

March 11, 1976

Presiding Officer appointed Mr. MORGAN, Mr. SPARKMAN, Mr. MCINTYRE, Mr. GARN, and Mr. PACKWOOD conferees on the part of the Senate.

### FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1975

The Senate continued with the consideration of the bill (H.R. 8617) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

AMENDMENT NO. 1419

Mr. ALLEN. Mr. President, I call up my amendment No. 1419.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposed amendment No. 1419.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. . That subsection (a) of section 601 of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(1) by striking out in paragraph (2) "Effective" and inserting in lieu thereof the following: "Except as provided in paragraph (3) of this subsection, effective"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) If the President transmits to Congress an alternative plan with respect to a pay adjustment under section 5305(c) (1) of title 5, United States Code, an adjustment under paragraph (2) of this subsection shall become effective as provided in such plan unless, before the end of the first period of thirty calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House of Congress adopts a resolution (separate from any resolution under section 5305 of title 5, United States Code) disapproving the application of such alternative plan to such adjustment in the annual rates of pay for the offices referred to in paragraph (1) of this subsection. The continuity of a session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

"(B) The provisions of sections 5305 (d) through (k) of title 5, United States Code, shall apply to a resolution of disapproval under subparagraph (A) of this paragraph."

Mr. ALLEN. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from New Hampshire (Mr. DURKIN) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I send to the desk a modification of the amendment and ask unanimous consent that the reading of the modification be dispensed with inasmuch as I will explain the crux of the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

At the end of the bill add the following new section:

SEC. . That subsection (a) of section 601 of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(1) by striking out in paragraph (2) "Effective" and inserting in lieu thereof the following: "Except as provided in paragraph (3) of this subsection, effective"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) If the President transmits to Congress an alternative plan with respect to a pay adjustment under section 5305(c) (1) of title 5, United States Code, an adjustment under paragraph (2) of this subsection shall become effective as provided in such plan unless, before the end of the first period of thirty calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House of Congress adopts a resolution (separate from but in addition to any resolution under section 5305 of title 5, United States Code) disapproving the application of such alternative plan to such adjustment in the annual rates of pay for the offices referred to in paragraph (1) of this subsection. The continuity of a session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. If both Houses of Congress fail to pass a resolution within such thirty day period disapproving the President's plan under Section 5305 of Title 5, U.S. Code, such plan of the President shall be applicable to all employees covered by such plan, including Members of Congress, and the provisions of this paragraph requiring a separate resolution as to Members of Congress shall be inapplicable.

"(B) The provisions of section 5305 (d) through (k) of title 5, United States Code, shall apply to a resolution of disapproval under subparagraph (A) of this paragraph."

Mr. ALLEN. Mr. President, this amendment has reference to the annual adjustment of the compensation of Federal employees.

I believe, Mr. President, that this amendment would do more for the Federal employees than this entire bill, which would seek to put the Federal employees into politics. I do not favor the bill itself but, if the bill is not passed, I would like to see this amendment passed.

As we all recall last year, Congress put the Members of Congress, House of Representatives and Senate, under the compensation provisions applicable to Federal employees. And under that system the President's Pay Council recommends an appropriate increase or adjustment in the compensation of Federal employees, and the President can allow that recommendation to stand or he can offer an alternate plan.

Congress in its wisdom put the Members of Congress under this very same plan, and as I argued in the Chamber at the time it created an instant conflict of interest on the part of Members of Congress in voting on that issue, because under this plan if the President submits an alternate plan recommending less than the Pay Council recommends, that alternate plan goes into effect as to Federal employees and as to Members of Congress, unless one House or the other inside of 30 legislative days passes a resolution overruling or striking down the President's plan.

Last year when the President's plan

was allowed to stand and the lesser amount was ordered as an increase in compensation I believe the issue was 8.6 or 5 percent. The 5 percent, as recommended by the President, was allowed to stand. One of the principal reasons the President's plan was allowed to stand was that Members of Congress did not want to vote for the higher amount for themselves because there was a conflict of interest and the Members did not feel that they should vote the higher amount for themselves. As a result, the President's plan was allowed to stand. It was not stricken down.

The purpose of this amendment is to provide that there will be a separate vote on this issue as to Members of Congress. If the President submitted an alternate plan and a resolution were offered striking down that plan, there would be separate votes, first as to all Federal employees, except Members of Congress, followed then by a vote on the compensation of the Members of Congress. As a practical result, then, even if the Pay Council recommended one figure and one house of Congress struck down the President's alternate plan, so that the recommendation of the Pay Council would go into effect as to Federal employees, that would not go into effect as to Members of Congress unless on a separate vote one house or the other of Congress would strike down the President's recommendation.

That would remove the conflict of interest on the first vote. I feel that it would allow this issue to be determined on its merits, as to whether the pay council's recommendation would apply or the President's alternate plan would apply. There would be no conflict of interest, because members could vote for the higher recommendation of the pay council, or they could vote for the lower recommendation of the President, without being involved in a conflict of interest. Then there would be a separate vote for themselves.

As a result, we could find the Federal employees generally receiving the higher amount and Congress, or one House of Congress, in its wisdom, saying, "No, we're going to stick by the President's plan." That is all the amendment would do.

I believe this is something we should do for the Federal employees, to remove this conflict of interest. It would mean more in the long run to the Federal employees than this whole issue of putting them back into politics.

I might say, while we are talking about the bill, that I was very interested in the remarks of the distinguished junior Senator from Maryland (Mr. BEALL) who, together with the Senators from Virginia, doubtless represents more Federal employees than possibly any other Senators, certainly any other Senators of States of that size. He says that he has found only a small percentage of Federal employees who want to be put back into politics. I think we are doing a disservice to the Federal employees by putting them back into politics.

As to the Hatch Act and the general thrust of it, it is more or less a quid pro quo equation that there would be job security for Federal employees, but in re-

Mr. FORD. The chairman, the floor leader, is away from the Chamber.

Mr. FONG. I will make the motion to table.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

Mr. ALLEN. Mr. President, the rollcall is in progress.

The PRESIDING OFFICER. The clerk has not heard a response.

Mr. FONG. I move to table.

Mr. ALLEN. The Senator from Alabama voted "Aye."

The PRESIDING OFFICER. The clerk has not heard a response, the Chair will have to rule. The clerk will call the roll to establish the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. As I understood the floor manager, and in courtesy to him, he stated he wanted to move to table. I want to protect him on that position, although it is not really in my best interests at the moment.

Mr. FONG. As a surrogate, Mr. President, I move to table.

I ask unanimous consent, Mr. President, that the request for a yea and nay vote be transferred to this motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll on the motion to table.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTÓYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. McCLURE), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Nebraska (Mr. HRUSKA) would vote "yea."

The result was announced—yeas 57, nays 30, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—57

Baker	Culver	Glenn
Bartlett	Curtis	Gravel
Beall	Dole	Griffin
Bellmon	Domenici	Hansen
Brock	Durkin	Hartke
Brooke	Eagleton	Haskell
Buckley	Fannin	Hatfield
Burdick	Fong	Hathaway
Cannon	Ford	Hollings
Case	Garn	Huddleston

Jackson	Moss	Stevens
Javits	Muskie	Stevenson
Kennedy	Packwood	Stone
Laxalt	Pastore	Taft
Magnuson	Pearson	Thurmond
McClellan	Pell	Tower
McGee	Proxmire	Williams
McIntyre	Scott, Hugh	Young
Metcalf	Scott,	
Mondale	William L.	

NAYS—30

Allen	Hart, Gary	Randolph
Bayh	Hart, Philip A.	Ribicoff
Bentsen	Helms	Roth
Biden	Humphrey	Schweiker
Bumpers	Johnston	Sparkman
Byrd	Leahy	Stennis
Harry F., Jr.	Long	Symington
Byrd, Robert C.	Mansfield	Talmadge
Chiles	Morgan	Welcker
Clark	Nelson	
Cranston	Nunn	

NOT VOTING—13

Abourezk	Inouye	Percy
Church	Mathias	Stafford
Eastland	McClure	Tunney
Goldwater	McGovern	
Hruska	Montoya	

So the motion to lay on the table was agreed to.

Mr. MCGEE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HELMS). The bill is open to further amendment.

Mr. MCGEE. Mr. President, while Senators are here, may we have the yeas and nays on the Allen amendment now pending?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MCGEE. Does the Senator from Ohio want a rollcall?

Mr. TAFT. Mr. President, I do not want one at this time. I may wish to modify my amendment.

Mr. MCGEE. May we have the yeas and nays on the Scott amendment also?

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays on the Scott amendment and the Allen amendment with one show of hands?

The Chair hears none, and it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCGEE. Mr. President, may I ask the majority whip about the procedure here?

We have agreements worked out so that there would be an hour to be equally divided on the Allen amendment, with the understanding, at least at this point, that it is going to take less than half of this time. It is simply a protective framework; an agreement with the Senator from Ohio that there will be a half hour equally divided, if that is agreeable.

Mr. TAFT. Yes.

Mr. MCGEE. And I ask Mr. WILLIAM SCOTT about his amendment.

Mr. WILLIAM L. SCOTT. I do not know how long it will take. Could we have an hour? I do not think we will take that much.

Mr. MCGEE. And then the Senator will yield back the remaining time.

So there will be an hour on the amendment of Senator WILLIAM L. SCOTT, to be equally divided, with probably some of that time yielded back.

Mr. ROBERT C. BYRD. Mr. President, I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. MCGEE. I seized the floor. Anyone can have it, if they should want it.

Mr. ROBERT C. BYRD. Mr. President, I compliment the managers of the bill on both sides for the progress that has been made and compliment all Senators, for that matter. If the Senate completes action on the pending measure, which hopefully it will, and all indications are that it will, and if the Senate also completes action on the debt limit measure today, which is a must before the Senate goes out tomorrow, I am advised by the distinguished majority leader that there will be no session tomorrow. So this would mean we may have to work a little late today.

I thank the Senator.

Mr. MCGEE. Mr. President, I ask unanimous consent that Martha Weisk of Senator CRANSTON's office be granted privileges of the floor during the remainder of consideration of H.R. 8617.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that Jane Ellsworth of my staff have privileges of the floor during consideration and voting on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Miss Joanne O'Neal of my staff have privileges of the floor during consideration and voting on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMISSION ON SMALL BUSINESS

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2498.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendments of the House of Representatives to the bill (S. 2498) to amend the Small Business Act to transfer certain disaster relief functions of the Small Business Administration to other Federal agencies, to establish a National Commission on Small Business in America, and for other purposes.

(The amendments of the House are printed in the Record of December 17, 1975, beginning at page H12742)

Mr. ALLEN. Mr. President, I move that the Senate disagree to the amendments of the House on S. 2498 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the

turn for that, they would give up political activity.

So what we are doing here, if this bill becomes law, is knocking out one part of the equation, so that there still is job security, and that is fine. I approve of that. I do not think we should have the spoils system. At the same time, however, I do not think we should knock out the other half of the equation—that is, knock out the noninvolvement in politics.

So this is not an unmixed blessing for the Federal employees, to be allowed to go into politics. Surely, the present Hatch Act does put a curb on activities of Federal employees; but it also protects Federal employees from unnecessary political harassment.

I believe that the Federal employees benefit by the present system, and I do not think it is right to force them into politics and subject them to harassment by other Federal officials who are turned loose in the political arena. So I think we are doing a disservice to Federal employees.

A large percentage of the mail I have received on this subject from Federal employees has been in opposition to any change.

The distinguished floor manager of the bill refers to this as bringing the Hatch Act up to date. I do not believe it needs to be brought up to date, if it means turning 3 million Federal employees out on the political hustings. I believe we are going to protect the Federal employees best if we leave them protected from political activity. I believe that is the way to protect the Federal employees, while the bill is under consideration. If it should happen to pass and escape a veto, which I am skeptical of, and in case the veto should be overridden, and I am skeptical of that, I feel that we also should change the procedure on the adjustment of compensation, so that they would have a fair chance and a fair break on the adjustment of their compensation.

Mr. FONG. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. FONG. If the President says, "We will give them 5 percent," and the pay board says, "We should give them 8 percent," and we do nothing, there is no vote. Is that correct?

Mr. ALLEN. There is no vote on either issue.

Mr. FONG. But if we say that we disagree with the President, then we will have to vote on that question, and that means that the 8 percent will go into effect?

Mr. ALLEN. Eight percent would go into effect as to Federal employees. Then there would be a separate vote as to Members of Congress.

Mr. FONG. To see whether we keep the 8 percent or 5 percent?

Mr. ALLEN. That is correct. So we could have a situation in which the Federal employees would receive the increase and the Members of Congress would not. But, conversely, we could not have the other situation, in which Members of Congress would receive the increase and the Federal employees would not.

Mr. FONG. I thank the Senator.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. TAFT. Mr. President, I find myself in agreement with the distinguished Senator from Alabama, both as to his amendment and as to his comments on the bill.

For a couple of years, I have had proposed legislation pending, S. 908, which would take Congress out from under the commission procedure entirely, which I think would be a better remedy even than the proposed amendment. At least, the amendment would go halfway in the right direction of eliminating the conflict of interest involved. What it would not do, however, in my opinion, would be to put down clearly enough what I think is the responsibility of Congress to set its own salaries and tell the public they think they are worth that amount.

The Senator has a good point. I hope that at some time we will have hearings on the proposed legislation that I mentioned previously to the distinguished chairman on the floor a number of times, to take us out from under this commission situation entirely, to see if we can muster enough support and receive enough understanding on the part of Members and the public to face up to this matter in the way we should.

Mr. ALLEN. I agree entirely with the distinguished Senator from Ohio. It is only half a loaf. I would like to have the Members of Congress out from under the salary adjustment provision for Federal employees. This is not an effort to do that. I know that at this time we could not pass that proposal. At the appropriate time, I will be happy to join the Senator from Ohio in attempting to take the Members of Congress out from under the Commission.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. McGEE. I do not want to interfere with the Senator from Alabama. I am supporting his amendment but not the ad hoc remarks he has been making about the bill. I think his amendment has substantive quality. However, I believe our language may be causing some confusion.

The committee, in the refinement of the pay mechanism, distinguished between cost-of-living adjustments and salary adjustments. We already have a salary adjustment process. In the past, these adjustments have occurred at irregular intervals. The corrective legislation that we put in after the salary adjustment approach failed, was intended to tie the process to the cost of living.

We think it is important that both of these adjustments not be addressed in the same context. They are two different things. That is why I believe the Senator's amendment makes real input regarding the refinement of the cost-of-living mechanism and yet it also keeps Congress responsible. For that reason I am going to recommend that his amendment be supported.

At the appropriate time, I should like to submit the amending language which simply makes it clear that our action applies to Congress as well as legislative

employees and others directly responsible to Congress. There should be no distinction, in order that employees do not end up making more money than Senators.

Mr. ALLEN. I have seen the perfecting amendment, and I agree.

Mr. McGEE. Would it be all right if I were to submit it now?

Mr. ALLEN. Yes.

Mr. McGEE. Mr. President, I send to the desk the amending language, in order to clarify the point that is already in the Senator's amendment. I can explain this, in order to help the clerks of the Senate figure out what I mean.

All this does is list the exemptions under the other procedure, so as to say that no employee of this body or anyone appointed by this body can receive higher salaries than are received by Members of this body. That is all this amendment does.

The point is that even though other salaries in the Federal Government may go higher under the other formula which exists, this could not happen within the context of the two legislative bodies. The object is simply to make the language consistent with the intent. We do not want any ambiguity.

Mr. ALLEN. I accept that.

The PRESIDING OFFICER. Is the Senator submitting this as a modification?

Mr. McGEE. It is a modification to the Senator's amendment. He is willing to accept it.

Mr. ALLEN. Yes, I shall modify my amendment to include the amendment of the distinguished Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was modified as follows:

On page 1, line 1, strike out "That subsection" and insert in lieu thereof the following: "(a) Subsection".

On page 2, immediately after line 20, insert the following:

(b) Notwithstanding any other provision of law, the rate of pay of—

(1) any officer or employee of the Senate or the House of Representatives or of the Congress,

(2) the Comptroller General of the United States, the Deputy Comptroller General of the United States, the General Counsel of the United States General Accounting Office, and any other officer or employee of the United States General Accounting Office,

(3) the Librarian of Congress, the Deputy Librarian of Congress, and any other officer or employee of the Library of Congress,

(4) the Architect of the Capitol, the Assistant Architect of the Capitol, and any other officer or employee of the Office of Architect of the Capitol,

(5) the Public Printer, the Deputy Public Printer, and any other officer or employee of the Government Printing Office,

(6) the Director of the Congressional Budget Office, the Deputy Director of the Congressional Budget Office, and any other officer or employee of the Congressional Budget Office,

(7) the Director of the Office of Technology Assessment and any other officer or employee of the Office of Technology Assessment, and

(8) any officer and employee of the Botanic Garden, shall not exceed the rate of pay for a Member of Congress.

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Mr. ALLEN. Mr. President, I have already requested that the distinguished Senator from New Hampshire (Mr. DURKIN) be added as a cosponsor. I also ask unanimous consent that the distinguished Senator from North Carolina (Mr. HELMS) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE. May I say the Senator has strange bedfellows in support of his amendment. That attests to its quality.

Mr. ALLEN. I do not know that the distinguished Senator from New Hampshire would like me to recall his first vote in the Senate. I remember it quite well because I took quite an interest in this New Hampshire matter and did the distinguished Senator from New Hampshire a great favor here, some months ago, when I helped send that election back to the people of New Hampshire to decide that issue. They decided it in no uncertain terms.

I remember very distinctly the distinguished Senator's first vote in the Senate. He voted to sustain the President's alternate plan. I believe he would like to have voted to give the Federal employees the full 8.6 percent, but he did not want to vote for the maximum increase for himself. So in a very statesmanlike fashion, he voted in favor of the President's plan—that is, against overruling. I hope that the distinguished Senator from New Hampshire will take the type of vote that he cast on that issue, and apply that same reasoning to other votes that he is going to cast in the Senate during his 6-year term—or much longer, for that matter.

Mr. TAFT. Will the distinguished Senator from Wyoming yield to me a couple of minutes' time?

Mr. MCGEE. I shall be glad to yield a couple of minutes to the distinguished Senator, on either side.

Mr. TAFT. I thank the distinguished Senator. It is not on either side.

I merely wish to say with regard to the remarks of the distinguished Senator from Wyoming about the cost of living aspect of the problem that I fully understand that. I wish to say that insofar as salary matters are concerned, particularly our own salaries, if my constituents are any gauge of a course that we ought to follow, they directly tie pretty much what does happen to the cost of living with what we ought to do about setting our own salaries. When the cost of living goes up, some of them feel even more strongly that we should not be raising our own salaries, and the case would be on the other side.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. MCGEE. We have nothing more to add here.

Mr. FONG. I yield back my time.

Mr. MCGEE. I yield back my time, so we may proceed to vote on the Senator's amendment.

May I say that a vote of "aye" accepts the adjustment in the cost of living formula so that the Senate, in the event of disagreement with the President's recommendation, would then be required to cast two separate votes: one increas-

ing the percentage for Federal employees; the other to record the vote on whether they would increase it for Members of Congress as well. I intend to vote "aye" on this amendment, as does my colleague. Thus, the committee is recording its vote in favor of the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Missouri (Mr. SYMINGTON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON) would vote "yea".

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. McCLURE), the Senator from Illinois (Mr. PERCY), the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 69, nays 14, as follows:

[Rollcall Vote No. 66 Leg.]  
YEAS—69

Allen	Ford	Mondale
Baker	Garn	Moss
Bartlett	Glenn	Muskie
Beall	Griffin	Nelson
Bellmon	Hansen	Nunn
Bentsen	Hart, Gary	Pastore
Biden	Hart, Philip A.	Pearson
Brock	Hartke	Pell
Brooke	Haskell	Proxmire
Bumpers	Helms	Randolph
Burdick	Hollings	Roth
Byrd	Huddleston	Schweiker
Harry F. Jr.	Humphrey	Scott, Hugh
Byrd, Robert C.	Jackson	Sparkman
Cannon	Johnston	Stevenson
Chiles	Kennedy	Stone
Culver	Laxalt	Taft
Curtis	Leahy	Talmadge
Dole	Long	Thurmond
Domenici	Magnuson	Tower
Durkin	Mansfield	Weicker
Eagleton	McClellan	Williams
Fannin	McGee	
Fong	Metcalf	

NAYS—14

Bayh	Hathaway	Packwood
Buckley	Javits	Scott
Case	Mathias	William L.
Clark	McIntyre	Stennis
Hatfield	Morgan	Stevens

## NOT VOTING—17

Abourezk	Hruska	Ribicoff
Church	Inouye	Stafford
Cranston	McClure	Symington
Eastland	McGovern	Tunney
Goldwater	Montoya	Young
Gravel	Percy	

So Mr. ALLEN's amendment (No. 1419), as modified, was agreed to.

Mr. MCGEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FONG. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MCGEE. Mr. President, if I may have 1 minute before we turn to the amendment of the Senator from Ohio, I inadvertently violated an agreement because I was busy doing something else at the time.

We are accepting an amendment by the Senator from Florida. It is a language clarification amendment. We are willing to accept that.

Mr. STONE. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:  
The Senator from Florida (Mr. STONE) proposes an amendment.

The amendment is as follows:

On page 19, beginning on line 18, strike out all through page 20, line 7, and insert in lieu thereof the following:

§ 7329. Penalties

"(a) Subject to and in accordance with section 7328 of this title, an employee who is found to have violated any provision of—

"(1) section 7323 of this title shall, upon a final order of the Commission, be suspended without pay from such employee's position for a period not less than ninety days, or shall be permanently removed in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title):

"(2) section 7324 or 7325 of this title shall, upon a final order of the Commission, be—

"(A) removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title) for such period as the Commission may prescribe;

"(B) suspended without pay from such employee's position for such period as the Commission may prescribe; or

"(C) disciplined in such other manner as the Commission shall deem appropriate."

Mr. STONE. Mr. President, the Federal Employees' Political Activities Act, H.R. 8617, seeks to give Federal employees the fullest possible right to participate in the American political process. It attempts to strike a fairer balance between the individual rights of 3 million citizens in Government service and the need of the Federal Government to have impartial, nonpartisan administration of its programs.

While this bill goes a long way toward achieving its stated goals, I believe that there is one serious flaw in it which needs to be remedied. That flaw is the lack of any mandatory penalty for the use of official authority to affect the result of