

tor shall provide adequate notice to all agencies and other users concerned with respect to each proposed determination specifically affecting them or the automatic data processing equipment or components used by them. In the absence of mutual agreement between the Administrator and the agency or user concerned, such proposed determinations shall be subject to review and decision by the Bureau of the Budget unless the President otherwise directs."

Approved October 30, 1965.

Notice to agencies.

Public Law 89-307

AN ACT

October 30, 1965
[S. 516]

To amend the joint resolution entitled "Joint resolution to establish the Saint Augustine Quadricentennial Commission, and for other purposes", approved August 14, 1962 (76 Stat. 386), to provide that eight members of such Commission shall be appointed by the President, and that such Commission may continue in existence until December 31, 1966.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of the first section of the joint resolution entitled "Joint resolution to establish the Saint Augustine Quadricentennial Commission, and for other purposes", approved August 14, 1962 (76 Stat. 386), is amended by striking "eleven" and inserting in lieu thereof "thirteen".

St. Augustine
Quadricentennial
Commission.

(b) Paragraph (4) of subsection (a) of such section is amended by striking "Six" and inserting in lieu thereof "Eight".

SEC. 2. Section 4(b) of such joint resolution is amended by inserting, immediately after "Congress" in the last sentence thereof, the following: ", except that the Commission may continue in existence until December 31, 1966."

Approved October 30, 1965.

Public Law 89-308

AN ACT

October 31, 1965
[H. R. 4170]

To provide for adjustments in annuities under the Foreign Service retirement and disability system.

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 Annuity Adjustment Act of 1965".

Foreign Service
Annuity Adjust-
ment Act of 1965.

SEC. 2. (a) Annuities paid from the Foreign Service retirement and disability fund on the date of enactment of this Act, based on service performed by annuitants which terminated prior to October 16, 1960, shall be adjusted under the provisions of section 821(b) of the Foreign Service Act of 1946, as in effect on October 16, 1960, relating to the formula for reduction in annuity to provide for a surviving widow, as though such provisions had been in effect on the date of the annuitant's separation from the Service, or, in the case of any annuitant who makes an election under paragraph (1) or (2) of this subsection, in accordance with the following:

74 Stat. 839.
22 USC 1076.

Widow survivor
benefits.

(1) An annuitant who at time of retirement was married to a wife who is still living (and to whom he is married on the date of enactment of this Act), and for whom he has not elected a widow survivor benefit before such date of enactment, may, within one hundred and twenty days after such date of enactment, elect to provide a widow survivor benefit of \$2,400 per annum. The annuity of an annuitant who makes an election under this paragraph shall be reduced by \$300 per annum.

(2) An annuitant who at time of retirement was married to a wife who is still living (and to whom he is married on the date of enactment of this Act) and for whom he has elected, before such date of enactment, a widow survivor benefit of less than \$2,400 per annum, may, within one hundred and twenty days after such date of enactment, elect to provide a widow survivor benefit of \$2,400 per annum. The annuity of an annuitant who makes an election under this paragraph shall be reduced by \$300 per annum in lieu of any reductions of his annuity in effect on the date of enactment of this Act because of elections made by him before such date of enactment in connection with the provision of a widow survivor annuity.

(b) If an annuitant referred to in paragraph (a) (1) or (a) (2) of this section dies within one hundred and twenty days after the date of enactment of this Act, without having made an election under such paragraph (a) (1) or (a) (2), his surviving widow shall be paid the greater of—

(1) \$2,400; or

(2) the annuity to which she may be entitled from the Foreign Service retirement and disability fund as his widow under any provision of law in effect on the date of the death of the annuitant.

Payments to re-
retirement fund.

(c) Notwithstanding the foregoing provisions of this section, each annuitant who makes an election under paragraph (1) of subsection (a) shall pay into the Foreign Service retirement and disability fund an amount equal to the amount by which (A) the total annuity received by the annuitant prior to the effective date of any adjustment in his annuity pursuant to such election exceeds (B) the total annuity which he would have received prior to such date had he elected a survivor annuity of \$2,400 per annum at the time of such retirement. The Secretary of State may permit the payment required by this subsection to be made in installments of not less than \$25 per month.

Installment pro-
vision.
Deferred an-
nuity.

SEC. 3. If a former participant whose service as a class 4 Foreign Service officer was terminated prior to October 16, 1960, and who elected a deferred annuity, dies before becoming eligible to receive an annuity, the benefit of the surviving widow, if she was eligible under the terms of the law in effect upon his separation from the Service, shall not be less than \$2,400 per annum.

SEC. 4. In any case in which an annuitant who retired prior to October 16, 1960, dies before the date of enactment of this Act, leaving a widow to whom he was married at time of retirement who is not entitled to receive an annuity under the Foreign Service retirement and disability system, and who is not receiving benefits as a widow under the Federal Employees' Compensation Act, the Secretary of State shall grant such widow, whether remarried or not, an annuity of \$2,400 per annum.

39 Stat. 742;
63 Stat. 854.
5 USC 751 note.

SEC. 5. The annuity of each widow survivor annuitant who, on the date of enactment of this Act, is receiving a survivor annuity from the Foreign Service retirement and disability fund of less than \$2,400 per annum is hereby increased to \$2,400 per annum.

Widows receiving less than \$2400.

SEC. 6. The annuity benefits elected or provided with respect to any widow under section 2, 3, 4, or 5 of this Act shall be in lieu of any annuity benefits to which such widow otherwise would be entitled as the widow of the Foreign Service officer with respect to whom such annuity benefits are so elected or provided.

SEC. 7. Any increase, adjustment, or grant of an annuity under section 2, 4, or 5 of this Act shall commence on the first day of the month following the expiration of the one-hundred-and-twenty-day period beginning on the date of enactment of this Act, and the monthly rate payable shall be fixed at the nearest dollar.

Effective date; monthly rate.

SEC. 8. Annuity benefits provided by this Act shall be paid from the Foreign Service retirement and disability fund; except that, no part of such fund shall be applied toward the payment of any benefits under section 2, 4, or 5 of this Act until an appropriation is made to such fund in an amount which the Secretary of the Treasury estimates to be necessary to prevent an increase in the unfunded liability to such fund for the first fiscal year during which such benefits are payable.

Payment from retirement and disability fund.

SEC. 9. Title VIII of the Foreign Service Act of 1946, as amended, is amended as follows:

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

74 Stat. 839.

“(b) (1) At the time of retirement, any married female participant may elect to receive a reduced annuity and to provide for an annuity payable to her husband, commencing on the date following such participant's death and terminating upon the death of such surviving husband. The annuity payable to the surviving 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 her as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by $2\frac{1}{2}$ per centum of any amount up to \$2,400 she specifies as the base for the survivor benefit plus 10 per centum of any amount over \$2,400 so specified.

“(2) At the time of retirement, the annuity of each married male participant computed as prescribed in paragraph (a) of this section shall be reduced by \$300 to provide for his surviving wife a minimum annuity of \$2,400, except that, if his annuity is more than \$4,800, he may elect up to 50 per centum of such annuity for his surviving wife, and if such election is made, his annuity shall be further reduced by 10 per centum of the difference between \$4,800 and the base he specifies for the survivor benefit.”

(2) The first sentence of section 832(b) of such Act (22 U.S.C. 1082(b)) is amended by inserting immediately before the period at the end thereof the following: “; except that the annuity of any widow shall not be less than \$2,400”.

74 Stat. 842.

(3) At the end of title VIII of such Act add the following:

60 Stat. 1019.
22 USC 1061-1116.

"PART J—COST-OF-LIVING ADJUSTMENTS OF ANNUITIES

"SEC. 882. (a) On the basis of determination made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made:

Ante, p. 840;
Post, p. 1162.

"(1) Effective April 1, 1966, if the change in the price index from 1962 to 1965 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1965, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(2) Effective April 1 of any year other than 1966 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(b) 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:

74 Stat. 839.
22 USC 1076.

"(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 821(c)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a) (1) or (a) (2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 821(c)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 821(c), the items \$600, \$720, \$1,800, and \$2,160 appearing in section 821(c) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 821(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 821(c) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

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

74 Stat. 371.
22 USC 1079d.
Ante, p. 1130.

"(d) No increase in annuity provided by this section shall apply to amounts paid under authority of section 5 of Public Law 84-503, as amended, section 4 of the Foreign Service Annuity Adjustment Act of 1965, or any other law authorizing annuity grants to widows.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar."

Approved October 31, 1965.