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House Votes Increased CIA Worker Benefits

By Bill Andronicos

WASHINGTON — The House has passed a bill which would give Central Intelligence Agency (CIA) employees certain benefits similar to those presently enjoyed by Foreign Service and other government personnel. The measure now goes to the Senate.

The bill—designated as H. R. 16306 and titled "Central Intelligence Agency Act Amendments of 1966"—amends the CIA Act of 1949. In its 20 sections—most of which are unrelated to each other—the measure includes many varied provisions.

In summing up the functions of proposed CIA legislation during discussion on the House floor, Rep. Philip J. Philbin (D., Mass.) described it as a bill designed to do one single thing and that is, attempt to place CIA people in the same position as other government employees who live and work under substantially the same conditions.

Actually, nine of the bill's sections do nothing more than bring the CIA Act into conformity with appropriate modifications which have been made to the Foreign Service Act, and four sections merely conform the CIA Retirement Act to recent changes made in the Civil Service Retirement Act. Another section provides for the settlement of claims overseas.

One new authority permits the Agency to pay the travel expenses of officers and employees of the Agency and members of their families while traveling for rest and recuperation from a hardship post to an area having different environmental conditions. Such travel is limited to one round-trip during any continuous two-year tour, and two round-trips during any continuous three-year tour. The Foreign Service Act already includes such authority for Foreign Service personnel.

Under the new bill, the Agency will pay the travel expenses of the family accompanying, preceding, or following an officer or employee if—while enroute to his post of assignment—he is ordered temporarily for orientation and training or is given other temporary duty. This authority, too, is provided in the Foreign Service Act for Foreign personnel.

Not infrequently, assignment of CIA employees to their permanent posts of duty requires a deviation from the most direct route to another Agency post in order to provide orientation and training. Under existing law, the family of the CIA employee must either wait in the United States or proceed ahead of him to the permanent post. Section 105 of the bill thus would permit the payment of travel expenses for the family to accompany him to the interim stop-off point.

Another important change in the bill concerns home leave. Existing law grants authority to the CIA to order employees home leave upon completion of two years' continuous service abroad. Section 106 of the new measure would raise this to three years for posts which are somewhat comparable to the United States, and would authorize ordering an employee for home leave at 18 months in the case of hardship posts.

THE BILL also changes the policy concerning travel expenses of employees who suffer illness or injury abroad. Under the present law, the Agency is permitted to pay expenses for such employees where a suitable hospital exists.

However, hospitalization sometimes is not required, but medical care is needed. Consequently, Section 107 would eliminate the limitation of hospitalization and substitute "medical care." This benefit is also extended to dependents.

The same section also provides for the payment of the cost of treatment for such illness or injury of an employee—not the result of "vicious" habits, intemperance, or misconduct—and, in the case of dependents, pays the cost of treatment, but with a \$35 deduction and a maximum limitation of 120 days of treatment.

This limitation, however, does not apply where it is determined that the illness or injury is caused by the fact of location of the dependent in the foreign area. The extension of both travel and treatment expenses to dependents is new.

Another provision of the bill would permit necessary orientation and language training for members of an employee's family where this is considered necessary because of the particular duties of the employee at the new assignment post. Normally, this training would be restricted to the employee's wife.

Insofar as policies on advisory personnel are concerned, the CIA currently uses the National Security Act of 1947 to appoint advisory committees and other advisory personnel. Under Section 109 of the new law, this authority would be placed in the CIA itself, and at the same time, would remove the limitation of \$50 per day.

Payment under the new language in Section 109 would increase the limit to \$100 a day, thus matching the amount paid in similar situations by such agencies as the Atomic Energy Commission, the Federal Aviation Agency, and the National Aeronautics and Space Administration.

Section 110 would provide a new authority for the Agency which would permit an individual to transfer from another department or agency to CIA for a specified time, agreed upon by the two agencies, and upon completion of the assignment, afford the individual statutory protection in reemployment.

Testimony before a House committee indicated that this authority would be of considerable assistance in filling critical engineering and scientific positions during emergencies.

ANOTHER new authority within the bill—provided within Section 111—relates to the settlement of claims abroad. Today, CIA has no authority to settle claims for loss of, or damage to, real or personal property or for personal injury or death. This section would provide that authority to a limit of \$10,000. This kind of authority—in one form or another—is available to the State Department, as well as to the military departments.

The sections under Title II of the new bill deal entirely with the Central Intelligence Retirement Act. It should be understood, however, that the CIA has two retirement systems: the regular civil service retirement for the vast majority of its employees and its own CIA retirement system for a relatively small number of employees.

Concerning retirement systems, Section 202 does three things:

- Eliminates the requirement that a child be dependent upon a parent retiree in order to receive a survivor annuity. The support requirement was eliminated from the Civil Service Retirement Act by the 89th Congress.

- Raises from 21 to 22 the maximum age for receiving survivor annuity payments as a student and increases from four to five months as the maximum absence from school which may be permitted without terminating the survivor annuity. This will enable survivor children enrolled in trimester programs to secure employment and earn money without losing their annuity.

- Permits a natural child to share in the distribution of any money in the CIA retirement and disability fund. Under the present Act, a natural child is permitted to receive an annuity, but it is not entirely clear with respect to lump-sum benefits. This would correct such a deficiency. A similar provision amending the Civil Service Retirement Act was approved by the 89th Congress.

Section 203 of the proposed Act permits the annuity of a widow to continue in the event of remarriage. This is similar to the law applicable to survivor annuitants under the Foreign Service Act, and is in keeping with the plan

approved by the 89th Congress for survivor annuitants under the Civil Service Retirement Act.

Provision for the commencement and termination date for a child survivor annuity is made under Section 204, which also assures that the survivor annuity of a student may be resumed even though it had previously been terminated, as for example, because of military service. A similar amendment to the Civil Service Retirement Act was approved by the 89th Congress.

Under Section 205, a technical change is made in the law which will authorize annuity to start as soon as the individual enters a nonpay status. Under existing law, an annuitant must wait until the beginning of the month following his date of separation. This will conform the CIA retirement system to the Civil Service Retirement System in this respect.

According to present law, an individual who transfers into the CIA retirement fund from some other government retirement system can transfer his contributions from the other fund to the CIA fund, but there is no provision for transfer of the government contribution to such fund.

Also, when an individual transfers from the CIA retirement fund to some other government retirement fund, there is no provision for the transfer of either the government's contribution or his own contribution to the non-CIA retirement fund. However, Section 206 of the new law would correct this situation.

THE PROPOSED measure also takes into account the fact that there is a small group of employees who come under the CIA Retirement Act, and that these employees retire some 10 years earlier than government personnel under the Civil Service Retirement Act.

With few exceptions, these retirees will need to seek a second career. They do not acquire status in the competitive service and much of their experience and competence cannot readily be related to normal government positions.

Consequently, it is probable that they would have to accept a government position, at least initially, several grades below their position in the CIA at the time of retirement. Section 207, therefore, would authorize an annuitant who is retired from the Agency to be reemployed in the government and to retain the salary of the new position, plus so much of his annuity, which when added to the new salary, would not exceed his salary at the time of retirement.

For example, if a CIA GS-13—earning \$12,893—retired with an annuity of \$6,000 and then enters other federal employment at the GS-11 level—salary \$9,221—he would actually receive only \$3,221 for his services. This section would permit the retiree to receive his earned salary of \$9,221 plus \$3,652 of his \$6,000 annuity bringing him up to his previous salary level of \$12,873.

Whatever the case, this section of the new law relates only to a handful of CIA personnel, and only to those who have engaged in certain special activities.

Section 208 will help bring the cost-of-living provisions of the Agency's Retirement Act into line with provision which currently apply to civil service and military retirees.

During the first session of the 89th Congress, the cost-of-living provision for military retirees was amended to gear increases to quarterly rather than average calendar year Consumer Price Indexes. Later in that session, similar legislation was approved for the benefit of the entire Civil Service System.

TITLE III of the new law deals with the CIA pay system. The Central Intelligence Agency currently is excluded from the Federal Employees Pay Act of 1943, as amended, by regulation of the Civil Service Commission but not by law. Section 301 would exclude the CIA by law.

The Agency has developed a salary administration program which adheres closely to the principles and standards of the Classification Act regarding the classification of positions, establishment of entry salary rates, and the grant of merit and quality step increases. The program also conforms generally to the principles and standards of the Pay Act regarding premium pay and hours of work.

During discussion on the proposed bill, another Congressman who lent wholehearted support to the measure was Rep. Leslie C. Arends (R., Ill.).

In urging passage of the bill, Arends said: "We are helping the Central Intelligence Agency to catch up with recent laws which covered civil service employees and the Foreign Service employees of the State Department."

Arends acknowledged that the CIA has come in for some bad publicity from time to time, but added "the American people—being what they are—this is to be expected."

"Of course a mistake has been made here and there and I am sure that there is no one on the floor of the House today who will not agree that this could also be said of every other department of the executive branch," Arends said.

Insofar as the costs of the new legislation are concerned, the measure would cost something less than \$240,000 for its first year, and according to Arends, "there is no reason to believe that this amount will be substantially exceeded in the years to come."