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MISSING PERSONS ACT - Department of Defense Proposal

1. The current Missing Persons Act has been on the books for several years - it has recently been approved for a period of one year.
2. The Department of Defense (principally the Army) has worked out new permanent legislation which:
 - a. Broadens the current act by providing for line of duty protection and greater administrative discretion for the heads of departments in determining MIA in death status.
 - b. Contains language which should permit promotions while in MIA status.
3. The General Counsel considers that this proposal will meet our requirements quite fully, but suggests two changes designed to:
 - a. Permit the head of Department to determine MIA or death status for dependents as well as employees -
 - b. Blanket in part-time, hourly or intermittent employees for full protection, except that those who are resident at the place of employment would have only "performance of duty" protection.

Document No. _____
Review of this document by CIA has
determined that
 CIA has no objection to declass
 It contains information of CIA
interest that must remain
classified at TS S C
authority: HR 70-2
 It remains nothing of CIA interest
Date 14 AUG 1981 Reviewer

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Missing Persons Legislation

Department of Defense draft of Bill has to be revised.

Legislation should not prohibit promotion.

Section 1. The Agency will be proceeding unilaterally in this area.

The CSC has started a survey on allowances for territories and possessions.

It has been a long standing policy of the Government not to provide extra allowances to employees in the territories and possessions.

The proposed Overseas Allowances Act is at least as broad as this proposed is its application to foreign areas exclusive of territories and possessions.

The proposed Overseas Allowances Act removes the limiting percentage cost of living allowance limitation and permits factors such as quarters, costs, etc. to be included in the territories and possessions.

Section 2 It is assumed that the use of the word "dependant" rather than "children" was purposeful.

Incorporates allowance provisions of Foreign Service in PL 22, 24 Congress.

Covered in proposed Overseas Allowance Act.

We are requesting unique authorization for extension to territories and possessions.

Section 3 This is being done by the Agency at present.

Should the proposal also have language to include dependants?

Covered in the Overseas Allowances Act.

Section 4 Extends the Home Leave Accrual System of Foreign Service to Agency.

The administration has an overall Bill before Congress.

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- Section 5 In the three places where the language "member of the family" is used shouldn't it be "dependant."
- Delete " full time" before officer or employee.
- Section 6 The last four lines of paragraph, II, should be eliminated.
- Section 7 Considered that this should have statutory authority.
- Consistent with the Foreign Service Act Amendments of 1955.
- Incorporated in the proposed Overseas Allowances Act.
- Section 8 Provides "line of duty" coverage for medical benefits to individuals overseas on TDY.
- Overseas Allowances Act does not differentiate between PCS and TDY.
- Section 9 Incorporates the language of the Foreign Service Act.
- Does not provide for some coverage contemplated in the Overseas Allowances Act A.G. one month temporary lodging at end of tour; reimbursement for repairs in conjunction with quarters allowance; separation allowance while within the same country.
- This incorporation, if enacted, raises serious questions as to how this will be administered within the Agency.
- The Agency would have to establish its own allowance determination organization presently provided substantially by the Department of State.
- Provided for in the proposed Overseas Allowance Act.
- Section 10 Although a practical matter, it is considered that this provision is least likely to gain Congressional favor.
- Section 11 Should not be increased above present authorization. The Director of Personnel, however, should not make this determination.

MATTERS NOT INCLUDED IN THE LEGISLATIVE'S COUNSEL'S PROPOSAL

1. Re-insurance

Considered desirable to request legislation to guarantee that insurance contracts will not be ineffective due to the application of escape clauses caused by performance of Agency duties if this is not a matter that can be covered by unvouchered funds.

2. Statutory Authority for Career Service

It is not considered desirable to propose legislation in this area at this time.

3. Commissiorate Leave

Considered that leave can be taken care of under present authorities (i.e. advanced annual leave), however, there is a need for coverage for travel.

4. Designation of Hazardous or Emergency Areas

This is covered to some extent through allowances and differentials. The Director has the authority to set salaries. Variance from the salary structure raises questions involving, retirement, income tax, insurance salary adjustments upon withdrawal of emergency designation of area or individuals departure from emergency area.

Section 12 Is legislation required or is this a valid use of unvouchered funds?

The Overseas Allowances Act does not limit advances as herein limited.

Should education costs also be covered?

Section 13 No comment

Section 14 The following points might be considered.

1. Officers at this level are normally so called "political appointees" i.e. appointed by the President with the advice and consent of the Senate.
2. If this can be accomplished administratively why not do so and avoid the possibility that Congress may want to attach its time honored appointment formula to positions at this level. i.e. Assistant Secretaries.
3. No justification is provided for designating one of these positions. In general, legislation for major departments of government do not so designate this level of position. The head of the Agency is authorized to determine the duties of each of the positions.
4. ~~Should not such legislation make provisions for raising the rank of the Director and Deputy Director of the Agency separately, as, well?~~