

1963

## CONGRESSIONAL RECORD — HOUSE

19587

*Naval radio station, Sugar Grove, W. Va.*

The Senate restored \$3,480,000 requested by the Navy to permit the transfer of Navy radio receiving facilities from Cheltenham, Md., to Sugar Grove, W. Va. The Senate conferees pointed out that due to continually rising high noise levels at the existing installation, the receiving facilities at Cheltenham must be moved to another location. Since the Sugar Grove site is ideally suited for this purpose, advantage can be taken of the existing investment of the Navy at this present location. The House receded from its position and accepted the Senate amendment.

*Classified naval installations*

The Senate authorized four construction projects for naval installations at Puerto Rico in the amount of \$8,437,000. These items had previously been deleted by the House. The House conferees insisted that these projects could be properly deferred until the fiscal year 1965 program. The Senate conferees receded from their position and accepted the House deletion.

The Senate deleted two projects for Rota, Spain, and a communication facility at another location in the total amount of \$10,351,000. These items had previously been approved by the House. The Senate conferees pointed out that these projects could safely be deferred until the fiscal year 1965 program. The House conferees receded from their position and accepted the Senate deletions.

As a consequence of the foregoing changes, the authorization to the Secretary of the Navy for the development of classified naval installations was reduced from \$71,532,000 to a new figure of \$63,095,000.

*Randolph Air Force Base, San Antonio, Tex.*

The Senate authorized \$3,044,000 for construction and related improvements at this location. The House had previously authorized only \$1,475,000. The major difference in the House and Senate action was the refusal of the House to provide \$2,087,000 required for alterations to the headquarters building at Randolph to house all Air Force personnel management facilities at that location.

The Senate conferees were of the opinion that the increased management efficiency and economies that would result from the centralization of personnel management facilities at Randolph would more than justify the construction cost involved in this relocation. The House conferees, therefore, receded from their position and accepted the Senate amendment.

*Laredo Air Force Base, Laredo, Tex.*

The House had provided authorization in the amount of \$3,134,000 to be accomplished at an air training command facility to be selected by the Department of Defense. The House Committee on Armed Services in testimony provided it by witnesses of the Department of the Air Force was of the opinion that this construction would be effected at Laredo Air Force Base. This opinion was subsequently confirmed by correspondence received from the Department. Subsequently, the Senate in acting on this authorization request, deleted the item in its entirety.

The House conferees pointed out that a serious deficit in the number of pilots in the Air Force will exist throughout the foreseeable future unless the production of new pilots is increased. The House conferees also pointed out that Laredo Air Force Base is ideally suited for this purpose. However, construction is required to insure appropriate training facilities for the pilot training which should occur at this base.

The Senate conferees were of the opinion that this entire project could be deferred another year. After considerable discussion, the conferees agreed to provide the first increment of construction authorization for

Laredo Air Force Base amounting to \$275,000. This authorization would permit the elimination of a lighting deficiency on the runway approach to the base.

The remaining line items for Laredo Air Force Base which were deferred should be resubmitted by the Department for reconsideration by the House in connection with the Department's fiscal year 1965 construction authorization request. Thus, this item will be given new consideration in the next 90 days.

*Bolling Air Force Base, Washington, D.C.*

As in the case of Fort Myer, Va., the Senate believed that some provision must be made to provide adequate quarters for bachelor military personnel in the Washington area and, therefore, restored \$4 million of the amount requested for troop housing at Bolling Air Force Base. The original request made by the Department and deleted by the House amounted to \$6.9 million. The House receded from its position and accepted the Senate amendment.

## SUMMARY OF THE BILL

*Differences in dollar authorization*

As the bill passed the House, the total authorities granted amounted to \$1,636,828,000.

The corresponding authority granted in the Senate version of the bill totaled \$1,685,861,380, or \$49,033,380 more than the House version.

The total agreed to by the conferees is \$5,425,000 more than the House version and \$43,608,000 less than the Senate version.

*Total authorization, fiscal year 1964, as approved by House-Senate conferees*

## New authorization:

Title I (Army) .....	\$199,633,000
Title II (Navy) .....	202,462,000
Title III (Air Force) .....	488,367,000
Title IV (Defense agencies) ..	24,403,000
Title V (housing) .....	685,312,000

Subtotal .....

1,600,177,000

## Deficiency authorization:

Title I (Army) .....	3,209,000
Title II (Navy) .....	87,000
Title III (Air Force) .....	166,000

Total .....

3,462,000

## Title VII (Reserve components):

Army National Guard .....	7,500,000
Army Reserve .....	4,700,000
Naval and Marine Corps Reserve .....	5,700,000
Air National Guard .....	15,970,380
Air Force Reserve .....	4,600,000

Total .....

38,470,380

## Deficiency authorizations:

Army National Guard .....	84,000
Army Reserve .....	60,000

Total .....

144,000

Grand total of all authorizations .....

1,642,253,380

CARL VINSON,  
L. MENDEL RIVERS,  
PHILIP J. PHILBIN,  
LESLIE C. ARENDS,  
F. EDWARD HEBERT,  
WALTER NORBLAD,  
WILLIAM H. BATES,

*Managers on the Part of the House.*

## CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

## [Roll No. 186]

Abernethy	Harvey, Ind.	Pelly
Baring	Harvey, Mich.	Pepper
Bolton	Herlong	Powell
Oliver P. Bonner	Hoffman	Purcell
Brock	Horan	Randall
Buckley	Jones, Ala.	Reid, Ill.
Burton	Karth	Riehlman
Celler	Kee	Roberts, Ala.
Davis, Tenn.	Kelly	Roberts, Tex.
Dawson	Kilburn	St. Onge
Dent	Lankford	Scott
Derwinski	Long, La.	Shelley
Diggs	McMillan	Sickles
Dowdy	Macdonald	Skubitz
Feighan	Mailliard	Springer
Ford	Martin, Calif.	Stafford
Fraser	Mathias	Stinson
Fuqua	May	Taft
Grant	Miller, N.Y.	Taylor
Green, Pa.	Montoya	Thompson, La.
Harding	Morrison	Thompson, N.J.
Harris	Morton, Md.	Tollefson
Harsha	Nedzi	Utt
	O'Brien, Ill.	White

The SPEAKER. On this rollcall 362 members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight Monday, November 4, 1963, to file a report on H.R. 8969, along with any minority or supplemental views thereon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1963 FOR CERTAIN EMPLOYEES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read as follows:

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8427) to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentlewoman from

19588

## CONGRESSIONAL RECORD — HOUSE

October 30

New York [Mrs. ST. GEORGE] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 543 provides for consideration of H.R. 8427, a bill to provide for the establishment and maintenance of a Central Intelligence Agency retirement and disability system for a limited number of employees, and for other purposes. The resolution provides an open rule with 2 hours of general debate.

At the present time all employees of the Central Intelligence Agency are limited to the normal civil service retirement benefits. On the other hand, more liberal retirement benefits have been in effect for many years for the Foreign Service and for certain personnel engaged in investigation and detection of crime and apprehension of criminals. Many CIA employees serve under conditions which are at the least as difficult and frequently more dangerous than the conditions which led to improved retirement benefits for the Foreign Service and certain personnel of the FBI and other agencies. CIA employees who will come under the proposed system are obligated to serve anywhere in the world according to the needs of the Agency, as is the case in the Foreign Service and the military, and unlike the normal civil service employees. It seems only right that such employees should receive benefits similar to those benefits received by Foreign Service personnel.

Mr. Speaker, I urge adoption of House Resolution 543.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, as has already been stated, makes in order the consideration of H.R. 8427 to provide for the establishment and maintenance of a Central Intelligence Agency retirement and disability system for a limited number of employees, and for other purposes.

Mr. Speaker, the Committee on Rules held hearings on H.R. 8427 on October 9, 1963. The Armed Services Committee hearings and the report on H.R. 8427 stressed that only those employees engaged in the conduct and support of intelligence activities, meaning hazardous duty or service in foreign countries, will be eligible for an improved retirement and disability program. This, of course, we all agree is right and proper and, indeed, necessary.

Mr. Speaker, during the Rules Committee hearings it was brought out that the bill itself did not contain the language limiting the program to employees on such duty. However, in the course of our deliberations it was suggested that an amendment would be offered by the committee. To this, I am happy to say the Committee on Armed Services and the subcommittee agreed wholeheartedly.

Mr. Speaker, it is my understanding that this amendment will be offered on page 3, beginning at line 13 and going through line 21. This would tighten up the bill. It will write into the bill exactly what the committee intended. It will make a differential between people who are performing simply ordinary duty

in CIA and those who are indeed on hazardous occupations.

Mr. Speaker, I think with this amendment there is certainly no objection to the bill and I urge the adoption of the rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mrs. ST. GEORGE. I yield to my friend, the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Was any explanation given to the Committee on Rules as to why this bill went to the Committee on Armed Services of the House of Representatives rather than to the Committee on Post Offices and Civil Service which handles other retirement legislation?

Mrs. ST. GEORGE. Well, it was my understanding, may I say to the gentleman from Iowa, that the CIA has usually been under the Defense Department. Therefore, it was considered proper that this should go to the Committee on Armed Services. I do not think there was very much questioning on that particular subject, may I say to the gentleman from Iowa.

Mr. GROSS. Is the CIA subject to the jurisdiction of the Secretary of Defense?

Mrs. ST. GEORGE. No one seems to know to whom they are subject, I may say to the gentleman. One cannot find out how many people are employed in the Agency and one cannot find out exactly what their duties are. We heard varying figures. It is a very hush-hush, secret organization.

As long as the gentleman brings the subject up, I think we might also say that Americans are not very accustomed to dealing with cloak-and-dagger organizations. This is one, perhaps, that we are not too well fitted to discuss.

Mr. GROSS. I am sure we all had difficulty finding out what part the CIA played in the Bay of Pigs fiasco.

Mrs. ST. GEORGE. I agree with the gentleman. It is very difficult to find these things out but, perhaps, that has to be so in an organization of this kind.

Mr. RYAN of New York. Mr. Speaker, will the gentleman yield?

Mrs. ST. GEORGE. I yield to the gentleman from New York.

Mr. RYAN of New York. I was interested in the remarks of the gentleman concerning the CIA and the cloak of secrecy surrounding it. I am reminded that there are a number of bills pending in the Congress. I am the author of one, House Joint Resolution 145, which would establish a special watchdog committee over the CIA. Certainly recent events in South Vietnam confirm the need for a Joint Committee on Foreign Information and Intelligence to oversee the CIA. I hope the Rules Committee will report out one these bills with as much expedition as this bill has been reported out.

Mrs. ST. GEORGE. I am a very humble member of the Rules Committee, so I can do very little in assisting the gentleman in his desires.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mrs. ST. GEORGE. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Mr.

Speaker, under the National Security Act of 1947, the CIA was created and it came under the National Security Act in the Defense Department. We had jurisdiction over the National Security Act, which is the reason we bring in this bill.

Mrs. ST. GEORGE. I knew it was proper that the CIA should be under the Committee on Armed Services. It always has been.

Mr. RIVERS of South Carolina. Under the law we have jurisdiction over the National Security Act. The CIA was created under the National Security Act. It is as simple as that. Of course, it is responsible to the President of the United States.

Mrs. ST. GEORGE. It is an organization that is primarily engaged in the defense of our country, therefore it is proper that it should be under the gentleman's committee.

Mr. RIVERS of South Carolina. The gentleman is absolutely correct.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SMITH].

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from New York, there were questions in the minds of members of the Rules Committee as to whether the language in this bill will do what the proponents want it to do. Accordingly, certain amendments were worked out. The gentleman from New York [Mrs. ST. GEORGE] showed them to me, and I suggested that the language be further tied together to make certain that we are referring to those employees abroad who are also engaged in hazardous work. The amendment does not do that. It will include every employee working abroad. At the time, I told the gentleman from New York [Mrs. ST. GEORGE] that even if this amendment were agreed to, that I personally would not support the bill.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. I assure the gentleman right now that is not the intention, that is as the gentleman stated it.

Mr. SMITH of California. That is the way your amendment reads.

Mr. RIVERS of South Carolina. I do not think so, and we do not consider it as such. In my later discussion I will cover the history of this legislation so that there will be no question about it.

Mr. SMITH of California. I think it would be much better if we took sections 1 and 2 and placed them in this law so that we know that, rather than making legislative history, so that the two would be tied together. I personally am not in support of this particular bill.

Mr. Speaker, I am not refusing to support this measure because I do not believe that the employees are entitled to it. My refusal is because I just do not know whether or not they are entitled to it. I know so little about the CIA and their activities, that I do not wish to pass

1963

## CONGRESSIONAL RECORD — HOUSE

19589

further legislation which will further increase my lack of knowledge. It seems to me that Congress not only has the right, but that it has the responsibility to know more about the CIA.

I understand that senior members of the House and Senate committees meet from time to time with the CIA Director, and that in 1956 a President's Board of Consultants on Foreign Intelligence Activities was established. But even so, I do not know how thoroughly they check the activities of the CIA.

As supervisor of espionage, sabotage, plant protection, communism and internal security investigations in the Los Angeles office of the FBI prior to and during a portion of World War II, I am aware that this work is sometimes hazardous. There is no doubt that if the CIA is doing its job in espionage and counterespionage, that some of the employees are engaged in hazardous work. But in many ways, it is probably no more hazardous than that of the FBI, the Secret Service, the Narcotics Bureau, or for that matter, the daily work of many policemen here in Washington, D.C.

I repeat, Mr. Speaker, I am not opposing this measure because I do not think CIA is deserving of it. It is because of the fact that I know so little about their activities. I am not criticizing the CIA or commending them, because again I do not know enough of their activities to take either position. But I do have some questions in my mind that I believe should be answered. And I believe they can be answered without interfering with their activities. How many employees are there in the CIA?—1,000, 5,000, 10,000, 15,000 or more. I am inclined to feel that there are probably more than 15,000 but have nothing to factually so state. How many employees are there in London?

England has its own intelligence and counterintelligence people. We are close allies. If CIA is engaged in counterintelligence activities in London, they certainly must be working directly with appropriate English authorities. I would like to know the answer to this. Certainly if the English authorities had any evidence of espionage in the United States, or wished any information, they could send one man to see Director Hoover of the FBI, and appropriate investigation would be commenced within the hour, throughout the United States if necessary, and the English investigator would be kept completely informed. If there are 200 employees in London, which I have heard, but cannot state as a fact, what are they doing? I think we are entitled to know something about this, Mr. Speaker.

Testimony before Rules indicated that this measure would apply to about 30 percent of the employees. I ask 30 percent of how many. I also think we are entitled to know something about what their activities were prior to the Bay of Pigs in Cuba. I have heard rumors that their information was incorrect and that the CIA was greatly responsible for this horrible event. Should Members of Congress not be entitled to know of these activities and to in some way have at least a little control over the CIA? Very

frankly, Mr. Speaker, I anticipate that Khrushchev and even the Russian Embassy here in Washington know more about CIA than I do. Why is it so confidential that the Members of Congress do not know the annual cost of the CIA? It would not surprise me if it were more than a billion dollars annually.

I have great confidence in the Members of Congress. Certainly no Member would think of doing anything to harm our security. So it seems to me that we should have some select committee, or a watchdog committee, or some small group that could honestly and fairly check upon and with the CIA so that the rest of the Members would have some idea as to what is going on, whether we are doing our job so far as the CIA is concerned, and whether or not legislation such as the pending bill is warranted.

After the hearing in Rules and the newspaper accounts, I received some anonymous letters from persons stating they were employees of the CIA. Some of the comments were:

If CIA were bent on wrecking the morale of its employees, it could not find a better instrument than this vicious piece of legislation which will result in attracting an inferior group of employees.

Another quote:

I personally would benefit from this bill, but it is obvious just in my circle that the bill will result in a lessening of the interest and dedication of CIA employees. Already employees in their thirties are making plans to get advanced degrees by going to night school, thereby lessening the effectiveness of their daily work, in order to get a better position outside when their 50th birthday comes around. I suggest that you consult not the "chiefs" but some of the "Indians" in CIA to gain a true picture of what is involved in this proposed personnel policy.

I repeat once again, Mr. Speaker, that I have no intentions whatsoever of causing any harm to the CIA. I want to do everything I can to help. But I just cannot support legislation to further compound a mystery, and thus I am opposed to this measure.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I urge the adoption of the rule. It has been so well explained I cannot think of anything further I could add. However, I notice the presence on the floor of the majority leader, and would appreciate his attention. I notice the other body was advised yesterday as to how they might proceed to plan for the weeks ahead. It was helpful indeed to learn that their Thanksgiving recess has already been fixed. Their Christmas schedule has already become a matter of record. I wonder if we could be privileged to have the same information in this body.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I would be delighted to yield to the gentleman from Oklahoma.

Mr. ALBERT. First of all, this is a matter that would be cleared on both sides of the aisle, but I would like to remind the gentleman that the Veterans' Day vacation in the other body is from November 8 to November 12. That

means Friday, Saturday, and Monday. I would think that we could assume that we might do that well.

Mr. AVERY. That we would have Sunday off and possibly Monday as well?

Mr. ALBERT. I would think so, not committing myself.

Mr. AVERY. Now could the gentleman proceed further?

Mr. ALBERT. Then for Thanksgiving, as I understand it, there will be a recess in the Senate on the 27, 28, and 29 of November. I will take upon my own shoulders the complete responsibility to assure the gentleman that he will have that much time off for Thanksgiving, that is, 3 days.

Mr. AVERY. Will the gentleman proceed from this point on?

Mr. ALBERT. I am not in a position to make a commitment at this time.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to our distinguished minority leader.

Mr. HALLECK. I would just like to say to the gentleman, and for all the Members of the House, I have had the greatest solicitude for the Members' convenience, and I realize, of course, the situation that confronts our colleagues, and so far as my own personal situation is concerned, I would like to know in advance what we can figure on and depend on as to the arrangements. I have spoken to the majority leader and to the distinguished Speaker of the House about the whole situation, and as far as I am concerned, I want to say to my friend, the gentleman from Kansas, I shall do all I can to try to work out some advance arrangement for the balance of the year because apparently, we are going to be here until we start on the next session.

Mr. AVERY. Then is it reasonable, Mr. Speaker, to summarize, if I may, what I have heard from the distinguished majority leader and the distinguished minority leader, that the statement in the other body that this session is going to be "back-to-back" with the next session—is this a reasonable assumption that we probably will continue in session to the Christmas holidays? Would the gentleman from Oklahoma care to respond to that?

Mr. ALBERT. I think the gentleman has the same knowledge of the legislative program as the gentleman from Oklahoma.

Mr. AVERY. The gentleman from Oklahoma pays me a great tribute and I am not sure it is deserved.

Mr. ALBERT. I am sure it is true. I am sure all the Members of the House know what legislation is still outstanding which must be acted upon, and I think the statement that the gentleman refers to as having been made in the other body could well be correct. But I want to join the distinguished minority leader in doing everything I can, and I am sure that in saying this I speak for our distinguished Speaker of the House also, in trying to determine when and how much time Members of the House can have off consistent with the legislative responsibilities of the House of Representatives.

19590

## CONGRESSIONAL RECORD — HOUSE

October 30

Mr. AVERY. May I say, Mr. Speaker, I may appear to be facetious, but I did not mean to be so. This is getting to be a serious situation. We have all made commitments considerably in advance for this time of the year when we could reasonably assume that we would be in our districts, and it is embarrassing to many of us to have to break our commitments.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Iowa.

Mr. GROSS. In any event I wonder if, when this program is firmed up for the remainder of this year, if it might not be announced in the House rather than through the newspapers and over the radio.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman.

Mr. ALBERT. I think that any announcement that the majority leader will make, and I am sure I am speaking for both sides on this matter, will be made first to the House of Representatives and not first to the press or to anyone else.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman.

Mr. CEDERBERG. Would the distinguished majority leader advise us if it might not be possible rather than to have a new session start on January 3 to have it start later on in the month and to request the President to bring in the state of the Union message and the new budget message late in January because we will not be finished with the old budget anyway until we get the new one. If we can get that, maybe we can get a couple of days vacation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman.

Mr. ALBERT. First of all, that would have to be done by a joint resolution or a concurrent resolution because the law requires that the Congress convene on January 3. I think here again it would depend on the legislative situation. Certainly, it would be a convenience to the Members individually, and to me personally, if we could do so. That is as far as I can go at this time with respect to that sort of arrangement.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman.

Mr. COLLIER. In the light of the urgency of the problems before the Congress this year, is it possible that we might run into this situation during the two national conventions in 1964?

Mr. AVERY. That question should certainly be more properly addressed to one in a position more able to respond than the gentleman now in the well. May I express my appreciation to the gentleman from Oklahoma, and I am sure I speak for all Members present, for the enlightenment we have received today.

I yield back the balance of my time.

Mrs. ST. GEORGE. Mr. Speaker, I have no further requests for time.

Mr. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION TO COMMITTEE

Mr. HALLECK. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That MARK ANDREWS, of North Dakota, be, and he is hereby elected a member of the standing committee of the House of Representatives on Interior and Insular Affairs.

The resolution (H. Res. 561) was agreed to.

A motion to reconsider was laid on the table.

## CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1963 FOR CERTAIN EMPLOYEES

Mr. RIVERS of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8427) to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes.

The motion was agreed to; accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8427 with Mr. THOMAS in the Chair.

## IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from South Carolina [Mr. RIVERS] will be recognized for 1 hour and the gentleman from Massachusetts [Mr. BATES] will be recognized for 1 hour.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, H.R. 8427 is a bill to give the Central Intelligence Agency a better retirement system for a limited number of its employees.

At the present time, all regular employees of the Agency are covered by the normal civil service retirement system.

Many positions in the CIA do not warrant special retirement treatment of course, but about 30 percent of the total employees work under conditions which clearly require an improved retirement and disability system.

I would like to point out that this legislation establishes no precedent since it was determined that the Agency retirement system should be patterned after that now applicable to the Foreign Service.

Careful examination indicated that the Foreign Service system had sufficient flexibility and other improvements to meet CIA's requirements. The CIA presented convincing proof that those em-

ployees to be covered serve under conditions which are at least comparable with the Foreign Service and in many cases more dangerous and at great personal sacrifice to the employees.

As a member of the CIA Subcommittee of the House Armed Services Committee, I had previously learned a great deal about the activities of the Agency and the sacrifices called for on the part of its employees. During the course of 4 days' extensive hearings on H.R. 8427 before the House Armed Services Committee, Agency witnesses were candid and fully cooperative in presenting their need for this improved retirement system. For reasons of security I am unable to present the specific situations which demonstrate the need for this new system. It is pertinent to point out, however, that, with respect to this group of employees, all are considered to be on 24-hour duty, 7 days a week, and are obligated in writing to serve anywhere in the world that Agency needs would require.

Upon my initial assignment to the CIA subcommittee, it came as a surprise to me to learn that all Agency employees received only the normal civil service retirement benefits. I had assumed there was a program to afford earlier retirement, such as that available to the Foreign Service or the benefits offered to agents of the Federal Bureau of Investigation, which enables the agent to retire voluntarily at age 50 upon completion of 20 years of service.

The CIA's need to have a young and virile group of career people manning their oversea posts needs no elaboration. I became personally convinced of the need for this type of program as a result of months of briefings presented to the CIA Subcommittee of the House Armed Services Committee. The hearings on H.R. 8427 convinced me that this legislation is the appropriate means to put into effect an improved retirement system.

Now, as to the legislation.

One of the key features is the right of the employee to apply for voluntary retirement upon reaching age 50 if he has a minimum of 20 years of service. Such retirement, however, must be with the consent of the Director, and in special cases where a man's services are still needed he will be required to serve until the Agency's requirements have been met.

Another important feature of this bill is the authority of the Agency to retire people when it is determined that this is the best course of action. In this situation, where the employee is in a grade of GS-14 and above he will, upon being retired, receive an immediate annuity regardless of age. The amount of this annuity in the case of a man with 20 years of service would be 40 percent of the highest average annual salary for any 5 consecutive years. The committee examined this provision most carefully and the bill H.R. 8427 reflects a change we made that in order to qualify for this immediate annuity the individual must have had at least 5 years of what is termed "qualifying service," which means service of a nature which would fit him to be covered by the system.

1963

## CONGRESSIONAL RECORD — HOUSE

1951

In addition, he must have had at least 10 years of total service with the Agency.

The committee did not believe that transferees from other agencies should be eligible to qualify for this type of annuity without substantial periods of both qualifying service and general service with CIA. Where the person involuntarily retired is in grade GS-13 or below he may elect, if he has at least 5 years of service with the Agency, to leave his contributions in the fund and draw a deferred annuity at age 60, or he may simply draw out his contributions. In addition he would be granted separation pay based on a month's salary for each year of service, but in no event to exceed a total of 1 year's salary. The committee believes this provision is generally in line with separation compensation available in military service and is not unreasonable where a man has joined the Agency with the expectation of a career and because of shifts in requirements is unable to be retained by the Agency. This separation compensation will permit him a period of readjustment, possibly taking necessary training to equip himself for a position in industry or in another branch of Government.

I believe this new system will be an extremely valuable tool in the management of the Agency and will materially assist in attracting and retaining the extremely high caliber men and women the Agency needs for its demanding programs. As indicated by the published hearings and the report, the Armed Services Committee has looked painstakingly at this proposal and has examined Agency witnesses most carefully. Where necessary, the committee made changes from the original proposal, which you will find in the report.

The cost is reasonable, leveling off at about \$580,000 per year.

Let us turn for a moment to the recent press criticism of the Central Intelligence Agency. Obviously such criticism is not the proper basis to form a judgment on this bill—indeed it is not a proper basis on which to form a judgment of the Agency itself. The scope and ferocity of these press attacks brought a response—not from the Agency which very properly should not and does not respond to press criticism—the response was from the President. He was asked about a recent story on CIA in his press conference on October 9. I quote his answer:

I must say I think the reports are wholly untrue. The fact of the matter is that Mr. McCone (CIA Director) sits in the National Security Council \* \* \* we have worked very closely together in the National Security Council in the last 2 months attempting to meet the problems we faced in South Vietnam. I can find nothing, and I have looked through the record very carefully over the last 9 months, and I could go back further, to indicate that the CIA has done anything but support policy. It does not create policy; it attempts to execute it in those areas where it has competence and responsibility. I know that the transfer of Mr. John Richardson, who is a very dedicated public servant, has led to surmises, but I can just assure you flatly that the CIA has not carried out independent activities but has operated under close control of the Director of Central Intelligence, operating with the cooperation

of the National Security Council and under my instructions \* \* \* I think they have done a good job.

As a member of the CIA Subcommittee of the House Armed Services Committee, I believe I am also in a position to make a judgment on the Agency. In my opinion, I believe the Agency is doing a brilliant job under most trying circumstances.

For those who contend that the Congress fails to exercise supervision over CIA, I would like to state the facts. The Armed Services Committee has legislative jurisdiction over CIA and for many years, the gentleman from Georgia [Mr. VINSON] has appointed a subcommittee whose sole function is to review Agency activities. This subcommittee presently has as its chairman, the gentleman from Georgia, Mr. CARL VINSON, and I am proud to serve under him on this subcommittee. The other Members are: F. EDWARD HÉBERT, MELVIN PRICE, CHARLES E. BENNETT, GEORGE HUDDLESTON, JR., LESLIE C. ARENDS, WILLIAM G. BRAY, BOB WILSON, and FRANK C. OSMERS, JR.

As a matter of policy, the subcommittee has endeavored to meet with the Director and other Agency officials at least once a month to conduct an examination of its activities on a worldwide basis. In the course of these hearings we receive substantive intelligence briefings to keep us up to date on happenings throughout the world. It is the purpose of the subcommittee to fully inform itself on all aspects of Agency operations including its organizational structure and personnel practices. The Director of Central Intelligence has explored with the subcommittee the most sensitive of Agency operations in order that the members be fully informed.

At time I, as a member, am concerned with the sensitivity of this information and its serious nature for fear that I might inadvertently endanger someone's life or a highly successful operation.

The Director of Central Intelligence has been most candid with the subcommittee in discussing plans for future activities and we have witnessed a number of significant improvements in the Agency since the current Director has been in office. On occasion the subcommittee has deemed it necessary to conduct thorough reviews of the Agency to assure itself that all possible steps were being taken by CIA and the intelligence community as a whole to insure that adequate intelligence is available to those who must make the policy decisions—further, to insure that policymakers have the benefit of as full information as possible including skilled evaluation of the raw information utilizing thoroughly professional analysis and research.

As to CIA conducting independent operation in pursuance of its own policy, the subcommittee has examined very closely the machinery by which the Agency is in fact responsible to the policymakers. Under the existing procedural machinery, the Agency simply cannot operate independently nor does it in fact operate as a policymaking organ of Government. The Director is directly responsible to the President and estab-

lished procedures insure that the operations of the Agency are in fact coordinated with and responsive to the policies of the Government. I might add that this is true not only at the national level but it is also true at the embassy level in foreign countries where the paramount role of the Ambassador is accepted by all agencies.

However, let us return to H.R. 8427 which is the issue today.

The committee has unanimously supported this legislation, and I urge the Members of the House to judge it on its merits. I am sure most of you will view it favorably.

Before I conclude, I would like to advise the House that I propose to offer an amendment to H.R. 8427 to clarify the kind of duty that must be performed before the Director can designate the individuals who will be permitted to participate in this liberalized retirement system.

I discussed this matter with members of the Rules Committee and members of my committee, and I propose to offer an amendment to section 203 of the bill. Under this section, as it is now written, the Director may designate the officers and employees who will be entitled to the benefits of the system. The amendment I will offer would change the language to read as follows:

On page 3, lines 13 to 16, strike out the first sentence of section 203, and substitute in lieu thereof the following language:

The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal Government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am constrained to yield to my friend, the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. I have been advised that in this proposed legislation there are the usual prohibitions against drawing retirement pay in cases involving personnel who are reemployed by the Government by some other agency; is that correct?

Mr. RIVERS of South Carolina. That is right. The gentleman is right.

Now that is the bill. Let me summarize it for you again:

First. Retirement at the age of 50 with a total of 20 years of service, 5 years of which must have been with the Agency. The employee must apply for the retirement and receive the permission of the Director.

Second. The Director may involuntarily retire individuals and where they are in the grade of GS-14 and above, they will be entitled to receive an immediate annuity regardless of age provided, however, they have 5 years of qualifying service and a total of 10 years service with the Agency, and

Third. The Director may retire employees in the grades of GS-13 and be-

19592

## CONGRESSIONAL RECORD — HOUSE

October 30

low, and in such case they will receive at age of 60 a deferred annuity if otherwise eligible.

In addition, they will be entitled to receive separation compensation in the amount of 1 month's salary for each year not to exceed a total of 1 year.

That is the bill, Mr. Chairman.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman.

Mr. HOLIFIELD. I would like to compliment the gentleman from South Carolina and his subcommittee; the chairman and members of the full committee, for bringing this bill out. As I understand it, this covers a personnel area which has not been covered heretofore; it affords retirement privileges identical to those in the Foreign Service; is that correct? The grades under grade GS-14 are already covered by the normal civil service retirement regulations.

Mr. RIVERS of South Carolina. The gentleman referred to grades under GS-14?

Mr. HOLIFIELD. Yes, under grade GS-14.

Mr. RIVERS of South Carolina. Not all qualified employees—normally employees are covered by the civil service system. Let us call them agents. Agents without the qualifying service are not covered.

Mr. HOLIFIELD. In other words, agents who do not have the qualifying service under civil service are the ones who are not covered; is that correct?

Mr. RIVERS of South Carolina. That is correct.

Mr. HOLIFIELD. But under this bill they will be covered and the benefits they will draw will be similar or the same as those of people in the Foreign Service.

Mr. RIVERS of South Carolina. That is correct.

Mr. HOLIFIELD. You spoke of the right of the Director to retire agents under certain conditions. Does this give the Director any additional power to fire or hire people besides the power he has already?

Mr. RIVERS of South Carolina. No, but the Director must have this authority.

Mr. HOLIFIELD. Yes, he must have this authority. Your reference to them is to see that they get certain annuities in case they are relieved of their duties?

Mr. RIVERS of South Carolina. That is right—to give them security. You must remember these agents sign a letter before they go on duty that they will serve anywhere on earth, 7 days a week, 24 hours a day. It is a very-demanding service.

Mr. HOLIFIELD. That is correct. Many of these people being covered by this bill have served in places where it was dangerous for them. They have assumed duties in espionage which have endangered their lives and, in fact, some of them have lost their lives as a result of this service; is this not true?

Mr. RIVERS of South Carolina. I am delighted that the gentleman asked that question. The gentleman has asked a question—if some of these agents are serving in dangerous places and have lost

their lives and are in danger of losing their lives. I wish I could tell this committee the areas where these people are languishing in jails and where they have faced firing squads all over the world. It is a terrifying thing. If you knew what I know, you would say to me that there are a lot better ways of making a living than working for the CIA.

Mr. HOLIFIELD. I am glad the gentleman brought this point out because, as a member of the Joint Committee on Atomic Energy, we have had close relationships with the CIA. We know what the gentleman from South Carolina says is true, that there are people who have served in this organization who are in jail and some have lost their lives. Furthermore, they are also in a situation where they cannot be protected or they cannot be claimed as a member of the CIA in the event they are captured and jailed in a foreign country.

Mr. RIVERS of South Carolina. If I should tell you how many of these agents we have or if I should give you some sort of a number of the agents that we have, the Soviets could merely by a matter of arithmetic figure them out and ferret them out.

For instance, when the Director decides to separate a man he cannot go into court with his case under this bill, because if he did, any espionage person could figure out exactly who these people are, how many they are, and what they do. We cannot permit this. This espionage business is a dangerous business; it is not one that I would be in. We have never been in it before. But, has it ever occurred to you and to the other members of the committee as to the vast system of the Soviets? They have thousands upon thousands upon thousands of agents in this world. We must have this agency and we must give them this benefit.

Let me say this to the gentleman: we permit the Federal Bureau of Investigation employees to retire at an earlier age than other people. Do you know why? It is because they are under such a terrible strain all the time. They must be given this right; otherwise they will shake themselves to pieces. They have to have it, and this organization here must have this.

Mr. HOLIFIELD. I think the gentleman has done a good thing in bringing out this bill. I want to express my support for it. I believe every Member, who knows the workings of this organization, who knows the dedication of these people and has had the privilege of meeting many of these people in the course of their congressional duties, can certainly subscribe to this. I hope this bill will pass unanimously.

Mr. RIVERS of South Carolina. I thank the gentleman.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Mr. Chairman, one thing the speaker has not brought out is the wage differential that exists between persons employed in the Central Intelligence Agency as compared with those employed in other agencies of

the Government. I have been informed from what I think is a good source that in the lower echelons of people who are performing clerical and just routine work they are getting salaries above what people doing similar or exactly the same work in other agencies of the Government are getting. They are getting what would be comparable to two grades higher pay for that. Do you have any comment to make on this?

Mr. RIVERS of South Carolina. I do not have a bit of comment to make on it, and I do not believe in it.

Mr. JONES of Missouri. I have this from a source that I think is reliable. I appreciate the fact that this whole Agency has to operate under an aura of great secrecy.

Mr. RIVERS of South Carolina. Why, certainly.

Mr. JONES of Missouri. And sometimes they are inclined to carry it to the ridiculous. For instance, I had an experience, and I am going to relate it in order to emphasize the point I am trying to make. At the time of the U-2 incident I was concerned about what had happened there. I think our Government suffered great damage because of statements that went out at that time which were not true. So, I made an appointment with Mr. Dulles to talk to him about this thing. He tried to explain it to me, but I did not get much information. In his old headquarters they had a picture of the new CIA building. Just out of idle curiosity more than anything else, I said, "Mr. Dulles, how many people will be employed in this new building?" He said, "Oh, we cannot tell you that. That is secret." To me that was an asinine reply to a question, because I think anyone knows that there was no secrecy with regard to the number of people to be employed in that new building out at the Central Intelligence Agency, because anybody who knows anything about trying to estimate the number of employees in a building could have gotten it very well; or for that matter one could count the employees entering and leaving by public highway.

The thing that disturbs me about this bill is the fact that it has been the practice throughout many years for these people to take advantage of their sensitive position and to use it for privileged treatment which is not justified.

I am in sympathy with the people who risk their lives and do things like that. I am not asking you what the salary of those people is, but I have reason to believe that it is a pretty good salary which takes care of some of the hazards and the risks that are involved. I think those things have to be considered here, too. I think your committee should have and should be able to tell me to what heights or depths we are going to go to determine who is included, because unless I am badly mistaken and unless I am badly mistaken in my estimate of the operation of this department in the past, they are going to start reaching down, down, and down to get people up. I have had the experience of observing people quit, other departments of the Government to join the Central Intelligence Agency. They have told me, "I can go there and

1963

## CONGRESSIONAL RECORD — HOUSE

19593

do exactly the same work that I have been doing," let us say, in the Department of Agriculture "and I will get a much higher salary, because I get the coverage under the CIA." Yet that person stays in this same community and does the same work with no greater responsibility, and he gets higher pay. I do not think that type of employee is entitled to any special consideration just because he is associated with an agency that has a small percentage of its people who are put in these positions of high sensitivity and who are subjected to great risk and, in many instances, have given their lives. I do not think you have given us enough information about these people at the lower levels, who constitute a great majority. I would want some assurance that those people are not going to get further preferred treatment under this bill. I would like to have the gentleman comment on that.

Mr. RIVERS of South Carolina. The gentleman has made a pretty good speech. I do not know where to start to answer his question. I allowed him to talk for 5 minutes. What question does he want me to answer?

Mr. JONES of Missouri. I asked the gentleman first if he knew of the differential in salary between the people employed doing clerical, filing, and typing work, who were getting paid more than those people in the departments?

Mr. RIVERS of South Carolina. I do not know that.

Mr. JONES of Missouri. I think the gentleman should know it. I think his committee should know it. I think the House is entitled to that information.

Mr. RIVERS of South Carolina. The bill clearly points out who would be covered.

Mr. JONES of Missouri. I respectfully point out that it does not.

Mr. RIVERS of South Carolina. I must be stupid, because I have tried to explain that to the gentleman.

Mr. JONES of Missouri. I do not think the gentleman is stupid. I think sometimes the committee is overawed by the great secrecy under which this agency operates and some of the people have taken advantage of their position to keep secret some things that the Congress and the gentleman's committee particularly are entitled to know.

Mr. RIVERS of South Carolina. I will tell the committee what I will do. The gentleman may go back and ask the counsel of our committee to answer any of those questions; and he can answer them a thousand times better than I can.

Mr. JONES of Missouri. Does the gentleman mean that these things are so secret that we cannot put them on record?

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Virginia.

Mr. HARDY. Mr. Chairman, as a member of the subcommittee I may be able to shed a little bit of light on the point that the gentleman from Missouri has raised. As far as I can recall from the testimony the employees who are covered under the normal civil service

regulations are paid on exactly the same basis as employees in other agencies performing the same duties. We are not talking about those employees in this bill. This bill covers only the employees who are engaged in special types of work. With respect to other kinds of employees—the average kind—let me say to the gentleman that a few years ago I employed as a staff member of my subcommittee, an attorney who was then on the legal staff of CIA. I paid him a little bit more money than he was making down there. I am sure that he had been getting at CIA exactly the same pay he would have received for similar work in any other Federal agency. I hope that will help the gentleman on the point that he was making.

Mr. RIVERS of South Carolina. May I say this to the gentleman: The people who do similar work are covered by the regulations of the civil service.

Mr. JONES of Missouri. Mr. Chairman, I do not agree with that for this reason, because I have had specific instances and have known people who have quit jobs in one department in order to go to work for the CIA. They have told me that they were doing exactly the same type of work and getting paid at a higher grade than they were in the department that they quit.

Mr. RIVERS of South Carolina. I am surprised to hear that.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am pleased to yield to the gentleman.

Mr. MACGREGOR. Mr. Chairman, I was particularly pleased by the comments of the gentleman from South Carolina with respect to the nature of his committee's knowledge of the work of the Central Intelligence Agency. This is particularly so because from time to time over the past 3 years we have heard complaints in this body and in the other body about the need for the establishment of a watchdog committee which, in my opinion, is not indicated from my knowledge of the existing committees of the Congress. I should like to call the gentleman's attention to a response given by President Kennedy to a question at a press conference earlier this month when he said the following:

There is a congressional committee in the House and one in the Senate composed of members of the Appropriations Committee and the Armed Services Committee, and they meet frequently with Mr. McCone, and he also testifies before the Foreign Relations Committees of House and Senate and the general Armed Services Committees. And I think that Congress through that organization has the means of keeping a liaison with him.

I should like to ask the gentleman from South Carolina [Mr. RIVERS] whether he agrees that the committee on which the gentleman serves and other committees mentioned by the President do maintain effective liaison over the work of the Central Intelligence Agency?

Mr. RIVERS of South Carolina. We do it all the time. The gentleman from Georgia [Mr. VINSON] is chairman of that subcommittee and its members meet all the time. We get all the information

they have. We get a briefing on the world situation. They are totally frank. They present some very, very brilliant information before our subcommittee. They know how to figure out intelligence. It is quite an impressive thing.

Mr. MACGREGOR. I thank the gentleman for his response.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield further?

Mr. RIVERS of South Carolina. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Will the gentleman from South Carolina answer one question for me? I want to know if the gentleman thinks that this was justified as a matter of secrecy as to the number of employees that are working in this CIA building here in Washington?

Mr. RIVERS of South Carolina. I think so.

Mr. JONES of Missouri. The gentleman thinks that should be secret?

Mr. RIVERS of South Carolina. I think so.

Mr. ASHBROOK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and nine Members are present, a quorum.

Mr. BATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 8427 is a bill unanimously reported by the Armed Services Committee. Its purpose is to establish an improved retirement system for those employees of the Central Intelligence Agency who are concerned with the conduct and support of intelligence activities abroad.

The Congress has long countenanced the policy of providing early retirement for certain classes of Government employees. This policy is not one of favoritism, but one of realism. It takes account of the fact that some jobs are more hazardous and more trying, than others. An appreciation of the risks assumed by special agents of the FBI and other Government employees engaged in the apprehension and detention of criminals, led to the Congress providing early retirement for them. The arduous conditions—climatic and otherwise—under which Foreign Service officers labor, dictated the enactment of similar early retirement provisions. In the case of those CIA officers and employees engaged in the conduct and support of intelligence activities abroad, both criteria—hazardous and onerous working conditions—obtain. This is obviously a young man's business and for the sake of consistency and justice, provision must be made to accord to this limited number of CIA employees the realistic treatment which presently governs the early retirement of FBI agents and Foreign Service officers. The voluntary retirement features of the bill meet this objective by providing that an employee who is at least 50 years of age and has rendered 20 years of service may, with the consent of the Agency, be retired on an immediate annuity.

Since the Civil Service Retirement Act continues to be appropriate for the great majority of CIA employees, this

19594

## CONGRESSIONAL RECORD — HOUSE

October 30

bill will apply only to those actively engaged in intelligence work overseas. For security reasons, the various position titles of those to be covered have not been spelled out in the bill itself, but the restricted coverage has been made explicit in the very title of the bill and in its statement of purpose.

The types of specialities needed by the Central Intelligence Agency vary, not only with the sophistication of intelligence collection techniques, but with changes in world conditions generally. The advent of the U-2 and the concomitant need for highly trained photo-interpreters, is a clear example. But with the progress of science and the imaginative technological advances in this area some specialized skills used by CIA officers in the field may become obsolete. Such men often find themselves involved in the Agency's necessary programs of managed attrition. Authority was therefore granted to provide such individuals who are involuntarily retired either separation pay or immediate annuities. Immediate annuities are available only to GS-14's and above who have at least 10 years' service with the Agency, 5 of those years in a career primarily oriented toward the conduct and support of intelligence activities abroad. Those involuntarily retired who are not eligible for immediate annuities will be provided with separation pay which, like the annuity, is proportioned to length of service rendered.

Though the retirement provisions of this bill represent new coverage for some CIA employees, they are not novel to the Congress. Identical provisions obtain for Foreign Service officers. Nevertheless, each section of this bill was carefully analyzed to confirm that it was appropriate and necessary. In the course of 4 days intensive hearings the committee found that a number of changes were warranted. These changes have been made, and as a result we have before us now an excellent bill which I am proud to support—a bill which deserves your consideration. One change in particular was occasioned by security considerations. Because of the sensitivity of information pertaining to the mission of the CIA abroad, a section was added to give finality to determinations made by the Director under this act. Similar provision exists in the Atomic Energy Act and is designed to protect highly classified information from disclosure in the course of an open trial or hearing.

Other changes were made which tightened the bill and which reflected the years of experience which the Foreign Service has had in administering an identical system.

I believe that H.R. 8427 is in line with consistent congressional policy and that it represents an equitable retirement system for those involved in this arduous work. In addition, it provides to the Central Intelligence Agency a method for keeping its service young and up to date; and the enactment of this bill will demonstrate to those whose thankless task it is to be in the front lines of our intelligence-collection service that their work and their welfare are not unheeded by the Congress of the United States.

Mr. HARDY. Mr. Chairman, will the gentleman yield to me at this point?

Mr. BATES. I would be pleased to yield to the gentleman from Virginia.

Mr. HARDY. In connection with the question raised by the gentleman from Missouri a moment ago with respect to the extent to which the subcommittee went into this matter, would the gentleman agree that in hearings with the CIA the subcommittee went very deeply into this matter of the limited number of employees to be covered under this bill?

Mr. BATES. That is correct.

Mr. HARDY. And I think the point that the gentleman from Missouri raised is a very important point. But I think it is also important that the Members of the Congress know that the subcommittee did receive assurances to the effect that only persons in very special kinds of assignments would be covered.

Mr. BATES. With reference to this particular bill.

Mr. HARDY. That is correct. I thank the gentleman.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from North Carolina.

Mr. JONAS. I wish the gentleman would tell me where I can find that in the bill.

Mr. BATES. What is that?

Mr. JONAS. The limitation of coverage to hazardous foreign service. It may be in the bill, but I cannot find it.

Mr. BATES. I may say that an amendment will be offered on this point. The members of the subcommittee after we considered this particular aspect at considerable length in the committee were satisfied in our minds as to what the CIA intended. When we went before the Rules Committee they raised the same question that the gentleman from North Carolina now poses. We wrote an amendment which we offered to the subcommittee, and we also cleared it with the Rules Committee. With the exception of the gentleman from California [Mr. SMITH] they are presently in accord with what I have previously stated. This will be discussed when we get under the 5-minute rule.

Mr. JONAS. Can the gentleman tell me where I might find a copy of the amendment?

Mr. BATES. I will lend the gentleman my copy of the amendment.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from New York.

Mr. LINDSAY. For how long do they have to serve overseas?

Mr. BATES. In order to obtain this annuity an individual must have 5 years in this particular group. If he has 10 years' total he could retire on the basis of 2 percent per year.

Mr. LINDSAY. Five years of oversea assignment?

Mr. BATES. He must be in that work for at least 5 years.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield the balance of the time remaining to the gentleman from Florida [Mr. BENNETT].

(Mr. BENNETT of Florida asked and was given permission to revise and extend his remarks.)

Mr. BENNETT of Florida. Mr. Chairman, as a member of the Armed Services Committee and as a member of the CIA Subcommittee, I rise in support of H.R. 8427.

This bill for CIA is in fact long overdue. The bill will improve the retirement system for those employees of the Agency who are actively engaged in the conduct and support of intelligence activities abroad. It is estimated that less than 30 percent of the Agency employees will be brought in under this new system.

Today, all employees of the Agency are under the normal civil service retirement plan and the majority of the employees will remain under that system. A service which is continuously rotating its people abroad requires fundamentally a younger group of people than is normally found in a Washington headquarters.

Foreign Service early recognized the need for a retirement system designed to meet the needs of an oversea service, and beginning in 1924 the Congress recognized the validity of these special needs.

CIA is not asking for something special or unique in this bill. The possibility of improving the retirement system was studied intensively and it was determined that the system developed by the Congress for the Foreign Service over the last 30 years would meet Agency objectives. Consequently, this bill gives to a fraction of the total Agency personnel a retirement system substantively identical to the Foreign Service.

During 4 days of hearings all aspects of this bill were examined intensively by the committee. A review of these hearings and the report indicates clearly that most careful thought was given to each aspect of the bill. A number of amendments were made which strengthen and tighten the bill. The bill was unanimously reported and it is to the merits of this bill which the Members should address themselves.

My membership on the CIA Subcommittee has given me considerable insight into the personnel problems and the management aspects of the intelligence business. It may well be that the Agency has made some mistakes, but we all make mistakes. On the other hand, the Agency has been tremendously successful in providing advance information on many aspects of world events. I am convinced that our policymakers are getting good intelligence from CIA and the entire intelligence community.

I have listened with great interest to the problems of CIA operators collecting intelligence in the field. These men and women I have found to be truly dedicated to their tasks, and the Nation should be grateful for their efforts. This bill is essential to maintain the high quality of the service of which these people are a part. We must give the Agency the tools it needs to accomplish the extremely difficult mission which it is assigned.

I call upon you to vote for this bill which is recommended to you by all members of the Armed Services Committee and not to vote for irresponsible

1963

## CONGRESSIONAL RECORD — HOUSE

19595

headlines appearing in portions of our press.

Mr. Chairman, in concluding my remarks I would like to say there have been from time to time in the press and among individual Members of the House and others comments with regard to the necessity or the validity of adding another CIA committee. I think this is primarily because most Members of the Congress, or at least most members of the press and the public generally do not realize there are committees of this type in the House and Senate at the present time. So I would think, if questions are in the minds of Members of Congress, it might be an appropriate thing for these Members of the Congress to treat the Committee on Armed Services and its CIA subcommittee just as they treat every other committee of the Congress and address to them the questions they have with regard to employment policies or with regard to any other policies they may have, and in this way perhaps some of this unnecessary secrecy can be removed. There is a degree of secrecy necessary in the CIA, but there is also a large area where there is no real necessity for secrecy.

I think Members of Congress are mostly interested in seeing to it that the books are properly handled and things of this type. Things of this type can be brought to the Central Intelligence Agency subcommittee and can be properly handled. I hope in the future Members of Congress when they hear about a subject dealing with the Central Intelligence Agency and have a question about it will address their question to the staff of the committee or to the committee as a whole and to the gentleman from Georgia, Chairman VINSON, chairman of the subcommittee and of the whole Committee on Armed Services. I think you will get intelligent answers then to the questions you ask. Perhaps by eliminating this frustration we may not only serve the CIA but, more importantly, may serve to strengthen our own country.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, our Committee on Armed Services has had a subcommittee on the Central Intelligence Agency for many years. As a member of that subcommittee since its inception I have become somewhat familiar with the nature of the Agency's organization and its manifold activities. Our subcommittee has regularly inquired into the CIA's operations and from time to time have made specific inquiry into some specific aspect of its activities. Whenever a question would arise as to what the CIA had been doing in some particular area, our subcommittee would quietly but thoroughly look into it.

Naturally, all our subcommittee inquiries, investigations, and briefings were in executive session. Naturally, no reports have been issued as to our findings and recommendations. To do so would destroy the effectiveness of the Agency, and the importance of this Agency's work to our country's security cannot be too strongly emphasized.

This is not to say that the Agency has been without any congressional supervision. Not only has our subcommittee been scrutinizing its operations, it has likewise been scrutinized by the Appropriations Subcommittee, as well as the subcommittees of the Senate.

I am confident that every member of the subcommittees that has dealt with the CIA will agree that Director John McCone and his deputies have at all times been responsive to the questions we have raised. They have not hesitated to give us details and to take us into complete confidence. Nor have they hesitated to admit to possible error and their eagerness to improve upon their methods of obtaining information and evaluating it. Anyone familiar with the simplest type of detective work readily recognizes how readily errors occur in ferreting out the facts. The gathering of factual information on a worldwide scale, and being certain that the information is factual and not just conjectural, presents problems beyond description.

For my part, I believe that in the CIA we have one of the finest intelligence agencies in the world. I should also like to say that I do not believe anywhere will be found people more dedicated to the service of our country than Director McCone and the people who serve under him.

There is one thing more I should like to emphasize with respect to the CIA. Contrary to what we read and hear from time to time, the CIA does not pursue an independent foreign policy. The agency does not make policy. It simply gathers the facts upon which policy may be based. It simply carries out orders dictated by those who make policy. If there is an inconsistency, or a seeming inconsistency, between policy and what the CIA may be doing, it arises not because of the CIA acting independently.

Our subcommittee has not only reviewed the operations of the CIA, but we have also looked carefully into the machinery by which the CIA activities are coordinated within and between other departments of Government.

While all this is not directly related to the bill before us, I felt at least something should be said concerning the operations of the CIA generally by those of us who have had opportunity to regularly study its activities.

As has been pointed out, the bill before us was reported unanimously by our committee. What we are proposing here is not new. We are in effect simply extending to some of the employees of the CIA the same type of retirement system as we have had for the Foreign Service.

We established a special retirement system for the FBI and for the Foreign Service in recognition of the extraordinary hazardous nature of the work and the uniqueness of the service itself. Assignments overseas are not at best the most desirable, particularly for any extended period of time. And many of these assignments are necessarily in unhealthy climates and in places where

living conditions are no more than tolerable.

In addition, there are all the dangerous aspects involved in connection with intelligence operations abroad. One is frequently under great pressure and certainly not able to live a normal life. It requires a certain type of people to undertake intelligence assignments in remote places and sometimes unfriendly areas.

The purpose of this legislation, to provide for the voluntary retirement of some employees at the age of 50 with 20 years service, is not solely to help those already in the service but to encourage others to dedicate themselves to this type of work. By this legislation we seek to insure a continuing virility in one of the most important agencies of Government.

I urge the enactment of this bill.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I am pleased to yield to the gentleman.

Mr. MACGREGOR. Mr. Chairman, it is frequently said that there needs to be a watchdog committee established by the Congress to oversee the activities of the Central Intelligence Agency. It is said, for example, that such a group is needed, consisting of House and Senate Members of long seniority and demonstrated responsibility. I should like to ask the distinguished gentleman from Illinois whether or not there is not already in existence in the Congress a committee, or committees, consisting of Members of long seniority and demonstrated responsibility to oversee the activities of the Central Intelligence Agency.

Mr. ARENDS. The answer to that is "Yes." As I said in my talk a moment ago, a subcommittee of the Armed Services Committees of the House and Senate and the subcommittee of appropriations, go into all matters concerning the CIA, and it is my opinion that these committees do as good a job as we possibly can. If our present committees were to be enlarged into a so-called watchdog committee composed of Members of the House and Senate, I think it would soon get out of hand with the real possibility that information of the most secret nature might soon become public information and no longer be a secret matter. I would prefer our present practice. I think we do a thorough job. I must say, in commendation of the CIA that when they appear before us, they are very frank, honest, and sincere and at all times ready to reply in detail to any inquiry of any kind whenever we request it.

Mr. MACGREGOR. Secondly, it is said by some of little knowledge of the existence of the Armed Services Committee and the Appropriations Subcommittee, that a watchdog committee is needed so that Members of Congress would be kept informed of the general activities of the CIA. You are informed at the present time, are you not?

Mr. ARENDS. We certainly are informed. Our chairman, the gentleman from Georgia [Mr. VINSON], whenever something comes up, frequently requests

19596

## CONGRESSIONAL RECORD — HOUSE

October 30

the CIA to come before us in closed session and the matter is thoroughly discussed and analyzed.

Mr. MACGREGOR. It is further alleged that such a watchdog committee is needed to oversee the policies of the CIA, the implication being that the CIA is a policymaking body. It is not, is it?

Mr. ARENDS. Such an impression is erroneous, indeed. I pinpointed that just a moment ago. The CIA is not a policymaking body. It is simply an implementing and factfinding group. Policy is made by those who are in authority to make policy.

Mr. MACGREGOR. Mr. Chairman, I thank the gentleman from Illinois for his elucidation.

Mr. RIVERS of South Carolina. Mr. Chairman, I have no further requests for time.

Mr. BATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, if I may have the attention of the gentleman from Illinois [Mr. ARENDS], I would like to compliment the House Armed Services Committee on being able to get any and every type of information which they wanted from the Central Intelligence Agency. That has not been the experience of some other committees of Congress.

Mr. Chairman, I would have appreciated it had the gentleman went on today and told us who in the Cuban Bay of Pigs fiasco fell flat on their collective or individual faces. I would have appreciated hearing an account of why the CIA's man, Richardson, was removed from Vietnam if the CIA is not dealing in policy in that country.

Mr. Chairman, it was my understanding that Mr. Richardson was brought back from Vietnam because he was trying to establish some kind of a policy. I hope that some day, when we do not have anything else to do in the House, that members of the Armed Services Committee will tell us of some of the things that we common garden variety Members of Congress have been totally unable to learn about the operations of this Agency of Government.

Mr. Chairman, let me say that the CIA at one time came before a committee of which I am a member, the Committee on Post Office and Civil Service, asking for additional supergrades. We asked the representatives of the CIA how many supergrades they had at that time. The answer was, "We cannot tell you," although this was an executive session. I said, "Do you mean to tell the committee you cannot divulge how many employees you have in categories 16, 17, and 18?" They said, "No, we cannot tell you." I said, "We are not asking for job descriptions, we do not ask you for names, we simply ask you for the numbers of employees in the three categories." My friend, the gentleman from Michigan [Mr. JOHANSEN] is present on the floor of the House and I am sure the gentleman will corroborate what I say if there is any doubt.

Mr. Chairman, we adjourned the meeting because we could not even find out how many supergrades they had. In a day or two—I think it was the next day—we were advised that they would drop their cloak of secrecy to tell us how many persons they had in those grades. So they gave us the information, but we had to go through two meetings in order to get just the number of bodies in those three categories, grades 16, 17, and 18.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. In the first instance, when you asked them how many they had on the payroll, they should have told you. I think it was ridiculous not to have told you.

Mr. GROSS. We are dealing in part with the same sort of thing in this bill. I will tell you why. In the report accompanying the bill you do not have a single letter, or the usual letters from a department or agency of Government in support of or in opposition to this legislation. You have nothing whatever from the Chairman of the Civil Service Commission who administers the Government retirement fund. And, let me tell Members of the House that you had better begin to be concerned about the retirement fund.

Mr. Chairman, I favor certain provisions of this bill, but I warn you that the Government retirement fund is today more than \$38 billion in the red. I did not say "millions." I said billions; \$38 billion in the red.

In the last fiscal year retirement fund went \$4 billion in the red. You had better begin to be concerned about how you handle retirement from here on out, because somebody, and soon, is going to have to put money into the fund in order to pay out any retirement.

Mr. Chairman, I could hardly believe it when I picked up this bill over the last weekend and read this one sentence:

The Director may designate from time to time such Agency officers and employees, hereafter referred to as participants, who shall be entitled to the benefits of the system.

I could not believe that a retirement bill could come out of a committee as unlimited as that.

Sure, you are going to offer an amendment now to partially close the door. But with one hand you are going to close the door and with the other you are going to open it again with the amendment which you propose to offer.

I am going to offer a substitute to your amendment to keep that door closed.

I support the proposal to give proper consideration to those engaged in work hazardous to life and health, but there I want to end. I am not going to give the Director of the CIA the authority to interpret what is normal employment, to open the door again, and perhaps give an unjustified number of people on fast retirement who may be completely undeserving.

So I will offer a substitute to the amendment and vote against the bill if the substitute fails.

Mr. BATES. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 8427 to create a Central Intelligence Agency retirement and disability system for a limited number of employees. It is high time that the Central Intelligence Agency should have a career retirement system similar to the one that the foreign service presently enjoys.

There is a clear need to establish and maintain a young career intelligence service. This bill will facilitate that purpose.

Equally, Mr. Chairman, I would like to pay tribute to the men and women of the Central Intelligence Agency who frequently serve at the risk of life and limb in difficult parts of the world. Their service, which goes unpublicized for the most part, should be recognized by the Congress of the United States and their loyalty, their dedication, and their professional character should be backed up by a meaningful career service and retirement system.

Occasionally Mr. Chairman, points are raised that the CIA operates independently of the chief of missions. Just by way of clarification I would like to read from one of the Executive orders bearing on this so that there can be no lack of clarity on the fact that CIA in any embassy is subject to the Ambassador. Former President Eisenhower on November 8, 1960, issued a memorandum which I will excerpt from States:

It is my desire that all appropriate steps be taken to assure that the chief of the U.S. diplomatic mission is effective in discharging his role as the representative of the President. The chief of the mission shall have and exercise affirmative responsibility for the coordination and supervision of all U.S. activities in the country to which he is accredited.

Further, former President Eisenhower in this memorandum said:

It is my desire that the Chief of Mission be made fully aware of his responsibilities and authority in respect to U.S. activities.

The final point in this Executive order, that has been continued, I believe, by President Kennedy, states explicitly that the Ambassador:

Will report promptly to the President as to any matter which he considers to need correction and with respect to which he is not empowered to effect correction.

It is I believe plain that under the Executive orders of the past administration and the present administration, the Central Intelligence Agency and its representatives are responsive to the President and to his personal representative, the Ambassador.

In a word, Mr. Chairman, there is a definite need for this legislation today. It will mean a great deal to the spirit of the Central Intelligence Agency. These men and women deserve well of the United States. It is my hope that the Congress will enact this legislation.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE I—SHORT TITLE AND DEFINITIONS**

**PART A—SHORT TITLE**

SEC. 101. This Act may be cited as the "Central Intelligence Agency Retirement Act of 1963 for Certain Employees".

**PART B—DEFINITIONS**

SEC. 111. When used in this Act, the term—

(1) "Agency" means the Central Intelligence Agency; and

(2) "Director" means the Director of Central Intelligence.

**TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

**PART A—ESTABLISHMENT OF SYSTEM**

*Rules and regulations*

SEC. 201. (a) The Director may prescribe rules and regulations for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, referred to hereafter as the system.

(b) The Director shall administer the system in accordance with such rules and regulations and with the principles established by this Act.

(c) In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947, as amended (50 U.S.C. 403(d)(3)), that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of the Administrative Procedure Act (5 U.S.C. 1001 et seq.) or any other provisions of law, any determinations by the Director authorized by the provisions of this Act shall be deemed to be final and conclusive and not subject to review by any court.

*Establishment and maintenance of fund*

SEC. 202. There is hereby created a fund to be known as the Central Intelligence Agency Retirement and Disability Fund which shall be maintained by the Director. The Central Intelligence Agency Retirement and Disability Fund is referred to hereafter as the fund.

*Participants*

SEC. 203. The Director may designate from time to time such Agency officers and employees, hereafter referred to as participants, who shall be entitled to the benefits of the system. Any participant who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying for the system may elect to remain a participant of such system for the duration of his employment by the Agency and such election shall not be subject to review or approval by the Director.

*Annuitants*

SEC. 204. (a) Annuitants shall be participants who are receiving annuities from the fund and all persons, including surviving wives and husbands, widows, dependent widowers, children, and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this Act.

(b) When used in this Act the term—

(1) "Widow" means the surviving wife of a participant who was married to such participant for at least two years immediately preceding his death or is the mother of issue by marriage to the participant.

(2) "Dependent widower" means the surviving husband of a participant who was married to such participant for at least two

years immediately preceding her death or is the father of issue by marriage to the participant, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.

(3) "Child" means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who, because of physical or mental disability incurred before age eighteen, is incapable of self-support. In addition to the offspring of the participant and his or her spouse, the term includes (i) an adopted child, and (ii) a stepchild or recognized natural child who received more than one-half of his support from the participant.

**PART B—COMPULSORY CONTRIBUTIONS**

SEC. 211. (a) Six and one-half per centum of the basic salary received by each participant shall be contributed to the fund for the payment of annuities, cash benefits, refunds and allowances. An equal sum shall also be contributed from the respective appropriation or fund which is used for payment of his salary. The amounts deducted and withheld from basic salary together with the amounts so contributed from the appropriation or fund shall be deposited by the Agency to the credit of the fund.

(b) Each participant shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which he shall be entitled under this Act, notwithstanding any law, rule, or regulation affecting the individual's salary.

**PART C—COMPUTATION OF ANNUITIES**

SEC. 221. (a) The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest five consecutive years of service, for which full contributions have been made to the fund, multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 251 and 252. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted.

(b) At the time of retirement, any married participant may elect to receive a reduced annuity and to provide for an annuity payable to his wife or her husband, commencing on the date following such participant's death and terminating upon the death of such surviving wife or husband. The annuity payable to the surviving wife or husband after such participant's death shall be 50 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by him as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2½ per centum of any amount up to \$2,400 he specified as the base for the survivor benefit plus 10 per centum of any amount over \$2,400 so specified.

(c) (1) If an annuitant dies and is survived by a wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each child an annuity equal to the smallest of: (i) 40 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) \$600; or (iii) \$1,800 divided by the number of children.

(2) If an annuitant dies and is not survived by a wife or husband but by a child or children, each surviving child shall be paid an annuity equal to the smallest of: (1) 50 per centum of the annuitant's average basic salary, as determined under paragraph

(a) of this section, divided by the number of children; (ii) \$720; or (iii) \$2,160 divided by the number of children.

(d) If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such wife, husband, or child had not survived the participant.

(e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the first day of the next month after the participant dies and such annuity or any right thereto shall be terminated upon death, marriage, or attainment of the age of eighteen years, except that, if a child is incapable of self-support by reasons of mental or physical disability, the annuity shall be terminated only when such child dies, marries, or recovers from such disability.

(f) Any unmarried participant retiring under the provisions of this Act and found by the Director to be in good health may at the time of retirement elect a reduced annuity, in lieu of the annuity as hereinbefore provided, and designate in writing a person having an insurable interest (as that term is used in 5 U.S.C. 2259(h)) in the participant to receive an annuity after the participant's death. The annuity payable to the participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section, and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the participant, but such total reduction shall not exceed 40 per centum. The annuity of a survivor designated under this paragraph shall be 50 per centum of the reduced annuity computed as prescribed above. The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no further annuity payments authorized under this paragraph shall be due or payable.

**PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS**

*Retirement for disability or incapacity—medical examination—recovery*

SEC. 231. (a) Any participant who has five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with provisions of section 251 or 252(a)(2), and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Director, be retired on an annuity computed as prescribed in section 221. If the disabled or incapacitated participant has less than twenty years of service credit toward his retirement under the system at the time he is retired, his annuity shall be computed on the assumption that he has had twenty years of service, but the additional service credit that may accrue to a participant under this provision shall in no case exceed the difference between his age at the time of retirement and the mandatory retirement age applicable to his grade in the Agency.

(b) In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons. Unless the disability is permanent, like examinations shall be made annually until the annuitant has reached the statutory mandatory retirement age for his grade in the Agency. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examina-

19598

## CONGRESSIONAL RECORD — HOUSE

October 30

tions that an annuitant has recovered to the extent that he can return to duty, the annuitant may apply for reinstatement or reappointment in the Agency within one year from the date his recovery is determined. Upon application the Director may reinstate any such recovered disability annuitant in the grade in which he was serving at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of his contemporaries in the Agency, appoint him to a grade higher than the one in which he was serving prior to retirement. Payment of the annuity shall continue until a date six months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the fund. If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

(c) If a recovered disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, he shall be considered to have been separated within the meaning of paragraphs (a) and (b) of section 234 as of the date he was retired for disability and he shall, after the discontinuance of the disability annuity, be entitled to the benefits of that section or of section 241(a) except that he may elect voluntary retirement in accordance with the provisions of section 233 if he can qualify under its provisions.

(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), covering the same period of time. This provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. Neither this provision nor any provision of the said Act of September 7, 1916, as amended, shall be so construed as to deny the right of any participant to receive an annuity under this Act by reason of his own services and to receive concurrently any payment under such Act of September 7, 1916, as amended, by reason of the death of any other person.

(e) Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this Act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 764), except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal employees' compensation fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this Act, which amount shall be transmitted to such Department for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the finan-

cial circumstances of the annuitant are such as to warrant such deferred refunding.

*Death in service*

SEC. 232. (a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, his contributions to the fund, with interest at the rates prescribed in sections 241(a) and 281(a), shall be paid in the order of precedence shown in section 241(b).

(b) If a participant, who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a widow or a dependent widower, as defined in section 204, such widow or dependent widower shall be entitled to an annuity equal to 50 per centum of the annuity computed in accordance with the provisions of paragraph (e) of this section and of section 221(a). The annuity of such widow or dependent widower shall commence on the date following death of the participant and shall terminate upon death of the widow or dependent widower, or upon the dependent widower's becoming capable of self-support.

(c) If a participant who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(1). The child's annuity shall begin and be terminated in accordance with the provisions of section 221(e). Upon the death of the surviving wife or husband or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though such wife or husband or child had not survived the participant.

(d) If a participant who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(2). The child's annuity shall begin and terminate in accordance with the provisions of section 221(e). Upon termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though that child had never been entitled to the benefit.

(e) If, at the time of his or her death, the participant had less than twenty years of service credit toward retirement under the system, the annuities payable in accordance with paragraph (b) of this section shall be computed in accordance with the provisions of section 221 on the assumption he or she has had twenty years of service, but the additional service credit that may accrue to a deceased participant under this provision shall in no case exceed the difference between his or her age on the date of death and the mandatory retirement age applicable to his or her grade in the Agency. In all cases arising under paragraphs (b), (c), (d), or (e) of this section, it shall be assumed that the deceased participant was qualified for retirement on the date of his death.

*Voluntary retirement*

SEC. 233. Any participant in the system who is at least fifty years of age and has rendered twenty years of service may on his own application and with the consent of the Director be retired from the Agency and re-

ceive benefits in accordance with the provisions of section 221 provided he has not less than five years of service with the Agency.

*Discontinued service retirement*

SEC. 234. (a) Any participant who separates from the Agency after obtaining at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), may, upon separation from the Agency or at any time prior to becoming eligible for an annuity, elect to have his contributions to the fund returned to him in accordance with the provisions of section 241, or (except in cases where the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States) to leave his contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at the age of sixty years.

(b) If a participant who has qualified in accordance with the provisions of paragraph (a) of this section to receive a deferred annuity commencing at the age of sixty dies before reaching the age of sixty his contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

(c) The Director may in his discretion retire participants in grade GS-14 and above. If so retired they shall receive retirement benefits in accordance with the provisions of section 221, provided they have in each case not less than five years of qualifying and a total of ten years of service with the Agency. Any individual so retired who does not meet these service requirements shall receive the benefits provided for individuals in grade GS-13 as set out in paragraph (d) of this section.

(d) The Director may in his discretion retire participants in grade GS-13 and below, and each such participant shall receive—

(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, from the fund, in three equal installments on the 1st day of January following the participant's retirement and on the two anniversaries of this date immediately following: *Provided*, That in special cases, the Director may in his discretion accelerate or combine the installments; and

(2) a refund of the contributions made to the fund, with interest as provided in section 241(a), except that in lieu of such refund such participant, if he has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), may elect to receive retirement benefits on reaching the age of sixty in accordance with the provisions of section 221. In the event that a participant who was separated from grade GS-13 or GS-12 and who has elected to receive retirement benefits dies before reaching the age of sixty, his death shall be considered a death in service within the meaning of section 232. In the event that a participant who was separated from grade GS-11 or below and who has elected to receive retirement benefits dies before reaching the age of sixty, the total amount of his contributions made to the fund, with interest as provided in section 241(a), shall be paid in accordance with the provisions of section 241(b).

(e) Notwithstanding the provisions of section 3477 of the Revised Statutes, as amended (31 U.S.C. 203), or the provisions of any other law, a participant who is retired in accordance with the provisions of paragraph (d) of this section shall have the right to assign to any person or corporation the whole

1963

## CONGRESSIONAL RECORD — HOUSE

19599

or any part of the benefits receivable by him pursuant to paragraph (d) (1) of this section.

*Mandatory retirement for age*

SEC. 235. (a) Any participant in the system in grade GS-18 or above shall upon reaching the age of sixty-five be retired from the Agency and receive retirement benefits in accordance with the provisions of section 221, but whenever the Director shall determine it to be in the public interest, he may extend such a participant's service for a period not to exceed five years.

(b) Any participant in the system, other than in grade GS-18 or above, shall upon reaching the age of sixty be retired from the Agency and receive retirement benefits in accordance with the provisions of section 221, but whenever the Director shall determine it to be in the public interest, he may extend such a participant's service for a period not to exceed five years.

**PART E—DISPOSITION OF CONTRIBUTIONS AND INTEREST IN EXCESS OF BENEFITS RECEIVED**

SEC. 241. (a) Whenever a participant becomes separated from the Agency without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 per centum per annum, compounded annually as of December 31, and proportionately for the period served during the year of separation including all contributions made during or for such period, except as provided in section 281, shall be returned to him.

(b) In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance with the provisions of section 281, with interest at 4 per centum per annum compounded annually as is provided in paragraph (a) of this section added thereto, exceed the total amount returned to such participant or to an annuitant claiming through him, in the form of annuities, accumulated at the same rate of interest up to the date the annuity payments cease under the terms of the annuity, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by an other person:

(1) To the beneficiary or beneficiaries designated by such participant in writing to the Director;

(2) If there be no such beneficiary to the surviving wife or husband of such participant;

(3) If none of the above, to the child or children of such participant and descendants of deceased children by representation;

(4) If one of the above, to the parents of such participant or the survivor of them;

(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

(6) If none of the above, to other next of kin of such participant as may be determined by the Director in his judgment to be legally entitled thereto.

(c) No payment shall be made pursuant to paragraph (b) (6) of this section until after the expiration of thirty days from the death of the retired participant or his surviving annuitant.

**PART F—PERIOD OF SERVICE FOR ANNUITIES**

*Computation of length of service*

SEC. 251. For the purposes of this Act, the period of service of a participant shall be computed from the date he becomes a participant under the provisions of this Act, but all periods of separation from the Agency and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while re-

ceiving benefits under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), and leaves of absence granted participants while performing active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

*Prior service credit*

SEC. 252. (a) A participant may, subject to the provisions of this section, include in his period of service—

(1) civilian service in the executive, judicial, and legislative branches of the Federal Government and in the District of Columbia government, prior to becoming a participant; and

(2) active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

(b) A participant may obtain prior civilian service credit in accordance with the provisions of paragraph (a) (1) of this section by making a special contribution to the fund equal to 5 per centum of his basic annual salary for each year of service for which credit is sought prior to November 8, 1960, and at 6½ per centum thereafter with interest compounded annually at 4 per centum per annum to the date of payment. Any such participant may, under such conditions as may be determined in each instance by the Director, pay such special contributions in installments.

(c) (1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, such officer or employee's total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

(2) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c) (1) of this section, shall be required to make contributions in addition to those transferred for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed by section 211 of this Act for contributions to the fund.

(3) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c) (1) of this section, shall receive credit for periods of service for which a refund of contributions has been made, or for which no contributions were made to the other Government retirement fund. A participant may, however, obtain credit for such prior service by making a special contribution to the fund in accordance with the provisions of paragraph (b) of this section.

(d) No participant may obtain prior civilian service credit toward retirement under the system for any period of civilian service on the basis of which he is receiving or will in the future be entitled to receive any annuity under another retirement system covering civilian personnel of the Government.

(e) A participant may obtain prior military or naval service credit in accordance with the provisions of paragraph (a) (2) of this section by applying for it to the Director prior to retirement or separation from the Agency. However, in the case of a participant who is eligible for and receives retired pay on account of military or naval

service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 of title 38, United States Code), or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included. No contributions to the fund shall be required in connection with military or naval service credited to a participant in accordance with the provisions of paragraph (a) (2) of this section.

*Credit for service while on military leave*

SEC. 253. Contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

**PART G—MONEYS**

*Estimate of appropriations needed*

SEC. 261. The Director shall prepare the estimates of the annual appropriations required to be made to the fund, and shall cause to be made actuarial valuations of the fund at intervals of five years, or oftener if deemed necessary by him.

*Investment of moneys in the fund*

SEC. 262. The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such fund.

*Attachments of moneys*

SEC. 263. None of the moneys mentioned in this Act shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 234(e).

**PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN THE AGENCY, OR REEMPLOYED IN THE GOVERNMENT RECALL**

SEC. 271. (a) The Director may recall any retired participant to duty in the Agency whenever he shall determine such recall is in the public interest.

(b) Any such participant recalled to duty in the Agency in accordance with the provisions of paragraph (a) of this section or reinstated or reappointed in accordance with the provisions of section 231(b) shall, while so serving, be entitled in lieu of his annuity to the full salary of the grade in which he is serving. During such service, he shall make contributions to the fund in accordance with the provisions of section 211. When he reverts to his retired status, his annuity shall be determined anew in accordance with the provisions of section 221.

*Reemployment*

SEC. 272. Notwithstanding any other provision of law, a participant retired under the provisions of this Act shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

*Reemployment compensation*

SEC. 273. (a) Notwithstanding any other provision of law, any annuitant who has retired under this Act and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis shall be entitled to receive the salary of the position in which he is

19600

## CONGRESSIONAL RECORD — HOUSE

October 30

servicing plus so much of his annuity payable under this Act which when combined with such salary does not exceed during any calendar year the basic salary such annuitant was entitled to receive on the date of his retirement from the Agency. Any such re-employed annuitant who receives salary during any calendar year in excess of the maximum amount which he may be entitled to receive under this paragraph shall be entitled to such salary in lieu of benefits hereunder.

(b) When any such retired annuitant is reemployed, the employer shall send a notice to the Agency of such reemployment together with all pertinent information relating thereto, and shall pay directly to such annuitant the salary of the position in which he is serving.

(c) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed annuitant, or from any other moneys, including his annuity, payable in accordance with the provisions of this Act.

## PART I—VOLUNTARY CONTRIBUTIONS

SEC. 281. (a) Any participant may, at his option and under such regulations as may be prescribed by the Director, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum per annum, compounded annually as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—

- (1) returned to him in lump sum; or
- (2) used to purchase an additional life annuity; or
- (3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Director by the participant; or
- (4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Director by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash payment referred to in subparagraph (3) above.

(b) The benefits provided by subparagraphs (2), (3), or (4) of paragraph (a) of this section shall be actuarially equivalent in value to the payment provided for by subparagraph (a)(1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

(c) In case a participant shall become separated from the Agency for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 per centum per annum, compounded as is provided in paragraph (a) of this section, made by him under the provisions of said paragraph (a) shall be refunded in the manner provided in section 241 for the return of contributions and interest in the case of death or separation from the Agency.

(d) Any benefits payable to a participant or to his beneficiary in respect to the additional deposits provided under this section shall be in addition to the benefits otherwise provided under this Act.

Mr. RIVERS of South Carolina (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open at any point to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. RIVERS OF SOUTH CAROLINA

Mr. RIVERS of South Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIVERS of South Carolina: On page 3, lines 13 to 16, strike out the first sentence of Sec. 203, and substitute in lieu thereof the following language: "The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system."

Mr. RIVERS of South Carolina. Mr. Chairman, the purpose of this amendment is to establish legislative criteria by which the Agency would determine those employees who would become participants in this system. The committee during hearings examined very carefully the question of what type of employees should be covered and which employees should remain under normal civil service retirement.

It was made clear that the purpose was to cover only career employees whose duties and responsibilities are predominantly concerned with the conduct and support of intelligence activities in foreign countries. It was also developed in the hearings, and with actual cases as examples furnished in executive sessions, that career employees whose duties are so specialized that they are placed at an unusual disadvantage when required to seek other employment would also be covered by this system.

A significant number of these actual cases were furnished the committee in the executive hearings to illustrate the types of employees who would be covered. One of the threads running through these cases was the hazard both to person and to health. Employees as well as their dependents have contracted diseases which would rarely, if ever, be found in the United States. We heard about cases where employees were wounded or killed by gunfire, and in some cases imprisoned.

In certain phases of the Agency's activities there are requirements for unusual specialties requiring long years of arduous training for which skills there could be no utilization in normal employment pursuits.

We learned of certain situations where, through no fault of the employee, his skills and he himself, became excess to the needs of the Agency or for certain reasons he could no longer be utilized effectively by the Agency. These are the people who will be covered—not the clerk, analyst, or researcher who spends his career in Washington.

In furtherance of the objective of concisely stating these criteria and furnishing statutory guidelines to the Director in selecting participants without at the same time imposing undue rigidity, language has been developed which is satisfactory to those members with whom I have consulted and is also agreeable to

other members of the Armed Services Committee with whom I have consulted.

The specific language was inserted in section 203 and provides that the Director may designate employees "whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal Government employment." I believe this language fulfills the objective desired and recommend it for inclusion.

Specifically on page 3 of H.R. 8427, at lines 13 to 16, strike out the first sentence of section 203 and substitute in lieu thereof the following language:

The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal Government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS as a substitute for the amendment offered by Mr. RIVERS of South Carolina: On page 3, beginning on line 13, strike the first sentence and insert the following:

"Sec. 203. The Director may designate from time to time such agencies, officers, and employees whose duties are determined by the Director to be in support of agency activities abroad or in this country that are hazardous to life or health."

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, as I said before, the amendment offered by the gentleman from South Carolina in my opinion closes the door and then reopens it. I am not willing to leave to the Director of the CIA the full determination of normal Government employment. The language also reads to this effect, "so specialized because of security requirements." I do not know of any employee in the CIA who is not considered to be employed in a security agency. Therefore, they could all come under this language "so specialized because of security requirements." Why would not every employee of the CIA be under that label, definition and interpretation? As I said before, I am perfectly willing to provide a special retirement program for those who are engaged in work that is hazardous to life or health, but I am not willing to leave it to the Director of the CIA to include anybody else in this fast retirement program. That is the import of my amendment. It does not change the remainder section 203.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. CORBETT. I want to commend the gentleman for this substitute amendment that he has offered which would tighten up a very loose arrangement. In the first place, taking this kind of action

1963

## CONGRESSIONAL RECORD — HOUSE

19601

without real deep consideration by the committee handling pensions is unusual.

Second, granting this discretionary power to one person in the CIA, the Director, to determine who shall get the pension protection and who shall not is a discretion that should not be in the hands of one individual. But if it has to be, this amendment of the gentleman from Iowa should be adopted because it at least puts some restrictions upon this discretionary authority. I commend the gentleman and support the substitute amendment that he has offered.

Mr. GROSS. I thank the gentleman. I am sure the gentleman being the ranking minority member of the House Committee on Post Office and Civil Service will also agree with me that we must watch carefully from here on out as to the number of persons and the expenditures that are made from the retirement fund because, I repeat, it is \$38 billion in the red and going deeper in the red by billions of dollars every year.

Mr. CORBETT. And as this bill stands, you would not know how many are going to be able to draw on the pension—whether it is hundreds or thousands or what the figure might be; is that not correct?

Mr. GROSS. That is correct.

Mr. CORBETT. I think both in the interest of the fund and in the interest of fairplay for all the rest of the employees whose paychecks contribute to this retirement fund that this restriction ought to be passed.

Mr. GROSS. I again thank the gentleman from Pennsylvania, who is a veteran member of the Post Office and Civil Service Committee and who takes a leading part in the writing of all other retirement legislation.

Mr. BATES. Mr. Chairman, I rise in support of the amendment and in opposition to the substitute.

In the course of our hearings the doubts that were expressed by the gentleman from Pennsylvania and the gentleman from Iowa were also entertained by the members of the subcommittee. What they have said on this floor today is similar to the same statements which we ourselves made when we were in committee. Contrary to what the gentleman from Pennsylvania said, we did give this matter deep consideration. We went into it very thoroughly. So, when the representatives of the CIA came before us we asked them specifically what they had in mind relative to these unusual individuals to whom would accrue these retirement benefits. They spelled these things out in detail not only with reference to those engaged in hazardous work but also those engaged in fields so specialized that they were very difficult to obtain. Upon the completion of their remarks the members of our committee were unanimously satisfied with the answers to the questions and we understood fully who was to receive the entitlements of this particular bill.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I would like to ask the gentleman, if he can, to say what are

the specialized fields. The gentleman's amendment says here that if they engage in any activity abroad or in this country which will prove a hazard to life or health.

Mr. BATES. I understand the gentleman's question. Mr. Chairman, this is not the first time on this floor I have been in this kind of a position where the answer to the question—and the gentleman from Pennsylvania should know this—would impair the national security.

Mr. CORBETT. That is why I asked the gentleman in those words.

Mr. BATES. I will be glad to give this information to the gentleman.

Mr. CORBETT. I said if the gentleman could answer.

Mr. BATES. I will be glad to give this information to the gentleman personally.

Mr. CORBETT. Could you imagine some case that would not be covered by this?

Mr. BATES. Yes indeed, and I will be glad to give the information to the gentleman.

Mr. RIVERS of South Carolina. I can imagine one, and I will be glad to give it to you. We need electronics experts and people with unusual skills requiring all kinds of training.

Mr. CORBETT. If you need them, why do you retire them early?

Mr. RIVERS of South Carolina. Because the skills may disappear.

Mr. CORBETT. They may do what?

Mr. RIVERS of South Carolina. The need for them may disappear. That is why.

Mr. BATES. Mr. Chairman, I still have the floor here.

I would like to say that we did go into this matter very fully. Both on the record and off the record we were told of the type of individuals who do this work and the nature of the work which they perform. We were satisfied as representatives of this Congress with the answers which were given to us. Although we originally had certain doubts, when it was all over that doubt was dispelled. It seems to me if this Congress is to take action today, it should resolve the doubt so that the security of our country would not be impaired.

I am satisfied in my own mind as to the need for this second provision and the wording of the language. When we went before the Committee on Rules they had the same problem in their mind. This is language which has been cleared by the Committee on Rules and it spells out what we had in mind when the matter was considered by the committee. It seems to me this is as far as we can go in considering the nature of the matter under discussion. Therefore, I ask that the substitute be defeated and the amendment of the gentleman from South Carolina be passed.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I wonder if some of the misgivings and concern that are being expressed here, and which I share, do not arise from the fact that the bill that the committee brings to the floor has a completely wide open door. Ap-

parently the committee itself had a serious second thought on the matter and evidences that serious second thought by offering what purports to be a restrictive amendment.

Mr. BATES. I will say to the gentleman the thought we have is not a second thought but a primary thought. We thought about this originally. This matter which developed today is to be expected. Anyone who considers this bill would understand this would be the first thought that would come to their mind. After we went into it in great detail the committee received the assurances of the CIA as to what they had in mind. We were satisfied with these assurances.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just raise the question again—and I do not want to be unfair to or critical of the committee, but if, as the gentleman has said, this was a matter of such earnest thought, it seems to me that it would have been more timely to propose this corrective feature before the bill was brought out of the committee. But beyond that, the thing that concerns me—and I think I can conceive of a situation very readily in which it is impossible for security reasons to spell out or itemize the types of employment or position or job classification that are covered—but is it possible in some way, in expressions of members of the committee to give the clear legislative intent in connection with this particular matter which will preclude the very thing which the members of the Committee on Post Office and Civil Service are so much concerned about?

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I am happy to yield to the gentleman from Virginia.

Mr. HARDY. I think the only way that that could be cleared up—and it cannot be expressed here on the floor—is this. I will say to the gentleman that the transcript of the hearings is complete, that all of these phases were discussed fully by the subcommittee over a long period of time. There are classified transcripts of the hearings that are in the committee safe, and they establish without question the intent of the CIA with respect to the application of this proposal.

Mr. JOHANSEN. I assume, therefore, that I have the commitment of the gentleman from Virginia that the subcommittee of the Committee on Armed Services will police the matter to see that that intent is not violated?

Mr. HARDY. I am assured by the chairman of the full committee that the matter will be policed.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield to the chairman of the subcommittee.

Mr. RIVERS of South Carolina. Mr. Chairman, I was going to give the gentleman the same assurance that the gentleman from Virginia [Mr. HARDY] gave. What I read was this: In certain phases of the Agency's activities there are requirements for unusual specialties requiring long years of arduous training for which in some cases there could be

19602

## CONGRESSIONAL RECORD — HOUSE

October 30

no utilization in normal employment pursuits.

If you need anything else, you may have it from our committee secret file.

Mr. JOHANSEN. I understand the gentleman in effect to say that there are what amount to temporary job requirements.

Mr. RIVERS of South Carolina. Positively. We cannot tell everything we know. We must ask you to believe that we have gone into these matters.

Mr. JOHANSEN. The gentleman I am sure knows that I am prepared, certainly, to believe him.

Mr. RIVERS of South Carolina. The gentleman has all the assurances that we have carefully policed this work.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield.

Mr. GROSS. The gentleman from South Carolina says that this early retirement is necessary in part to take care of specialties, and he mentioned electronics. I imagine we have several thousand specialists in electronics throughout the Government. If we are going to provide early retirement for all the specialists in electronics throughout the Government, that \$38 billion that the retirement fund is in the red will be \$50 billion if this is the criteria you are going to use to try to convince us that we ought to give early retirement to whomsoever the Director of the CIA may select.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield.

Mr. RIVERS of South Carolina. Mr. Chairman, in response to the gentleman from Iowa there are many specialties. I happened to mention electronics. There are many that we cannot mention. We know what they are. But we cannot here open up the heart of the CIA to everybody.

Mr. JOHANSEN. Of course, we do not expect the gentleman to do that and we would not request it for a moment. In taking this time I believe I have received what I asked for, which was the assurance that there was a clear legislative intent in the record of the subcommittee and the assurances of the committee and the subcommittee chairmen and the distinguished chairman of the full committee, that the matter would be carefully policed.

Mr. RIVERS of South Carolina. The gentleman has it.

Mr. JOHANSEN. I appreciate that. I will say too that I trust the gentleman understands a little bit of the distrust that some of us on the legislative committee have toward the bureaucracy.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa, to the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes, 20, noes, 67.

So the substitute amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

## AMENDMENT OFFERED BY MR. JONES OF MISSOURI

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: On page 2, line 15, strike the period and insert a semicolon followed by "such rules and regulations to become effective after approval by the chairmen and ranking minority members of the Armed Services Committees of the House and Senate."

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. We accept your amendment.

Mr. JONES of Missouri. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. Jones].

The amendment was agreed to.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MILLER of California asked and was given permission to speak out of order and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, we have all listened now to a lot of interpretations concerning what Premier Khrushchev meant when he talked about the Soviet moon program on October 28. I would like to point out that most of the interpretations which have been enunciated thus far have come from those with no direct connection with, or responsibility for, the space program. I have taken the trouble to look up the exact transcript of Mr. Khrushchev's remarks and I heartily commend it to the attention of every Member of House. A careful reading of what Mr. Khrushchev actually said, to my mind, does not indicate that the Soviets are cutting down on their own space program; it does not indicate that they are not heading for a manned lunar orbit in the near future; it does not indicate that they are abandoning any part of their original plans.

Let me make one other point. The fact that we have not heard much lately concerning any deep space efforts on the part of the Soviets does not at all mean that they have not been attempting them. We can be pretty certain that they have been making a number of complex attempts which in one way or another have not succeeded. They, like ourselves, have run into a very advanced technical area where the developmental going is rough. Very possibly they are having enough scientific and engineering troubles to keep them relatively quiet.

Mr. Speaker, the precise comments of Chairman Khrushchev follow:

Journalist Leopold Vargas, of Colombia asks: Can you tell us whether a flight to the moon by Soviet cosmonauts is planned for the not too distant future?

KHRUSHCHEV. It would be very interesting to take a trip to the moon. But I cannot at present say when this will be done. We are not at present planning flights by cosmonauts to the moon. Soviet scientists are working on this problem. It is being studied as a scientific problem and the necessary research is being done. I have a report

to the effect that the Americans want to land a man on the moon by 1970-80. Well, let's wish them success. We shall see how they will fly there, how they will land on the moon and, more important, how they will start off and return home. We shall take their experience into account. We do not want to compete with the sending of people to the moon without careful preparation. It is clear that no benefits would be derived from such a competition. On the contrary, it would be harmful as it might result in the destruction of people. We have a frequently quoted joke: He who cannot bear it any longer on earth may fly to the moon. But we are all right on earth, to speak seriously, much work will have to be done and good preparations made for a successful flight to the moon by man.

Mr. Chairman, I want to reiterate what I have said on this floor many times, that in sending a man to the moon we are doing so not because we are in competition with the Russians or anyone else but because this program is designed as a part of the scientific facet of the exploration of outer space. The information we develop from this program will be used in that exploration. I for one am not ready to see the leadership in this field surrendered to the Russians.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8427) to provide for the establishment and maintenance of a Central Intelligence Agency retirement and disability system for a limited number of employees, and for other purposes, pursuant to House Resolution 543, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

## RETIREMENT OF LINDSLEY H. NOBLE

(Mr. GARY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY. Mr. Speaker, on the last day of this month Mr. Lindsley H. Noble will retire from his position as Deputy Assistant Postmaster General and Controller of the Post Office Department. When Mr. Noble joined the Post Office Department on September 1, 1955, as its