Public Law 90-231

AN ACT

December 29, 1967
[H. R. 12505]

To provide that a District of Columbia public school teacher may retire on a full annuity at age fifty-five after thirty years of service or at age sixty after twenty years of service, and for other purposes.

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

D.C. public school teachers. Retirement.

(1) The proviso in the second sentence of the first paragraph of the first section of such Act (D.C. Code, sec. 31–721) is amended by striking out "teaching service" and inserting in lieu thereof "eligible service".

71 Stat. 46.

(2) Section 3 of such Act (D.C. Code, sec. 31–723) is amended to read as follows:

60 Stat. 876.

"SEC. 3. (a) Any teacher who completes five years of eligible service and who is separated from the service—

Voluntary retirement.

"(1) after becoming fifty-five years of age and completing thirty years of service,

"(2) after becoming sixty years of age and completing twenty years of service, or

"(3) after becoming sixty-two years of age,

is entitled to an annuity.

"(b) Any teacher who completes five years of eligible service and who is involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after (1) completing twenty-five years of service, or (2) becoming fifty years of age and completing twenty years of service, is entitled to an annuity reduced by one-sixth of 1 per centum for each full month such teacher is under the age of fifty-five years at the date of his separation from the service.

Involuntary retirement.

"(c) Any teacher who completes five years of eligible service and who becomes sixty-two years of age may be separated from the service by the Board of Education upon the written recommendation of the Superintendent of Schools. Any teacher who becomes seventy years of age shall be separated from the service unless upon the written recommendation of the Superintendent of Schools two-thirds of the members of the Board of Education vote to retain such teacher in the public schools for the good of the service.

Retirement at age 62.

Retirement at age 70.

"(d) (1) The length of a teacher's service shall be computed in accordance with section 8 of this Act.

Post, p. 748.

"(2) The amount of an annuity authorized by this section shall be computed in accordance with section 5 of this Act.

Post, p. 748.

"(3) Each annuity authorized by this section shall commence on the day after the teacher is separated from the service and shall terminate on the date the teacher dies."

(3) Section 4 of such Act (D.C. Code, sec. 31–724) is amended—

Disability.
60 Stat. 877; 71 Stat. 46.

(A) by striking out in the first paragraph "Any teacher to whom this Act applies who shall have served on active duty in the public schools of the District of Columbia for a total period of not less than five years" and inserting in lieu thereof "Any teacher who completes five years of eligible service"; and

(B) by striking out in the first paragraph "section 5 and 6 hereof: *Provided*, That proof" and inserting in lieu thereof "sections 5 and 6 of this Act and beginning on the day after his pay ceases and he meets the service and disability requirements for title to annuity. Proof".

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Annuity computation.
66 Stat. 17.

(4) Section 5 of such Act (D.C. Code, sec. 31–725) is amended—

(A) by amending the second sentence of subsection (a) to read as follows: "Each annuity is stated as an annual amount, one-twelfth of which, fixed at the nearest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.";

Survivor benefits, commencement and termination.

(B) by striking out the last sentence of paragraph (1) of subsection (b) and inserting in lieu thereof the following new sentence: "The annuity of such widow or widower shall begin on the day after the retired teacher dies. Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or widower dies, or (B) the widow or widower remarries before becoming sixty years of age. In the case of a surviving widow or widower whose annuity under this paragraph is terminated because of remarriage before becoming sixty years of age, annuity at the same rate shall be restored commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

"(i) the surviving widow or widower elects to receive the annuity which was terminated instead of a survivor benefit to which the surviving widow or widower may be entitled, under this Act or another retirement system for employees of the Federal or District Government, by reason of the remarriage; and

"(ii) any lump sum paid on termination of the annuity is returned to the teachers' retirement and annuity fund established under section 2 of this Act."; and

60 Stat. 876.
D.C. Code 31-722.

(C) by striking out in the first sentence of paragraph (2) of subsection (b) "and upon the death of such survivor annuitant all payments shall cease and no further annuity shall be due and payable" and by adding after such sentence the following new sentence: "The annuity of the survivor annuitant shall commence on the day after the retired teacher dies, and such annuity and any right thereto shall terminate on the last day of the month before the death of the survivor annuitant."

Transfer of retirement funds.
60 Stat. 879.
D.C. Code 31-632 to 31-637.

(5) The second sentence of the first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by striking out "Act of June 12, 1940 (54 Stat. 349): *Provided further*" and all that follows down through "nothing contained herein shall be construed" in the last proviso in that sentence and inserting in lieu thereof "Act of June 12, 1940 (54 Stat. 349). If the teacher so elects he may deposit the required sum in the teacher's retirement and annuity fund in monthly installments with interest at 3 per centum per annum compounded annually, upon making a claim with the Commissioner of the District of Columbia, or his designated agent. This section shall not be construed".

Deferred annuity.
60 Stat. 880; 71 Stat. 47.

(6) Section 9 of such Act (D.C. Code, sec. 31–729) is amended—

(A) by striking out in subsection (a) "after having served in the public schools of the District of Columbia for a total period of not less than five years" and inserting in lieu thereof "after completing five years of eligible service";

(B) by striking out in subsection (a) "beginning at the age of sixty-two years computed as provided in section 5 of this Act" and inserting in lieu thereof ", computed as provided in section 5 of this Act, beginning at the age of sixty-two years and terminating on the date of his death";

Supra.

(C) by striking out in paragraph (1) of subsection (b) "after having rendered at least five years of service in the public schools

of the District of Columbia" and inserting in lieu thereof "after completing five years of eligible service";

(D) (i) by striking out in paragraph (1) of subsection (b) "first day of the month following the death of the teacher" and inserting in lieu thereof "day after the teacher dies"; 66 Stat. 20. D.C. Code 31-729.

(ii) by striking out in such paragraph "teacher: *Provided*, That such payments or any right thereto shall cease upon the death or remarriage of the widow, or dependent widower, or upon the widower's becoming capable of self-support." and inserting the following:

"teacher. Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or dependent widower dies, (B) the widow or dependent widower remarries before becoming sixty years of age, or (C) the dependent widower becomes capable of self-support. In the case of a widow or dependent widower whose annuity under this paragraph is terminated because of remarriage before becoming sixty years of age, annuity at the same rate shall be restored commencing on the day the remarriage is dissolved by death, annulment, or divorce, if—

"(i) the widow or dependent widower elects to receive the annuity which was terminated instead of a survivor benefit to which the widow or dependent widower may be entitled, under this Act or another retirement system for employees of the Federal or District Government, by reason of the remarriage; and

"(ii) any lump sum paid on termination of the annuity is returned to the teachers' retirement and annuity fund established under section 2 of this Act.";

60 Stat. 876. D.C. Code 31-722.

(E) by striking out paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(F) (i) by striking out in the first sentence of paragraph (2) of subsection (b) (as so redesignated by subparagraph (E) of this paragraph) "five years of service in the public schools of the District of Columbia" and inserting in lieu thereof "five years of eligible service";

(ii) by striking out the third sentence of such paragraph and inserting in lieu thereof the following: Child's annuity, commencement and termination. 76 Stat. 1238; 78 Stat. 886.

"The child's annuity shall commence on the first day after the teacher dies. Such annuity and the right thereto terminate on the last day of the month before the child—

"(A) becomes eighteen years of age unless he is then a student as described or incapable of self-support;

"(B) becomes capable of self-support after becoming eighteen years of age unless he is then such a student;

"(C) becomes twenty-two years of age if he is then such a student and capable of self-support;

"(D) ceases to be such a student after becoming eighteen years of age unless he is then incapable of self-support; or

"(E) dies or marries;

whichever first occurs."

(G) by striking out in the first sentence of paragraph (3) of subsection (b) (as so redesignated by subparagraph (E) of this paragraph) "After having rendered at least five years of service in the public schools of the District of Columbia" and inserting in lieu thereof "after completing five years of eligible service";

(H) paragraph (2) of subsection (c) is amended to read as follows:

"Child."

"(2) The term 'child' means—

"(A) an unmarried child under eighteen years of age, including (i) an adopted child, and (ii) a stepchild or recog-

nized natural child who lived with the teacher in a regular parent-child relationship;

"(B) such unmarried child regardless of age who is incapable of self-support because of mental or physical disability incurred before age eighteen; or

"(C) such unmarried child between eighteen and twenty-two years of age who is a student 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.

For the purpose of this paragraph and paragraph (2) of subsection (b) of this section, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become twenty-two years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than five months and if he shows to the satisfaction of the Commissioner of the District of Columbia that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim."

Ante, p. 749.

Beneficiaries.
60 Stat. 880;
66 Stat. 21.

(7) Section 10 of such Act (D.C. Code, sec. 31–730) is amended to read as follows:

"SEC. 10. (a) Under regulations prescribed by the Commissioner of the District of Columbia, a present or former teacher may designate a beneficiary or beneficiaries for the purpose of this Act.

"(b) Lump-sum benefits authorized by subsections (c), (d), and (e) of this section shall be paid in the following order of precedence, to the person or persons surviving the teacher and alive at the date title to the payment arises, and the payment bars recovery by any other person:

"First, to the beneficiary or beneficiaries designated by the teacher in a signed and witnessed writing received by the Commissioner of the District of Columbia before his death.

"Second, if there is no designated beneficiary, to the widow or widower of the teacher.

"Third, if none of the above, to the child or children of the teacher and descendants of deceased children by representation.

"Fourth, if none of the above, to the parents of the teacher or the survivor of them.

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of the teacher.

"Sixth, if none of the above, to such other next of kin of the teacher as the Commissioner of the District of Columbia determines to be entitled under the laws of the domicile of the teacher at the date of his death.

"Child."

For the purpose of this subsection, the term 'child' includes a natural child and an adopted child, but does not include a stepchild.

Payment of lump-sum credit.

"(c) If—

"(1) a teacher dies—

"(A) without a survivor, or

"(B) with a survivor or survivors and the right of all survivors terminates before a claim for survivor annuity is filed; or

"(2) a former teacher not retired dies,

the lump sum credit shall be paid.

"(d) If all annuity rights under this Act based on the service of a deceased teacher terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid.

"(e) If an annuitant dies, any annuity accrued and unpaid shall be paid.

"(f) For purposes of this section, the term 'lump-sum credit' means the unrefunded amount consisting of— "Lump-sum credit."

"(1) retirement deductions made under this Act from the salary of a teacher;

"(2) amounts deposited into the teachers' retirement and annuity fund by a teacher covering earlier service; and

"(3) interest on the deductions and deposits made with respect to service which aggregates more than one year but excluding interest for the fractional part of a month in the total service."

(8) Section 13 of such Act (D.C. Code, sec. 31–733) is amended— 60 Stat. 881; 71 Stat. 48.

(A) by striking out "creditable service" and inserting in lieu thereof "eligible service"; and

(B) by adding at the end the following new paragraph:

"For purposes of this Act, the term 'eligible service' means service in the public schools of the District of Columbia under a temporary, probationary, or permanent appointment to a position, the rate of compensation of which is prescribed in the salary schedule contained in section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501)." "Eligible service." 80 Stat. 1594.

(9) The first sentence of section 21 of such Act (D.C. Code, sec. 31–739a) is amended by striking out "December 30, 1965" and inserting in lieu thereof "January 1, 1966". Annuities, adjustments. 80 Stat. 266.

(10) Such Act is amended by adding at the end thereof the following new section: Definitions.

"SEC. 22. Wherever the term 'Commissioners of the District of Columbia' is used in the first section of this Act and section 16 of this Act, as amended, such term shall be deemed to mean the District of Columbia Council. Wherever the term 'Board of Commissioners of the District of Columbia', or 'Commissioners of the District of Columbia' is otherwise used in this Act, as amended or supplemented, such term shall be deemed to mean the Commissioner of the District of Columbia." D.C. Code 31-721, 31-736.

Approved December 29, 1967.

Public Law 90-232

AN ACT

December 29, 1967
[H. R. 13833]

To provide that the post office and Federal office building to be constructed in Bronx, New York, shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a Member of the United States House of Representatives from the State of New York from 1935 through 1964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the post office and Federal office building to be constructed in Bronx, New York, shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a distinguished Member of the United States House of Representatives from the State of New York from 1935 through 1964. Any reference to such building in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such building as the "Charles A. Buckley Post Office and Federal Office Building." Charles A. Buckley Post Office and Federal Office Building.

Approved December 29, 1967.