

## Public Law 91-215

## AN ACT

March 17, 1970  
[H. R. 13300]

To amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes.

Railroad Retirement Act of 1937 and Railroad Retirement Tax Act, amendments.  
80 Stat. 1073.  
45 USC 228c

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(j) of the Railroad Retirement Act of 1937 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

SEC. 2. Section 3(j) of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new paragraphs:

"(4) Notwithstanding any other provision of this Act, no individual shall be entitled to a supplemental annuity provided by this subsection for any period after he renders any service as an employee for compensation after his supplemental annuity closing date determined as follows:

"(A) Such closing date for an employee who attains age 68 before 1971 shall be January 31, 1971. Such closing date for an employee who attains age 68 during 1971 shall be the last day of the month following the month in which he attains age 68.

"(B) Such closing date for an employee who attains age 67 during 1972 shall be the last day of the month following the month in which he attains age 67. Such closing date for an employee who attains age 67 during 1971 shall be January 31, 1972.

"(C) Such closing date for an employee who attains age 66 during 1973 shall be the last day of the month following the month in which he attains age 66. Such closing date for an employee who attains age 66 during 1972 shall be January 31, 1973.

"(D) Such closing date for an employee who attains age 65 after 1973 shall be the last day of the month following the month in which he attains age 65. Such closing date for an employee who attains age 65 during 1973 shall be January 31, 1974.

"(5) For an employee whose supplemental annuity closing date (determined under paragraph (4)) occurs after he has completed at least 23 years of service and before he has completed 25 years of service and before he is entitled (or on application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, such date shall be extended to whichever of the following first occurs:

"(A) the day before the first day of the first month for which he is entitled (or on application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, or

"(B) the last day of the first month for which he qualifies for a supplemental annuity under this subsection.

"(6) The provisions of paragraphs (4) and (5) shall not supersede the provisions of any agreement reached through collective bargaining between an employer and its employees which provides for mandatory retirement at an age less than the applicable supplemental annuity closing date determined under paragraphs (4) and (5)."

SEC. 3. Section 15(b) of the Railroad Retirement Act of 1937 is amended by striking out the second paragraph thereof.

SEC. 4. Section 3211(b) of the Railroad Retirement Tax Act is amended to read as follows:

"(b) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax at a rate equal to the rate of excise tax imposed on every employer, provided for in section 3221(c), for each man-hour for which compensation is paid to him for services rendered as an employee representative."

64 Stat. 482.  
42 USC 402.

80 Stat. 1074.  
45 USC 228o.

Supplemental taxes.  
80 Stat. 1078.  
26 USC 3211.

26 USC 3221.

SEC. 5. (a) Section 3221(c) of the Railroad Retirement Tax Act is amended by substituting for the first sentence thereof the following: "In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during any calendar quarter, (1) at the rate of 2 cents for the period beginning November 1, 1966, and ending March 31, 1970, and (2) commencing April 1, 1970, at such rate as will make available for appropriation to the Railroad Retirement Supplemental Account provided for in section 15(b) of the Railroad Retirement Act of 1937 sufficient funds to meet the obligation to pay supplemental annuities under section 3(j) of such Act and administrative expenses in connection therewith. For the purpose of this subsection, the Railroad Retirement Board is directed to determine what rate is required for each calendar quarter commencing with the quarter beginning April 1, 1970. The Railroad Retirement Board shall make the determinations provided for not later than fifteen days before each calendar quarter. As soon as practicable after each determination of the rate, as provided in this subsection, the Railroad Retirement Board shall publish a notice in the Federal Register, and shall advise all employers, employee representatives, and the Secretary of the Treasury, of the rate so determined."

Excise tax.  
80 Stat. 1078.  
26 USC 3221.

80 Stat. 1074;  
Ante, p. 70.  
45 USC 228o.  
Ante, p. 70.

Publication  
in Federal  
Register.

73 Stat. 29;  
80 Stat. 1078.

(b) (1) Section 3221 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d) Notwithstanding the provisions of subsection (c) of this section, the tax imposed by such subsection (c) shall not apply to an employer with respect to employees who are covered by a supplemental pension plan which is established pursuant to an agreement reached through collective bargaining between the employer and employees. There is hereby imposed on every such employer an excise tax equal to the amount of the supplemental annuity paid to each such employee under section 3(j) of the Railroad Retirement Act of 1937, plus a percentage thereof determined by the Railroad Retirement Board to be sufficient to cover the administrative costs attributable to such payments under section 3(j) of such Act."

(2) The amendment made by paragraph (1) shall apply to (A) supplemental annuities paid on or after April 1, 1970, and (B) man-hours with respect to which compensation is paid for services rendered to such employer on or after such day.

SEC. 6. The Railroad Retirement Board is authorized to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Railroad Retirement Supplemental Account such moneys as the Board estimates would be necessary for the payment of the supplemental annuities, provided for in section 3(j) of the Railroad Retirement Act of 1937, for the six months next following enactment of this Act and for administrative expenses necessary in the administration of such section 3(j) (which expenses are hereby authorized) until such time as an appropriation for such expenses is made pursuant to section 15(b) of such Act, and the Secretary shall make such transfer. The Railroad Retirement Board shall request the Secretary of the Treasury, at any time before the expiration of one year following the enactment of this Act, to retransfer from the Railroad Retirement Supplemental Account to the credit of the Railroad Retirement Account the amount transferred to the Railroad Retirement Supplemental Account pursuant to the next preceding sentence, plus interest at a rate equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the fiscal year ending on June 30, 1970, rounded to the nearest multiple of one-eighth of 1 per centum, and the Secretary shall make such retransfer.

Transfer of  
funds.

48 Stat. 1185;  
54 Stat. 785.  
45 USC 151.  
50 Stat. 307.  
45 USC 228a  
et seq.

50 Stat. 316;  
77 Stat. 220.  
45 USC 228o.

80 Stat. 1079.  
25 USC 3211  
note.  
Separability  
provision.

SEC. 7. No carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall, before April 1, 1974, utilize any of the procedures of such Act to seek to make any changes in the provisions of the Railroad Retirement Act of 1937 for supplemental annuities or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937, to become effective prior to July 1, 1974; nor shall any such carrier or representative of employees until July 1, 1974, engage in any strike or lockout to seek to make any such changes or to establish any such new class of pensions or annuities: *Provided*, That nothing in this section shall inhibit any carrier or representative of employees from seeking any change with respect to benefits payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937.

SEC. 8. Section 301(f) of the Act of October 30, 1966 (Public Law 89-699), is amended by striking out "for sixty months".

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved March 17, 1970.

## Public Law 91-216

### AN ACT

March 17, 1970  
[H. R. 13008]

To improve position classification systems within the executive branch, and for other purposes.

Job Evaluation  
Policy Act of  
1970.

*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 "Job Evaluation Policy Act of 1970".

## TITLE I—CONGRESSIONAL FINDINGS WITH RESPECT TO JOB EVALUATION AND RANKING IN THE EXECUTIVE BRANCH

SEC. 101. The Congress hereby finds that—

(1) the tremendous growth required in the activities of the Federal Government in order to meet the country's needs during the past several decades has led to the need for employees in an ever-increasing and changing variety of occupations and professions, many of which did not exist when the basic principles of job evaluation and ranking were established by the Classification Act of 1923. The diverse and constantly changing nature of these occupations and professions requires that the Federal Government reassess its approach to job evaluation and ranking better to fulfill its role as an employer and assure efficient and economical administration;

(2) the large number and variety of job evaluation and ranking systems in the executive branch have resulted in significant inequities in selection, promotion, and pay of employees in comparable positions among these systems;

(3) little effort has been made by Congress or the executive branch to consolidate or coordinate the various job evaluation and ranking systems, and there has been no progress toward the estab-

63 Stat. 954,  
972; 80 Stat. 443.  
5 USC 5101 et  
seq and notes.