Public Law 91-201

AN ACT

To amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes.

February 28, 1970
[H. R. 14789]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1969".

Foreign Service Act Amendments of 1969.

TITLE I—FOREIGN SERVICE RETIREMENT FINANCING

SEC. 101. Section 804(b) of the Foreign Service Act of 1946 (22 U.S.C. 1064(b)) is amended by adding at the end thereof the following new paragraphs:

74 Stat. 838.

"(4) 'Fund balance' means the sum of—

"Fund balance."

"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury.

"(5) 'Unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund over the sum of—

"Unfunded liability."

"(A) the present value of deductions to be withheld from the future basic salary of participants and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 865 of this title; plus

Infra.

"(C) the Fund balance as of the date the unfunded liability is determined."

SEC. 102. (a) Section 811(a) of such Act (22 U.S.C. 1071(a)) is amended by striking out "Six and one-half" and inserting in lieu thereof "Seven".

Contribution rate.

(b) The amendment made by subsection (a) of this section shall become effective on the first day of the first pay period beginning after the date of enactment of this Act or after December 31, 1969, whichever is later.

Effective date.

SEC. 103. Section 852(b) of such Act (22 U.S.C. 1091(b)) is amended by striking out "subsequent to July 1, 1924, and prior to the effective date of the Foreign Service Act Amendments of 1960, and at 6½" and inserting in lieu thereof "from July 1, 1924, to October 16, 1960, and at 6½ per centum from October 17, 1960, to December 31, 1969, and at 7".

22 USC 1092.

SEC. 104. (a) Part G of title VIII of such Act (22 U.S.C. 1101–1104) is amended by adding at the end thereof the following new sections:

60 Stat. 1024.

"PAYMENTS FOR FUTURE BENEFITS

"SEC. 865. Any statute which authorizes—

"(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 882;

Post, p. 19.

"(2) extension of the benefits of the System to new groups of employees; or

"(3) increases in salary on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in thirty equal annual installments with interest computed at the rate used in the then most

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recent valuation of the System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of benefits, or increase in salary is effective.

"UNFUNDED LIABILITY OBLIGATIONS

"SEC. 866. At the end of each fiscal year, the Secretary shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Secretary estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 per centum for 1971; 20 per centum for 1972; 30 per centum for 1973; 40 per centum for 1974; 50 per centum for 1975; 60 per centum for 1976; 70 per centum for 1977; 80 per centum for 1978; 90 per centum for 1979; and 100 per centum for 1980 and for each fiscal year thereafter. The Secretary shall report to the President and to the Congress the sums credited to the Fund under this section."

Report to President and Congress.

Effective date.

(b) The provisions of section 866 of the Foreign Service Act of 1946, as contained in the amendment made by subsection (a) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

TITLE II—FOREIGN SERVICE RETIREMENT BENEFITS

SEC. 201. Section 804(b) of the Foreign Service Act of 1946 (22 U.S.C. 1064(b)) is amended by adding at the end thereof the following new paragraph:

Ante, p. 17.

"(6) 'Price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics."

"Price index."

SEC. 202. (a) Section 821(a) of such Act (22 U.S.C. 1076(a)) is amended by striking out "five" each place it appears and inserting in lieu thereof at each such place "three".

Average pay computation. 74 Stat. 839.

(b) Section 821(c) of such Act (22 U.S.C. 1076(c)) is amended as follows:

Survivor annuities.

(1) Paragraph (i) of such section is amended by striking out all after "(i)" and inserting in lieu thereof "$900; or (ii) $2,700 divided by the number of children."

(2) Paragraph (2) of such section is amended by striking out all after "(i)" and inserting in lieu thereof "$1,080; or (ii) $3,240 divided by the number of children."

SEC. 203. (a) Section 832(b) of such Act (22 U.S.C. 1082(b)) is amended—

(1) by striking out "five years" and inserting in lieu thereof "eighteen months"; and

(2) by inserting immediately before the semicolon following "section 821(a)" the following: "and if the participant had less than three years creditable civilian service at the time of death, the survivor annuity shall be computed on the basis of the average salary for the entire period of such service".

(b) Subsections (c) and (d) of such section 832 are each amended by striking out "five years" and inserting in lieu thereof "eighteen months".

SEC. 204. (a) Section 851 of such Act (22 U.S.C. 1091) is amended (1) by inserting "(a)" immediately after "SEC. 851.", and (2) by striking out "the Federal Employees' Compensation Act of September 7, 1916, as amended" and inserting in lieu thereof "subchapter 1 of chapter 81 of title 5, United States Code". 74 Stat. 844.

(b) Section 851 of such Act is further amended by adding at the end thereof the following new subsection: 80 Stat. 531. 5 USC 8101-8150.

"(b) In computing any annuity under this title, the total service of a participant who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes, without regard to the thirty-five-year limitation imposed by section 821(a), the days of unused sick leave to his credit except that these days will not be counted in determining average basic salary or annuity eligibility under this title. A contribution to the Fund shall not be required from a participant for this service credit." Unused sick leave credit.

SEC. 205. Section 882 of such Act (22 U.S.C. 1121) is amended to read as follows: Cost-of-living annuity increase. 79 Stat. 1132.

"SEC. 882. (a) Effective the first day of the third month which begins after the date of enactment of the Foreign Service Act Amendments of 1969 (hereafter in this section referred to as 'this amendment'), each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum, determined by the Secretary on the basis of the increase in the price index for the month latest published on the date of enactment of this amendment over the average price index for the calendar year forming the basis for the last increase under this section prior to this amendment.

"(b) Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the month last used to establish an increase, each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

"(1) Effective from its commencing date, an annuity payable from the Fund to a surviving wife, husband, or designated beneficiary of an annuitant shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(2) For purposes of computing an annuity which commences on or after November 1, 1969, to a child under section 821(c) or 832 (c) or (d), the items $900, $1,080, $2,700, and $3,240 appearing in section 821(c) shall be increased by the total per centum increases allowed and in force under this section subsequent to November 1, 1969. *Ante*, p. 18.

"(d) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except such installment shall after adjustment reflect an increase of at least $1."

SEC. 206. (a) The amendments made by sections 202(a), 203, and 204 shall become effective as of October 20, 1969. Such amendments shall not apply to persons retired or otherwise separated prior to such Applicability.

date, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been amended by this Act.

Contribution refunds, repayments.
74 Stat. 842.
22 USC 1082.

(b) Any lump sum payment of contributions and interest made pursuant to section 832(a) of such Act because of the death of a participant shall be repaid to the Fund, or arrangements satisfactory to the Secretary of State made for such repayment, before any annuity authorized by the amendments made by section 203 shall be paid to any survivor of such participant.

(c) The amendments made by section 202(b) shall become effective as of November 1, 1969.

(d) The annuity of each child entitled to receive an annuity under sections 821(c) and 832 (c) and (d) of such Act, as amended by this Act, shall be recomputed, effective as of November 1, 1969, in accordance with section 821 of such Act as amended by this Act. No increase allowed and in force prior to November 1, 1969, shall be included in the recomputation of any such annuity, and this subsection shall not operate to reduce any annuity.

(e) Section 882(c)(1) of such Act as amended by this Act shall not apply with respect to survivor annuities in effect on the date of enactment of this Act.

Approved February 28, 1970.

Public Law 91-202

March 4, 1970
[H. R. 12535]

AN ACT

To authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway.

Texas.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to release or modify on behalf of the United States the land use restrictions and reservations applicable to a tract of land, constituting a portion of a 24.25-acre parcel of land in El Paso, Texas, heretofore conveyed for National Guard and military purposes by the United States to the State of Texas by deed dated November 4, 1954 pursuant to the Act of August 30, 1954 (68 Stat. 974), so that such tract, described in section 2 of this Act may be conveyed by the State of Texas to the city of El Paso as a right-of-way for the construction of the El Paso North-South Freeway.

SEC. 2. (a) The land referred to in section 1 of this Act is located in El Paso County, Texas, being 5.975 acres of land, more or less, out of and a part of section 21, block 81, township 2, Texas and Pacific Railroad Company Survey, in El Paso County, Texas, and being a portion of the same land described in a Quitclaim Deed from the United States of America to State of Texas dated November 4, 1954, recorded in volume 1206, page 369, deed records of El Paso County, Texas, said 5.975 acres of land being more particularly described by metes and bounds as follows:

> Beginning at a point which is the intersection of the proposed westerly right of way line of United States Highway 54 and the south line of Hayes Avenue, said point bears south 88 degrees 05 minutes 03 seconds east, a calculated distance of 1118.74 feet from the southeast corner of the Intersection of Hayes Avenue, and Pollard Street;