their aid in making suitable employment available.

In the Federal sector, procedures to accomplish the spirit of the resolution have already been initiated, Executive Order 11397, authorizing transitional appointments of veterans who have served during the Vietnam era to Government positions, having been signed by the President on February 9, 1968.

These comments are also applicable to H.J. Resolution 1029 which has a similar purpose and upon which your Committee also requested our report.

There are two technical matters relating to H.J. Resolution 1052 which require comment. The resolution does not define the term "Vietnam era", however, it is obviously intended to have the same meaning as that term has with respect to veterans laws generally; that is, the period beginning on August 5, 1964, and ending when the President or the Congress so declares. Secondly, it is obvious that the use of the word "reemployment" instead of "employment"

(line 4, page 3) is a typographical error. We understand from your Chief Counsel and Staff Director that the necessary correction will be made.

I recommend your early and favorable consideration of H.J. Resolution 1052, subject, of course, to the language correction referred to in the immediately preceding paragraph.

We are advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the presentation of this report to your Committee, and that its enactment would be in accord with the program of the President.

Sincerely,

W. J. DRIVER, *Administrator.*

Mr. DULSKI. Our witnesses are the Honorable William J. Driver, Administrator of Veterans' Affairs and the Honorable John W. Macy, Jr., Chairman of the U.S. Civil Service Commission.

We will hear first from Mr. Driver, who is accompanied by Mr. Arthur Farmer, Chief Benefits Director, Mr. Robert C. Fable, Jr., General Counsel, and Mr. A. T. Bronaugh, Assistant General Counsel, for the Veterans' Administration.

Mr. Driver.

TESTIMONY OF HON. WILLIAM J. DRIVER, ADMINISTRATOR OF VETERANS' AFFAIRS; ACCOMPANIED BY ARTHUR FARMER, CHIEF BENEFITS DIRECTOR; ROBERT C. FABLE, JR., GENERAL COUNSEL; AND A. T. BRONAUGH, ASSISTANT GENERAL COUNSEL

Mr. DRIVER. Thank you, sir.

Mr. DULSKI. We are very happy to have you here this morning, Mr. Driver. Will you bring your colleagues up to the table here?

Mr. DRIVER. Mr. Chairman, gentlemen, if I could for a few minutes, I would like to briefly review the status of the veteran in our population today and then perhaps lead into the resolution that is before the committee this morning.

We operate 166 hospitals with 116,000 beds. We are affiliated with most of the Nation's medical schools.

We, as you know, pay out a compensation and pension benefit of about \$4.5 billion to over 4 million recipients in our population, veterans and their dependents.

Since World War II we have participated in the vocational rehabilitation of 1,716,000 service disabled.

We have in our education program participated in the education of 11,800,000 men and women veterans. There are 637,000 of them in training now.

We have been the guarantor of mortgages on 6,800,000 home loans, 167,000 this past year.

We operate a life insurance program for former veterans and for men in active service today in the amount of \$75 billion.

We have an employment of 172,000.

In other agencies of the Government, the veteran is served in terms of employment service by the Department of Labor, in another housing loan insurance program through FHA of the Department of Housing and Urban Development, in the area of veterans' preference by the Civil Service Commission, in reemployment rights by the Department of Labor and in unemployment compensation likewise, for so-

cial security credits during service by the Department of Health, Education, and Welfare, and in the case of retired pay in the Department of Defense.

In our population there are just over 26 million war veterans, comprising 1.9 million World War I and earlier wars, 13.5 million from World War II, 5.3 million from Korea, and 4.8 million with service after the Korean war ended February 1955 to date.

Since August 1964, the Gulf of Tonkin date that has been established in some areas as the Vietnam era, we have had 1.6 million veterans out of service.

These men and women are growing at a rate of 70,000 a month—men coming out of service.

The veteran comprises 57 percent of all males between ages of 25 and 44. With their families, wives, children, and dependent parents, they constitute 47 percent of our population.

Now, specifically to the Vietnam veteran, he is 24.9 years of age coming out of service. In 64.8 percent of the cases he has completed high school, 16.3 percent of them have had some college, 18.9 percent have had less than a high school education.

Based on the interviews that we are conducting today, we find that he is most interested in education and employment.

In terms of education we are receiving applications to enter training from about half of all those coming out of service today.

Now, in the past, in particular following World War II and the Korean war, we have in the Veterans' Administration and I think in the rest of the Government taken a position of trying to inform veterans of their rights and benefits through mass media, through the newspapers, television, radio. And these media have been most helpful to us in bringing word of the benefits to returning servicemen.

However, we have found that this is not enough and have switched now to actively seeking out veterans returning from service and informing them personally if possible of their rights and benefits.

We have provided a pamphlet for every man on active service, giving him a brief description of rights and benefits. We have contact service available at two locations in Vietnam because of the speedy separation after they arrive here of men coming back from service.

We reach, through a bedside counseling program, every disabled veteran while he is in a military hospital, so there will be no hiatus between his coming out of there and getting in touch with the VA.

The Department of Labor has an active followup program in terms of employment.

Yesterday marked the opening of the first 10 veterans' assistance centers which will be the focus for this type of personal contact. They will be manned by representatives from the Department of Labor, the Office of Economic Opportunity, Civil Service Commission, and the Veterans' Administration.

We will follow the first 10 with activation of another 10 in 1968.

Through these offices we feel that we can contact about two-thirds of all men and women coming out of service, and we would hope to follow up with an intensification of our services from the remaining regional offices so that we do reach everyone who needs assistance.

Our aim is to upgrade the skills of returning veterans. The President, in his message of January 30, recommended in this area, for example, that we establish a veterans in public service program. He sent legislative recommendations to the Congress to accomplish this, whereby we would pay additional money benefits to veterans in school taking programs leading to a teaching career in a deprived area.

It also provides that we would pay additional on-the-job training benefits to these men or women while they were teaching for the first 2 years in a deprived area.

In addition to that, in the veterans in public service program, the President recommended that we provide additional allowances to men who would take jobs in deprived areas in such categories as policemen, firemen, and hospital technicians.

Legislation to accomplish these aims is in the Congress, and we would hope that it would receive early consideration.

Now, in addition to these recommendations, the President recommended that a "sense of Congress" resolution be enacted to show the interest of the Congress particularly in the area that the private sector provide employment for returning veterans.

During the last 2 years the Congress has taken major steps to assist all returning veterans in this transition from military to civilian life. The Veterans' Readjustment Benefits Act of 1966 provided many benefits for veterans discharged from current service, including education and training, home loan guarantees, and preference in Federal employment.

The Veterans' Pension and Readjustment Act of 1968 improved these programs and, in addition, authorized the remainder of the so-called wartime benefits, such as wartime rates for disability compensation, pension, for veterans having service during the Vietnam era.

The effectiveness of these readjustment programs is demonstrated by the fact that approximately 50 percent of all veterans currently being discharged from the military service avail themselves of the educational assistance benefits.

For many, however, the greatest need is to obtain immediate and suitable employment.

To elicit the help of private employees in meeting this need, the President called for the enactment of a joint resolution expressing the sense of the Congress that private employers should give job priority to our returning servicemen.

House Joint Resolution 1052 is designed to accomplish this purpose. It would express the sense of the Congress that employers in private industry should exert every effort to afford employment priority to veterans who have served in the Armed Forces during the Vietnam era. It would also urge that the Government provide employment to the maximum extent practical for Vietnam-era veterans and take action through the Federal procurement program to encourage private employers to give priority in employment to Vietnam-era veterans.

While the provisions of these resolutions would not be mandatory upon either the Government or private industry, the expression of the sense of the Congress would be a powerful force, both in bringing the problem of the returning veterans to the attention of employers in

private industry and in enlisting their aid in making suitable employment available.

Chairman Macy of the Civil Service Commission will testify before you in terms of the implementation of the resolution in the area of Government employment.

In our report on this measure we called attention to two technical matters, one in terms of defining what "Vietnam era" refers to. As I indicated earlier, we look upon it as the period beginning on August 5, 1964, and ending when the President or the Congress so declares.

The second is the typographical error of using the word "reemployment" instead of the word "employment." We understand that this will be corrected.

Mr. Chairman, we certainly urge that the committee act favorably on this resolution, and we would hope to see speedy enactment in both Houses of the Congress.

Mr. DULSKI. Thank you very much, Bill.

Being a Buffalonian, I will observe that we had one of the men who had just come back. He was in Vietnam assisting the veterans. He came back, and he says he is ready to volunteer once again.

I want to compliment you on the fine statement, Mr. Driver. And, of course, the report expresses the sentiment of the Veterans' Administration.

Mr. Henderson?

Mr. HENDERSON. Mr. Driver, it is good to see you, sir.

Mr. DRIVER. Good morning, sir.

Mr. HENDERSON. Can you tell me what the Veterans' Administration is going to do differently with the passage of this resolution than you would do if it is not passed?

Mr. DRIVER. The only thing we could do with the passage of the resolution that we couldn't do if it was not passed is draw attention to the fact that the Congress is interested in this.

Mr. HENDERSON. In particular, with private industry, do you believe, with the passage of the resolution expressing the sense of Congress, that private industry should give preference in the employment of the Vietnam veterans?

Mr. DRIVER. Yes, sir; we do.

Mr. HENDERSON. Would this be over other veterans? Preference over other veterans of Korea or—

Mr. DRIVER. Well, the other veterans would have in the normal course of events received the entry employment. We are talking about here, principally, first job for these men. The other veteran we feel would have already had his benefit.

But this would not be an extra preference for the Vietnam veteran.

Mr. HENDERSON. If industry did decide as a result of this resolution to give veterans preference, this would be satisfactory to your position and to that of the resolution, wouldn't it?

Mr. DRIVER. Yes, sir.

Mr. HENDERSON. Now, do you think this would be a sufficient basis for industry—if they limited their preference to the veterans of Vietnam—to discriminate between two persons with equal ability, one being such a veteran and one being a nonveteran?

Mr. DRIVER. Well, we would hope that the fact that you have a returning Vietnam veteran, everything else being equal—that there would be something in the balance for him.

Mr. DANIELS. Will the gentleman yield at that point?

Mr. HENDERSON. Yes.

Mr. DANIELS. You are not going to limit this to Vietnam, are you? How about the boys serving in Korea?

Mr. DRIVER. Vietnam is a period of time, not the geographical location, Mr. Daniels. No matter where he is serving today.

This has come to be known, in veterans' circles, as the "Vietnam era," whether you are serving in Berlin or Vietnam.

Mr. DANIELS. But you are not restricting it just to Vietnam veterans?

Mr. DRIVER. No, sir.

Mr. DANIELS. It applies to anyone in active service today?

Mr. DRIVER. Right.

Mr. HENDERSON. Mr. Administrator, I would point out that in section 3 of the resolution it uses the term "veterans." It doesn't restrict it to Vietnam veterans. So I wanted to make the record clear; if industry wanted to give preference it would be in keeping with the sense of the resolution that they give that preference to any and all veterans.

Mr. DRIVER. Right. That's right, sir.

Mr. HENDERSON. That's all I have, Mr. Chairman.

Mr. DULSKI. Mr. Gross.

Mr. GROSS. Thank you, Mr. Chairman.

Mr. DRIVER, in response to that last question, you are testifying both as to the resolution and the Executive order, the content of it?

Mr. DRIVER. Yes, sir.

Mr. GROSS. The meaning of it?

Mr. DRIVER. Yes, sir.

Mr. GROSS. Well, the resolution sets forth no time frame as to the Vietnam era.

Mr. DRIVER. No, sir.

Mr. GROSS. Is that not true?

Mr. DRIVER. It refers to the Vietnam era, and in my statement—

Mr. GROSS. Well, all right. But the Executive order sets a date of August 4 or thereafter?

Mr. DRIVER. It sets the date of August 5, which is the date used in the last legislation passed by the Congress to define "Vietnam era."

Mr. GROSS. So it has a specific time frame?

Mr. DRIVER. Yes, sir.

Mr. GROSS. All right. Which is quite different from the resolution we are being asked to approve?

Mr. DRIVER. No, sir; I don't think so.

The resolution on page 2 refers to veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere during the Vietnam era.

Mr. GROSS. Well, the Vietnam era, Mr. Driver, goes back to 1954, doesn't it?

Mr. DRIVER. The Vietnam era goes back to 1964 if we follow the—

Mr. GROSS. But in actuality we have been mixed up there since when?

Mr. DRIVER. Well, we have been there in a military advisory capacity for several years before that.

Mr. GROSS. Yes.

Mr. DRIVER. But the Congress in enacting legislation last year wrote this into title 38:

The term "Vietnam era" means the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress.

Mr. GROSS. You spoke of deprived areas. What criteria does the Veterans' Administration use to establish a deprived area? What do you mean by "deprived area"?

Mr. DRIVER. This is an area, Mr. Gross, where we would in consultation with the other offices of the Government dealing with these programs try to establish areas where certain minimum salaries are available to the families living within them.

Mr. GROSS. I see. So the Veterans' Administration is going to establish its own criteria for the deprived areas?

Mr. DRIVER. Yes, sir.

Mr. GROSS. There is no fixed criteria for deprived areas?

Mr. DRIVER. No, sir.

Mr. GROSS. Well, how can you reconcile the fact, Mr. Driver, that under this Executive order Vietnam war veterans with less than a year in college will receive superpreference for GS-5 positions, while other Vietnam veterans with a year or more in college are required under Federal service entrance examination to have 4 years of college and take the competitive examination for a GS-5?

How do you go along with this superpreference?

Mr. DRIVER. Well, it is our feeling here—and I would certainly defer to John Macy in his testimony later—that these are people who need more assistance than the other categories you refer to. They are disadvantaged to a point where they need this extra assistance.

Mr. GROSS. Are you going to be the judge of that?

Mr. DRIVER. Well, their status as current students plus their educational attainment will decide that.

Mr. GROSS. Yes, that's right. So you are not going to be the judge of it? You are going to subscribe to what I think is highly discriminatory practice in this Executive order? Don't you agree with that?

Mr. DRIVER. No, sir; I think that there is a distinction between a person who has not completed high school and one who has in terms of his ability to cope with the reentry problem coming out of service today.

Mr. GROSS. I thought we had from President Johnson a special message not long ago, or a message to Congress, on the subject of the necessity for education and the premium put upon those who do get an education.

Mr. DRIVER. We did, sir.

Mr. GROSS. You in the Veterans' Administration are going to put a premium on education? Is that correct?

Mr. DRIVER. That's correct, sir.

Mr. GROSS. You do not?

Mr. DRIVER. We do.

Mr. GROSS. Well, you are penalizing certain veterans.

Mr. DRIVER. I don't think so. We are giving an additional advantage to a disadvantaged veteran.

Mr. GROSS. What do the veterans organizations think of this Executive order? Have you had any communication with them?

Mr. DRIVER. I have had no—

Mr. GROSS. Have they stated any position with respect to this Executive order?

Mr. DRIVER. I have had general indications of agreement with this Executive order, sir.

Mr. GROSS. What organizations? Would you care to say?

Mr. DRIVER. Well, I have had none that have criticized it.

Mr. GROSS. I see.

Mr. Chairman, I have several questions for Mr. Macy when we get to him.

Mr. DRIVER. Mr. Gross, could I further on this subject take notice of the fact that the Congress has already recognized that in the case of an eligible veteran who has not received a secondary high school diploma that there should be special advantage for these educationally disadvantaged people.

For example, if a man comes out of service today, under the new GI bill that is about 2 years old, if he has not completed high school he may do so and draw full benefits from us under the GI bill without any charge to his college eligibility later.

So that we think we are following in the footsteps of the leadership given by the Congress in this area.

Mr. GROSS. The Executive order is putting a premium upon college dropouts in my opinion by the fact of its issuance.

Mr. DRIVER. I'm sorry you look on it that way. I am looking on it more in terms of the man who has completed honorable service but who had not before that time been able to finish high school.

Mr. GROSS. What about the man who has a college education and completes honorable service.

Mr. DRIVER. He can go to school and draw benefits under the GI bill and because—

Mr. GROSS. Yes. Well, the other man can go to a training school too, can't he?

Mr. DRIVER. Yes, sir. It's just that we feel in order to catch up with what he has lost before service he needs this additional help.

Mr. GROSS. Thank you, Mr. Chairman.

Mr. DULSKI. Mr. Daniels.

Mr. DANIELS. Thank you, Mr. Chairman.

Mr. Driver, just exactly how will this program work? Assume that a returning GI from Vietnam or Korea has served honorably and is honorably discharged, but has not completed his high school education. Let's assume that he has another year to go. How would that case be different from a returning GI likewise honorably discharged who had completed 1 or 2 years of college work?

Would they be more or less in the same status?

Mr. DRIVER. Now you are talking in terms of the Executive order, Mr. Daniels?

Mr. DANIELS. Well, I haven't studied the Executive order. I don't know if there is any difference.

Mr. DRIVER. In terms of the resolution before the committee, they would be in the same status, yes, sir.

Mr. DANIELS. So this would give them about equal rights, then?

Mr. DRIVER. That's right.

Mr. DANIELS. How is it planned for this program to work? Is it intended that they go to one of these assistance centers that you made reference to in your testimony? You said it was proposed to open 10 immediately, and sometime later this year to open an additional 10 centers.

Is it proposed to send these returning GI's to school first before they would be gainfully employed? Or they would be employed simultaneously with their training?

Mr. DRIVER. It could be either or both. It could be. In other words, he could get a job and enter school in a reasonable time thereafter, or he could enter school and then come and look for a job.

Mr. DANIELS. Well, assuming that he would be employed in the Federal service, would he be employed in spite of the fact that he did not possess the necessary qualifications that would be normally expected of anyone else seeking employment who was not a veteran?

Mr. DRIVER. No, sir. I'm sure Mr. Macy can talk better on this subject than I, but we would expect him to qualify in that sense.

Mr. DANIELS. And likewise in private employment you would expect the GI to qualify the same as a nonveteran?

Mr. DRIVER. Yes, sir.

Mr. DANIELS. Thank you, sir.

Mr. DULSKI. Mr. Scott.

Mr. SCOTT. Mr. Chairman, I apologize for coming in late. I had other matters in the office.

But as I just initially see this, I would like to ask Mr. Driver: Does this give some preference to the Vietnam veteran that other veterans do not enjoy?

Mr. DRIVER. No sir. What this resolution does, in our opinion, it would call attention of private industry to the returning veteran in a way that nothing else would. A "sense of Congress" resolution would make them mindful of the fact that we do have 70,000 war veterans coming out of service every month.

This is not like World War II when the bands played and welcomed you home. It's a more quiet period for men and women coming out of service today.

Mr. SCOTT. Now, is there an Executive order that does give priority to the Vietnam veteran over other veterans?

Mr. DRIVER. Not over other veterans, no, sir. But the other veterans having been out of service for some time, would have already had the opportunity for employment. These men are just coming out.

Mr. SCOTT. Mr. Driver, under this resolution or the Executive order, would a Vietnam veteran—if there is a veteran of another war coming in competition with the veteran of the Vietnamese conflict—would the Vietnamese conflict veteran be given priority over the other veteran?

Mr. DRIVER. As a matter of preference, no.

Mr. SCOTT. Is it the sense of this resolution and the Executive order that priority would be given to the veteran of the Vietnamese war?

Mr. DRIVER. Not over another veteran. It is the sense that everyone would be aware of the fact that as a Vietnam veteran he is a war veteran and he should be accommodated if there is a job available and he qualifies as a matter of priority.

But if you were to choose between two veterans regardless of which war, he would not have a preference as a matter of—

Mr. SCOTT. Is this merely to put him on the same footing as other veterans have been over the years and are today?

Mr. DRIVER. Well, other veterans have not had a priority in employment in the private sector over the years.

Mr. SCOTT. Well, now, the Congress would just suggest that this priority—this has no force of law?

Mr. DRIVER. It is not mandatory, Mr. Scott. It merely waves a notice in front of industry that, "Here you have a substantial number of returning veterans. Try to do something to help them find employment."

Mr. SCOTT. Mr. Chairman, I might say that I certainly don't want one veteran given any preference over any other veteran. Mr. Driver says that is not the sense of the resolution.

Mr. McCURE. Would the gentleman yield?

Mr. SCOTT. I'd be glad to yield.

Mr. McCURE. Mr. Driver, the Executive order says, for instance, in the lower five levels that the Vietnam veteran can obtain employment without taking any competitive examinations.

Mr. DRIVER. If he is attending school that's right, sir, provided he is qualified for the job and meets the other conditions.

Mr. McCURE. For a transitional period. Now, this a preference over other veterans that is not available to other veterans.

Mr. DRIVER. This is not available to other veterans. That's right.

Mr. McCURE. So it is a preference over other veterans in that area.

Mr. DRIVER. This is not before the committee in the resolution.

Mr. McCURE. You discussed it.

Mr. DRIVER. This is in the Executive order.

Mr. McCURE. You discussed that in your statement though, did you not?

Mr. DRIVER. Yes.

Mr. McCURE. And I think Mr. Scott asked if the Executive order did in any areas give one veteran a preference or preferential status over another.

Mr. DRIVER. Yes. I understood that Mr. Scott was referring to the resolution that we were asking Congress to enact.

Mr. McCURE. He asked about the Executive order, Mr. Driver.

I yield back to Mr. Scott.

Mr. DRIVER. The other veterans are not eligible for education any longer, so therefore they couldn't get what we are talking about. Their eligibility has expired.

Mr. GROSS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. GROSS. We are talking about employment, Mr. Driver. We are talking about the Executive order and employment and not about education.

Mr. DRIVER. Well, in the Executive order, in order to qualify for the employment, you have to be in school.

Mr. SCOTT. Mr. Chairman—

Mr. DULSKI. You have 2 more minutes remaining.

Mr. SCOTT. Mr. Chairman, I think Mr. Driver should know that all of us are sympathetic with the veteran and certainly want him to be taken care of. My concern is that we not give preferential treatment to one group of veterans over another group of veterans.

I do have some doubt as to how much we should go into the field of telling private industry who they should employ and who they should not employ.

Mr. Chairman, I yield the balance of my time.

Mr. DULSKI. For the record I would like to read some excerpts from the letter of the Veterans of Foreign Wars. One of the excerpts from the letter reads:

With these facts in mind, the Veterans of Foreign Wars strongly applauds the President's Message on Veterans of January 30, 1968, which reaffirms the long-standing deeply imbedded principle of veterans preference in Federal employment. Recognizing that in today's society that education and training are more important than ever, the recommendation of the President, as embodied in Executive Order 11397, which authorizes transitional appointments of Vietnam veterans, is most welcome.

Another excerpt reads:

The Veterans of Foreign Wars strongly endorses other provisions of H.J. Res. 1052, which provide for private industry doing what it can to give priority treatment for veterans entering or reentering the labor market as soon as possible after their discharge from the Armed Forces. While the Federal Government can promulgate regulations to take care of segments of private industry which deal with the Federal Government, the large bulk of private industry will have to do it on its own initiative. It would seem most desirable and persuasive for the Congress to adopt a sense of Congress resolution to the extent that employers in private industry should exert every effort to provide employment to veterans in private industry and to cooperate with the Federal government to the fullest extent to carry out that purpose.

Without objection, the full text of the report will be placed in the record at this point.

(The letter of the Veterans of Foreign Wars referred to follows:)

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., February 20, 1968.

HON. THADDEUS J. DULSKI,
Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to H.J. Res. 1052 to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment in either the Federal Government or private industry, which is under consideration by your Committee this date.

One of the oldest rights accorded to veterans by the Federal Government is veterans preference in Federal employment. The Veterans of Foreign Wars has long been one of the strongest supporters of the concept of veterans preference. The legislation, which became the Veterans Preference Act of 1944, received the strongest endorsement and support of the Veterans of Foreign Wars. Likewise, each strengthening amendment of the Veterans Preference Act since 1944 has also received the fullest support of the Veterans of Foreign Wars.

Our organization, however, has looked with some alarm on the many attempts in recent years to weaken or diminish veterans preference rights. As this Committee knows, there have been assaults on the Veterans Preference Act, which, if they had been successful, would have eliminated veterans preference in many instances.

With these facts in mind, the Veterans of Foreign Wars strongly applauds the President's Message on Veterans of January 30, 1968, which reaffirms the long-standing deeply embedded principle of veterans preference in Federal employment. Recognizing that in today's society that education and training are more important than ever, the recommendation of the President, as embodied in Executive Order 11397, which authorizes transitional appointments of Vietnam veterans, is most welcome.

It is hoped that this Executive Order will be instrumental in providing a quick and successful transition of thousands of veterans who left high school to join the Armed Forces. These veterans in the main are extremely young but highly unskilled and untrained to meet the needs of today's society. This Executive Order provides the necessary authority and wherewithal for the Federal Government to go forward and take care of a large number of these veterans at a critical period in these veterans lives.

The Veterans of Foreign Wars, therefore, strongly approves of this expanded concept of veterans preference, as embodied in Executive Order 11397. As this Committee knows, there are many in the Federal Government who take a dim view of veterans preference. It is the hope, therefore, of the Veterans of Foreign Wars that all Government agencies will be doing everything possible to comply with and fully carry out this Executive Order.

The Veterans of Foreign Wars strongly endorses other provisions of H.J. Res. 1052, which provide for private industry doing what it can to give priority treatment for veterans entering or reentering the labor market as soon as possible after their discharge from the Armed Forces. While the Federal Government can promulgate regulations to take care of segments of private industry which deal with the Federal Government, the large bulk of private industry will have to do it on its own initiative. It would seem most desirable and persuasive for the Congress to adopt a sense of Congress resolution to the extent that employers in private industry should exert every effort to provide employment to veterans in private industry and to cooperate with the Federal Government to the fullest extent to carry out that purpose.

In summary, the Veterans of Foreign Wars endorses the purpose and intent of H.J. Res. 1052 which will provide further assistance to those who served in Vietnam to obtain suitable employment both in the Federal Government and private industry. This resolution is aimed at helping primarily a large number of so-called disadvantaged veterans who left their homes to serve in the Armed Forces at an early age and are still very young upon their return to civil life.

Having worn the uniform and made an extra sacrifice in our national interest, it is incumbent upon the Federal Government to extend every possible assistance that these veterans shall make a successful readjustment into civil life and to make up for the valuable time lost by their service in the Armed Forces.

Thanking you for this opportunity to present the views of the Veterans of Foreign Wars with respect to this resolution and with best wishes, I am,

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

Mr. DULSKI. The DAV and American Legion—I understand Mr. Johnson has called upon them—are in agreement.

I just wanted to make that part of the record.

Mr. Olsen?

Mr. OLSEN. I have no questions. I want to compliment Mr. Driver on the statement and thank him for his cooperation.

Mr. DRIVER. Thank you, sir.

Mr. OLSEN. I would like to make this statement on House Joint Resolution 1052, which proposes to set forth the sense of Congress that prompt and meaningful employment be made available to veterans who have served in Vietnam and in other areas in the Vietnam conflict.

The purpose of this resolution is to impress upon employers, both government and industry, the fact that these men are leaving the military after honorable and courageous service and are seeking their place in the labor market.

It is truly the sense of Congress that these men be welcomed by employers everywhere. Their sacrifices on behalf of their Nation should not go unnoticed once their military service is completed.

I, for one, would recommend unhesitatingly these veterans to employers. In most cases an employer is obtaining a mature worker who is experienced under pressure and capable of making split-second decisions. He is young, healthy, and alert. He deserves every consideration because he was enough of an American to answer his country's call despite the fact that he might be asked to sacrifice his life.

I am hopeful that this resolution would be brought to the floor for consideration at a very early date.

Mr. DULSKI. Mr. McClure?

Mr. McCLURE. Thank you, Mr. Chairman.

Now, there is no distinction either under the Executive order or in the resolution between combat veterans and noncombat veterans, is there?

Mr. DRIVER. That's right, sir.

Mr. McCLURE. So it is possible that somebody who may have served all his time in the PX in Washington, coming out, would have a preference over a combat veteran who was discharged immediately prior to the date established by the Executive order?

Mr. DRIVER. There has never been a distinction between a man who served in time of war whether he served overseas or not. He is determined to be a war veteran, and therefore there is no distinction.

Mr. McCLURE. And there is no distinction made in this between those two kinds of service?

Mr. DRIVER. Not in this or any prior legislation.

Mr. McCLURE. A returning combat veteran with more than 1 year of college would, as a matter of fact, then have a slight disadvantage? Or let me put it in reverse. A noncombat veteran with less than 1 year of college would have a slight advantage over a combat veteran who had more than 1 year of college under this Executive order?

Mr. DRIVER. Well, since he has got further to go, I don't think he has got an advantage. His is a tougher row to hoe.

Mr. McCLURE. But this gives him an advantage so far as this resolution and Executive order are concerned?

Mr. DRIVER. Not as far as the resolution is concerned.

Mr. McCLURE. All right. As far as the Executive order?

Mr. DRIVER. The Executive order tracks the legislation which Congress passed 2 years ago, giving preference to people similarly disadvantaged.

Mr. McCLURE. I'm not arguing that point. I'm just trying to point out there is an advantage given to this kind of person.

Mr. DRIVER. If you want to look on it that way. I just think it makes them even.

Mr. McCLURE. You can't give one class of citizens an advantage without taking something away from another class of citizens, can you?

Mr. DRIVER. I don't think it takes anything away from the other man.

Mr. McCLURE. If you are giving one person a preference, then you are reducing the competitive edge of another person. Is that not correct?

Mr. DRIVER. I don't think so. I think what we do here is give the man with less education—

Mr. McCLURE. I don't think we are getting anywhere, because you are not going to agree with me, and equally I am not going to agree with you.

Mr. GROSS. Will the gentleman yield?

Mr. McCLURE. I will yield to Mr. Gross.

Mr. GROSS. Mr. Driver, let's quit splitting hairs around here about this thing. Veteran A may be a combat veteran with awards for valor. He has had 2 years in college. He comes back. And the man who served over here in the PX, who had less than a year in college, takes a noncompetitive examination to get employment in the Government, isn't that true?

Mr. DRIVER. If you want to set the facts up that way. But it could be the exact opposite, Mr. Gross.

Mr. GROSS. Well, of course. But this can be the case, can't it?

Mr. DRIVER. It can be.

Mr. GROSS. All right. And yet you say there is no discrimination?

Mr. DRIVER. I think the discrimination doesn't come from the Executive order.

Mr. GROSS. Where else could it come from if it doesn't come from the Executive order?

Mr. DRIVER. It could come from the circumstances that permitted one man to serve in the comparative comfort you indicate versus the other.

Mr. DULSKI. The gentleman has 2 more minutes remaining.

Mr. McCLURE. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I wonder if Mr. Driver could tell us: Is it the sense of this resolution and the Executive order to give some advantage to minority groups, the underprivileged? Are we tying in with the poverty program here and making it so that some veterans would be given special consideration, those who perhaps come from minority groups or underprivileged homes or this sort of thing?

Are we putting the welfare program in with veterans' benefits?

Mr. DRIVER. No, Mr. Scott. I don't think so. I return again to the fact that a couple of years ago, in considering the problem of men serving today, in considering the fact that in large numbers those that have seen combat duty the most have been those with the least education, the Congress decided there should be something additional available to them to help them successfully reenter civilian life when they came out of service. This is all we are doing here.

Mr. SCOTT. Now, would you as Administrator of Veteran's Affairs approve tying in to the veterans' program something to give preferential treatment to underprivileged people? Do you want to treat some veterans differently from the way you treat other veterans?

Mr. DRIVER. We made a favorable report on this bill when it passed the Congress. It is already in the law, Mr. Scott.

Mr. SCOTT. That you favor minority groups?

Mr. DRIVER. Pardon?

Mr. SCOTT. That you favor minority groups?

Mr. DRIVER. No, sir. That for the educationally disadvantaged there be something additional available to bring them up to the general level of education.

Mr. McCLURE. Will the gentleman yield? I'm about to run out of time.

Mr. SCOTT. Yes.

Mr. McCLURE. I think what we are trying to say is not necessarily that we are against giving special advantage to some people as compared to others, but the recognition of the fact that we are trying by giving them a special advantage to equalize some other disadvantage that they may have. But I think a candid statement that we are indeed giving a preference and additional help is in order rather than trying to say that there is no preference being given.

Mr. DRIVER. No, I would admit to that, but I would not say that it is at the expense of the other veterans.

Mr. McCLURE. How can you take from one veteran or one person and give to another without being at his expense?

Mr. DRIVER. Because he already has the assistance he needs to take full advantage of the GI bill.

Mr. McCLURE. But not as a result of any veterans' law, not as a result of any action by Congress.

Mr. DRIVER. Well, there are many things that enter into that. Maybe education—

Mr. McCLURE. All right. Then you can equalize me with one of the Rockefellers by taking a million dollars from him and giving it to me, and you would say that is no preference to me because we are merely equalizing.

Mr. DRIVER. Well, I am not talking about the money. I am talking about raising their educational levels to the same point.

Mr. McCLURE. That's just an example. I'm sure that you and I aren't going to agree on the semantics of the situation.

I yield back the balance of my time.

Mr. DULSKI. You have no time left.

Thank you very much.

Mr. Nix?

Mr. DANIELS. Will the gentleman yield?

Mr. NIX. I yield to the gentleman.

Mr. DANIELS. One further question. In granting employment preference to GI's serving in the Vietnam era, would any distinction be made as to the amount of time a veteran served?

For example, suppose the war were to come to an end in the next 30 days. Some veterans have served a year and some have served 2 years during this period of time. Will any distinction be made between one who, say, has just arrived in Vietnam and is discharged 2 weeks later and another one who put in 2 years serving the full amount of his military requirements?

Mr. DRIVER. There is no distinction, Mr. Daniels, and this is the way it has always been.

Mr. DANIELS. Do you think there should be a distinction?

Mr. DRIVER. No, sir. I don't. Because after a war—and we have seen this in World War II, World War I, and Korea—the man who is in service is not immediately withdrawn from danger the second we say the war is over. There is always a continuing period when he is out of the country, when he is in Vietnam, in Korea. So that there would be a matter of many weeks and months before the time would come when the situation——

Mr. DANIELS. Do you admit the veteran who has put in 1 full year of combat duty in Vietnam has made a much greater sacrifice than the boy who was merely shipped over there and when he got over there the war was over?

Mr. DRIVER. Yes; I would have to admit he has. But there is no distinction made here.

Mr. DANIELS. Do you think there should be a distinction, being fair to everybody? That's the point I am getting at.

Mr. DRIVER. Yes, sir. I think for the "sense of Congress" resolution, since the principal thing we are trying to achieve is notice and awareness on the part of industry that there is such a thing as a Vietnam veteran coming out of service, that this is enough without——

Mr. DANIELS. Under existing law, Mr. Driver, isn't there a difference between a veteran who has served 90 days and one who has served in excess of 90 days with respect to his fringe benefits?

Mr. DRIVER. Only in terms of drawing pension from the Veterans' Administration and by an act of Congress last year this same distinction applies to Vietnam veterans.

Mr. DANIELS. Will apply?

Mr. DRIVER. Yes, sir.

Mr. DANIELS. Thank you.

Mr. DULSKI. Mr. Nix has 2 minutes remaining.

Mr. NIX. Mr. Driver, so far as I am concerned there is absolutely nothing complicated about the resolution. Are we not merely expressing our deep and lasting gratitude to the men who sacrificed? Are we not speaking for the American people in this "sense of Congress" resolution, saying that "the American people are deeply grateful to you and this expresses in a measure some of our gratitude by the things we make available to you"? Isn't that actually what it does?

Mr. DRIVER. Yes, sir; I think so.

Mr. NIX. And isn't it also true that in some other wars the same thing has been done, perhaps not identical but of the same import, by the Congress to show gratitude and appreciation for the sacrifices made by these men?

That's true, is it not?

Mr. DRIVER. I think it's true.

Mr. NIX. I yield back my time.

Mr. BRASCO. Will the gentleman yield?

Mr. NIX. I yield to the gentleman.

Mr. BRASCO. Concerning the resolution under consideration this morning, Mr. Driver, it does not seek to change any existing law, does it?

Mr. DRIVER. No, sir.

Mr. BRASCO. In fact, it does not?

Mr. DRIVER. It doesn't affect any laws.

Mr. BRASCO. All it does, as Mr. Nix pointed out, by its passage, is to point out to both private enterprise and Government that there is such a thing as a veteran of the Vietnam era and that we should do everything we possibly can for those individuals who do not have jobs to help them find employment? Is that correct?

Mr. DRIVER. I think so; yes, sir.

Mr. BRASCO. And this Executive order we are talking about is a fait accompli that has been issued?

Mr. DRIVER. Yes, sir.

Mr. BRASCO. Is that correct?

Mr. DRIVER. Yes, sir.

Mr. BRASCO. And this resolution does nothing in any way, shape, or form to affect that?

Mr. DRIVER. That's right.

Mr. BRASCO. So all of the conversation that we have had about the Executive order had nothing to do with the passage of this resolution?

Mr. DRIVER. That's right.

Mr. BRASCO. And the issue on the resolution, in fact, is just whether or not we in this committee want to extend that kind of courtesy in terms of a resolution to those people who are fighting in Vietnam for us while we are sitting here arguing about whether or not they are or should be the beneficiaries of this kind of resolution? Is that correct?

Mr. DRIVER. Right.

Mr. NIX. Mr. Driver, the last remark I will make is this: In addition to what has been said, this resolution tends to prod the patriotism of business and the people of this country. I think it needs prodding.

I appreciate your presentation.

Mr. DRIVER. Thank you.

Mr. NIX. I yield back my time.

Mr. DULSKI. The time of the gentleman from Pennsylvania has expired.

The Chair recognizes Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Driver, in trying to determine in my own mind and to have a clear understanding, I wonder if you could tell me whether or not the passage of the resolution in any way alters or modifies the Executive order or affects it in any way whatsoever.

Mr. DRIVER. No, sir.

Mr. THOMPSON. In other words, the two are entirely separate, and each stands on its own base?

Mr. DRIVER. That is right, sir.

Mr. THOMPSON. In the Executive order, it is stated, of course, that the employment is subject to the person being found qualified to perform the duties of the position. Now, how do you determine the qualifications of the person if there is no competitive exam given? Is this through interviews?

Mr. DRIVER. Through interviews and examination of his background, his schooling, his ability, any skills he brings to the job; that sort of thing.

Mr. THOMPSON. Well, once a person is employed, is it required that he continue his education and obtain additional education in addition to the job that he is performing?

Mr. DRIVER. Yes, sir. He has to continue satisfactorily in his course of education.

Mr. THOMPSON. Now, who arranges for this course of education? Is this part of his job duties? Or is this an entirely separate thing? Is it night school?

Mr. DRIVER. This is an approved course such as in the terms of the educational benefits under the GI bill. Normally these courses are approved through the local State authorities.

Mr. THOMPSON. But if he is working during the daytime it would have to be a night course he is taking. Something like that. Could he take a correspondence course and qualify?

Mr. DRIVER. Yes; he could.

Mr. THOMPSON. He could take a correspondence course?

Mr. DRIVER. This is an approved educational course under the GI bill.

Mr. THOMPSON. Well, may I ask you this: What if he refuses or fails to continue his education? He is employed. He is basically given preference because of the fact he is a veteran. And he has had less than 1 year of college. And then once he has this job, he does not continue his educational experiences either through correspondence school or night school or something of that sort. What would happen in his case?

Mr. DRIVER. Well, I would have to defer to Mr. Macy here. The regulations that would cover the point that you bring out are being developed by the Civil Service Commission.

But I would assume that he would have to qualify in some reasonable time.

Mr. THOMPSON. Well, if he continues to perform the job in his own particular vocation, would he be discharged simply because he was not pursuing his education?

Mr. DRIVER. I defer to Mr. Macy here, but I assume he would have to qualify in the normal way to retain his job.

Mr. THOMPSON. Going now to the resolution as such, as I understand it, of course, this is merely a sense of Congress resolution, does not have an impact of law so far as private industry is concerned. We simply are expressing to private industry our concern that we would like for them to give some preference to these individuals.

There is no impact of law, no compulsion on private industry?

Mr. DRIVER. You have stated it perfectly, sir.

Mr. THOMPSON. Now, then, as respects each department and agency of the United States, I still am not clear in my own mind as to the relationship between a returning Vietnam veteran and a veteran who may have been a veteran, well, of the Korean war or even in Vietnam prior to the effective date that was established here.

But we say: "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*" and so forth, "that it is hereby declared to be the sense of the Congress that each department and agency of the United States shall give preference, in

accordance with law, to such veterans in the selection of persons for employment with the Government."

Now, it is your understanding this in no way would give a preference over a veteran of World War II or the Korean war at any point?

Mr. DRIVER. That's right, sir.

Mr. THOMPSON. Even though this states it is referring only to Vietnam veterans?

Mr. DRIVER. The other veterans' preference is already spelled out.

Mr. THOMPSON. And this in no way, since this is a prior act of Congress or resolution of Congress, would supersede or cancel or modify the prior act?

Mr. DRIVER. No, sir. And as we have indicated in our report, nothing in the resolution is mandatory on either the Government or business.

Mr. HENDERSON. Would the gentleman yield?

Mr. THOMPSON. Of course, the sense of Congress is pretty mandatory. We state simply that we want every agency of the U.S. Government to give preference to Vietnam veterans. This may not require the firing of an agency head if he doesn't comply, but I think it gets pretty mandatory.

I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Driver, what would be the effect of the committee striking that language contained in subparagraph (2) out of the resolution?

Mr. DRIVER. In other words, leave the reference for employment with the Government out?

Mr. HENDERSON. That's right. If we left that out. You say it has no effect of law.

Mr. DRIVER. It has no legal effect. The resolution in toto has no legal effect, Mr. Henderson. But I think that it does very nicely express the spirit of the Congress that these people are coming out.

It is a time when it seems that declared war is a thing of the past, and the accompaniment that come with termination of the declared war are far different from men coming out today in a rather orderly society, and we just think that if Congress would pass this resolution it would raise everybody's eyebrows, and they would say, "Well, we really ought to look at these people."

Mr. HENDERSON. I appreciate the gentleman yielding. Could I ask one more question?

Mr. THOMPSON. Yes.

Mr. HENDERSON. Do you have time to yield?

Mr. DULSKI. He has a minute and a half remaining.

Mr. THOMPSON. I yield.

Mr. HENDERSON. Going back to my original question with regard to industry, your response was that this would express the sense of Congress that the private employer could give preference to the veterans in private employment.

Mr. DRIVER. Yes, sir; it could.

Mr. HENDERSON. Could it be used as a legal defense for doing that?

Mr. DRIVER. I don't think so, Mr. Henderson, at all.

Mr. THOMPSON. Then what you are saying, Mr. Driver, is simply that we are evidencing our concern by the passage of this resolution

for the Vietnam veterans, and we want the entire Nation to know that not only do we feel that our Government but private industry as well should do something to help these veterans in their employment?

Mr. DRIVER. Yes, sir. That we recognize the sacrifice they have made.

Mr. THOMPSON. I yield to the gentleman from Virginia for the balance of my time.

Mr. SCOTT. Mr. Chairman, looking at section 3 of the resolution, it indicates that in procuring materials and supplies and services from private industry, that the Government shall consider whether or not they are employing and giving priority to these veterans.

Now, does that supersede any existing laws? Regardless of cost, are we going to give priority to firms that follow this policy?

Mr. DRIVER. No, sir. This certainly isn't the intention.

Mr. SCOTT. Well, what is the intention of it?

Mr. DRIVER. Since we do have direct contact with these companies, we have a special advantage in drawing their attention to the fact that Congress is concerned with employing the returning Vietnam veterans.

Mr. SCOTT. Now, does this say that if the returning Vietnam veteran is not employed by the firm, the Government buys no supplies from this firm?

Mr. DRIVER. It certainly doesn't in my opinion.

Mr. SCOTT. What does it say?

Mr. DRIVER. It says since the Government—since they are having active dealings with a contractor in the private sector that they should take special note of the fact that there are war veterans coming back and remind the employer of that fact.

Mr. DULSKI. The gentleman's time has expired. Mr. Hanley is recognized.

Mr. HANLEY. Thank you, Mr. Chairman.

I want to compliment Mr. Driver on his excellent statement, and I want to concur with the expression of Mr. Nix that most of the dialog here this morning was really not germane to the subject of the hearing.

I understood that the hearing was expressly for the purpose of the resolution, which basically is to focus attention on the problem we anticipate as far as concerns the reemployment possibilities of the Vietnam era veteran returning to civilian life.

I have one question, and this too is not directly related to the resolution and purely is for a point of personal information.

Can you tell me what the difference is in the function of the 10 offices which you referred to? How does their function differ from that of the existing contacting offices? This is not related to the actual resolution, but is a matter of personal information.

Mr. DRIVER. It is a very pertinent question today since they have just opened too, Mr. Hanley.

The principal differences are, No. 1, that the offices are composed of employees beyond the Veterans' Administration—the Civil Service Commission, the Department of Labor, for example. They have people staffing these offices with our people.

In addition to that, in the traditional contact setting of the VA office we have people, as you well know, waiting for the veteran to

walk in off the street and ask for an interview to find out about one of his GI benefits. These offices will receive the separation forms from the military when a man comes out of the military service—the DD-214's. They will call on the telephone and talk to that veteran and try to ascertain whether he has any problems, whether it wouldn't be to his advantage to come in and have an interview.

In other words, they are seeking him out instead of sitting waiting for him to come in.

Those are the main differences.

Mr. HANLEY. I appreciate that. In that sense it will serve a great purpose.

Thank you, Mr. Driver.

Mr. DRIVER. Thank you.

Mr. HANLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Driver, for your presentation.

Now we will call on our good friend, Chairman John W. Macy, of the Civil Service Commission.

Mr. GROSS. Mr. Chairman, I wonder if I could suggest that Mr. Macy highlight his statement. I notice it is rather lengthy, and we are going to run short on time for questions if the entire statement is presented.

Would it be possible to ask Mr. Macy to highlight his statement so we may have more time for questions?

Mr. DULSKI. Is there any objection to that?

Mr. MACY. No objection at all, Mr. Chairman. However you wish to proceed.

Mr. DULSKI. Well, first of all, we do not have a quorum at the present time. If you highlight it, the entire presentation will be printed in the record. If you can highlight things, it will help us tremendously.

TESTIMONY OF HON. JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL SERVICE COMMISSION; ACCOMPANIED BY L. J. ANDOLSEK, COMMISSIONER; AND EDWARD A. DUNTON, DEPUTY DIRECTOR, BUREAU OF RECRUITING AND EXAMINING

Mr. MACY. Thank you, Mr. Chairman.

I will try to expedite the statement of the Commission's position with respect to the joint resolution without in any way neglecting its important impact.

I am here today with Commissioner Andolsek and Mr. Dunton to endorse House Joint Resolution 1052 which sets forth the sense of Congress that prompt and meaningful employment opportunities in the Nation's work force should be provided by all employers.

This reaffirms a principle which has been a matter of public policy with respect to Federal employment for the entire history of the Republic, but particularly since the passage of the Veterans' Preference Act of 1944 which establishes a system of preference for eligible veterans with respect to employment, with respect to reduction in force, and with respect to appeal authority.

The purpose of the resolution is to provide for other employers, employers outside the Federal Government, an indication of the sense

of Congress, of the desire of the leadership of the country to have those employers give priority consideration to those that are coming out of the service.

The President in his message was concerned with the welfare of all veterans and servicemen, and he outlined the program that Mr. Driver has indicated to you.

The Civil Service Commission intends to cooperate fully with the Veterans' Administration and other agencies in the areas of Commission responsibility with respect to veterans.

We have undertaken the development of a program which includes several features which we feel conform with the expressed sense of Congress offered in the resolution.

First of all, the Commission has reviewed its existing operations and processes with respect to the administration of the veterans' preference to assure that it is in a position to expedite the processing of applications that are received from Vietnam era veterans when they apply for civil service examinations.

Secondly, the Commission intends to cooperate fully with the Veterans' Administration in the veterans' assistance centers which Mr. Driver has described.

The Commission will assign representatives to work in those centers to make known to the Vietnam era veteran information about employment opportunities in the Federal service.

We are also making arrangements with our 65 interagency boards so that they will be in a position to give counseling to veterans with respect to the total opportunities that exist in the Federal Government for meaningful employment for veterans.

We are endeavoring to get maximum support from the Federal Government for Project Transition of the Department of Defense, which is a program for training servicemen so that they will have the skills that are necessary for civilian employment.

The third feature of this program—and that is the new feature that has been discussed in reference to Executive Order 11397—is the establishment of a new appointment authority called the “transition appointment.”

Now, this is a new appointment, in that it provides for a limited period of 1 year after discharge from military service for employment within the Federal Government on certain specific conditions which involve the appointee in an authorized program of education.

The purpose of this appointment is to provide an incentive for education to those veterans who have not had an opportunity to complete more than high school plus 1 year of college and to encourage those veterans to undertake the necessary training to build up their skills and qualifications so that they can get in the labor market while at the same time they are employed in work for which they are qualified.

Those that are appointed under this transitional appointment will have to meet the Civil Service minimum qualifications requirements for any one of the jobs at grade 1 through 5 and their equivalents as they exist at the present time.

The appointee will sign an agreement with the employing agency specifying what his work tour is going to be and what his commitment

for education is. If he fails to meet the commitment for education, he will be dropped from this appointment, and he will then, like any other veteran or any other citizen, have to compete in an examination in order to secure an appointment under regular arrangements.

We feel that under these transitional appointments we are providing a combination of work and study in order to give the veteran the necessary preparation for civilian work, a preparation which he may not have been able to secure because of his entry into the service and because of his military obligations in Vietnam or elsewhere during this period.

As Mr. Driver indicated, the Vietnam veterans that are being interviewed have two primary objectives. One is education; the other is employment. We feel that this transition appointment combines those two objectives in a single action.

We feel this is the type of appointment that not only is appropriate for the Federal Government but would be appropriate for other public employers and for the private sector.

We feel that this program will be dependent upon the interest of the veterans in this kind of work-study arrangement and upon the availability of positions of the character for which these men can qualify within the departments and agencies.

When President Johnson signed the Executive order, he made it clear that no new positions were going to be created in order to carry out this program nor additional funds required to compensate individuals in these appointments, that these were jobs that needed to be filled in the agencies and could be filled with these individuals while they were undertaking the prescribed educational program.

These selections will be made without regard to race or religion or national origin or party affiliation.

The Civil Service Commission will monitor this program very carefully in order to evaluate it as it proceeds and in order to assure ourselves that both the public and the employee are properly served by it.

But I point out that this is one of three features that the Federal Government is undertaking as an employer in order to comply with the direction of the President to do something about the reentry of veterans into our civilian society and to, in effect, pursue the sense of Congress that is intended in this resolution.

I also state in my prepared statement that I would hope that what the Federal Government is doing and the sense of Congress in the resolution will be helpful to State and local government where the great bulk of public employment actually exists.

I include in my statement some estimates as to additional employment opportunities that are anticipated at State and local government levels and the possibility of veterans entering those positions under programs designed by the States and the localities for this purpose.

Mr. Chairman, I reiterate that the Commission strongly supports House Joint Resolution 1052 as an appropriate expression of public policy addressed to all employers, public and private, with respect to the men who have been serving their country during this very critical period in our history.

Mr. DULSKI. Thank you very much.

(The complete prepared statement of Mr. Macy follows:)

PREPARED STATEMENT OF JOHN W. MACY, JR., CHAIRMAN, CIVIL SERVICE
COMMISSION

Mr. Chairman and members of the committee, I am pleased to be here this morning to speak on behalf of House Joint Resolution 1052. This Resolution sets forth the sense of the Congress that prompt and meaningful employment opportunities in the Nation's workforce be provided veterans who have served in Vietnam or elsewhere during the Vietnam era.

The wording of the Resolution is very clear in its purpose and in its intent. It not only reaffirms the broad principles of veterans preference in Federal employment, but calls upon each agency of Government to exert maximum effort to provide employment for these veterans.

The Resolution further provides that the agencies of Government shall take appropriate action to secure employment priorities from Government contractors for veterans returning to the labor market.

The Resolution calls upon all employers in the private sector to pursue the same objectives and purposes and to consult, advise and cooperate with the Government in furtherance of this policy.

The Civil Service Commission wholeheartedly endorses this Joint Resolution as it applies to Government employment and Government action. We urge its adoption. We believe it important and necessary for the private sector to respond to this sense of Congress if these young men and women are to obtain an opportunity for fulfillment through employment which is necessary in their transition back to civilian life.

The President stated in his Message to the Congress on January 30th: "The purpose of our veterans program is to serve those who have served us."

The program described by the President in this Message was concerned with the welfare of all veterans and servicemen and servicewomen. It was a review of the total program. It set forth the program's accomplishments and recent measures directed by the President to improve its effectiveness.

It has of course been the long standing policy of the Federal Government to give all veterans of the armed forces preference in civil service examinations and in considerations for appointments. Within the Civil Service Commission we are making every effort to improve the practical administration of this policy. We have developed an action plan to speed up the machinery of employment.

We are expediting the processing of applications and the holding and rating of examinations.

We will provide special counseling service to veterans interested in Federal employment at the Veterans Assistance Centers established by the Veterans Administration in response to the directive of the President.

We are making arrangements to have our Interagency Boards of Examiners provide special assistance and counseling to veterans seeking employment.

We are working with the Federal agencies to obtain maximum support of Project Transition of the Department of Defense which is training servicemen for productive civilian employment. We are developing a system for furnishing timely information on Federal job opportunities across regional lines to all of the 86 Project Transition training sites, as well as providing information and assistance to Transition Centers at the local level.

We are developing the regulations and administrative instructions for the new work-study program for Vietnam-era veterans under Executive Order 11397, issued by the President on February 9th.

While our work in connection with E. O. 11397 is still in draft stage, and I cannot give final answers to decisions yet to be made, I would like to speak briefly about this important feature of the veteran employment program.

It is directed to those veterans who have served during the Vietnam era and have not completed education and training adequate to prepare them for future demands of civilian employment. It is limited to those who have completed less than one year of education beyond high school.

The basic purpose of the program is to provide an incentive for these veterans who want to develop their employment skills through furthering their education by combining an opportunity to work in the Federal service while obtaining such training.

Under this Executive Order Vietnam veterans who meet job requirements will be able to enter Federal employment under "transitional appointments" at the five lowest civil service levels without taking a competitive examination. They must agree to pursue an approved part-time or full-time educational program.

Continued employment will depend on satisfactory job performance and educational progress.

The educational program required under a "transitional appointment" is completion of one school year of full-time education or training or its equivalent. Where the employee has not completed high school or its equivalent through this one-year program, two years will be required.

Upon satisfactory completion of the educational program and with continued satisfactory performance of his job duties, the employee will be converted to regular civil service status.

The selection of veterans for this program will be made without regard to race, color, religion, sex, national origin, or political affiliation. We do not anticipate any overriding difficulties in accommodating those who qualify for participation.

We believe this program is fully consistent with the responsibility and duty of the Federal Government, as an employer, to make special efforts to assist returning veterans of initiative and ability, who are interested in Federal employment, to better prepare themselves for productive work. At the same time it helps meet the continuing needs of Government for trained Federal workers. We hope that State and local governments and private employers will emulate our actions.

The Federal Government, of course, is the nation's largest employer, but it is still only one employer. Whatever we can do can directly affect only about 4% of the total workforce. Thus there is need to be concerned about suitable employment in the transition to civilian life of all who have served our country. The proposed House Joint Resolution 1052 makes that concern explicit.

It may be interesting to look at figures of employment growth in the area closest to us in kind of activity and in kinds of jobs. This is the area of government employment including other public jurisdictions throughout our country. The total employment growth in the public sector of the economy between June 30, 1967, and the end of 1969—a period of two and a half years—is expected to be in the neighborhood of two million, the vast majority of which will be in State and local government.

To achieve this growth and also to fill normal replacement needs, State and local governments will have to hire about three-quarters of a million teachers and a quarter of a million health workers.

We estimate that the *general* government functions of State and local jurisdiction alone will need nearly a third of a million workers more in this mid-1967 to 1969 period. Many of the employees needed will be in occupations closely related to experience and training obtainable in military service.

Our latest report on the number of veterans employed by the Federal Government is that they comprise about 51% of the total workforce or about 1,446,000 employees. If these figures are projected to the employment needs and opportunities in State and local governments, I think it becomes clear how important it is to give all the informational assistance we can in helping veterans locate job opportunities. The Veterans Assistance Centers being established by the Veterans Administration as a start on the information program outlined by the President are clearly in a position to make a major contribution to the objectives stated so clearly in the proposed Joint Resolution.

The Government stands ready to give all possible assistance to State and local jurisdictions in effecting employment for returning veterans. We hope to be able to develop patterns of close partnership so that the public services of this Nation will be the model of useful and rewarding employment for those who have served our country in the armed forces.

Employment information on private industry opportunities may be more diffuse, harder to gather, harder to coordinate, but under the leadership of the Secretary of Labor and through the network of the Federal-State Employment Offices, maximum effort will continue to be made in obtaining the cooperative involvement of private employers.

The substantial cooperation of both the private sector and Government, as is called for in H. J. Resolution 1052, should provide not only a job for most of the returning veterans seeking employment, but hopefully a choice of opportunities and advice and counsel on the most appropriate.

The Civil Service Commission strongly supports adoption of H. J. Resolution 1052. The Resolution clearly sets forth the desire and need for some special consideration for these young people taken away from their normal pursuits to fight for freedom.

I thank the Chairman and Members of the Committee for giving me an opportunity to express our support for this Joint Resolution.

Mr. DULSKI. The Chair makes this observation with respect to the questioning of the members of the committee. There seems to be no objection to the joint resolution, but the questions refer mostly to the Executive order.

Since we do not have a quorum yet, we will proceed with the questioning.

Mr. Henderson?

Mr. HENDERSON. Thank you, Mr. Chairman.

Chairman Macy, does this resolution give congressional approval to Executive Order 11397?

Mr. MACY. No. The resolution has no relationship to the Executive order. The Executive order was issued by the President under existing statutory authority. The resolution does not change the statutory authority.

Mr. HENDERSON. If the resolution is not passed, the program of the Commission under the Executive order would continue, would it not?

Mr. MACY. Unless the President were to modify it in some form by other Executive action.

Mr. HENDERSON. Now, with regard to the resolution, pursuing the concern that I have with regard to private employers, let me assume one or two facts.

If the resolution is passed and a company, recognizing the sense of Congress, adopted a policy of hiring Vietnam veterans, and over a period, say, of a year, hired all Vietnam veterans without regard to race, creed, or sex, in your opinion would they be subject to the charge of not being an equal opportunity employer under the system that presently exists and has been in existence for some time?

Mr. MACY. No, sir.

Mr. HENDERSON. This would be giving proper preference, recognized by Congress, to the Vietnam veterans?

Mr. MACY. Yes, sir.

Mr. HENDERSON. Now, to speak just briefly to our concern for the Executive order, have we ever used this system for veterans of previous wars?

Mr. MACY. No, sir. This is a new development designed to recognize that there are many serving in the Armed Forces who have been without education at a level which permits them to compete effectively in the labor market today.

Mr. HENDERSON. And with the limitation that they must satisfactorily complete the educational program and continue satisfactory performance on the job, the employees may be—will be—converted to regular civil service status.

To this extent, with this limitation, does this set aside our competitive system as we have known it in the past?

Mr. MACY. No, sir. This provides a program where the individual is tried out throughout the period of his service under the transitional appointment.

Mr. HENDERSON. Is he tested as opposed to the nonveteran by an eligibility register?

Mr. MACY. No, sir. In order to be appointed under the transitional appointment, he must meet the minimum qualifications which are

established by the Commission for the particular job into which he is to be assigned. If this involves a written test, he will have to take the written test and pass it. If it involves a skills test in terms of manual skills, he will have to pass that.

In other words, he will have to meet the minimum qualifications that exist for the particular job to which he is going to be appointed.

Mr. HENDERSON. This is my one and real concern about the Executive order. It may be that there is justification for doing this. It does seem to me that if we say that we are not creating any new jobs but that, for a job that normally would be announced for a competitive examination and for which the hiring authority would normally be required to make a selection from a register, in this case, if we have a returning veteran who is willing to enter into the educational obligation and the work performance requirement he will be placed in the job. Then, if he satisfactorily completes his educational requirements, satisfactorily performs on the job, and we say he will be converted into permanent status. To that extent, it seems to me, we have eliminated the competitive system for those who are not returning veterans.

They have had no opportunity to compete with the veteran as we generally understand the competitive system.

Now, if I am right on this, then my next question would be: Is there justification for doing this? And perhaps there is.

Mr. MACY. We believe that there is a justification and that the conditions are of such a limited nature that the degree to which this will in any way subtract from the existing competitive process will be very limited.

We feel that there has been a position of national policy to aid returning veterans insofar as their education is concerned, and that this is a further means of assisting them to pursue that education by combining work and study in the same period of time.

We have had work and study programs that have existed before. We have encouraged this as a part of the Federal Government's effort as an employer to contribute opportunities of combining work and additional training.

Mr. DULSKI. The gentleman has 1 more minute remaining.

Mr. HENDERSON. Within that minute let me just say that I have before me "Federal Diary," the Jerry Kluttz column of Monday, February 19, in which he refers to several agencies of the Government which are developing special programs for the severely disadvantaged persons. Perhaps that covers it as well as any. You may not have had a chance to look at this.

But again my concern here is: To what extent are we going to adopt special exceptions to what we generally think of as a very competitive system in order to bring in special-category groups and give them on-the-job or educational training to qualify them for those positions? Each and every position that is filled that way certainly, it seems to me, eliminates the true competitive system that we have known.

Perhaps my subcommittee would want to pursue this further, Mr. Chairman. Because as you pointed out—and I think it is implicit in Mr. Macy's answer—the resolution before the committee does not go to this point specifically.

Mr. MACY. In response, Mr. Henderson, to your question about the description in Mr. Kluttz' column on February 19, this another pilot

program in one post office to see what the experience is in bringing in those who come from the hard-core unemployed group for a period of training and experience.

Mr. DULSKI. The gentleman's time has expired.

Mr. GROSS?

Mr. GROSS. Mr. Macy, is there any significance to the fact that the minority member of the Commission is not here this morning?

Mr. MACY. None that I'm aware of.

Mr. GROSS. Thank you.

Mr. MACY. He fully concurs in this program and has been a very staunch advocate and explainer of it in the various meetings that we have had.

I believe the question was asked earlier as to whether we had discussed this with the veterans' organizations. We had discussed it with them in a very complete briefing that was conducted by Commissioner Andolsek and Mr. Dunton. We have also explained this program to the leaders of the employee groups.

Mr. GROSS. Mr. Macy, I have a number of questions to ask you, and I will appreciate if you will be as brief as possible in answering them. Some of them may be repetitious of those asked Mr. Driver, but I would like to get your answers on the record.

Is the purpose of Executive Order 11397 to give super civil service preference to a restricted group of the Vietnam veterans who have less than a year of college?

Mr. MACY. No sir. This is to provide a work-study experience for those who have completed less than 1 year of education beyond high school in order to permit them to increase this educational level while employed in a job for which they are qualified in the Federal service.

Mr. GROSS. I want to reiterate that the objective of training and education is laudable, but what some of us are deeply concerned about is the discrimination that I think is implicit in the Executive order.

Mr. MACY. Well, I don't believe, Mr. Gross, there is any discrimination. This, as I indicated, is open to all veterans in this group without identifying any particular segment of the group.

Mr. GROSS. Well, is it true that in effect this amounts to discrimination against other Vietnam war veterans and veterans of other wars who have more than a year of college?

Mr. MACY. No, sir.

Mr. GROSS. Is it true that the selected group of Vietnam veterans to whom Executive Order 11397 applies will receive so-called exempted appointments and will not be subject to the jurisdiction of the Civil Service Commission for the enforcement of the Hatch Act?

Mr. MACY. No. They will be subject to the Civil Service Commission enforcement of the Hatch Act.

Mr. GROSS. Even though they have exempted status?

Mr. MACY. Certainly. They are not exempted in the terms of the Hatch Act. The exemptions in the Hatch Act are specific in terms of designated positions within the Federal service.

Even those who are excepted from the Civil Service Act are covered by the Commission's enforcement of the Hatch Act.

Mr. GROSS. Does the super civil service preference in the Executive order apply to veterans who completed service in Vietnam prior to August 5, 1964?

Mr. MACY. There is no superpreference in the Executive order. It applies to those veterans who leave the service on or after August 5, 1964, and who have served more than 180 days on active duty or who are disabled.

Mr. GROSS. Will competitive civil service exams be given on a nationwide basis to the selected group of Vietnam veterans to whom the Executive order applies?

Mr. MACY. No. They will be examined to determine whether they meet the minimum qualifications for the job at the specific location where the agency is interested in employing them on the work-study basis I have described.

Mr. GROSS. The Executive order gives the impression that those appointed under its provisions will be selected on a noncompetitive basis at the whim of various appointing officers, which opens the door to political and personal patronage abuse. Is this true?

Mr. MACY. The system is one which calls for total nondiscrimination. The appointments will be worked out by the appointing officers under the supervision of the Civil Service Commission to assure that there is no abuse of public policy.

Mr. GROSS. Do you have any estimate of the number of appointments that you expect to be made under the Executive order of 1968?

Mr. MACY. My estimates are very rough, Mr. Gross, because it is very difficult to determine just what the degree will be. But I stated in the White House briefing on the Executive order that I would forecast somewhere between 10,000 and 15,000. This would be out of 600,000 appointments made during the year in positions grade 5 and below.

Mr. GROSS. How can you reconcile the fact, Mr. Macy, that under this Executive order Vietnam war veterans with less than a year in college will receive superpreference for GS-5 positions, while other Vietnam veterans with a year or more in college are required under the Federal service entrance examination to have 4 years of college and take a competitive examination for GS-5 positions?

Mr. MACY. The Federal service entrance examination does not require 4 years of college experience. It requires the equivalent of such experience. And in those cases the veteran will compete for positions that are filled from that register.

Those in transitional appointment who enter at the grade 5 level to a job which would normally be filled from the Federal service entrance examination will have to pass that written examination and fully meet job requirements in order to qualify.

Mr. GROSS. Well, it has been my impression that it is the policy of the Civil Service Commission to recruit the best qualified persons for civil service positions. Explain how this Executive order carries out that policy.

Mr. MACY. It is the policy of the Commission to recruit the best qualified people to perform the tasks involved in various Federal

positions, and this is the program that the Commission continues to pursue.

In this program, in response to the desire of the President to make certain that we are making every possible effort for these veterans, we have provided this special appointment which has the special conditions that I have described.

Mr. GROSS. I have some other questions, Mr. Macy, but I see my time is about out.

Mr. DULSKI. One more minute.

Mr. MACY. Mr. Chairman, I would be happy, for the record, to respond in writing to Mr. Gross' questions if that would be helpful to him.

Mr. GROSS. I would like to submit the rest of the questions if the time does not develop later to ask them.

Mr. DANIELS. Mr. Chairman, I will be glad to yield my time to Mr. Gross.

Mr. GROSS. Well, I thank the gentleman. Is that permissible, Mr. Chairman?

Mr. DULSKI. Yes. Now you have five and a half minutes.

Mr. GROSS. Mr. Macy, the authority cited in Executive Order 11397 for its issuance is title 5, sections 3301 and 3302 of the United States Code, which provide that the President may issue an Executive order which increases the efficiency of the Federal civil service.

In your opinion, does this Executive order increase the efficiency of the Federal civil service?

Mr. MACY. Yes, sir.

Mr. GROSS. And will the Civil Service Commission abolish civil service examination registers for grades GS-5 and below while this Executive order is in effect?

Mr. MACY. No, sir. As I indicated, there will be about 600,000 positions filled in these particular grades during the coming year, and I am estimating that there will be from 10,000 to 15,000 positions under transition appointments as I have described it.

Mr. GROSS. So you say that is not the net effect of the Executive order?

Mr. MACY. No. It in no sense cancels the existing competitive examinations or registers for entry into positions at these levels throughout the Federal service.

Mr. GROSS. The Executive order gives the impression that its provisions apply to grade GS-5 and below and their equivalents throughout the Government service. Does this include the postal service, the TVA, the CIA, wage board positions, and other positions outside the classified civil service?

Mr. MACY. It would include positions in the postal service, because they are under civil service also. It would not include positions in the TVA. It would include positions under the wage board system where the individuals possess the qualifications for the positions involved.

Mr. GROSS. But not the TVA? Not the CIA?

Mr. MACY. No. Those are organizations outside of the civil service system.

Mr. GROSS. But you say it would apply to the wage board?

Mr. MACY. It would apply to wage board and to postal positions.

Mr. GROSS. Yet you said in response to Mr. Henderson, I believe, that the resolution was in no way to be considered as an endorsement of the Presidential Executive order.

Mr. MACY. That is correct, sir.

Mr. GROSS. You recognize no relation between the two?

Mr. MACY. I view the transitional appointment authority as established by the President as an action by the President in the executive branch of the Federal Government to pursue the sense of Congress as it would be expressed if this resolution were passed.

Mr. GROSS. And if you run into difficulty with respect to this Executive order, as I believe there will be; if there is severe criticism of what has already been done by way of the Executive order, you will not then go to the public with statements that the Congress passed a resolution which in effect and by implication approved the Executive order?

Mr. MACY. No; the Executive order would stand on its own authority, as signed by the President.

Mr. GROSS. And you would not adopt that kind of tactic, would you, Mr. Macy?

Mr. MACY. I certainly would not.

Mr. GROSS. Thank you.

Mr. DULSKI. The gentleman has 2 minutes remaining.

Mr. DANIELS. All I wish to do at this point, Mr. Chairman, is to commend Mr. Macy for his forthright statement and his prompt, capable, and efficient—as usual—manner of answering the questions.

Mr. MACY. Thank you, sir.

Mr. DULSKI. There was no objection to ending at 11:30, but I continued since there was no quorum. Now we are receiving a quorum, and we will meet in executive session after 5 minutes for Mr. Scott.

Mr. OLSEN. Mr. Chairman, would the gentleman yield for just a moment?

Mr. DULSKI. Mr. Scott has the floor.

Mr. SCOTT. I would prefer not to yield for just a minute. Let me ask a few questions, and then I will be glad to yield.

Mr. Macy, your Commission is charged with the promotion of the merit system, and I assume that all of the members of the Commission believe very firmly in the merit system.

Mr. MACY. Yes, sir. I can say that without any reservation.

Mr. SCOTT. Well, now, we do have veterans' preference that we have had over the years, and to the extent that veterans are given preference this is an exception to the general rule that everyone receives appointment strictly on the basis of merit; is that right, sir?

Mr. MACY. Yes, sir.

Mr. SCOTT. Now, giving priority to or combining the welfare program with the civil service merit system—would this have an adverse effect if you tried to tie a desire of the Government to take care of underprivileged people—would that have an adverse effect on the merit system? Do you think it has a part in the civil service laws and regulations?

Mr. MACY. I think it is important that the merit system be designed so that it can afford opportunity for all Americans to compete for positions that are available in their Government.

In order to do that, it is necessary to have examinations and qualifications standards designed that meet the requirements of the tasks that are in individual jobs.

Mr. SCOTT. Do you feel that an appointment should be based on the merit and qualifications of an individual rather than his need for employment?

Mr. MACY. Yes, sir.

Mr. SCOTT. You prefer the merit system rather than—

Mr. MACY. My view, Mr. Scott, would be that if we are to depart from the merit standard and have another purpose such as providing employment for purely social purposes, this should be a new aspect of public employment policy.

Mr. SCOTT. Let me ask you this: On this Executive order, this 11397, and the "sense of Congress" resolution, did these two come from a common source? Did they originate in your Commission or in the executive department or somewhere from a common source?

Mr. MACY. No, sir.

Mr. SCOTT. Did you have something to do with the preparation of the Executive order?

Mr. MACY. Yes, sir.

Mr. SCOTT. Did you have anything to do with the preparation of the joint resolution?

Mr. MACY. I concurred in its draft as it was prepared in some other part of the executive branch.

Mr. SCOTT. Then there was some collaboration with regard to preference—

Mr. MACY. Yes, but they don't come from the same original source, and I understood that to be the question.

Mr. SCOTT. Where did they come from?

Mr. MACY. They both came from the executive branch certainly.

Mr. SCOTT. Well, what part did your Commission play in each of them?

Mr. MACY. Just as I have indicated. In the case of the joint resolution, in draft form, it was referred by the Bureau of the Budget, as is standard practice, to the Commission for its comments.

The Commission affirmatively supported the draft as a desirable statement of public policy in order to encourage employers throughout the country to recognize the coming employment needs of those who had served their country.

In addition, the Commission reviewed its own practices to determine what it could do to expedite the processing of veterans' applications under the regular system, what it could do to increase counseling and information to the veterans, and to see what it could do to contribute some new program which would relate employment opportunities to the need for further education.

Mr. SCOTT. Going back just a moment, Mr. Macy, is it your answer that you would not tie a welfare program in with the merit system?

Mr. MACY. That is correct.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. DULSKI. Without objection, a letter and attachment submitted by Mr. John A. McCart, operations director, Government Employees' Council—AFL—CIO, will be placed in the record at this point.

(The letter and attachment follow:)

GOVERNMENT EMPLOYEES' COUNCIL—AFL—CIO,
Washington, D.C., February 20, 1968.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On February 19, 1968, the House Post Office and Civil Service Committee received testimony from the Civil Service Commission on H.J. Res. 1052.

Recently, the Commission presented to our Council for comment its proposed regulations providing transitional appointments for Vietnam Era veterans.

We, of course, subscribe to the President's desire to provide Federal Government careers and educational opportunities for these men and women to upgrade their mental and manual skills.

On the other hand, the Council has made certain recommendations to the Commission for improving the application of these regulations.

Enclosed is a copy of our communication of February 16, 1968, outlining to the Commission our views on this important and laudable development in personnel management.

Respectfully yours,

JOHN A. MCCART,
Operations Director.

FEBRUARY 16, 1968.

MRS. EVELYN HARRISON,
Acting Director,
Bureau of Policies and Standards,
U.S. Civil Service Commission,
Washington, D.C.

DEAR MRS. HARRISON: Following arrival of your letter of February 9, 1968, a committee of the Council has reviewed the proposed policy of transitional appointments of Vietnam era veterans.

The Council subscribes, of course, to the general policy of upgrading the education and qualifications of our citizens who desire to embrace Federal careers. This principle applies particularly to men and women involved in the present period of military conflict.

Both you and we are aware that the policy enunciated in the President's Message of January 30, 1968, and Executive Order 11397 are highly important declarations of the Government's intention to assist returning Vietnam era veterans. For this reason, we had hoped to give detailed attention to the proposals in FPM Letter No. 307-1 and the regulation changes accompanying it.

Unfortunately, the four-day time limitation imposed by the Commission for preparation of our comments permitted us to develop preliminary reactions only. You will recall that in a telephone conversation February 14, 1968, I invited your attention to the inadequate time allowed to review the details of the Commission's recommendations for making the Message and the Order effective. For this reason, our final evaluation to the regulations will have to await their implementation by the Commission and the agencies.

With this reservation, we move now to the specifics of the policy offered by the Commission.

FPM Letter No. 370-1(2)—Because of the existence of an agreement between the unions with national exclusive recognition and the Post Office Department, it would be desirable for the Department to undertake consultation with these organizations on the application of the policy to the specific provisions of the contract.

Inclusion of first-level supervisory wage board jobs within the appointment authority poses a problem which runs throughout the policy. This is the question

of the equities of career employees now on the rolls in conjunction with individuals entering service under the Vietnam Era program.

The basic difficulty involves the opportunity for career workers to advance to higher levels through the promotion system. While the problem has general application, it becomes particularly acute in numerous cases where unions and agencies have negotiated agreements under Executive Order 10988, which include provisions governing promotions. We are concerned that such clauses are fully observed. In instances where either party detects a conflict between the appointment authority and the promotion plan, no action should be taken without revising the contract through negotiation.

These same comments are relevant to the proposed provision on "noncompetitive movement." Through a series of transitional appointments, promotion clauses in agreements can be nullified.

Page 3—Approved education or training—In developing guidelines on acceptable education or training, we assume our national unions and their local components will be consulted.

Duration of training—Here a clarification is in order. Although one and two-year studies are mentioned, there is no stated maximum on the number of years available under the program. Under the 25% criterion, it would be possible for an individual to consume four years in completing the course. (See also Secs. 307.104 and 315.703b).

The final sentence on the page raises again the matter of negotiated agreements—the adaptation of work programs to education schedules where contract clauses cover assignment of shifts and related matters.

Page 4—Written agreement—We are unable to locate any opportunity for the appointee to revise the agreement in the light of his changing work or educational needs.

The detailed instructions for later issuance will, we assume, be made available for comment prior to their issuance.

The Council trusts you will find these reactions helpful in preparing the final regulations.

Sincerely yours,

JOHN A. MCCART,
Operations Director.

Mr. DULSKI. Without objection, a letter from Mr. Charles L. Huber, national director of legislation, Disabled American Veterans, in support of House Joint Resolution 1052, will be placed in the record at this point. Also, a letter from Mr. Francis W. Stover, director, national legislative service, Veterans of Foreign Wars, will be made a part of the record.

DISABLED AMERICAN VETERANS,
NATIONAL SERVICE HEADQUARTERS,
Washington, D.C.

HON. THADDEUS J. DULSKI,
Chairman,
House Post Office and Civil Service Committee,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DULSKI: Your Committee has before it for consideration, House Joint Resolution 1052, to assist veterans who have served in Viet-Nam or elsewhere, in obtaining suitable employment.

The Resolution declares it to be the sense of Congress that agencies of the federal government (1) shall endeavor, to the maximum practical extent, to provide employment with the United States Government for veterans who have served in Viet-Nam or elsewhere during the Viet-Nam era: (2) shall give preference, in accordance with law, to such veterans in the selection of persons for employment.

Additionally, the Resolution calls upon private industry to exert every effort to extend employment priority to Viet-Nam era veterans. It also urges the government to take appropriate action through the process of procurement to secure from private industry for such veterans a priority in employment.

The Resolution, in the opinion of the DAV, represents yet another expression of Congressional concern for the welfare of members of the armed forces of the United States who are returning to civilian life. It reveals, in essence, a deep sense of gratitude and appreciation for the personal sacrifices these men and women have made in defense of freedom and to prevent the spread of tyranny and the aggressive acts of Communist imperialism.

The DAV, through the years, has persistently invested its efforts in the preservation of benefits granted veterans—particularly war veterans—under provisions of the Veterans' Preference Act of 1944. Indeed, we are enjoined by a continuing National Convention Mandate to resist any attempt to erode or circumvent this protective legislation. It is with this mandate in mind that we review and evaluate the merits of House Joint Resolution 1052.

After study and thoughtful reflection, a question arises as to the Resolution's ultimate purpose. Specifically, the question is: Will the Resolution, as drawn, impair to any degree the existing rights and privileges now accorded under the 1944 Act?

In recent testimony before your Committee, the Chairman of the Civil Service Commission and the Administrator of Veterans' Affairs gave firm assurances that the Resolution would in no way alter the preference protection now enjoyed by veterans who served not only during the Viet-Nam era, but also veterans who served during prior periods.

Relying upon these assurances that passage of the Resolution would in no way infringe upon existing provisions of the Veterans' Preference Act, the DAV reaffirms its support of the broad principles of veterans' preference in federal employment, as expressed in the Resolution. In this same connection, we wish to commend your Committee for urging employers in private industry to extend these same benefits to returning veterans. We are certain that this new and meaningful proposal will add even more prominence to this Committee's already well-established concern for America's war veterans.

In consideration of these comments and the assurances mentioned above, we would respectfully urge the Committee to give favorable attention to House Joint Resolution 1052, at its upcoming February 29th executive session.

With warm regards and best wishes, I am

Sincerely yours,

CHARLES L. HUBER,
National Director of Legislation.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C.

HON. THADDEUS J. DULSKI,
*Chairman, Post Office and Civil Service Committee,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reference to H.J. Res. 1052 and similar resolutions scheduled for consideration by your Committee on Thursday, February 29.

These are the same resolutions which were the subject of a hearing by your Committee on February 20, 1968, at which time the Veterans of Foreign Wars indicated its support in a statement to the Chairman, which has been made a part of the hearing record.

The purpose of this letter is to reiterate and reaffirm the support of the Veterans of Foreign Wars of the intent of H.J. Res. 1052 and similar resolutions which propose to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment in private industry, where six out of every seven persons are employed.

Private industry has a great and unprecedented opportunity to assist these returning servicemen by giving them priority and preference on jobs for which they are qualified and are available. The purpose of H.J. Res. 1052 is simply to make it the sense of Congress that private industry should give job priority to our returning veterans. There is nothing binding or mandatory about the resolution. It is merely permissive. It will provide a tool or device by which the Government can bring to the attention of private industry that these veterans are re-

turning and the people's representatives in the Congress want them to know that it is the sense of Congress that these veterans be rendered every assistance in their transition back into civilian life.

For these reasons, the Veterans of Foreign Wars hopes that you will give H.J. Res. 1052 and similar resolutions your favorable consideration and vote to report this resolution to the full House at your executive session on February 29.

With kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,

Director, National Legislative Service.

Mr. McCLURE. Mr. Chairman, prior to the adjournment, is there a quorum present?

Mr. DULSKI. There is a quorum present right now.

Mr. McCLURE. Is it your intention then at this time, without further questioning of the witness, to go into consideration of this resolution?

Mr. DULSKI. That was the agreement. There was no objection to the request I have made that the public hearing would be adjourned at 11:30. Since there was no quorum at that time, I continued with the hearing until now.

Mr. McCLURE. Thank you, Mr. Chairman.

Mr. DULSKI. The committee stands adjourned.

(Whereupon, at 11:45 a.m., the public hearing was concluded, and the committee proceeded in executive session.)



