

FOR IMMEDIATE RELEASE

January 7, 1977

Office of the White House Press Secretary

THE WHITE HOUSE

## EXECUTIVE ORDER

CONFORMING THE FOREIGN SERVICE AND CIVIL SERVICE  
RETIREMENT AND DISABILITY SYSTEMS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), and as President of the United States of America, in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

Section 1. (a) The enactment (subsequent to January 1, 1974) of the following laws has affected a provision of general applicability in the Civil Service Retirement and Disability System (subchapter III, chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, 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:

(1) Section 1 of Public Law 93-260, approved April 9, 1974 (88 Stat. 76).

(2) Section 1 of Public Law 93-273, approved April 26, 1974 (88 Stat. 93).

(3) Section 2 of Public Law 93-273, approved April 26, 1974 (88 Stat. 93).

(4) Public Law 93-474, approved October 26, 1974 (88 Stat. 1438).

(5) Public Law 94-166, approved December 23, 1975 (89 Stat. 1002).

(b) The provisions of the laws cited in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

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Sec. 2. (a) In accord with Section 1 of Public Law 93-260, Section 804(b) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1064(b)), is deemed to be amended by striking out "two years" wherever it appears and inserting in lieu thereof "one year". This amendment shall apply only in the cases of participants, former participants, or annuitants who died on or after April 9, 1974 but no annuity shall be paid or recomputed, by virtue of this amendment, for any period prior to May 1, 1974.

(b) In accord with Section 1 of Public Law 93-273, and notwithstanding any other provision of Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), said Section 821 shall be deemed to be amended to provide for the payment of a minimum annuity as follows:

(1) The monthly rate of an annuity payable, under said Section 821, to an annuitant, or to a survivor annuitant other than a child, shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) The monthly rate of an annuity payable, under said Section 821, to a surviving child shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.), or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

(3) The provisions of this subsection shall not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under Title II of the Social Security Act (42 U.S.C. 401 et seq.), a pension, veterans' compensation, or any other periodic payment of a similar nature, when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.).

(4) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

(c) In accord with Section 2 of Public Law 93-273, Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide an increase in annuities, which have been computed on the highest five consecutive years of service, as follows:

(1) An annuity payable to a former participant which is based on a separation occurring prior to October 20, 1969, is increased by \$240.00.

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(2) In lieu of any increase based on an increase under paragraph (1) of this subsection, an annuity to the surviving spouse of a participant or annuitant which is based on a separation occurring prior to October 20, 1969, is increased by \$132.00.

(3) The provisions of this subsection shall not apply to annuities payable under Section 523(c) of Public Law 94-350 (90 Stat. 847, 22 U.S.C. 1076 note), or any similar prior provision of law, to the surviving spouse of a participant or annuitant.

(4) The monthly rate of an annuity resulting from an increase under this subsection shall be considered as the monthly rate of annuity payable under Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), for purposes of computing the minimum annuity as provided in subsection (b) of this Section.

(5) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

(d) In accord with Public Law 93-474, Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide for the recomputation of annuities for non-married annuitants, as follows:

(1) An annuity which is reduced under Section 821(b) (1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(b) (1), or any similar prior provision of law shall, for each full month during which a retired participant is not married, be recomputed and paid as if the annuity had not been so reduced. Upon remarriage of the retired participant, the annuity shall be reduced by the same percentage reductions which were in effect at the time of retirement or, if such percentage reductions were subsequently adjusted pursuant to law, by the percentage reductions last made pursuant to law.

(2) The provisions of this subsection apply to all annuities, whether commenced before, on, or after November 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to November 1, 1974.

(e) In accord with Public Law 94-166, Section 864 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1104), is deemed to be amended by adding a subsection (a) and conforming the present Section as subsection (b), to read as follows:

"Sec. 864 (a) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary in his sole discretion considers appropriate.

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"(b) None of the moneys mentioned in this title shall be assignable, either in law or equity, except under the provisions of subsection (a) of this Section or Section 634(c), or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws."

GERALD R. FORD

THE WHITE HOUSE,  
January 7, 1977

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