

Public Law 85-46

AN ACT

June 4, 1957
[H. R. 6454]

To amend the Act for the retirement of public-school teachers in the District of Columbia, and for other purposes.

D. C., public-
school teachers.
Retirement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 875, chapter 779), as amended, is amended as follows:

Deductions.
66 Stat. 17.
D. C. Code 31-
721.

Section 1, as amended, is amended by striking the first sentence thereof and inserting in lieu thereof "Beginning on the first day of the second month following the enactment of this Act, there shall be deducted and withheld from the annual salary of each teacher in the public schools of the District of Columbia an amount equal to 6½ per centum of the teacher's annual salary." and by inserting the following immediately before the period at the end of the second sentence: " : *Provided*, That such interest shall not be credited after December 31, 1956, except that in the case of a teacher separated before he has completed five years of teaching service interest shall be credited to the date of separation".

Voluntary re-
irement.
D. C. Code 31-
723.

Section 3, as amended, is amended by striking from subsection (a) thereof the word "fifteen" and inserting in lieu thereof the word "five"; by striking from subsection (b) thereof the word "one-fourth" and inserting in lieu thereof the word "one-twelfth"; by striking from the last sentence of subsection (c) thereof the word "ten" and inserting in lieu thereof the word "five"; by adding at the end of the section, the following paragraph:

Involuntary re-
irement.

"(d) Any teacher who completes twenty-five years of service or who attains the age of fifty years and completes twenty years of service shall upon involuntary separation from the service not by removal for cause on charges of misconduct or delinquency, be paid a reduced annuity computed as provided in section 5 (a) of this Act reduced by one-twelfth of 1 per centum for each full month not in excess of sixty and by one-sixth of 1 per centum for each full month in excess of sixty such teacher is under the age of sixty years at date of separation."

Disability.
D. C. Code 31-
724.

Section 4, as amended, is amended by striking from the first sentence thereof the word "ten" and inserting in lieu thereof the word "five".

Annuity compu-
tation.
D. C. Code 31-
725.

Section 5, as amended, is amended by striking the first sentence of subsection (a) thereof and inserting in lieu thereof, "Except as otherwise provided in this Act, every teacher who shall be retired under the provisions of section 3 or section 4 of this Act shall receive an annuity composed of (1) the larger of (A) 1½ per centum of the average salary as defined in section 13 of this Act, multiplied by so much of the total service as does not exceed five years, or (B) 1 per centum of the average salary, plus \$25, multiplied by so much of the total service as does not exceed five years, plus (2) the larger of (A) 1¾ per centum of the average salary multiplied by so much of the total service as exceeds five years but does not exceed ten years, or (B) 1 per centum of the average salary, plus \$25, multiplied by so much of the total service as exceeds five years but does not exceed ten years, plus (3) the larger of (A) 2 per centum of the average salary multiplied by so much of the total service as exceeds ten years, or (B) 1 per centum of the average salary, plus \$25, multiplied by so much of the total service as exceeds ten years"; by striking the second sentence of paragraph (1) of subsection (b) thereof and inserting in lieu thereof, "The life annuity of the teacher making such election,

excluding any increase because of retirement under section 4 of this Act, shall be reduced by 2½ per centum of so much thereof as does not exceed \$2,400 and by 10 per centum of so much thereof as exceeds \$2,400."

Section 6, as amended, is amended to read as follows: "The annuity of a teacher retiring under section 4 shall be at least (1) 40 per centum of the average salary or (2) the sum obtained under section 5 after increasing his total service by the period elapsing between the date of separation and the date he attains the age of sixty years, whichever is the lesser."

D. C. Code 31-726.

Section 8, as amended, is amended by striking item (d) from the second sentence thereof and inserting in lieu thereof, "(d) periods of honorable active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States (but not the National Guard except when ordered to active duty in the service of the United States) prior to the date of the separation upon which title to annuity is based; except that, if a teacher is awarded retired pay on account of military service, his military service shall not be included, unless such retired pay is awarded on account of a service-connected disability (1) incurred in combat with an enemy of the United States or (2) caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part 1, paragraph 1, or is awarded under title III of Public Law 810, Eightieth Congress."; by striking from the fourth proviso thereof the words "in time of war"; by inserting the words "Air Force" after the word "Navy" in item (e) of the second sentence of section 8; and by adding at the end of section 8 the following paragraphs:

Military service.
D. C. Code 31-728.

38 USC ch. 12A.
62 Stat. 1087.
10 USC app. 1036
note.
34 USC app. note.

"A teacher who during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service, as defined in this section, shall not be considered, for the purposes of this Act, as separated from his teaching position by reason of such military service, unless he shall apply for and receive a lump-sum benefit under this Act, except that such teacher shall not be considered as retaining his teaching position beyond six months after the date of the approval of this Act or the expiration of five years of such military service, whichever is later.

"Nothing in this Act shall affect the right of a teacher to retired pay, pension, or compensation in addition to the annuity herein provided."

Section 9, as amended, is amended by striking from the first sentence of subsection (a) the word "ten" and inserting in lieu thereof the word "five"; by inserting after the word "widow" wherever it appears in subsection (b) paragraphs (1) and (2), the words "or dependent widower"; by striking from the first sentence of subsection (b), paragraph (1) thereof the phrase "or following the widow's attainment of age fifty, whichever is the later" and adding at the end of such subsection the phrase "or upon the widower's becoming capable of self-support."; by striking the last two sentences of subsection (b), paragraph (2) thereof; by striking paragraphs (3) and (4) of subsection (b) thereof and inserting in lieu thereof the following paragraph:

Deferred annuity.
D. C. Code 31-729.

"(3) If any teacher to whom this Act applies shall die after completing five years of service in the public schools of the District of Columbia or after having retired under the provisions of section 3 or section 4 of this Act and is survived by a wife or husband, each surviving child who received more than one-half of his support from the teacher shall be paid an annuity equal to the smallest of (a) 40 per centum of the teacher's average salary divided by the number of chil-

Survivor benefits.

dren, (b) \$600, or (c) \$1,800 divided by the number of children. If such teacher is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 50 per centum of the teacher's average salary divided by the number of children, (b) \$720, or (c) \$2,160 divided by the number of children. The child's annuity shall begin on the first day of the month after the teacher dies and such annuity or any right thereto shall terminate upon (a) his attaining age eighteen unless incapable of self-support after age eighteen, (b) his becoming capable of self-support after age eighteen, (c) his marriage, or (d) his death. Upon the death of the surviving wife or husband or termination of the annuity of the child, the annuity of any other child or children shall be recomputed and paid as though such wife, husband, or child had not survived the teacher.”;

Section 9 is further amended by changing the number of paragraph (5) of subsection (b) thereof to (4), striking from such paragraph the phrase “by a widow, widow and children, or children” and inserting in lieu thereof the phrase “by a widow, a dependent widower, and or children.”; and by changing the number of paragraph (5) of subsection (c) thereof to (6) and inserting the following new paragraph:

“Widower”.

“(5) The term ‘widower’ means the surviving husband of a teacher who was married to such teacher for at least two years immediately preceding her death or is the father of issue by such marriage. The term ‘dependent widower’ means a ‘widower’ 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 teacher.”

“Average salary”.
D. C. Code 31-
#733.

Section 13 is amended by adding at the end of the section “The term ‘average salary’ shall mean the largest annual rate resulting from averaging, over any period of five consecutive years of creditable service in the public schools of the District of Columbia, a teacher's rates of annual salary in effect during such period, with each rate weighted by the time it was in effect.”

Nonapplicability.

SEC. 2. The amendments made by this Act shall not apply in the case of teachers retired or otherwise separated prior to its effective date, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if this Act had not been enacted.

Restriction.

SEC. 3. No person retiring subsequent to the effective date of this Act and pursuant to its provisions shall be entitled to any benefits accruing by reason of the provisions of Public Law 648, Eighty-fourth Congress, approved July 2, 1956 (70 Stat. 487).

D. C. Code 31-
725.
Effective date.

SEC. 4. The effective date of this Act shall be October 1, 1956.

Approved June 4, 1957.

Public Law 85-47

AN ACT

To amend the Small Reclamation Projects Act of 1956.

June 5, 1957
[H. R. 2146]

43 USC 422k.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044) is amended as follows:

(a) Amend subsection (c) of section 4 to read:

Project proposals.
Transmittal to Congress.

“(c) At such time as a project is found by the Secretary and the Governor of the State in which it is located (or an appropriate State agency designated by him) to be financially feasible, is determined by the Secretary to constitute a reasonable risk under the provisions of this Act, and is approved by the Secretary, such findings and approval