Public Law 91-263

AN ACT

To make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

May 22, 1970
[H. R. 15980]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Teachers' Retirement Amendments of 1970.

SECTION 1. (a) The last sentence of the first paragraph of section 13 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31–733), is amended to read as follows: "The term 'average salary' shall mean the largest annual rate resulting from averaging, over any period of three consecutive years of eligible service, or in the case of a survivor annuity under subsection (b) of section 9 of this Act based on service of less than three years, over the total eligible service in the public schools of the District of Columbia, a teacher's rates of annual salary in effect during such period, with each rate weighted by the time it was in effect.".

71 Stat. 48.
"Average salary."

66 Stat. 19; 81 Stat. 748. D.C. Code 31-729.

(b) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended—

Service credit for unused sick leave.
60 Stat. 879.

(1) by inserting after the first sentence thereof the following new sentences: "In computing an annuity under section 5(a) of this Act the total service of a teacher shall include days of unused sick leave credited to him. No deposit may be required for days of unused sick leave included in a teacher's total service under the preceding sentence. Days of unused sick leave shall not be counted in determining a teacher's average salary or his eligibility for an annuity."; and

66 Stat. 17; 81 Stat. 748. D.C. Code 31-725.

(2) by striking out "This section" in the last sentence of such paragraph and inserting in lieu thereof "Except as otherwise provided in this paragraph, this section".

(c) Section 21 of such Act (D.C. Code, sec. 31–739a) is amended—

80 Stat. 266.

(1) by inserting "1 per centum plus" immediately after "shall be increased by" in subsection (b); and (2) by amending subsection (c)(2) to read as follows:

Increased annuities for children.
Post, p. 258.

"(2) For the purpose of computing the annuity of a child under subsection (b)(2) of section 9 of this Act that commences on or after the first day of the first month that begins on or after the effective date of the District of Columbia Teachers' Retirement Amendments of 1970, the items $900, $1,080, $2,700, and $3,240 appearing in subsection (b)(2) of section 9 of this Act shall be increased by the total per centum increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in subsection (b)(2) of section 9 of this Act shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day".

(d)(1) The first sentence of the first section of such Act (D.C. Code, sec. 31–721) is amended to read as follows: "Beginning on the first day of the first pay period which begins after December 31, 1969, there shall be deducted and withheld from the annual salary of each teacher in the public schools of the District of Columbia an amount equal to 7 per centum of the teacher's annual salary.".

Deductions.
71 Stat. 46.

(2) The amendment made by this subsection shall not apply to any persons retired or otherwise separated prior to the date of enactment of this Act.

Nonapplicability.

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Survivor annuities.
66 Stat. 19;
81 Stat. 748.

(e) Subsection (b) of section 9 of such Act (D.C. Code, sec. 31–729 (b)) is amended—

(1) by amending the first sentence of paragraph (1) to read as follows:

"(b)(1) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service and is survived by a widow, or dependent widower, such widow or dependent widower shall be paid an annuity beginning the day after the teacher dies, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that in the computation of the annuity under such subsection the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age.";

(2) by amending the first two sentences of paragraph (2) to read as follows:

"(2) If any teacher to whom this subchapter applies shall die after completing at least eighteen months of eligible service or after having retired under the provisions of section 3 or section 4 of this Act and is survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 60 per centum of the teacher's average salary divided by the number of children, (b) $900, or (c) $2,700 divided by the number of children. If such teacher is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 75 per centum of the teacher's average salary divided by the number of children, (b) $1,080, or (c) $3,240 divided by the number of children."; and

D.C. Code 31-723, 31-724.

(3) by amending paragraph (3) to read as follows:

"(3) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service, and is not survived by a widow, a dependent widower, and/or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that, in the computation of the annuity under such subsection, the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age: *Provided*, That such payments shall be made jointly to surviving dependent parents and payment of such annuity shall continue after the death of either dependent parent: *Provided further*, That all such payments or any right thereto shall cease upon the death of both dependent parents."

D.C. Code 31-725.

Annuity computation.
71 Stat. 46.

(f)(1) The second sentence of subsection (b)(1) of section 5 of such Act (D.C. Code, sec. 31–725(b)(1)) is amended by striking out ", excluding any increase because of retirement under section 4 of this Act,".

Option.
66 Stat. 17.

(2) The first sentence of subsection (b)(2) of section 5 of such Act (D.C. Code, sec, 31–725(b)(2)) is amended by striking out "50" and inserting in lieu thereof "55".

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

"SEC. 23. Effective on (a) the first day of the first month which begins after October 20, 1969, or (b) the commencing date of annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity payable from the District of Columbia teachers' retirement and annuity fund resulted from the death of:

"(1) a teacher prior to October 24, 1962, or

"(2) a retired teacher whose retirement was based on a separation from service prior to October 24, 1962, shall be increased by 10 per centum."

Nonapplicability.

SEC. 2. (a) The amendments made by subsections (a), (b), (e)(1), (e)(3), and (f) of section 1 of this Act shall not apply in the case of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been made.

Ante, p. 257.

(b) The amendment made by subsection (c)(1) of section 1 of this Act shall apply only to determinations of amounts of annuity increases which are made after October 20, 1969, under section 21 of the Act of August 7, 1946 (D.C. Code, sec. 31–739a).

Ante, p. 257.

Effective date.

(c)(1) The amendment made by subsection (e)(2) of section 1 of this Act shall become effective on the first day of the first month which begins after October 20, 1969.

Ante, p. 258.

Recomputed annuity of surviving child.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under subsection (b)(2) of section 9 of such Act (D.C. Code, sec. 31–729 (b)(2)) or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under such Act shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed or in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

Ante, p. 258.

SEC. 3. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, as amended (60 Stat. 875; D.C. Code, sec. 31–721 to 739) is amended by inserting the following section after the first section:

81 Stat. 751.

D.C. Code 31-721 to 31-739c.

Retirement credit for leave without pay.

"SEC. 1A. (a) Any teacher who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of teachers, for the purpose of bargaining with the District of Columbia concerning grievances, disputes, hours of employment, or conditions of work, may, within sixty days after entering on such leave without pay, file with the Board of Education of the District of Columbia an election to receive full retirement credit for his periods of that leave without pay and arrange to pay currently into the teachers' retirement fund established pursuant to this Act, through the Board of Education, amounts equal to the retirement deductions plus additional amounts equivalent to such amounts, in lieu of District of Columbia contributions which would be applicable if he were in pay status. A teacher who is on approved leave without pay and serving as a full-time officer or employee of such an organization on the date of enactment of this section may similarly make such election within sixty days after such date of enactment. If the election and all payments herein provided are not made, the teacher shall receive no credit for such periods of leave without pay occurring on or after the date of enactment of this section.

Matching retirement deposit.

"(b) A teacher may deposit with interest at 4 per centum compounded annually an amount equal to retirement deductions representing any period or periods of approved leave without pay while serving, prior to the date of enactment of this section, as a full-time

officer or employee of an organization composed primarily of teachers, and may receive full retirement credit for such period or periods of leave without pay. In the event of the death of such teacher any individual entitled to annuity under this Act may make such deposit."

Appropriation calculation.

SEC. 4. Section 7 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 879, as amended; D.C. Code, sec. 31–727), is amended to read as follows:

"SEC. 7. The amount of each year's appropriation shall be such amount as is necessary to maintain during such fiscal year a balance in the teachers' retirement fund approximately equal, to the nearest million dollars, to the balance in that fund on June 30, 1969, or such amount as is necessary to maintain the equity in such fund of all teachers, active and retired, whichever amount is greater. If at any time the balance in the Teachers' Retirement Fund is not sufficient to meet all obligations against such fund, the fund will have a claim on the District of Columbia revenues to the extent necessary to meet such obligations."

Effective dates.

SEC. 5. (a) Section 1 of this Act, except for subsection (d), shall be effective October 20, 1969.

(b) Subsection (d) of section 1 of the Act shall be effective on the first day of the first pay period which begins after December 31, 1969.

(c) Sections 3 and 4 of this Act shall be effective on the date of enactment.

Short title.

SEC. 6. This Act may be cited as the "District of Columbia Teachers' Retirement Amendments of 1970."

Approved May 22, 1970.

Public Law 91-264

AN ACT

May 22, 1970
[H. R. 4869]

To further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona.

Indians.
Hopi Tribe, Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of assisting in the economic advancement and contributing to the general welfare of the Hopi Indian Tribe of Arizona, the Congress hereby finds it to be fitting and appropriate to provide the Hopi Tribal Council with certain powers of self-determination that are necessary to enable the Hopi people to carry out the effective development and operation of the Hopi Industrial Park, which is located in the counties of Navajo and Coconino in the State of Arizona.

Delegation of powers.

SEC. 2. The Hopi Tribal Council shall have the following powers:

(a) To sell any part of the lands within the Hopi Industrial Park.

(b) To execute mortgages upon, or deeds of trust to, the lands within said Hopi Industrial Park. Such lands shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Arizona. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving said lands with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446, of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action.

62 Stat. 939; 79 Stat. 887.

(c) To pledge any revenue or other income from lands within said Hopi Industrial Park, and the improvements situated thereon, and any