

Public Law 94-350
94th Congress

An Act

To authorize fiscal year 1977 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

July 12, 1976
[S. 3168]

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 Relations Authorization Act, Fiscal Year 1977".

Foreign Relations
Authorization
Act, Fiscal Year
1977.
22 USC 2689
note.

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1977, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) For the "Administration of Foreign Affairs", \$552,455,000.

(2) For "International Organizations and Conferences", \$342,460,453.

(3) For "International Commissions", \$17,069,000.

(4) For "Educational Exchange", \$68,500,000.

(5) For "Migration and Refugee Assistance", \$10,000,000.

(6) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

SEC. 102. Funds authorized to be appropriated for fiscal year 1977 by any paragraph of section 101(a) (other than paragraph (6)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (6)), except that the total amount appropriated for a purpose described in any paragraph of section 101(a) (other than paragraph (6)) may not exceed the amount specifically authorized for such purpose by section 101(a) by more than 10 per centum.

CONTRIBUTION TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 103. Notwithstanding the limitation contained in the proviso in the paragraph under the subheading "Contributions to International Organizations" in title I of the Act of October 25, 1972 (86 Stat. 1110), and notwithstanding the requirements of section 302(h) of the Foreign Assistance Act of 1961, \$3,545,453 of the amount authorized to be appropriated by section 101(a) (2) of this Act may be used to complete the fiscal year 1975 United States contribution to the United Nations Educational, Scientific, and Cultural Organization.

22 USC 2222.

INTERNATIONAL JOINT COMMISSION

SEC. 104. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended by adding at the end thereof the following new section:

22 USC 2689.

"SEC. 19. Each fiscal year (beginning with fiscal year 1977), the Secretary of State may use not to exceed \$1,500 of the funds appropriated for the American Sections, International Joint Commission, United States and Canada, for representation expenses and official entertainment within the United States for such American Sections."

RUSSIAN REFUGEE ASSISTANCE

SEC. 105. In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary of State for fiscal year 1977 not to exceed \$20,000,000 to carry out the provisions of section 101 (b) of the Foreign Relations Authorizations Act of 1972 (relating to Russian refugee assistance) and to furnish similar assistance to refugees from Communist countries in Eastern Europe. None of the funds appropriated under this section may be used to resettle refugees in any country other than Israel. Amounts appropriated under this section are authorized to remain available until expended.

86 Stat. 489.

UNITED STATES PASSPORT OFFICE

SEC. 106. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for fiscal year 1977, \$1,000,000, to be used for miniaturization of the files of the United States Passport Office. Amounts appropriated under this section are authorized to remain available until expended.

NORTH ATLANTIC ASSEMBLY

SEC. 107. The joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956, is amended by adding at the end thereof the following new section:

22 USC 1928e.

22 USC 1928b.

"SEC. 5. In addition to the amounts authorized by section 2, there is authorized to be appropriated \$50,000 for fiscal year 1977 to meet the expenses incurred by the United States group in hosting the twenty-second annual meeting of the North Atlantic Assembly. Amounts appropriated under this section are authorized to remain available until expended."

PAYMENT TO LADY CATHERINE HELEN SHAW

SEC. 108. Of the amount appropriated under paragraph (1) of section 101(a) of this Act for salaries and expenses, \$10,000 shall be available for payment ex gratia to Lady Catherine Helen Shaw, wife of the former Australian Ambassador to the United States, as an expression of the concern of the United States Government for the injuries which she sustained as a result of an attack on her in the District of Columbia.

FOREIGN SERVICE BUILDINGS AUTHORIZATION

22 USC 295.

SEC. 109. Section 4 of the Foreign Service Buildings Act, 1926, is amended—

(1) in paragraph (2) of subsection (h) by striking out “\$71,600,000” and inserting in lieu thereof “\$73,058,000”; and

(2) by adding the following new subsection at the end of the section:

“(j) For the purpose of carrying into effect the provisions of this Act in the Union of Soviet Socialist Republics, there is authorized to be appropriated, in addition to amounts authorized prior to the enactment of this subsection, \$30,000,000, which amount is authorized to remain available until expended.”.

PAN AMERICAN GAMES

SEC. 110. (a) The Congress finds that—

(1) the Eighth Pan American Games to be held in San Juan, Puerto Rico, in 1979 will provide an opportunity for more than six thousand young men and women, representing thirty-three countries in the Western Hemisphere, to participate in friendly athletic competition;

(2) international sporting events such as the Eighth Pan American Games make a unique contribution in promoting common understanding and mutual respect among people of different cultural backgrounds; and

(3) the President has the authority under the Mutual Educational and Cultural Exchange Act of 1961 to provide financing, when he considers that it would strengthen international cooperative relations, for (A) tours abroad by American athletes, (B) United States representation in international sports competitions, and (C) participation by groups and individuals from other countries in tours and in sports competitions in the United States.

(b) In order to strengthen international cooperative relations and promote the purposes of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall use funds appropriated to carry out this section to provide financial assistance for the Eighth Pan American Games to be held in Puerto Rico in 1979. Such funds shall be transferred by the Secretary to the Recreational Development Company of Puerto Rico (a government corporation of the Commonwealth of Puerto Rico) for expenses directly related to the Eighth Pan American Games, including expenses for—

(1) promoting, organizing, and conducting such games;

(2) constructing new and repairing existing athletic and recreational facilities;

(3) providing lodging, food, and transportation for participants in such games and for related personnel; and

(4) acquiring necessary material and equipment for such games.

Such expenditures shall be subject to such controls and audits as the Comptroller General may prescribe.

(c) To carry out this section, there is authorized to be appropriated to the Secretary of State \$12,000,000.

PARTICIPATION BY FEDERAL EMPLOYEES IN CULTURAL EXCHANGE PROGRAMS

SEC. 111. The Mutual Educational and Cultural Exchange Act of 1961 is amended by adding immediately after section 108 the following new section:

“SEC. 108A. (a) (1) Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a

22 USC 2451
note.

22 USC 2458a.

foreign government to facilitate the participation of such Federal employee in a cultural exchange—

22 USC 2452. “(A) which is of the type described in section 102(a)(2)(i) of this Act,

22 USC 2451. “(B) which is conducted for a purpose comparable to the purpose stated in section 101 of this Act, and

“ (C) which is specifically approved by the Secretary of State for purposes of this section ;

but the Congress does not consent to the acceptance by any Federal employee of any portion of any such grant or other form of assistance which provides assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

“Federal employee.”

“(2) For purposes of this section, the term ‘Federal employee’ means any employee as defined in subparagraphs (A) through (E) of section 7342(a)(1) of title 5 of the United States Code, but does not include a person described in subparagraph (F) of such section.

“(b) The grants and other forms of assistance with respect to which the consent of Congress is given in subsection (a) of this section shall not constitute gifts for purposes of section 7342 of title 5 of the United States Code.

Regulations.

“(c) The Secretary of State is authorized to promulgate regulations for purposes of this section.”.

ANNUITY INCREASES FOR ALIEN EMPLOYEES

22 USC 889.

SEC. 112. Section 444(a) of the Foreign Service Act of 1946 is amended—

(1) by inserting “(1)” immediately after “(a)” ; and

(2) by inserting the following new paragraph at the end thereof:

Regulations.

“(2) The Secretary may, under such regulations as he may prescribe, make supplemental payments, out of funds appropriated after the date of enactment of this subparagraph for salaries and expenses, to any civil service annuitant who is a former alien employee of the Service (or is a survivor of a former alien employee of the Service) in order to offset exchange rate losses, if the annuity being paid such annuitant is based on (A) a salary that was fixed in a foreign currency that has appreciated in value in terms of the United States dollar, and (B) service in a country in which (as determined by the Secretary) the average retirement benefits being received by those who have retired from competitive local organizations are superior to the local currency value of civil service annuities plus any other retirement benefits payable to alien employees who have retired during similar time periods and after comparable careers with the United States Government.”.

MEMBERSHIP AUTHORITY FOR INTERNATIONAL ORGANIZATIONS

SEC. 113. The President is authorized to maintain United States membership in the International Cotton Advisory Committee, the International Lead and Zinc Study Group, the International Rubber Study Group, and the International Seed Testing Association.

PANAMA CANAL

SEC. 114. Any new Panama Canal treaty or agreement negotiated with funds appropriated under this title must protect the vital interests

of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal.

INTERNATIONAL JOINT COMMISSION

SEC. 115. After the date of enactment of this Act, any commissioner of the International Joint Commission appointed on the part of the United States, pursuant to article VII of the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington on January 11, 1909 (36 Stat. 2448; TS 548; III Redmond 2607), shall be appointed by the President by and with the advice and consent of the Senate.

Commissioner,
appointment.

FOREIGN GIFTS

SEC. 116. (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended by section 104 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 20. Any expenditure for any gift for any person of any foreign country which involves any funds made available to meet unforeseen emergencies arising in the Diplomatic and Consular Service shall be audited by the Comptroller General and reports thereon made to the Congress to such extent and at such times as he may determine necessary. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property pertaining to such expenditure and necessary to facilitate the audit."

22 USC 2690.

STATE DEPARTMENT/UNITED STATES INFORMATION AGENCY PERSONNEL SYSTEM

SEC. 117. It is the sense of Congress that the proliferation of personnel categories within the State Department and the United States Information Agency (the several categories being characterized by various standards for hiring, tenure, and pay) has resulted in a personnel system susceptible to inefficiency, inequity, and abuse. Therefore, within one hundred and eighty days of the enactment of this Act, the Secretary of State shall transmit to Congress a comprehensive plan for the improvement and simplification of this system, such plan to include a reduction in the number of personnel categories, and proposed legislation if necessary.

Comprehensive
plan, transmittal
to Congress.

PARLIAMENTARY CONFERENCES

SEC. 118. (a) Section 2 of the Act of June 11, 1959 (Public Law 86-42; 73 Stat. 72), is amended by striking out "\$30,000" and inserting in lieu thereof "\$50,000", and by striking out "\$15,000" each time it appears and inserting in lieu thereof "25,000".

22 USC 276e.

(b) Section 2 of the Act of April 9, 1960 (Public Law 86-420; 74 Stat. 40), is amended by striking out "\$30,000" and inserting in lieu thereof "\$50,000", and by striking out "\$15,000" each time it appears and inserting in lieu thereof "25,000".

22 USC 276i.

MEDICAL MALPRACTICE PROTECTION

SEC. 119. Title X of the Foreign Service Act of 1946 is amended by adding at the end thereof the following new part:

"PART J—MALPRACTICE PROTECTION

22 USC 817.

"SEC. 1091. (a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28 of the United States Code, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under such sections,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (including medical and dental assistants and technicians, nursing assistants, and therapists) or other supporting personnel of the Department of State (including the Agency for International Development) in furnishing medical care or related services, including the conducting of clinical studies or investigations, while in the exercise of his or her duties in or for the Department of State or any other Federal department, agency, or instrumentality shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his or her estate) whose act or omission gave rise to such claim.

Civil action.

"(b) The United States Government shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his or her estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or her or an attested true copy thereof to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

Certification.

"(c) Upon a certification by the Attorney General that the defendant was acting within the scope of his or her employment in or for the Department of State or any other Federal department, agency, or instrumentality at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 of the United States Code and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court except that where such remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in that event, the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

28 USC 1 *et seq.*

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in

section 2677 of title 28 of the United States Code and with the same effect.

“(e) For purposes of this section, the provisions of section 2680 (h) of title 28 of the United States Code shall not apply to any tort enumerated therein arising out of negligence in the furnishing of medical care or related services, including the conducting of clinical studies or investigations.

“(f) The Secretary may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of subsection (a) of this section apply, for damages for personal injury, including death, negligently caused by any such person while acting within the scope of his or her office or employment and as a result of the furnishing of medical care or related services, including the conducting of clinical studies or investigations, if such person is assigned to a foreign area or detailed for service with other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States provided by sections 1346 (b) and 2672 of title 28 of the United States Code, for such damage or injury.

Liability insurance.

“(g) For purposes of this section, any medical care or related service covered by this section and performed abroad by a covered person at the direction or with the approval of the United States Ambassador or other principal representative of the United States in the area shall be deemed to be within the scope of employment of the individual performing the service.”

Medical care.

APPOINTMENT OF AMBASSADORS

SEC. 120. It is the sense of the Congress that a greater number of positions of ambassador should be occupied by career personnel in the Foreign Service.

DISCRIMINATION

SEC. 121. Information should not be disseminated about opportunities for, and there should be no participation or other assistance by any officer or employee of the Department of State (including the Agency for International Development) in, the negotiation of any contract or arrangement with a foreign country, individual, or entity, if—

22 USC 2661a.

(1) any United States person (as defined in section 7701 (a) (30) of the Internal Revenue Code of 1954) is prohibited from entering into such contract or arrangement, or

26 USC 7701.

(2) such contract or arrangement requires that any such person be excluded from participating in the implementation of such contract or arrangement,

on account of the race, religion, national origin, or sex of such person in the case of an individual or, in the case of a partnership, corporation, association, or other entity, any officer, employee, agent, director, or owner thereof.

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1977, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization

22 USC 1431 note.

22 USC 2451 note.

22 USC 1461
note.

Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) For "Salaries and Expenses" and "Salary and Expenses (special foreign currency program)", \$255,925,000.

(2) For "Special International Exhibitions", \$4,841,000.

(3) For "Acquisition and Construction of Radio Facilities", \$2,142,000.

(4) Such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

SEC. 202. Funds authorized to be appropriated for fiscal year 1977 by any paragraph of section 201(a) (other than paragraph (4)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (4)), except that the total amount appropriated for a purpose described in any paragraph of section 201(a) (other than paragraph (4)) may not exceed the amount specifically authorized for such purpose by section 201(a) by more than 10 per centum.

PURCHASE OF UNIFORMS

22 USC 1474.

SEC. 203. Section 804 of the United States Information and Educational Exchange Act of 1948 is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding immediately after paragraph (13) the following new paragraph:

"(14) purchase uniforms, when funds are appropriated therefor."

REPLACEMENT OF PASSENGER MOTOR VEHICLES

SEC. 204. Title VIII of the United States Information and Educational Exchange Act of 1948 is amended by adding at the end thereof the following new section:

"REPLACEMENT OF PASSENGER MOTOR VEHICLES

22 USC 1475a.

"SEC. 806. The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles used abroad for purposes of this Act or the Mutual Educational and Cultural Exchange Act of 1961 are authorized to be made available without fiscal year limitation for replacement of an equal number of such vehicles in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949."

22 USC 2451
note.

40 USC 481.

BICENTENNIAL DISTRIBUTION OF CERTAIN ITEMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

22 USC 1461.

SEC. 205. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948, the Director of the United States Information Agency shall make available to the Administrator of General Services, for deposit

in the National Archives of the United States, a master copy of each of the films described in subsection (b) and 150 copies of the exhibit described in subsection (c) and the Administrator shall provide for the distribution of copies of such films and such exhibit for public viewing within the United States in conjunction with the commemoration of the American Revolution Bicentennial.

(b) The films referred to in subsection (a) are the following films which were prepared by the United States Information Agency: Films.

(1) "Echoes", a film sketching the aspirations of American democracy as evoked by heroes and leaders of the past.

(2) "Santa Fe", a film dealing with the historical and social development of Santa Fe, New Mexico, and the surrounding countryside, and with the influence of Spanish, Indian, and Mexican culture on life in the United States Southwest.

(3) "The Numbers Start With the River", a film depicting the quality of life in a small midwestern American town as seen through the eyes of two elderly, lifelong residents of the town.

(4) "The Copland Portrait", a film depicting the life, work, and music of American composer Aaron Copland, including his early student years and early interest in music, his current work with young composers, and his still energetic public performance schedule.

(5) "200", an impressionistic animated cartoon tracing the past two centuries of the development of America.

(6) "Rendezvous", a film portraying the frontier life of American fur trappers.

(7) "Century III—The Gift of Life", a film describing the advances that have been made in the United States, and the prospects for future such advances, in medical techniques such as organ transplants, prosthesis, and immunology.

(c) The exhibit referred to in subsection (a) is the exhibit, prepared by the United States Information Agency, entitled "Life, Liberty, and the Pursuit of Happiness". Such exhibit is a collection of pictures and captions, derived primarily from documents contemporaneous with the events represented, depicting early cultural life in the United States and tracing the early economic growth of the United States, the expansion westward, the development of the democratic spirit, and the establishment of American government and legal institutions.

VOICE OF AMERICA BROADCASTS

SEC. 206. Title V of the United States Information and Educational Exchange Act of 1948 is amended by adding the following new section:

"SEC. 503. The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the United States Information Agency) must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts: 22 USC 1463.

"(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

"(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

"(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion on these policies."

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

AUTHORIZATION OF APPROPRIATIONS

22 USC 2877. SEC. 301. Section 8 of the Board of International Broadcasting Act of 1973 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 8. (a) There are authorized to be appropriated to carry out the purposes of this Act for fiscal year 1977—

"(1) \$58,385,000, of which \$5,000,000 shall be available only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of downward fluctuations in foreign currency exchange rates in order to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty; and

"(2) such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

Amounts appropriated under this section are authorized to remain available until expended.

"(b) The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty."

22 USC 2872. SEC. 302. (a) Section 3(b) of the Board for International Broadcasting Act of 1973 is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking out "seven members, two of whom shall be ex officio members" and inserting in lieu thereof "six members, one of whom shall be an ex officio member", and

(B) in the fourth sentence, by striking out "the chief operating executive of Radio Liberty shall be ex officio members" and inserting in lieu thereof "Radio Liberty shall be an ex officio member";

(2) by amending paragraph (4) to read as follows:

"(4) TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his term of service as chief operating executive of Radio Free Europe and Radio Liberty."; and

(3) in the third sentence of paragraph (5), by striking out "Ex officio members" and inserting in lieu thereof "The ex officio member".

(b) Section 3 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) The Board may, to the extent it deems necessary to carry out its functions under this Act, procure supplies, services, and other personal property, including specialized electronic equipment."

Supplies, services
and personal
property,
procurement.

- (c) Paragraph (8) of section 4(a) of such Act is amended—
- (1) by striking out “30th day of October” and inserting in lieu thereof “31st day of January”; and
 - (2) by striking out “June” and inserting in lieu thereof “September”.

22 USC 2873.

TITLE IV—MISCELLANEOUS

JAPAN-UNITED STATES FRIENDSHIP ACT

SEC. 401. The Japan-United States Friendship Act (Public Law 94-118) is amended—

22 USC 2901

(1) in paragraph (10) of section 6 by striking out “from the Secretary of State, on a reimbursable basis,”;

note.

22 USC 2905.

(2) in section 3(d) by striking out the period at the end thereof and inserting in lieu thereof “, including interest and proceeds accruing to the Fund from such funds in accordance with sections 6(4) and 7 of this Act.”;

22 USC 2902.

(3) (A) in section 3(e) (1) by striking out the period at the end thereof and inserting in lieu thereof “and interest and proceeds accruing to the Fund from such funds in accordance with sections 6(4) and 7 of this Act.”; and

(B) in section 7(b) by inserting “of amounts authorized to be appropriated under section 3(d) of this Act” immediately after “investment” in the second sentence.

22 USC 2906.

FOREIGN CURRENCY REPORTS

SEC. 402. Section 502(b) of the Mutual Security Act of 1954 is amended by adding at the end thereof the following new sentence: “Each such consolidated report shall be published in the Congressional Record within ten legislative days after it is forwarded pursuant to this subsection.”.

22 USC 1754.

REPORT ON INTERNATIONAL BROADCASTING

SEC. 403. Not later than January 31, 1977, the President shall submit to the Congress a report—

Report to Congress.

(1) recommending steps to be taken to utilize more effectively the transmission facilities for international broadcasting, both existing and planned, of the United States Government;

22 USC 2871

note.

(2) examining the feasibility of greater cooperation with foreign countries to insure mutually efficient use of nationally owned and nationally funded transmission facilities for international broadcasting;

(3) containing a comprehensive outline of projected needs for United States international broadcasting operations based on anticipated language requirements and anticipated cooperation among various agencies of the United States Government, United States Government-funded organizations, and foreign governments involved in international broadcasting; and

(4) recommending steps which should be taken to extend broadcasting operations similar to those carried out under the Board for International Broadcasting Act of 1973 to additional countries where access to information is restricted by the policies of the governments of such countries.

22 USC 2871

note.

Foreign Service
Retirement
Amendments of
1976.

22 USC 801 note.

TITLE V—FOREIGN SERVICE RETIREMENT

SHORT TITLE

SEC. 500. This title may be cited as the "Foreign Service Retirement Amendments of 1976".

FOREIGN SERVICE STAFF PARTICIPATION

22 USC 1063.

SEC. 501. (a) Section 803 of the Foreign Service Act of 1946 is amended by adding the following paragraph at the end of subsection (a) thereof:

"(4) All Foreign Service staff officers and employees appointed by the Secretary of State or the Director of the United States Information Agency with unlimited appointments."

(b) Section 803 of such Act is further amended by changing the reference at the end of subsection (b) (2) from "852(b)" to "811".

(c) Section 803 of such Act is further amended by striking out subsection (c) thereof.

DEFINITIONS

22 USC 1064.

SEC. 502. (a) The caption of section 804 of such Act is amended to read "DEFINITIONS".

(b) Section 804 of such Act is amended by striking out all of such section except paragraphs (4), (5), and (6) of subsection (b) and inserting in lieu thereof the following:

"When used in this title unless otherwise specified, the term—

"(1) 'Annuitant' means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of this or any other Act and who has filed claim therefor.

"(2) 'Surviving spouse' means the surviving wife or husband of a participant or annuitant who, in the case of a death in Service or marriage after retirement, was married to the participant or annuitant for at least two years immediately preceding his or her death or is the parent of a child born of the marriage.

22 USC 1086.
Post, p. 840.

"(3) 'Child', except in section 841, means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support. In addition to the offspring of the participant, such term includes (A) an adopted child, (B) a stepchild or recognized natural child who received more than one-half support from the participant, and (C) a child who lived with and for whom a petition of adoption was filed by a participant, and who is adopted by the surviving spouse of the participant after the latter's death. Such term also includes an unmarried student below the age of twenty-two years. For this purpose a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while a student is deemed to have become twenty-two years of age on the first day of July after that birthday.

"(4) 'Student' means a child regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years, semesters, or terms if the interim or other period of nonattendance does not exceed five calendar months and if the child shows to the satisfaction of the Secretary that he or

she has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

“(5) ‘Military and naval service’ means honorable active service—

“(A) in the Armed Forces of the United States;

“(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

“(C) as a commissioned officer of the National Oceanic and Atmospheric Administration or predecessor organization after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States.

“(6) ‘Foreign Service normal cost’ means the level percentage of payroll required to be deposited in the Fund to meet the cost of benefits payable under the System (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for Government employees and less the cost of credit allowed for military service.”

(c) Section 804 of such Act is further amended by redesignating present paragraphs (4), (5), and (6) of subsection (b) as paragraphs (7), (8), and (9), respectively.

22 USC 1064.

CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

SEC. 503. Immediately after section 804 of such Act, insert the following new section:

“AUTHORITY TO MAINTAIN EXISTING AREAS OF CONFORMITY BETWEEN CIVIL SERVICE AND FOREIGN SERVICE RETIREMENT SYSTEMS

“SEC. 805. (a) In order to maintain existing conformity between the Civil Service Retirement and Disability System and the Foreign Service Retirement and Disability System, whenever (subsequent to January 1, 1974) a law is enacted which affects a provision of general applicability in the Civil Service Retirement and Disability System (subchapter III, chapter 83, title 5, United States Code) or otherwise affects current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such law, had been substantially identical to a corresponding provision of law affecting participants, former participants, annuitants, or survivors under the Foreign Service Retirement and Disability System, such new provision of law shall be deemed to extend to the latter System so that it applies in like manner with respect to such Foreign Service Retirement and Disability System participants, former participants, annuitants, or survivors. The President is authorized by Executive order to prescribe regulations to implement this section and to make such extension retroactive to a date no earlier than the effective date of such provision for the Civil Service Retirement and Disability System.

22 USC 1065.

5 USC 8331.

Regulations.

“(b) Any provisions of an Executive order issued under the authority of this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

“(1) all provisions of law enacted prior to the effective date of the provision of such Executive order, and

“(2) any prior provision of an Executive order issued under authority of this section.”

CONTRIBUTIONS

SEC. 504. (a) The heading of part B of title VIII of such Act is amended to read "CONTRIBUTIONS TO THE FUND".

22 USC 1071.

(b) Section 811 of such Act is amended by adding the following at the end thereof:

Transfer.

"(c) (1) If an officer or employee under another retirement system for Government employees becomes a participant in the system by direct transfer, such officer or employee's total contributions and deposits that would otherwise be refundable on separation including interest accrued thereon, except voluntary contributions, shall be transferred to the Fund effective as of the date such officer or employee becomes a participant in the System. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

"(2) No officer or employee, whose contributions are transferred to the Fund in accordance with the provisions of subsection (c) (1) of this section, shall be required to make contributions in addition to those transferred, for periods of service for which required contributions were made to the other Government retirement fund, nor shall any refund be made to any such officer or employee on account of contributions made during any period to the other Government retirement fund, at a higher rate than that fixed by subsection (d) of this section.

Special contribution.

"(d) Any participant credited with civilian service after July 1, 1924 (1) for which no retirement contributions, deductions, or deposits have been made, or (2) for which a refund of such contributions, deductions, or deposits has been made which has not been redeposited, may make a special contribution to the Fund equal to the following percentages of basic salary received for such services:

Service:	Percent of basic salary
From July 1, 1921, to October 15, 1960, inclusive.....	5
From October 16, 1960, to December 31, 1969, inclusive.....	6½
On and after January 1, 1970.....	7

5 USC 8331.

Notwithstanding the foregoing, a special contribution for prior nondeposit service as a National Guard technician which would be creditable under subchapter III, chapter 83, title 5, of the United States Code toward civil service retirement and for which a special contribution has not been made, shall be equal to the special contribution for such service computed in accordance with the above schedule multiplied by the percentage of such service that is creditable under section 851. Special contributions shall include interest computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of payment of the special contribution or commencing date of annuity, whichever is earlier. Interest shall be compounded at the rate of 4 per centum per annum to December 31, 1976, and at 3 per centum per annum thereafter. No interest shall be charged on special contributions made after the effective date of the Foreign Service Retirement Amendments of 1976 for any period of separation from Government service which began before October 1, 1956. Special contributions may be paid in installments when authorized by the Secretary.

Interest rate.

Ante, p. 834.

"(e) No contributions shall be required for any periods of military or naval service.

“(f) A participant or survivor may make a special contribution any time before receipt of annuity and may authorize payment by offset against initial annuity accruals.”

COMPUTATION OF ANNUITIES

SEC. 505. (a) The heading of part C of title VIII of such Act is amend to read “COMPUTATION AND PAYMENT OF ANNUITIES”.

(b) Subsection (a) of section 821 of such Act is amended (1) by striking out the phrase “for which full contributions have been made to the Fund” each time it appears and by striking out the commas immediately preceding and following such phrase the first time it appears, (2) by striking out “, 852”, and (3) by adding the following sentence at the end thereof: “The annuity shall be reduced by 10 per centum of any special contribution described in section 811(d) due for service for which no contributions were made and remaining unpaid unless the participant elects to eliminate the service involved for purposes of annuity computation.”

22 USC 1076.

Ante, p. 836.

(c) Subsection (b) of section 821 of such Act is amended to read as follows:

“(b) (1) Unless elected in writing to the contrary at the time of retirement, any married participant shall receive a reduced annuity and provide a maximum survivor annuity for his or her spouse. Such a participant’s annuity or any portion thereof designated in writing by the participant as the base for the survivor benefit shall be reduced by 2½ per centum of the first \$3,600 plus 10 per centum of any amount over \$3,600. If an annuitant entitled to receive a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 per centum of the full amount of the participant’s annuity computed under subsection (a) of this section, or by 55 per centum of any lesser amount the annuitant designated at the time of retirement as the base for the survivor benefit.

“(2) An annuity payable from the Fund to a surviving spouse shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the survivor’s (A) remarriage prior to attaining age sixty, or (B) death. If a survivor annuity is terminated because of remarriage under clause (A) above, it shall be restored at the same rate commencing on the date such remarriage is terminated provided any lump sum paid upon termination of the annuity is returned to the Fund.”

(d) Subsection (d) of section 821 of such Act is amended by adding the following sentence at the end thereof: “If the annuity to a surviving child is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children in the family were then being initiated.”

(e) Subsection (e) of section 821 of such Act is amended to read as follows:

“(e) The annuity payable to a child under subsection (c) or (d) of this section shall begin on the day after the participant dies or if the child is not then qualified, on the first day of the month in which the child becomes eligible. A child’s annuity shall terminate on the last day of the month which precedes the month in which eligibility ceases.”

(f) Subsection (f) of section 821 of such Act is amended (1) by striking out “50” in the first sentence and inserting in lieu thereof “55”, and (2) by striking out the last two sentences and inserting in lieu thereof the following: “The annuity payable to a beneficiary under

the provisions of this subsection shall begin on the day after the annuitant dies and shall terminate on the last day of the month preceding the survivor's death."

22 USC 1076.

(g) Section 821 of such Act is further amended by adding the following new subsections at the end thereof:

22 USC 1064.

"(g) An annuitant who was married at retirement and who later marries may, within one year after such marriage, irrevocably elect in writing a reduced annuity with benefit to any surviving spouse who qualifies under section 804(2). Receipt by the Secretary of notice of an election under this subsection voids prospectively any election previously made under subsection (f). The reduction in annuity required by an election under this subsection shall be computed and the amount of the survivor annuity shall be determined as if the election were made under subsection (b)(1). The annuity reduction or recomputation shall be effective the first day of the month after notice of the election is received by the Secretary.

"(h) A surviving spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees.

Post, p. 843.

"(i) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under section 871 shall, unless the annuitant elects in writing to the contrary at that time, have the supplemental annuity reduced by 10 per centum to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 per centum of the annuitant's supplemental annuity and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or to whom the annuitant had been married for at least two years at the time of death or who is the parent of a child born of the marriage."

PAYMENT OF ANNUITIES

SEC. 506. Part C of title VIII of such Act is further amended by adding the following new section at the end thereof:

"PAYMENT OF ANNUITY

22 USC 1076a.

"SEC. 822. (a) Except as otherwise provided, the annuity of a former participant who has met the eligibility requirements for annuity shall commence on the day after separation from the Service or on the day after pay ceases. The annuity of a former participant who is entitled to a deferred annuity under section 834 or under any other section of this Act shall begin on the day he or she reaches age sixty.

22 USC 1084.

Application.

"(b) The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application therefor supported by such proof of eligibility as the Secretary may require. If such application or proof of eligibility is not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

Waiver.

"(c) An individual entitled to annuity from the Fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Secretary. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

“(d) Recovery of overpayments under this title may not be made from an individual when, in the judgment of the Secretary, the individual is without fault and recovery would be against equity and good conscience or administratively infeasible.”

DISABILITY ANNUITIES

SEC. 507. Section 831 of such Act is amended—

22 USC 1081.

(1) in subsection (a) thereof by striking out “that is credited in accordance with provisions of section 851 or 852(a) (2)”;

(2) in subsection (c) thereof by striking out “(a)” following “section 841”;

(3) by amending subsection (d) thereof to read as follows:

“(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself or herself under subchapter I of chapter 81, title 5, United States Code, covering the same period of time except that a participant may simultaneously receive both an annuity under this section and scheduled disability payments under section 8107 of title 5, United States Code. This provision shall not bar the right of any claimant to the greater benefit conferred by either this Act or such subchapter for any part of the same period of time. Neither this provision nor any provision of such subchapter shall be so construed as to deny the right of any participant to receive an annuity under this Act and to receive concurrently any payment under such subchapter by reason of the death of any other person.”; and

5 USC 8101.

(4) in subsection (e) thereof by striking out “section 14 of the Act of September 16, 1916, as amended” and inserting in lieu thereof “section 8135 of title 5, United States Code”.

DEATH IN SERVICE

SEC. 508. (a) Section 832 of such Act is amended by amending subsections (a), (b), (c), and (d) to read as follows:

22 USC 1082.

“(a) If a participant dies and no claim for annuity is payable under the provisions of this Act, the lump-sum credit shall be paid in accordance with section 841.

Post, p. 840.

“(b) If a participant who has at least eighteen months of civilian service credit toward retirement under the system dies before separation or retirement from the Service and is survived by a spouse, such surviving spouse shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of subsection (e) of this section and of section 821(a) 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.

22 USC 1076.

“(c) If a participant who has at least eighteen months of civilian service credit toward retirement under the system dies before separation or retirement from the Service and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with subsections (c) (1) and (d) of section 821.

“(d) If a participant who has at least eighteen months of civilian service credit toward retirement under the system dies before separation or retirement from the Service and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with subsections (c) (2) and (d) of section 821.”

22 USC 1082.

(b) Section 832 of this Act is further amended by adding the following new subsections at the end:

22 USC 915.

“(f) If an annuitant who elected a reduced annuity dies in service after being recalled under section 520(b) and is survived by a spouse entitled to a survivor annuity based on such an election, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the deceased’s annuity had been resumed in accordance with section 871. If such a death occurs after the annuitant had completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse, in addition to any other benefits, shall be entitled to elect, in lieu of a refund of retirement contributions made during the recall service, a supplemental survivor annuity computed and paid under section 821 (i) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his or her annuity determined anew, a surviving spouse may elect, in lieu of any other benefit under this title, to have the annuitant’s rights redetermined and to receive a survivor annuity computed under subsection (b) of this section on the basis of the annuitant’s total service.

Post, p. 843.

22 USC 1076.

“(g) Annuities that become payable under this section shall commence, terminate, and be resumed in accordance with subsection (b) (2), (e), or (h) of section 821, as appropriate.”

DISCONTINUED SERVICE—TECHNICAL CHANGE

22 USC 1084.

SEC. 509. Section 834 of such Act is amended (1) by striking out “(a)” immediately following “Sec. 834.”; (2) by striking out “that is credited in accordance with the provisions of section 851 or 852(a) (2)” in subsection (a) thereof; and (3) by striking out subsection (b) thereof.

LUMP-SUM PAYMENTS

SEC. 510. Part E of title VIII of such Act is amended to read as follows:

“PART E—LUMP-SUM PAYMENTS

“Lump-sum credit.”

22 USC 1086.

“SEC. 841. (a) ‘Lump-sum credit’ as used in this title means the compulsory and special contributions to a participant’s or former participant’s credit in the Fund plus interest thereon compounded at 4 per centum per annum to the date of separation or December 31, 1976, whichever is earlier, and after such date for a participant who separates from the Service after completing at least one year of civilian service and before completing five years of such service, at the rate of 3 per centum per annum to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from an annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

“(b) Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the lump-sum credit shall be paid to the participant.

Contributions returned.

“(c) Whenever an annuitant becomes separated from the Service following a period of recall service without becoming eligible for a supplemental or recomputed annuity under section 871, the annuitant’s compulsory contributions to the Fund for such service together with

any special contributions the annuitant may have made for other service performed after the date of separation from the Service which forms the basis for annuity, shall be returned.

“(d) If all annuity rights under this title based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in the order of precedence shown in subsection (g) of this section.

“(e) If a participant or former participant dies and is not survived by a person eligible for an annuity under this title or by such a person or persons all of whose annuity rights terminate before a claim for survivor annuity is filed, the lump-sum credit shall be paid in accordance with subsection (g) of this section.

“(f) If an annuitant who was a former participant dies, annuity accrued and unpaid, shall be paid in accordance with subsection (g) of this section.

“(g) Payments authorized in subsections (d) through (f) of this section shall be paid in the following order of precedence to such person or persons surviving the participant and alive on the date entitlement to the payment arises, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:

“(1) to the beneficiary or beneficiaries last designated by the participant before or after retirement in a signed and witnessed writing received by the Secretary prior to the participant's death, for which purpose a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed shall have no force or effect;

“(2) if there be no such beneficiary, to the surviving wife or husband of such participant;

“(3) if none of the above, to the child or children of such participant (including adopted and natural children but not step-children) and descendants of deceased children by representation;

“(4) if none of the above, to the parents of such participant or the survivor of them;

“(5) if none of the above, to the duly appointed executor or administrator of the estate of such participant; and

“(6) if none of the above, to other next of kin of such participant as may be determined in the judgment of the Secretary to be legally entitled thereto, except that no payment shall be made pursuant to this paragraph (6) until after the expiration of thirty days from the death of the participant or annuitant.

“(h) Annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other person: First, to the duly appointed executor or administrator of the estate of the survivor annuitant; second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of such survivor annuitant, to such person as may be determined by the Secretary to be entitled under the laws of the survivor annuitant's domicile at the time of death.

“(i) Amounts deducted and withheld from basic salary of a participant under section 811 from the beginning of the first pay period after the participant has completed thirty-five years of service computed under sections 851 and 853, but excluding service credit for unused sick leave under subsection (b) of section 851, together with interest on the amounts at the rate of 3 per centum a year compounded annually from the date of the deduction to the date of retirement or death, shall be applied toward any special contribution due under subsection (d)

22 USC 1071.

Post., p. 842.
22 USC 1093.

Ante, p. 836.

of section 811, and any balance not so required shall be refunded in a lump sum to the participant after separation or, in the event of a death in service, to a beneficiary in the order of precedence specified in subsection (g) of this section.”.

CREDITABLE SERVICE

22 USC 1091.

SEC. 511. (a) The heading of section 851 of such Act is amended to read as follows: “CREDITABLE SERVICE”.

(b) Subsection (a) of section 851 of such Act is amended to read as follows:

“(a) Except as otherwise specified by law, all periods of civilian and military and naval service and periods of absence and separation therefrom completed by a participant through the date of final separation from the Service that would be creditable, as determined by the Secretary, under section 8332 of title 5, United States Code, toward retirement under the Civil Service Retirement and Disability System, if performed by an employee under that system, shall be creditable for purposes of this title. Conversely, any such service performed after December 31, 1976, that is not creditable under specified conditions under section 8332 of title 5, United States Code, shall be excluded under this title under the same conditions.”.

(c) Section 851 of such Act is further amended by adding the following new subsections at the end thereof:

“(c) (1) A participant who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of Government employees may, within sixty days after entering on that leave without pay, file with the employing agency an election to receive full retirement credit for such periods of leave without pay and arrange to pay concurrently into the Fund through the employing agency, amounts equal to the retirement deductions and agency contributions on the Foreign Service salary rate that would be applicable if the participant were in a pay status. If the election and all payments provided by this subsection are not made for the periods of such leave without pay occurring after the effective date of this subsection, the participant may not receive any credit for such periods of leave without pay occurring after such date.

“(2) A participant may make a special contribution for any period or periods of approved leave without pay while serving, before the effective date of this subsection, as a full-time officer or employee of an organization composed primarily of Government employees. Any such contribution shall be based upon the suspended Foreign Service salary rate, and shall be computed in accordance with section 811. A participant who makes such a contribution shall be allowed full retirement credit for the period or periods of leave without pay. If this contribution is not made, up to six months' retirement credit shall be allowed for such periods of leave without pay each calendar year.

“(d) A participant who has received a refund of retirement contributions (which has not been repaid) under this or any other retirement system for Government employees covering service which may be creditable may make a special contribution for such service pursuant to section 811. Credit may not be allowed for service covered by the refund unless the special contribution is made.

“(e) No credit in annuity computation shall be allowed for any period of civilian service for which a participant made retirement contributions to another retirement system for Government employees unless (1) the right to any annuity under the other system which is

Special
contribution.

based on such service is waived, and (2) a special contribution is made covering such service pursuant to section 811.

22 USC 1071.

“(f) A participant who during the period of a war, or of a national emergency as proclaimed by the President or declared by the Congress, leaves the Service to enter the military service is deemed, for the purpose of this title, as not separated from the Service unless the participant applies for and receives a lump-sum payment under section 841. However, the participant is deemed to be separated from the Service after the expiration of five years of such military service.”.

Ante, p. 840.

FUNDING NORMAL COST

SEC. 512. Section 865 of such Act is amended (1) by inserting “(a)” immediately after “SEC. 865.”, and (2) by adding the following new subsection at the end thereof:

22 USC 1105.

“(b) There is authorized to be appropriated to the Fund for each fiscal year an amount equal to the amount of the Foreign Service normal cost for that year which is not met by contributions to the Fund under section 811(a).”.

ANNUITY ADJUSTMENT FOR RECALL SERVICE

SEC. 513. Section 871 of such Act is amended to read as follows:

22 USC 1111.

“ANNUITY ADJUSTMENT FOR RECALL SERVICE

“SEC. 871. Any annuitant recalled to duty in the Service in accordance with the provisions of section 520(b) shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund in accordance with the provisions of section 811. On the day following termination of the recall service, the former annuity shall be resumed adjusted by any cost-of-living increases under section 882 that became effective during the recall period. If the recall service lasts less than one year, the annuitant's contributions to the Fund during recall service shall be refunded in accordance with section 841. If the recall service lasts more than one year, the annuitant may, in lieu of such refund, elect a supplemental annuity computed under section 821 on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least five years, the annuitant may elect to have his or her annuity determined anew under section 821 in lieu of any other benefits under this section. Any annuitant who is recalled under section 520(b) may, upon written application, count as recall service any prior service that is creditable under section 851 that was performed after the separation upon which his or her annuity is based.”.

Post, p. 845.*Post*, p. 844.*Ante*, p. 837.

VOLUNTARY CONTRIBUTIONS

SEC. 514. (a) Section 881(a) of such Act is amended by striking out that portion of such section which precedes paragraph (1) and inserting in lieu thereof the following:

22 USC 1116.

“(a) The Voluntary contribution account shall be the sum of unredeemed amounts heretofore voluntarily contributed by any participant or former participant under this section or under a prior corresponding provision of law, plus interest compounded at the rate of 3 per centum per annum to date of separation from the Service or in case of a participant or former participant separated with entitlement to

Interest rate.

a deferred annuity to the date the voluntary contribution account is claimed, or to the commencing date fixed for the deferred annuity or to the date of death, whichever is earlier. A participant's or former participant's account shall, effective on the date the participant becomes eligible for an annuity or a deferred annuity and at the participant's election, be—".

22 USC 1116.

(b) Section 881 of such Act is further amended by striking out subsections (c) and (d) thereof and by inserting in lieu thereof the following:

Lump-sum
payment.

"(c) A voluntary contribution account shall be paid in a lump sum following receipt of an application therefor from a present or former participant provided application is filed prior to payment of any additional annuity. If not sooner paid, the account shall be paid at such time as the participant separates from the Service for any reason without entitlement to an annuity, or a deferred annuity or at such time as a former participant dies or withdraws compulsory contributions to the Fund. In case of death, the account shall be paid in the order of precedence specified in section 841(g).".

Ante, p. 840.

COST-OF-LIVING ADJUSTMENTS

22 USC 1121.

SEC. 515. (a) Subsections (a), (b), and (c) of section 882 of such Act are amended to read as follows:

"(a) A cost-of-living annuity increase shall become effective under this section on the effective date of each such increase under section 8340(b) of title 5, United States Code. Each such increase shall be applied to each annuity payable from the Fund which has a commencing date not later than the effective date of the increase.

"(b) The first annuity increase under this section after the effective date of this paragraph shall equal the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, between the month last used to establish an increase under this section and the base month used to establish the concurrent increase under section 8340(b) of title 5, United States Code. Each subsequent annuity increase under this section shall be identical to the corresponding percentage increase under section 8340(b) of title 5, United States Code.

Eligibility.

"(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:

22 USC 1004.

"(1) An annuity, except a deferred annuity under section 834 or any other section of this Act, payable from the Fund to a participant who retires and receives an immediate annuity, or to a surviving spouse of a deceased participant who dies in service or who dies after being separated under the provisions of section 634(b)(2), which has a commencing date after the effective date of the then last preceding general annuity increase under this section shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of such last preceding increase. In the administration of this paragraph, the number of days of unused sick leave to an employee's or deceased employee's credit on the effective date of the then last preceding general annuity increase under this section shall be deemed to be equal to the number of days of unused sick leave to his or her credit on the day of separation from the Service.

"(2) Effective from its commencing date, an annuity payable from the Fund to an annuitant's survivor, except a child entitled

under section 821 (c) or 832 (c) or (d), shall be increased by the total per centum increase the annuitant was receiving under this section at death.

22 USC 1076.
Ante, p. 839.

“(3) For purposes of computing or recomputing an annuity to a child under section 821 (c) or (d) 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 by which corresponding amounts are being increased under section 8340 of title 5, United States Code, on the date the child’s annuity becomes effective.”.

(b) Section 882 of such Act is further amended by adding the following new subsection at the end thereof:

22 USC 1121.

“(f) Effective the first day of the second month which begins after the effective date of the Foreign Service Retirement Amendments of 1976 or on the commencing date of an annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity resulted from the death—

Ante, p. 834.

“(1) before the effective date of the Foreign Service Retirement Amendments of 1976, of (A) a participant, or (B) a former participant entitled to benefits under section 634 (b) ; or

22 USC 1004.

“(2) of an annuitant who, prior to the effective date of the Foreign Service Retirement Amendments of 1976, elected a reduced annuity under this or any other Act in order to provide a spouse’s survivor annuity ; shall be increased by 10 per centum.”.

REPEALS

SEC. 516. Sections 833, 852, and 854 of such Act are repealed.

22 USC 1083,
1092, 1094.

RECALL

SEC. 517. (a) The caption of section 520 of such Act is amended to read “REAPPOINTMENT AND RECALL”.

22 USC 915.

(b) Subsection (b) of section 520 of such Act is amended to read as follows:

“(b) Whenever the Secretary determines it to be in the public interest, any retired officer or employee of the Service may be recalled for active duty on a temporary or limited basis to any appropriate class in his or her former category, except that a retired Foreign Service officer may not be recalled to a class higher than he or she held at the time of retirement unless appointed to the higher class by the President by and with the advice and consent of the Senate.”.

RETIREMENT OF CAREER AMBASSADORS

SEC. 518. Section 631 and the heading thereto of such Act are amended to read as follows:

22 USC 1001.

“FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

“SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which the officer reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, such an officer may be retained on active service for a period

Ante, p. 837.

not to exceed five years. Any such officer who completes a period of authorized service after reaching age sixty-five shall be retired at the end of the month in which such service is completed.”

RETIREMENT OF PARTICIPANTS WHO ARE NOT CAREER AMBASSADORS

22 USC 1002.

SEC. 519. Section 632 of such Act is amended to read as follows:

“PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

“SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which the participant reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, such a participant may be retained on active service for a period not to exceed five years. Any such participant who completes a period of authorized service after reaching age sixty shall be retired at the end of the month in which such service is completed.”

Ante, p. 837.

SELECTION-OUT BENEFITS

22 USC 1004.

SEC. 520. Section 634(b) (2) of such Act is amended by striking out—

- (1) “, with interest” after the words “Disability Fund” the first time the latter appears;
- (2) “(a)” after “section 841” the first time the latter appears;
- (3) “that is credited in accordance with the provisions of section 851 or 852(a)” after “naval service”;
- (4) “, with interest as provided in section 841(a)”, after “Disability Fund” the last time the latter appears; and
- (5) “(b)” after “section 841” the last time the latter appears.

SEPARATION FOR CAUSE

22 USC 1007.

SEC. 521. (a) Section 637 of such Act is amended by striking from the first sentence of subsection (b) thereof—

- (1) “, with interest” after “Disability Fund”;
- (2) “(a)” after “section 841”; and
- (3) “that is credited in accordance with the provisions of section 851 or 852(a)” after “naval service”.

(b) Such subsection (b) is further amended by striking out the last sentence thereof.

CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

22 USC 1063
note.

SEC. 522. (a) In accordance with such regulations as the President may prescribe, all Foreign Service staff officers and employees with unlimited appointments who (1) have been appointed by the Secretary of State or the Director, United States Information Agency, and (2) are participants in the Civil Service Retirement and Disability System on the effective date of this section, shall be transferred to the Foreign Service Retirement and Disability System effective on such date. Their retirement contributions shall be transferred in accordance with section 811 of the Foreign Service Act of 1946, as amended by this title.

Ante, p. 836.

- (b) Mandatory retirement at age sixty as prescribed in section 632

of the Foreign Service Act of 1946, as amended by this title, shall not apply to any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System pursuant to subsection (a) of this section until such officer or employee completes ten years of continuous service in the Foreign Service exclusive of military service, in the Department of State or ten years of such continuous service in the United States Information Agency.

Ante, p. 846.

(c) Any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System pursuant to subsection (a) of this section who is age fifty-seven or over on the effective date of this section may retire voluntarily at any time prior to mandatory retirement and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended by this title.

Ante, p. 837.

(d) Section 9(b) of the Act of August 20, 1968 (82 Stat. 812), is repealed on the effective date of this section.

Repeal.
22 USC 1229 and
note.

GRANTS TO CERTAIN WIDOWS AND SURVIVOR ANNUITY ELECTIONS

SEC. 523. (a) A Foreign Service annuitant who was married at the time of retirement, whose service terminated prior to October 16, 1960, and who has not elected any survivor benefit, may, within one hundred and twenty days after the effective date of this title, elect a reduction in his or her annuity of \$300 per annum and provide a survivor benefit of \$2,400 per annum payable to the annuitant's surviving spouse provided the marriage had been in effect for at least two years at the time of death or resulted in the birth of a child. The survivor annuity shall be treated in all respects as if it had been elected under section 821(b) of the Foreign Service Act of 1946, as amended by this title.

22 USC 1076
note.

(b) An annuitant who makes an election under subsection (a) of this section shall pay into the Foreign Service Retirement and Disability Fund an amount equal to \$25 times the number of full months between the commencing date of his or her annuity and the first of the month following receipt of notice of election by the Secretary of State. This amount may be paid into such Fund by deduction from annuity in multiples of \$25 per month. The annuity reduction under subsection (a) of this section and the deduction under this subsection shall commence effective the first of the month following receipt of notice of the election by the Secretary of State. The deduction under this subsection shall continue until the required amount has been paid into such Fund or until the annuitant's death, whichever occurs first; and if the latter, any remaining portion of such required amount shall be deemed to have been paid.

(c) If a Foreign Service annuitant who separated from the Foreign Service prior to October 16, 1960, died before the effective date of this title, or dies within one hundred and twenty days after such effective date leaving a spouse to whom married at retirement who is not entitled to receive a survivor annuity under the terms of section 8133 of title 5, United States Code, or any law authorizing payment from the Foreign Service Retirement and Disability Fund and who qualifies under section 821(h) of the Foreign Service Act of 1946, as amended by this title, the Secretary of State shall grant such surviving spouse, if not remarried prior to age sixty, an annuity, to be payable from such Fund in the amount of \$2,400 per annum adjusted by all cost-of-living increases received by widows granted annuities under section 4 of the Act of October 31, 1965 (79 Stat. 1130). An annuity to a surviving spouse who remarried prior to age sixty may be initiated or resumed under this subsection in accordance with the provisions of subsections

22 USC 1079o.

Ante, p. 837.

(b) and (h) of section 821 of the Foreign Service Act of 1946, as amended by this title, if such remarriage has terminated or terminates in the future.

EFFECTIVE DATES

22 USC 915 note.

SEC. 524. (a) Unless otherwise specified, this title shall be effective upon enactment or on October 1, 1976, whichever is later.

22 USC 1063 note.

Ante, pp. 846, 834, 843.

(b) Section 522 of this title and sections 803 and 881 of the Foreign Service Act of 1946, as amended by this title, shall be effective on the first day of the first pay period which begins more than ninety days after the effective date of this title.

22 USC 1076 note.

(c) Effective on the last day of the first month which ends after the effective date of this title, all Foreign Service survivor annuities, including those then in effect, shall terminate on the last day of a month in accordance with the provisions of subsections (b) (2) (B), (e), and (f) of section 821 of the Foreign Service Act of 1946, as amended by this title.

Ante, p. 837.

22 USC 1064 note.

Ante, p. 834.

(d) The amendment of section 804 of the Foreign Service Act of 1946 made by this title broadening eligibility for children's survivor annuities shall apply to all surviving children regardless of the date of death of the principal.

22 USC 1076 note.

(e) Subsection (g) of section 821 of the Foreign Service Act of 1946, as added by this title, shall apply to both present and future Foreign Service annuitants. Any annuitant unmarried at retirement who married after retirement but prior to the effective date of this title may make an election under such subsection (g) if notice of the election is received by the Secretary of State within one year after such effective date.

22 USC 1064 note.

(f) If an annuitant dies on or after January 8, 1971, who, prior to the effective date of this title, elected a reduced annuity with a benefit to a surviving spouse, and is survived by a spouse acquired after such election who qualifies under section 804(2) of the Foreign Service Act of 1946, as amended by this title, such surviving spouse shall be entitled to an annuity computed under the law in effect at the time of such election and in accordance with all other applicable statutes. Such an annuity shall be treated in all other respects in the same manner as an annuity payable under section 821(b) of the Foreign Service Act of 1946, as amended by this title. For purposes of section 882(c) (2) of the Foreign Service Act of 1946, as amended by this title, the death of an annuitant who has died before the effective date of this title shall be deemed to have occurred on such effective date.

Ante, p. 837.

22 USC 1076 note.

(g) the restrictions on payment of survivor annuities in subsection (b) (2) (A) and subsection (h) of section 821 of such Act shall not apply to a supplemental survivor annuity provided under subsection (i) of section 821 or subsection (f) of section 832 of such Act if the restrictions do not apply to a basic survivor annuity elected prior to commencement of the recall service.

Ante, p. 839.

(h) Subsection (a) of section 822 of the Foreign Service Act of 1946, as added by this title, shall be effective on the first day of the first month which begins on or after the effective date of this title.

22 USC 1076a note.

Ante, p. 838.

22 USC 1086 note.

Ante, p. 840.

(i) Subsection (a) of section 841 of the Foreign Service Act of 1946, as amended by this title, shall not apply to participants separated from the Foreign Service prior to the effective date of this title nor to their survivors. All payments from the Foreign Service Retirement Fund that become due on and after such effective date shall be paid in the order of precedence specified in such section 841 irrespective of the date of separation.

(j) Subsection (c) of section 851 of the Foreign Service Act of 1946, as added by this title, shall be effective on the first day of the first pay period that begins more than thirty days after the effective date of this title. A participant who is on approved leave without pay and is serving as a full-time officer or employee of an organization composed primarily of Government employees on the effective date of such section shall have sixty days from such date to file an election under subsection (c) of said section 851. 22 USC 1091 note. *Ante*, p. 842.

(k) Subsection (f) of section 851 of the Foreign Service Act of 1946, as added by this title, shall apply, in addition to present participants, to former participants who separated from the Foreign Service to enter the Armed Forces within the five-year period immediately preceding the effective date of this title and who are members of the Armed Forces on such date. 22 USC 1091 note.

(l) The annuity of a survivor who becomes immediately eligible for an annuity under subsection (c) of section 523 of this title or subsection (d) or (f) of this section shall become effective the first day of the first month which begins on or after the effective date of this title. However, payment shall be made only after receipt by the Department of State of such application for annuity and such proof of eligibility as the Secretary may require. If such application and proof of eligibility are not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate. 22 USC 1064 note. *Ante*, p. 847.

(m) The amendment of subsections (a) and (b) of section 882 of the Foreign Service Act of 1946 made by this title shall be effective on the fifteenth day of the third month which begins after the effective date of this title. 22 USC 1121 note. *Ante*, p. 844.

(n) Annuities which commenced between—

(A) the effective date of the last cost-of-living increase which became effective under section 882 of the Foreign Service Act of 1946 prior to the effective date of this title, and

(B) such effective date,

shall be recomputed and, if necessary, adjusted retroactively to their commencing dates to apply the provisions of new subsections (c) (1) of section 882 of the Foreign Service Act of 1946, as added by section 515 of this title. 22 USC 1121 note.

(o) Any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, unless the Secretary determines it to be in the public interest to extend such officer's service for a period not to exceed five years: Career ministers. 22 USC 1001 note.

Retirement Schedule

(1) Any career minister who reaches age sixty-five during the month this title becomes effective shall be retired at the end of such month.

(2) Other career ministers who are age sixty or over on such effective date shall be retired at the end of the month which contains the midpoint between the last day of the month of such effective date and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month.

(3) On the last day of the thirtieth month which ends after such effective date, all other career ministers who are age sixty or over shall be retired, and thereafter the amendments made by sections 518 and 519 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which the officer completes such service.

Approved July 12, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-881 accompanying H.R. 12262, No. 94-1083 accompanying H.R. 13179, and No. 94-1116 accompanying H.R. 13589 (Comm. on International Relations).

SENATE REPORT No. 94-703 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Mar. 29, considered and passed Senate.

June 18, considered and passed House, amended, in lieu of H.R. 13589, H.R. 13179, and H.R. 12262.

June 29, House agreed to conference report.

June 30, Senate agreed to conference report.