Public Law 91-377

AN ACT

August 12, 1970
[H. R. 15733]

To amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following paragraph:

Railroad Retirement Act of 1937; annuities, increase.
82 Stat. 17.
45 USC 228c.

"(3) The annuity computed under paragraphs (1) and (2) of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 15 per centum but not by more than $50. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual's social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below $10."

49 Stat. 622.
42 USC 401-429.
83 Stat. 737.
42 USC 401 note.

SEC. 2. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended by inserting "without regard to section 3(a)(3) of this Act" after "of such individual's annuity" and by inserting "as in effect before 1970" after "or pension" and by inserting at the end thereof the following paragraph:

65 Stat. 683.
45 USC 228b.

"The spouse's annuity computed under other provisions of this section shall be increased by 15 per centum but not by more than $25. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual's social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below $5. The two preceding sentences shall not operate to increase the annuity to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection."

(b) Section 2(i) of the Railroad Retirement Act of 1937 is amended by inserting "without regard to the last paragraph of such subsection (e)" after "subsections (e) and (h) of this section".

80 Stat. 1075; 82 Stat. 17.
45 USC 228b.

SEC. 3. Section 5 of the Railroad Retirement Act of 1937 is amended by striking from subsection (m) the words "other provisions" wherever they appear in such subsection and substituting in lieu thereof in each instance the words "preceding provisions", and by inserting at the end thereof the following subsection:

82 Stat. 21.
45 USC 228e.

"(n) The annuity computed under the preceding provisions of this section shall be increased by 15 per centum but not by more than $25. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual's social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below $5."

SEC. 4. (a) The provisions of this Act shall be effective with respect to annuities accruing for months after December 1969 and with respect to pensions due in calendar months after January 1970. For the purposes of this Act, (i) any increase in an individual's social security benefit based on recomputations other than for the correction of errors after the first adjustment, or derived from legislation enacted after the Social Security Amendments of 1969, shall be disregarded, and

Effective date.

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(ii) the increases, offsets and reductions provided for herein, shall apply before any reduction in an annuity on account of age.

50 Stat. 312.
45 USC 228f.
49 Stat. 967.
45 USC 215-228 notes.

(b)(1) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935 shall be increased by 15 per centum; all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which, in accordance with the proviso in section 5(a) or section 5(b) of the

60 Stat. 729; 82 Stat. 19; 80 Stat. 1082.
45 USC 228e.

Railroad Retirement Act of 1937 are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuities provided in section 1 are effective, be increased by 15 per centum: *Provided, however.* That in cases where the individual entitled to such a pension or annuity is entitled also to a benefit under

49 Stat. 622.
42 USC 401-429.

title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the

83 Stat. 737.
42 USC 401 note.

Social Security Amendments of 1969 not been enacted: *And provided further.* That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than $10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than $5. Joint and survivor annuities shall be computed under section

Ante, p. 791.

3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity.

(2) All recertifications required by reason of the amendments made by this title shall be made by the Railroad Retirement Board without application therefor.

(c) For the purposes of this Act, the amount of a social security

81 Stat. 821.
42 USC 302 note.

benefit computed under the Social Security Amendments of 1967 shall be deemed to be an amount equal to 87 per centum of such benefit computed under the Social Security Amendments of 1969, and the amount by which an individual's social security benefit was increased by reason of the Social Security Amendments of 1969 shall be deemed to be 13 per centum of such individual's social security benefit as computed under the Social Security Amendments of 1969.

SEC. 5. The fifth sentence of section 15(c) of the Railroad Retire-

77 Stat. 220; 80 Stat. 1074.
45 USC 228o.

ment Act of 1937 is amended by striking out "obligations" the second place it appears and inserting in lieu thereof "notes".

Annuity increase, termination date.

SEC. 6. The first four sections of this Act, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1972. Annuities accruing for months after June 30, 1972, and pensions due in calendar months after June 30, 1972, shall be computed as if the first four sections of this Act, and the amendment made thereby, had not been enacted.

Commission on Railroad Retirement.

SEC. 7. (a)(1) There is hereby established a Commission on Railroad Retirement (hereinafter in this section referred to as the "Commission") which shall be composed as follows:

(A) Three members shall be appointed by the President in the same manner as provided by section 10(a) of the Railroad Retirement Act of 1937 for the appointment of members of the Railroad Retirement Board: *Provided, however.* That such appointments to the Commission shall not be by and with the advice and consent of the Senate;

50 Stat. 314; 82 Stat. 21.
45 USC 228j.

(B) One public member shall be appointed by the Speaker of the House of Representatives, after consultation with the Committee on Interstate and Foreign Commerce of the House of Representatives;

(C) One public member shall be appointed by the President pro tempore of the Senate, after consultation with the Senate Committee on Labor and Public Welfare.

(2) The President shall designate one member of the Commission to serve as Chairman thereof and one member of the Commission to serve as Vice Chairman thereof.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(b) Members of the Commission shall each receive a per diem rate equivalent to that authorized for GS–18 by section 5332 of title 5, United States Code, for days when engaged in the actual performance of duties vested in the Commission, and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Ante, p. 198-1.

80 Stat. 499; 83 Stat. 190.

(c) (1) The Commission shall conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis.

Study.

(2) Such study shall take into account—

(A) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under title II of the Social Security Act;

49 Stat. 622. 42 USC 401-429.

(B) the necessity of revising benefits under the railroad retirement system to meet increases in the cost of living;

(C) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under such system;

(D) the possibility of restructuring benefits under title II of the Social Security Act and under the railroad retirement system so as to provide coverage under such title of various classes of beneficiaries presently covered under the railroad retirement system;

(E) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act;

(F) the possibility of changes in the financing system used to fund railroad retirement benefits including, without limitation, adjustment of the rate of tax, adjustment of the tax base, the use of general revenue financing, and revision of the investment policy of the railroad retirement fund;

(G) the relationship between social security and railroad retirement in the areas of benefits, tax rates, and tax base including, without limitation, the desirability and feasibility of a merger of the two systems; and

(H) such other matters relating to the railroad retirement system as the Commission considers necessary.

(d) (1) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

Executive Director, etc., appointment.

80 Stat. 443, 459. 5 USC 5101, 5311.

Experts and consultants.

80 Stat. 416.

Ante, p. 198-1.

Actuarial consultant.

80 Stat. 443, 467.

5 USC 5101, 5331.

(2)(A) The Executive Director, with the approval of the Commission, is authorized to obtain services of experts and consultants on a temporary or intermittent basis in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS–18 by section 5332 of such title.

(B) The Commission shall employ the services of an actuarial consultant holding membership in the American Academy of Actuaries and qualified in the evaluation of pension plans. Such consultant may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Railroad Retirement Board and any other department, agency, or instrumentality of the Federal Government is authorized to cooperate with and assist the Commission, at its request, in carrying out its duties by furnishing services, information, data, or other material which the Commission feels will be helpful in carrying out its duties.

(f) Funds appropriated to the President shall be available to defray the expenses of the Commission, other than expenses incurred pursuant to subparagraph (e) of this section.

Report to President and Congress.

(g) The Commission shall, not later than July 1, 1971, submit to the President and the Congress a full and complete report of the study authorized by this section together with its recommendations for changes in the railroad retirement system designed to provide adequate levels of benefits thereunder on an actuarially sound basis. The Commission shall cease to exist sixty days after the date of the submission of such report.

Termination.

Approved August 12, 1970.

Public Law 91-378

August 13, 1970
[S. 1076]

AN ACT

To establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

Youth Conservation Corps. Establishment.

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

POLICY AND PURPOSE

SECTION 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas administered by the Secretary of the Interior and the Secretary of Agriculture creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.