

OLC #77-4184

OGC 77-6208

29 September 1977

MEMORANDUM FOR : [redacted]  
Office of Legislative Counsel

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FROM : [redacted]  
Assistant General Counsel

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SUBJECT : Death Gratuity Bill for CIA Employees

1. At long last we are prepared to go forward with this proposal. On final review, we do have several minor language modifications which we have noted in red on the enclosed draft which you sent us. This concurrence assumes [redacted]

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[redacted] the fact that contract employees are not covered. As we have previously indicated, we believe that we can provide for contract employees on a case-by-case basis.

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2. If you have any problems with our proposed modifications, give me a buzz [redacted]

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Attachment

[redacted]

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**Next 9 Page(s) In Document Exempt**

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return. Such assignment shall be for twelve consecutive months. Each such Foreign Service officer shall be entitled to state a preference with respect to the type of public organization to which he would like to be assigned but may not state a preference with respect to the geographical location to which he would like to be assigned.

"(b) A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned. However, any period of time an officer is assigned under this section shall not be included as part of any period that the officer has remained in a class for purposes of determining whether he is to be selected out under section 633 of this Act, or regulations promulgated pursuant thereto. The salary of the officer shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service.

"(c) Any period of time that a Foreign Service officer serves on an assignment under this section shall also be considered as a period of time that the officer was assigned for duty in the continental United States for purposes of section 572 of this Act.

"(d) For the purpose of this section—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority."

(b) The amendment made by subsection (a) of this section shall apply only to a Foreign Service officer who completes his eighth year of service as such an officer on or after the date of enactment of this Act.

DEATH GRATUITY FOR CERTAIN FOREIGN SERVICE PERSONNEL

SEC. 10. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 is amended by inserting immediately before section 15 the following new section:

"SEC. 14. (a) Subject to the provisions of this section and under such regulations as the Secretary of State may prescribe, the Secretary is authorized to provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the employing agency. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

"(b) A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) is entitled to elect monthly compensation under section 8133 of title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

**ROUTING AND RECORD SHEET**

SUBJECT: (Optional)

OLC #77-3857

FROM: Deputy Director of Personnel  
5 E 58, Headquarters

EXTENSION

NO.

DATE

18 SEP 1977

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TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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1. Office of Legislative Counsel

Attn:

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We would recommend that you proceed with the death gratuity legislation with the following changes:

a. Change lines 4 and 5, page 1 of the Bill to read "... one year's salary at the time of death to surviving..." (see 14 (a) of PL 93-475).

b. In the first numbered paragraph of "Sectional Analysis and Explanation" the first sentence should be changed to read "1. Dependents of Central Intelligence Agency employees who die as..." The distinction between staff employees and staff agents is unnecessary here and the paragraph in question further defines employee.

c. There is a typographical error ("parentt") in the fifth line from the bottom of "Change in Existing Law".

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### ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Legislative Counsel  
6C19 Hq

EXTENSION

NO.

DATE

9 September 1977

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TO: (Officer designation, room number, and building)

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Attached for your consideration is the final draft of the death gratuity bill for CIA employees. I would appreciate any comments you might have by COB 19 September 1977. Thank you.

Office of Legislative Counsel

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