

SENATE—Monday, September 15, 1980

(Legislative day of Thursday, June 12, 1980)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by Hon. WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"God of our life, through all the circling years,
We trust in Thee,
In all the past, through all our hopes
and fears
Thy hand we see."

—H. T. KERR.

Breathe upon us now a sense of Thy continued presence. Fill us with life anew, that we may love what Thou dost love, and do what Thou wouldst do.

Help us, Lord, in our daily work to stay close to Thee that we may serve the Nation as we would serve Thy kingdom. May the call to public service and the duties already imposed upon us here keep us steadfast, alert, and strong amid all change.

Under the shelter of Thy wing,
Still may we dwell secure.
Sufficient is Thine arm alone,
And our defense is sure.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 15, 1980.
To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CREDIT GUARANTEES FOR POLAND

Mr. ROBERT C. BYRD. Mr. President, on Friday afternoon, President Carter announced his decision to extend \$670 million in agricultural credit guarantees to Poland for fiscal year 1981. This action will allow Poland to buy an estimated 4 million tons of grain and other agricultural commodities from American farmers.

I applaud this effort to support the Polish economy in the wake of the historic agreements settling the recent strikes in Poland. The Polish Government has stated that the agreements will be implemented fully. Mr. Stanislaw Kania, the new Communist Party chief, has pledged to see that the reforms are carried out. Initial steps taken in accordance with the agreements seem to validate Mr. Kania's pledge. New independent unions are springing up all over Poland, and workers are lining up to join.

The strikes were debilitating to the already weak Polish economy. But I hope that the agreements made between the workers and their Government, without outside interference, will allow work to recommence and will provide a foundation for future prosperity. It is appropriate for the people of the United States to affirm their friendship with the Polish people by extending to them the largest amount of U.S. credit guarantees ever offered to a single country. The President stated that this aid was in response to an urgent request from Poland.

No one believes that this financial assistance will relieve Poland of all future hardships. But it is important that the Polish people know that they have the support of the people of the world's greatest democracy, the United States of America. It is important that the Polish people share in the bounty of the world's most efficient agricultural producer, the American farmer.

These credit guarantees are an indication that the American people care about Poland and follow its development and its news with special interest. We are witnesses to the events and promises of the last month, and we will watch carefully as the promises of September come to life in the months and years ahead.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

Mr. ROBERT C. BYRD. Mr. President, if the distinguished minority whip

would like any of my time, I will be glad to yield it.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the distinguished majority leader.

THE POSTELECTION SESSION

Mr. STEVENS. Mr. President, I was just reading the CONGRESSIONAL RECORD for Thursday, September 11, and I noticed that my good friend the majority leader had indicated once again that it is the intention to return to session on November 12.

It had been my hope that perhaps the leadership might work toward a continuing authorizing resolution which would negate the necessity to return.

I realize that there is "must" legislation to be completed, but it was my hope that we might avoid the potential discord that is involved in a postelection session in a Presidential election year.

I do not have any speech to make about this. I should just like the Record to show that I again seriously question the concept of being in session after an election in a Presidential election year. My memory of the times I have been here in 1972 and 1976 have convinced me that they are not productive sessions.

I say again to the majority leader that if there is anything we can do or that I can do personally to assist in working out the calendar so that we might avoid a postelection session, it is my hope that he will try to see if it is possible. I note that the majority leader has stated categorically—and I know that when my good friend says something categorically, he believes it and means it—that a postelection session is assured.

It seems to me that with the potential for the change of leadership in the executive branch, and even without it, in a Presidential election year, there is too much for the country to risk to have Congress in session after an election. I cannot believe that there is not some way we can avoid that.

It is my hope that we might discuss this matter with the leadership of the majority party in both Houses, to see if it would be possible to work out an arrangement whereby we would have a continuing resolution which, in fact, would continue the "must" legislation through in the next year, on an authorizing continuing resolution basis, and see if it would be possible to arrive at that type of solution to the problem that confronts us.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the opportunity to respond to the distinguished Senator. I also am

• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

What this amendment does is require an annual report. I have discussed this with my colleagues and the administration and believe it is an acceptable amendment. I ask that it be supported.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, it is true that most Foreign Service personnel are assigned to positions identical to their own personal rank, but somewhat more members are serving above their personal grade than below. I think that the amendment, therefore, would be perfectly in order. There is no opposition at all to submitting such a report. From this side of the aisle, I know of no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina (Mr. HELMS).

The amendment (No. 2304) was agreed to.

● Mr. BAUCUS. Mr. President, I rise in support of S. 3058, the Foreign Service Act of 1980, which is the bipartisan product of several years of study and experience, and which is well-designed to strengthen the Foreign Service of the United States and the conduct of foreign policy.

Events of recent years have vividly demonstrated the need for a strong, professional Foreign Service. The men and women of our Foreign Service are called upon to serve all over the world, often under difficult or hostile conditions. Their task is of vital importance to the security of the United States and to the cause of peace. The legislative basis for the present-day Foreign Service goes back to 1946; the world has changed enormously since then, and so have the demands on our Foreign Service people operating on the front lines in carrying out America's relations with other nations—both friends and adversaries, rich and poor.

I have examined the major provisions of the bill under consideration, and I am satisfied that it brings the mandate and structure of the Foreign Service abreast of the times we now live in; it is an excellent basis for the future development of our professional Foreign Service. This act delineates clearly the criteria characterizing the Foreign Service and setting it apart from the Civil Service, emphasizing the principle of availability for assignment worldwide.

It provides for the highest standards for initial hiring and for promotions and assignments throughout the career, establishing a framework for thorough training in foreign languages and the many other skills of particular importance in the conduct of international relations. At the same time, the present legislation establishes a structure parallel to that of the Civil Service in areas where the two personnel systems are compatible, such as in the establishment of a Senior Foreign Service essentially similar to the Senior Executive Service, and in the commitment to Equal Employment Opportunity.

The Foreign Service Act of 1980 will set our Foreign Service on a sound footing for many years to come, while re-

solving areas of confusion and inequities that have crept in over the years since passage of the 1946 act. It is appropriate that in this year when members of the Foreign Service have been subjected to extreme risks, even of life and liberty, that this body should manifest by passage of this act its concern and high regard for the men and women of the Foreign Service and for the key role they play in the conduct of foreign relations.

I congratulate the managers of the legislation, of both parties and in both houses of Congress, for the excellent work they have done in preparing this act for our favorable consideration, and I urge my colleagues to join me in voting for its passage.●

● Mr. DOLE. Mr. President, the Senator from Kansas rises to speak today in favor of S. 3058, the Foreign Service Act of 1980. This is a piece of legislation long overdue, and many years in the making. Before addressing the merits of the bill, however, I would like to add to the comments of my colleagues in expressing appreciation to the Senator from North Carolina (Mr. HELMS) for his efforts on this subject. The provisions of this bill, which reform and consolidate the Foreign Service legislation enacted since the last comprehensive Foreign Service Act of 1946, have been worked out carefully over a period of years. Many compromises were required before the legislation could reach this point of final passage. The bill is complex, arcane in many areas, and the result of numerous hearings and studies, both by the Congress and the State Department.

In my opinion of the Senator from Kansas, Senator HELMS has done the Senate a signal service by subjecting the committee bill to a final scrutiny. It is necessary in a bill such as this to make sure that the bill as a whole carries out the spirit and intent of its many parts. By offering the substitute for the committee bill and several amendments, the Senator from North Carolina has caused many of his colleagues to review the pending legislation with a sharper focus than otherwise might be the case, and I thank the distinguished Senator from North Carolina.

EQUITY IN PAY

One of the major revisions in this bill is an attempt to make Foreign Service officer (FSO) salary levels relate more closely to other Government pay structures, while reflecting the extra hazards, dangers, and material inconveniences that being in the Foreign Service or our Nation entails. As I have expressed before, the Foreign Service Reform Act is the product of years of discussion and a great deal of lobbying and compromise this year. The House version passed 239 to 78. It has a very good and equitable pay structure which addresses the inadequacies of the present situation, which have occurred over the past several years. The Senate version is very similar; the major difference appears to be the administration attempt to lower the proposed adjustments in pay by using nonspecific language in the Senate bill, in the hope that a lower figure can be

reached as a compromise with the House level in a conference.

The Foreign Service, like the military, has been losing people particularly at the midlevels, and suffers from low morale. The FSO organization essentially claims that the administration's pay structure would equate Foreign Service salaries with comparable Civil Service positions, but not adequately take into account the hazards of FSO careers and the expenses and inconveniences of constant moving overseas. It is estimated, for instance, that for every year served in subequatorial Africa a Foreign Service officer can expect a statistical decrease of several years in life span due to chronic disease or debilitating illness. It is the opinion of the Senator from Kansas that a revision in pay scale, particularly at the midlevels, is long overdue.

SPOUSE RIGHTS

A major amendment, incorporated in the Senate bill, is a provision to allow former wives of FSO's who were unable to pursue careers while accompanying their spouses around the world, to collect part of the pensions after a divorce. The amount would be determined in court during the divorce proceeding. There are some who would delete this provision, preferring to leave to the courts any decision involving alimony and claiming that the courts already have the power to adjudicate the issue. This is not the case in some States and leaves in many cases the divorcee unprotected in the event the FSO dies.

The Senator from Kansas feels the wife of any American diplomat often plays a vital role in representing the United States in international relationships. Frequently in the past she has been expected to be knowledgeable of the affairs of state, culture, language, and social customs acceptable in the country in which her spouse serves. Countless hours have been devoted to the community, all without payment of any kind.

The time and talent diplomatic wives have contributed to our Nation should not be pushed aside, diminished, nor forgotten due to the termination of marriage. As our present laws now stand she has little security against financial disaster. Nor does she have protection under present social security laws since most often the Foreign Service wife is not permitted to pursue her own career while overseas. The passage of this bill will update and strengthen our laws as well as assure and provide the former wives with adequate financial protection upon dissolution of the marriage.

In summary, Mr. President, I believe this bill represents progress in modernizing the Foreign Service while building on the foundations of our postwar tradition of bipartisan foreign policy, administered by a nonpartisan Foreign Service officer corps. The widespread consensus among U.S. diplomats—and I might add that the last three Secretaries of State, at least, support this bill, covering both Republican and Democratic administrations—seems to favor the preservation of the Foreign Service as a separate, special designed corps. This legislation recognizes this long-term de-

velopment and through its changes on pay and other matters, will hopefully add to its future stability and excellence.●

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Third reading.

Mr. PELL. Mr. President, I suggest third reading.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6790.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6790) to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill.

Mr. PELL. Mr. President, I move to strike out all after the enacting clause of H.R. 6790 and substitute therefor the text of S. 3058, as amended.

The PRESIDING OFFICER. Is there objection to the motion? If not, the motion is agreed to.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

The bill (H.R. 6790) was passed, as follows:

H.R. 6790

Resolved, That the bill from the House of Representatives (H.R. 6790) entitled "An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.—This Act may be cited as the "Foreign Service Act of 1980".

SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TABLE OF CONTENTS

- Sec. 1. Short title.
- Sec. 2. Table of contents

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

CHAPTER 1—GENERAL PROVISIONS

- Sec. 101. Findings and objectives.
- Sec. 102. Definitions.
- Sec. 103. Members of the Service.
- Sec. 104. Functions of the Service.
- Sec. 105. Merit principles; protections of members of the Service; and minority recruitment.

CHAPTER 2—MANAGEMENT OF THE SERVICE

- Sec. 201. The Secretary of State.
- Sec. 202. Other agencies utilizing the Foreign Service personnel system.

Sec. 203. Compatibility among agencies utilizing the Foreign Service personnel system.

Sec. 204. Consolidated and uniform administration of the Service.

Sec. 205. Compatibility between the Foreign Service and other Government personnel systems.

Sec. 206. Regulations; delegation of functions.

Sec. 207. Chief of mission.

Sec. 208. Director General of the Foreign Service.

Sec. 209. Inspector General.

Sec. 210. Board of the Foreign Service.

Sec. 211. Board of Examiners for the Foreign Service.

CHAPTER 3—APPOINTMENTS

Sec. 301. General provisions relating to appointments.

Sec. 302. Appointments by the President.

Sec. 303. Appointments by the Secretary.

Sec. 304. Appointment of chiefs of mission.

Sec. 305. Appointment to the Senior Foreign Service.

Sec. 306. Career appointments.

Sec. 307. Entry levels for Foreign Service officer candidates.

Sec. 308. Recall and reemployment of career members.

Sec. 309. Limited appointments.

Sec. 310. Reemployment rights following limited appointment.

Sec. 311. Employment of family members of Government employees.

Sec. 312. Diplomatic and consular commissions.

CHAPTER 4—COMPENSATION

Sec. 401. Salaries of chiefs of mission.

Sec. 402. Salaries of the Senior Foreign Service.

Sec. 403. Foreign Service Schedule.

Sec. 404. Assignment to a salary class.

Sec. 405. Performance pay.

Sec. 406. Within-class salary increases.

Sec. 407. Salaries for Foreign Service personnel abroad who perform routine duties.

Sec. 408. Local compensation plans.

Sec. 409. Salaries of consular agents.

Sec. 410. Compensation for imprisoned foreign national employees.

Sec. 411. Temporary service as principal officer.

Sec. 412. Special differentials and premium pay.

Sec. 413. Death gratuity.

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

Sec. 501. Classification of positions.

Sec. 502. Assignments to Foreign Service positions.

Sec. 503. Assignments to agencies, international organizations, and other bodies.

Sec. 504. Service in the United States and abroad.

Sec. 505. Temporary details.

CHAPTER 6—PROMOTION AND RETENTION

Sec. 601. Promotions.

Sec. 602. Selection boards.

Sec. 603. Basis for selection board review.

Sec. 604. Confidentiality of records.

Sec. 605. Implementation of selection board recommendations.

Sec. 606. Other bases for increasing pay.

Sec. 607. Retirement for expiration of time in class.

Sec. 608. Retirement based on relative performance.

Sec. 609. Retirement benefits.

Sec. 610. Separation for cause.

Sec. 611. Termination of limited appointments.

Sec. 612. Termination of appointments of consular agents and foreign national employees.

Sec. 613. Foreign Service Awards.

CHAPTER 7—FOREIGN SERVICE INSTITUTE, CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

Sec. 701. Foreign Service Institute.

Sec. 702. Foreign language requirements.

Sec. 703. Training authorities.

Sec. 704. Training grants.

Sec. 705. Career counseling.

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Sec. 801. Administration of the System.

Sec. 802. Maintenance of the Fund.

Sec. 803. Participants.

Sec. 804. Definitions.

Sec. 805. Contributions to the Fund.

Sec. 806. Computation of annuities.

Sec. 807. Payment of annuity.

Sec. 808. Retirement for disability or incapacity.

Sec. 809. Death in service.

Sec. 810. Discontinued service retirement.

Sec. 811. Voluntary retirement.

Sec. 812. Mandatory retirement.

Sec. 813. Retirement of former Presidential appointees.

Sec. 814. Former spouses.

Sec. 815. Lump-sum payments.

Sec. 816. Creditable service.

Sec. 817. Extra credit for service at unhealthful posts.

Sec. 818. Estimate of appropriations needed.

Sec. 819. Investment of the Fund.

Sec. 820. Assignment and attachment of moneys.

Sec. 821. Payments for future benefits.

Sec. 822. Unfunded liability obligations.

Sec. 823. Annuity adjustment for recall service.

Sec. 824. Reemployment.

Sec. 825. Voluntary contributions.

Sec. 826. Cost-of-living adjustments of annuities.

Sec. 827. Compatibility between civil service and Foreign Service retirement systems.

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

Sec. 901. Travel and related expenses.

Sec. 902. Loan of household effects.

Sec. 903. Required leave in the United States.

Sec. 904. Health care.

Sec. 905. Representation expenses.

CHAPTER 10—LABOR-MANAGEMENT RELATIONS

Sec. 1001. Labor-management policy.

Sec. 1002. Definitions.

Sec. 1003. Application.

Sec. 1004. Employee rights.

Sec. 1005. Management rights.

Sec. 1006. Foreign Service Labor Relations Board.

Sec. 1007. Functions of the Board.

Sec. 1008. Functions of the General Counsel.

Sec. 1009. Judicial review and enforcement.

Sec. 1010. Foreign Service Impasse Disputes Panel.

Sec. 1011. Exclusive recognition.

Sec. 1012. Employees represented.

Sec. 1013. Representation rights and duties.

Sec. 1014. Resolution of implementation disputes.

Sec. 1015. Unfair labor practices.

Sec. 1016. Prevention of unfair labor practices.

Sec. 1017. Standards of conduct for labor organizations.

Sec. 1018. Administrative provisions.

CHAPTER 11—GRIEVANCES

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Sec. 1102. Grievances concerning former members.

Sec. 1103. Freedom of action.

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Sec. 1105. Foreign Service Grievance Board.

Sec. 1106. Board procedures.

Sec. 1107. Board decisions.

Sec. 1108. Access to records.

Sec. 1109. Relationship to other remedies.

Sec. 1110. Judicial review.