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APPROVED
JAN 3-1975

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: January 4

January 2, 1975

Posted 1/4/75
To ARCHIVES
1/6/75

MEMORANDUM FOR: THE PRESIDENT

FROM: KEN *COLE*

SUBJECT: Enrolled Bill S. 251
Relief of Frank P. Mutto, et al

Attached for your consideration is S. 251, sponsored by Senators Hruska and Eastland, which would grant Civil Service Retirement credit to 15 individuals for periods of service in non-Federal positions with Congressional Campaign Committees.

BACKGROUND

These fifteen individuals have been employed as photographers by the Democratic and Republican Campaign Committees in the Senate and House of Representatives for varying periods of time. Four of the individuals were placed on the Senate payroll in October 1962. The eleven others were to be placed on the House payroll January 1, 1975. Similar legislation has passed the Senate Judiciary Committee since 1962, but until this year it always died in the House Ways and Means Committee because the House photographers were not on the House payroll.

The Civil Service Commission, although not invited to testify, strongly opposed this legislation.

ARGUMENTS FOR SIGNING

Both Committees feel:

--A precedent was established when the Capitol Guides received similar treatment in 1970.

--These photographers are doing the same job as they did before they became employees of the Congress.



--These employees essentially perform services for Congress and thus, as a practical matter, have been Federal employees.

ARGUMENTS FOR VETO

The Civil Service Commission argues:

--The Capitol Guide example is not applicable because the bill does not extend Civil Service retirement benefits to all Congressional Campaign Committee employees but only to the 15 individuals specified in the bill.

--Campaign Committees are not part of the Legislative Branch and thus, persons employed by them are not Federal employees.

--This would create a precedent which would weaken the service credit concept and encourage other individuals and groups with non-Federal service to seek similar benefits.

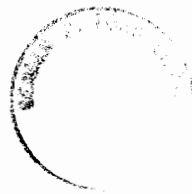
--The benefits would far exceed the contributions and add several thousand hundred dollars of unfunded liability to the Retirement Fund.

O'Neill provides additional background information in his enrolled bill report (Tab A).

RECOMMENDATIONS

Marsh and Friedersdorf (Loen) strongly recommend approval (Tab B) and indicate that there was only one vote (Moorhead) against the bill in House Judiciary Committee consideration, and it was passed by both Houses unanimously on voice vote with the Speaker and Minority Leader Rhodes supporting the bill in Committee.

Phil Areeda recommends approval because it is a Congressional housekeeping matter, as well as an inappropriate time to offend Eastland and Hurska whom he believes have expended great effort in support of the legislation.



OMB and CSC both recommend Pocket Veto based on merit as well as the problems a precedent would pose. A memorandum of disapproval has been prepared and approved by Paul Theis (Tab C).

DECISION - S. 251

Sign (Tab D) _____

Pocket Veto _____
(Sign memorandum of
disapproval at Tab C)

Marsh
Friedersdorf
Areeda
Cole

O'Neill
Civil Service Commission





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 30 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 251 - For the relief of
Frank P. Muto, et al
Sponsor - Sen. Hruska (R) Nebraska and
Sen. Eastland (D) Mississippi

Last Day for Action

January 4, 1975 - Saturday

Purpose

Grants civil service retirement credit to 15 individuals for periods of service in non-Federal positions with congressional campaign committees.

Agency Recommendations

Office of Management and Budget

Disapproval (Memorandum of Disapproval attached)

Civil Service Commission

Disapproval (Veto Message attached)

Discussion

The 15 individuals named in S. 251 have been employed as photographers by the Democratic and Republican campaign committees in the Senate and House of Representatives for varying periods of time. The first four named in the bill were so employed with Senate campaign committees prior to October 2, 1962, when they were placed on the Senate payroll. The 11 others--now serving on the House campaign committees--are to be placed on the House payroll on January 1, 1975.



S. 251 would provide that their prior service with the campaign committees shall be deemed Federal service for the purposes of computing civil service retirement annuities. The bill would also give the affected employees the option of depositing in the retirement fund the required employee contribution for the period in question or taking a permanent 10 percent reduction in annuity, in accordance with civil service law. S. 251 would also bar dual receipt of social security benefits for the same period.

Although neither the Senate nor the House Judiciary Committee requested the views of the Civil Service Commission on this legislation, CSC strongly opposed it in a voluntary report to the House Committee and in informal contacts with the Senate Committee, for reasons given below.

The reports of both Committees cite several reasons for their favorable action on the bill.

(1) They believed that a precedent for such action is contained in the Legislative Reorganization Act of 1970, when those who were serving as Capitol Guides were made Federal employees. All prior service as Capitol Guides was deemed creditable for purposes of civil service retirement.

(2) The service rendered by these persons as photographers was the same both before and after they became official employees of the Congress.

(3) During the period in question, the employees named in this bill had jobs which were of service to Members of the Congress and their committees; thus, as a practical matter, they performed the duties which would be those of legislative employees.

CSC, in its report to the House Committee and its views letter on the enrolled bill, strongly objects to the bill for the following reasons:

(1) Comparison of the service of the employees included in S. 251 with that of the Capitol Guides is not valid. The Legislative Reorganization Act of 1970 transferred the Capitol Guide Service as an organization from non-Federal to Federal status. All of its employees were defined to be congressional



employees, and all of their service was to be considered Federal service. S. 251, however, does not propose to recognize all service for the Senate and House campaign committees as Federal service. The enrolled bill proposes to allow civil service retirement credit only for those individuals specified in the bill.

(2) Even though these individuals may have performed services for Members of Congress while they worked for the campaign committees, the latter are not part of the legislative branch of the Federal Government, and persons employed by them are not Federal employees.

(3) CSC's basic objection to proposals of this nature is "the absence of any reasonable basis for the Government to assume an obligation to pay annuity based on service which was rendered for some other employer. Furthermore, to allow these individuals credit for such service would create an undesirable precedent which would weaken the service credit concept and would encourage other individuals and groups with non-Federal service to seek the same benefits."

CSC noted in its report to the House Committee that the value of the proposed additional benefits to which the affected employees would be entitled would substantially exceed the required deposits or reduction in annuity. CSC staff estimate that enactment of S. 251 would add several hundred thousand dollars to the unfunded liability of the Civil Service Retirement Fund.

CSC urges that you not approve this enrolled bill.

Ordinarily, we tend to defer to the Congress on matters affecting its operations. Because of the precedential problems posed by S. 251, however, which could reach beyond the legislative branch, and because we concur with CSC on the merits, we believe this bill should not be approved.

A draft of a Memorandum of Disapproval is attached for your consideration.


for Director

Enclosures



THE WHITE HOUSE

WASHINGTON

December 31, 1974

MEMORANDUM FOR: PAUL H. O'NEILL

THRU: COUNSELLOR JOHN MARSHALL

FROM: VERN LOEN

SUBJECT: Enrolled Bill S. 351 - For the relief of Frank P. Muto, et al

Similar bills have been passed regularly by the Senate since its Democratic and Republican campaign photographers were placed on the Senate payroll in 1962; however, it always died in the House Judiciary Committee until this year because the House photographers were not on the House payroll.

XXXX
Inasmuch as they will be official House employees on January 1, 1975, and inasmuch as they have provided a legitimate service to visiting taxpayers as well as to Members of Congress during all these years, and furthermore since the Capitol Guides received full credit for prior service when they became Federal employees, the Office of Legislative Affairs would recommend that the President sign this bill.

These photographers will be required to forfeit all of their Social Security contributions and future benefits. They will have to make substantial back-payments into the Civil Service Retirement Fund in order to receive retro-active benefits.

A case in point: Bill Brockhurst, the chief House Republican photographer who is well known to the President, has served the Congress since 1950. He is 62 years old and his salary is only \$16,000 a year. The highest paid of these photographers makes about \$20,000 a year.

A special Judiciary Committee study found the only other group that might conceivably qualify might be a small number of employees of the House and Senate Credit Unions. It was deemed quite unlikely they could make a successful case for similar treatment.

The Civil Service Commission estimated the total cost of this bill to the Civil Service Retirement Fund could be as much as \$325,000, according to actuarial estimates.

There was only one vote (Carlos Moorhead) against the bill in House Judiciary Committee consideration. It passed both Houses of Congress unanimously on voice vote. The Speaker & Minority Leader Rhodes supported the bill in committee.

cc: Ken Cole, Geoff Shepard

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 251, a bill which would provide civil service retirement credit to 15 named individuals for their periods of employment with the campaign committees of the Senate and House of Representatives.

Although these committees provide regular and continuing service to members of the Senate and House, they are technically not part of the legislative branch of the Federal Government and persons employed by these committees have not in the past been considered Federal employees. Accordingly, I believe that this preferential legislation is unjustified since it would not only authorize civil service retirement credit for non-Federal employment, but would single out certain employees of these committees for such credit and exclude others.

To allow these individuals credit for such service would require the Government to assume an obligation to pay annuity based on service rendered for some other employer. It could create an undesirable precedent and weaken the service credit concept by encouraging other groups of non-Federal employees to seek the same benefits.

Proponents of this bill have cited as a precedent the Capitol Guide Service which in 1970 became a Federal organization. I question the validity of this comparison. Under the Legislative Reorganization Act of 1970, the Capitol Guide Service was transferred as an organization from non-Federal to Federal status. Thus, all of its employees were defined to be Federal employees and all of their service was to be considered Federal service. S. 251 does not

propose to recognize all such service for the Senate and House campaign committees as Federal service, but rather singles out a small group of people for special benefits not available to others who are similarly situated.

Accordingly, I am unable to approve S. 251.

THE WHITE HOUSE,



THE WHITE HOUSE

WASHINGTON

December 31, 1974

MEMORANDUM FOR: PAUL H. O'NEILL
THRU: COUNSELLOR JOHN MARSH
FROM: VERN LOEN *VL*
SUBJECT: Enrolled Bill S. 351 - For the relief of
Frank P. Muto, et al

Similar bills have been passed regularly by the Senate since its Democratic and Republican campaign photographers were placed on the Senate payroll in 1962; however, it always died in the House Judiciary Committee until this year because the House photographers were not on the House payroll.

Inasmuch as they will be official House employees on January 1, 1975, and inasmuch as they have provided a legitimate service to visiting taxpayers as well as to Members of Congress during all these years, and furthermore since the Capitol Guides received full credit for prior service when they became Federal employees, the Office of Legislative Affairs would recommend that the President sign this bill.

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A special Judiciary Committee study found the only other group that might conceivably qualify might be a small number of employees of the House and Senate Credit Unions. It was deemed quite unlikely they could make a successful case for similar treatment.

The Civil Service Commission estimated the total cost of this bill to the Civil Service Retirement Fund could be as much as \$325,000, according to actuarial estimates.

There was only one vote (Carlos Moorhead) against the bill in House Judiciary Committee consideration. It passed both Houses of Congress unanimously on voice vote. The Speaker & Minority Leader Rhodes supported the bill in committee.

cc: Ken Cole, Geoff Shepard

Marsh = sign



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 30 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 251 - For the relief of
Frank P. Muto, et al
Sponsor - Sen. Hruska (R) Nebraska and
Sen. Eastland (D) Mississippi

Last Day for Action

January 4, 1975 - Saturday

Purpose

Grants civil service retirement credit to 15 individuals for periods of service in non-Federal positions with congressional campaign committees.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of Disapproval attached)
Civil Service Commission	Disapproval (Veto Message attached)

Discussion

The 15 individuals named in S. 251 have been employed as photographers by the Democratic and Republican campaign committees in the Senate and House of Representatives for varying periods of time. The first four named in the bill were so employed with Senate campaign committees prior to October 2, 1962, when they were placed on the Senate payroll. The 11 others--now serving on the House campaign committees--are to be placed on the House payroll on January 1, 1975.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 925 926

Date: December 30, 1974

Time: 10:00 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

Paul Theris ✓ 12/21/74

8/1/04

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, ^{Dec} January 31

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill S. 251 - For the relief of Frank P. Muto, et al

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

1974 DEC 31 AM 8 32

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

I am withholding my approval from S. 251, a bill which would provide civil service retirement credit to 15 named individuals for their periods of employment with the campaign committees of the Senate ^{and} House of Representatives. *Although these ~~campaign~~ committees provide regular and continuing service to members of the Senate and House, they are technically* ~~These campaign committees are~~ not part of the legislative branch of the Federal Government and persons employed by these committees ~~are not~~ *have not in the past been considered* Federal employees. Accordingly, I believe that this preferential legislation is unjustified since it ^{not only} would authorize civil service retirement credit for non-Federal employment, *but would single out certain employees of these committees for such credit and exclude others.*

To allow these individuals credit for such service would require the Government to assume an obligation to pay annuity based on service rendered for some other employer. It ~~could~~ ^{and} create an undesirable precedent which would weaken the service credit concept ^{by} ~~and~~ encourage ^{ing} other groups of non-Federal employees to seek the same benefits.

Proponents of this bill have cited as a precedent the Capitol Guide Service which in 1970 became a Federal organization. *Question the validity of* I ~~do not~~ believe this comparison ~~is valid~~. Under the Legislative Reorganization Act of 1970, the Capitol Guide Service was transferred as an organization from non-Federal to Federal status. Thus, all of its employees were defined to be Federal employees and all of their service was to be considered Federal service. S. 251 does not *recognize all such service for* *as Federal service,* propose to federalize the Senate and House campaign committees.



but rather singles out a small group of people for special benefits not available to others who are similarly situated.

Accordingly, I am unable to approve S. 251.

THE WHITE HOUSE

January 1975

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 925

Date: December 30, 1974

Time: 10:00 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf *sign*
Phil Areeda *sign*
Paul Ther...

cc (for information): Warren Hendrick
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, January 31

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill H. 251 - For the relief of Frank P. Muto, et al

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 925 926

Date: December 30, 1974

Time: 10:00 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, January 31

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill S. 251 - For the relief of Frank P. Muto, et al

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sign the bill: ① It is Congressional housekeeping; and ② this is not the time to offend Eastland & Hruska who expended great effort in support of the bill, 2 dem told.

P Areeda

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

December 26, 1974

Honorable Roy L. Ash
Director, Office of Management and
Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for
Legislative Reference

Dear Mr. Ash:

This is in reply to your request for the Commission's views on enrolled enactment S. 251, a bill "For the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Junior, Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal."

On September 17, 1973, the Commission submitted to the Chairman of the House Judiciary Committee its views on S. 251 which at that time provided that the first four individuals named above should be deemed entitled to Civil Service Retirement credit for service performed prior to October 2, 1962, for the Democratic or Republican Senatorial Campaign Committees. The Senate had passed S. 251 on May 23, 1973 despite strong opposition by the Commission. The House passed S. 251 in amended form on December 17, 1974. The Senate agreed to the House amendments on December 19, 1974.

As amended, the enrolled bill provides that the individuals named in its title (11 individuals were added by the House amendments) shall be deemed entitled to Civil Service Retirement credit. This retirement credit would be subject to certification by either the President of the Senate, for service performed prior to October 2, 1962 for the Democratic or Republican Senatorial Campaign Committees, or by the Speaker of the House, for service performed prior to January 1, 1975 for the Democratic National Congressional Committee or Republican Congressional Committee.

Prior to the dates cited in the bill, these individuals were employed by campaign committees of the Senate and House of Representatives. These committees are not part of the legislative branch of the Federal Government and persons employed by these committees are not Federal employees.

The Commission opposes enactment of the enrolled bill for the same reasons as given in our report to the Chairman of the House Judiciary Committee on September 17, 1973. Our basic objection to proposals of this nature is the absence of any reasonable basis for the Government to assume an obligation to pay annuity based on service which was rendered for some other employer. Furthermore, to allow these individuals credit for such service would create an undesirable precedent which would weaken the service credit concept and would encourage other individuals and groups with non-Federal service to seek the same benefits.

Accordingly, the Commission urges that the President not approve this enrolled bill. A veto message is attached.

By direction of the Commission:

Sincerely yours,


ACTING Chairman

Enclosure

TO THE SENATE:

I am returning, without my approval, S. 251, a bill, "For the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Junior, Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal."

This bill would provide Civil Service Retirement credit to the named individuals for certain employment with the campaign committees of either the Senate or House of Representatives. These committees are not part of the legislative branch of the Federal Government and persons employed by these committees are not Federal employees.

I do not believe that this preferential legislation is justifiable since it would authorize Civil Service Retirement credit for non-Federal employment. To allow these individuals credit for such service would create an undesirable precedent which would weaken the service credit concept and encourage other individuals and groups to seek the same benefits.

Accordingly, I am unable to approve S. 251.

The White House

January , 1975

FRANK P. MUTO, ALPHONSO A. MUTO, ARTHUR E. SCOTT, F. CLYDE WILKINSON, ARTHUR D. O'NEILL, JOSEPH H. AVERY, JR., JOSHUA COSDEN, KEITH JEWELL, BERTHA SEELMEYER, THOMAS DENNIS O'NEILL, ROBERT H. BROCKHURST, MICHAEL SENKO, SALVATORE LA CAPRIA, C. J. MOORE, III, AND ANN C. SIEGAL

DECEMBER 11, 1974.—Committed to the Committee of the Whole House and ordered to be printed

Mr. MANN, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 251]

The Committee on the Judiciary, to whom was referred the bill (S. 251) for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, after line 5, insert:

SEC. 2. (a) In the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, and subject to sections 8334(c) and 8339(h) of such title, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore, III, and Ann C. Siegal shall be deemed to have rendered creditable service during such periods as they were employees of the Democratic National Congressional Committee or Republican Congressional Committee prior to January 1, 1975.

(b) The Civil Service Commission shall accept the certification of the Speaker of the House, or his designee, concerning the service of, and the amount of compensation received by, the individuals named in this section.

Page 2, line 6: Strike "(c)" and insert "SEC. 3."

Page 2, line 7: Strike "subsection (a) of this section" and insert "this Act".

Amend the title to read:

For the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore, III, and Ann C. Siegal.

PURPOSE

The purpose of the proposed legislation, as amended, is to authorize creditable service for Civil Service retirement for each of the persons listed below for periods they were employed by the Senate Democratic or Republican Campaign Committee, or by the House Democratic National Congressional Committee or Republican Congressional Committee prior to the time they were placed on the legislative payrolls of the House and Senate.

STATEMENT

The bill as it passed the Senate provided that the Senate employees, Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson would receive credit for retirement purposes for periods of time they rendered service as photographers to the Democratic and Republican senatorial campaign committees prior to being assigned similar duties as employees of the Senate, at which time they were able to participate in the civil service retirement system. Those covered are the photographers for the Senate Democratic and Republican policy committees. The period made creditable for the Senate employees includes any time prior to October 2, 1962, which is the date they were placed on the Senate payroll. In the Senate report on the bill (S. Rept. 93-171, 93rd Cong., 1st Sess.), it was pointed out that the persons affected have continued to perform the same functions as employees as they performed prior to their being employed by the U.S. Senate. The Senate Committee pointed out that the situation is analogous to that of members of the Capitol Guide Service, who were extended the benefits of retirement credit under provisions of the Legislative Reorganization Act of 1970.¹

In reporting this bill, the Committee has recommended the addition of a new section 2 which would extend the same benefits to equivalent House personnel. The persons named in the amendment are those who served as photographers for the House as employees of the Democratic National Congressional Committee or the Republican Congressional Committee, and are to be placed on the House payroll as of January 1, 1975 as House photographers on the rolls of the House Democratic Steering and Policy Committee and the House Republican Conference. As was pointed out in connection with the Senate employees, the service rendered by these persons to the Members of the House will remain the same when they are placed on the House payroll.

¹ (Public Law 91-510, approved Oct. 26, 1970). The amendment added by the law provided for credit for periods of service as a Capitol Guide after February 19, 1929, and prior to the effective date of the relevant provisions of the Legislative Reorganization Act.

It should also be noted that the duties of the persons named in the amended bill are unique in this respect. Their jobs have been and will be to be of service to Members of the House and Senate. The Civil Service Commission in commenting on the Senate bill failed to recognize the defined nature of the work and functions of this group of employees that serves to set them apart and qualifies them for the relief provided for in the amended bill. This is where there is a parallel to the 1970 action of the Congress in the case of the Capitol Guides. While the Commission comment is not specific on this point, just as is done in this bill, the Reorganization Act of 1970 provided that service by individuals as Capitol Guides prior to their becoming employees of the Capitol Guide Service was made creditable subject to section 8334(c) and 8339(h) of Title 5. Regular retirement coverage was then made prospective as employees of the Capitol Guide Service from the effective date of the Legislative Reorganization Act of 1970. The employees named in this bill, S. 251, as amended, have in fact performed services for the Members of the respective Houses of Congress and their committees, and thus as a practical matter have performed the duties which would be those of legislative employees.

It is appropriate therefore that they should be legislative employees, and this was recognized in the Senate in 1962 and is now being implemented in the House. It is only just that they be given credit for their service for retirement as provided in this bill.

The amended bill provides that credit for prior service will be subject to sections 8334(c) and 8339(h) of title 5. This means that the employees shall either deposit retirement contributions for the period prior to going on the legislative payroll, or, upon retirement, elect to have a 10% deduction in annuity based upon the amount of the deposit which would have been required. Subsection (h) of § 8339 provides that a retirement annuity will be reduced by 10% of the deposit described in 8334(c) remaining unpaid unless the employee elects to eliminate the service for annuity computation purposes. Thus, an affected employee electing to acquire credit for retirement purposes under this legislation would be required to make a deposit, with interest, to the Civil Service Retirement and Disability Fund an amount equal to the amount which would have been withheld from their pay at the time had they been covered by the retirement program, or be subject to a permanently reduced annuity upon retirement.

It should also be pointed out that a person electing to claim service for retirement credit under the provisions of this bill would be barred from credit for social security for any periods so claimed. This means that persons would have to forfeit those covered quarters together with his contributions to the Social Security Fund. In this connection the amended bill in section 3 bars credit for Social Security purposes for the periods for which service would be credited for Civil Service retirement under the bill.

The committee has concluded that the individuals named in the amended bill merit the relief provided therein and it is recommended that the amended bill be considered favorably.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 17, 1973.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Commission would like to express its views on S. 251, a bill in the House of Representatives, "For the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson."

S. 251 provides that these four persons shall be deemed entitled to Civil Service Retirement credit, subject to certification by the President of the Senate, for service performed prior to October 2, 1962, for the Democratic or Republican Senatorial Campaign Committee.

The affected employees receiving credit for such service would have the option of making or not making deposit to the Civil Service Retirement and Disability Fund to cover the service during which no retirement deductions were withheld from salary payments. Should they fail to make such deposit, their annual annuity would be reduced by 10 percent of the amount unpaid.

Mr. Frank Muto, Mr. Alphonso Muto, Mr. Scott, and Mr. Wilkinson are all currently employed as staff members of the Senate Conference Committee of the Majority and the Minority. These committees are part of the legislative branch of the Government, and service performed for these committees meets the requirements of Federal employment.

Prior to October 1962, these individuals were employed by the Senatorial Campaign Committees. These committees are not part of the legislative branch of the Federal Government, and persons employed by these committees are not Federal employees.

The Senate Report on this bill (No. 93-171, May 23, 1973) compares the service of these four employees to that of the Capitol Guides and states that there is no reason for these four employees to receive less preferential treatment. We do not believe that such a comparison is valid. Public Law 91-510 (the Legislative Reorganization Act of 1970) amended the definition of Congressional employee to include Capitol Guides, provided that service as a Capitol Guide would be considered Federal service retroactively to February 19, 1929, and extended Civil Service Retirement coverage prospectively from January 3, 1971. The Congress, then, formally recognized all such service as meeting the tests of Federal employment.

S. 251, however, does not propose to recognize all service for the Senate Campaign Committee as Federal service. It does not propose to allow retirement coverage or credit for such service prospectively to any individuals presumably now employed in such positions. Rather, this bill proposes to allow Civil Service Retirement credit for this non-Federal service only for these four individuals.

The Commission does not have official records of this service and other employee data to allow us to compute the increase in unfunded liability if this bill is enacted. However, we can state that the value of the additional benefit to which these employees will become entitled will substantially exceed the required deposits or reduction in annuity.

The Commission has consistently opposed enactment of legislation such as S. 251 which would authorize Civil Service Retirement credit for non-Federal employment. Our basic objection to proposals of this nature is the absence of any reasonable basis for the Government assuming an obligation to pay annuity based on service which was rendered for some other employer. To allow these individuals credit for such service would be to discriminate against individuals similarly situated and denied such advantages.

For the above reasons, the Commission strongly opposes enactment of S. 251.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

○

FRANK P. MUTO, ALPHONSO A. MUTO, ARTHUR E. SCOTT,
AND F. CLYDE WILKINSON

MAY 23, 1973.—Ordered to be printed

Mr. HRUSKA, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 251]

The Committee on the Judiciary, to which was referred the bill (S. 251) for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

This legislation would permit four employees of the Senate to receive credit for retirement purposes for periods of time they rendered service to the Democratic and Republican senatorial campaign committees prior to being assigned similar duties as employees of the Senate authorized to participate in the civil service retirement system. Those covered are the photographers for the Democratic and Republican policy committees. The period made creditable includes any time to October 2, 1962.

STATEMENT

There are four employees entitled to benefit under this legislation. The persons affected have continued to perform the same functions as employees as they performed prior to their being employed by the U.S. Senate. Their situation is analogous to that of members of the Capitol Guide Service, who were extended the benefits of retirement credit under provisions of the Legislative Reorganization Act of 1970. An affected employee electing to acquire credit for retirement purposes under this legislation would be required to make deposit, with interest, to the Civil Service Retirement and Disability Fund an amount equal to the amount which would have been withheld from their pay at the time had they been covered by the retirement program, or be subject to a permanently reduced annuity upon retirement.

This is no direct cost if this legislation is enacted. The requirement for a deposit or a reduced annuity will eliminate any actuarial cost to the Civil Service Retirement and Disability Fund.

The committee believes that this legislation is meritorious and sees no reason why these four employees should receive less preferential treatment than members of the Capitol Guide Service, and accordingly recommends the legislation favorably.

○

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

For the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Junior, Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, and subject to sections 8334(c) and 8339(h) of such title, Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson shall be deemed to have rendered creditable service during such periods as they were employees of the Democratic or Republican Senatorial Campaign Committee prior to October 2, 1962.

(b) The Civil Service Commission shall accept the certification of the President of the Senate, or his designee, concerning the service of, and the amount of compensation received by, the individuals named in subsection (a) of this section.

SEC. 2. (a) In the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, and subject to sections 8334(c) and 8339(h) of such title, Arthur D. O'Neill, Joseph H. Avery Junior, Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal shall be deemed to have rendered creditable service during such periods as they were employees of the Democratic National Congressional Committee or Republican Congressional Committee prior to January 1, 1975.

(b) The Civil Service Commission shall accept the certification of the Speaker of the House, or his designee, concerning the service of, and the amount of compensation received by, the individuals named in this section.

SEC. 3. An individual receiving credit for service for any period referred to in this Act shall not be granted credit for such service under the provisions of the Social Security Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 24, 1974

Dear Mr. Director:

The following bills were received at the White House on December 24th:

S.J. Res. 40 ✓	B. 3481 ✓	H.R. 8958 ✓	H.R. 14600 ✓
S.J. Res. 133 ✓	B. 3548 ✓	H.R. 8981 ✓	H.R. 14689 ✓
S.J. Res. 262 ✓	S. 3934 ✓	H.R. 9182 ✓	H.R. 14718 ✓
✓S. 251 ✓	✓S. 3943 ✓	H.R. 9199 ✓	✓H.R. 15173 ✓
S. 356 ✓	S. 3976 ✓	H.R. 9588 ✓	✓H.R. 15223 ✓
S. 521 ✓	S. 4073 ✓	H.R. 9654 ✓	✓H.R. 15229 ✓
S. 544 ✓	✓S. 4206 ✓	H.R. 10212 ✓	✓H.R. 15322 ✓
S. 663 ✓	H.J. Res. 1178 ✓	✓H.R. 10701 ✓	H.R. 15977 ✓
✓B. 754 ✓	✓H.J. Res. 1180 ✓	✓H.R. 10710 ✓	✓H.R. 16045 ✓
S. 1017 ✓	✓H.R. 421 ✓	H.R. 10827 ✓	✓H.R. 16215 ✓
S. 1083 ✓	H.R. 1715 ✓	✓H.R. 11144 ✓	H.R. 16596 ✓
✓S. 1296 ✓	H.R. 1820 ✓	✓H.R. 11273 ✓	✓H.R. 16925 ✓
S. 1418 ✓	H.R. 2208 ✓	✓H.R. 11796 ✓	✓H.R. 17010 ✓
S. 2149 ✓	✓H.R. 2933 ✓	✓H.R. 11802 ✓	H.R. 17045 ✓
S. 2446 ✓	H.R. 3203 ✓	✓H.R. 11847 ✓	✓H.R. 17085 ✓
S. 2807 ✓	H.R. 3339 ✓	✓H.R. 11897 ✓	✓H.R. 17468 ✓
S. 2854 ✓	H.R. 5264 ✓	✓H.R. 12044 ✓	✓H.R. 17558 ✓
S. 2888 ✓	H.R. 5463 ✓	✓H.R. 12113 ✓	H.R. 17597 ✓
S. 2994 ✓	✓H.R. 5773 ✓	✓H.R. 12427 ✓	✓H.R. 17628 ✓
✓S. 3022 ✓	H.R. 7599 ✓	✓H.R. 12884 ✓	✓H.R. 17655 ✓
S. 3289 ✓	H.R. 7684 ✓	✓H.R. 13022 ✓	
S. 3358 ✓	H.R. 7767 ✓	✓H.R. 13296 ✓	
S. 3359 ✓	H.R. 8214 ✓	✓H.R. 13869 ✓	
S. 3394 ✓	H.R. 8322 ✓	H.R. 14449 ✓	
✓S. 3433 ✓	H.R. 8591 ✓	✓H.R. 14461 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.