

Act shall provide that the right-of-way shall be used only as a public highway and for related purposes, and if such right-of-way at any time ceases to be so used, title thereto shall immediately revert to the State of Oregon, together with any improvements made by Clackamas County without payment of compensation therefor, and, in which event, the right-of-way shall again become a part of Camp Withycombe and be subject to the same reservation and conditions set forth in the aforementioned deed of November 9, 1956.

SEC. 3. The Secretary is authorized to impose such additional terms and conditions on the release and conveyance authorized by this Act as he deems necessary to protect the interests of the United States.

SEC. 4. The cost of any surveys necessary as an incident of the release and conveyance authorized by this Act shall be borne by the grantee.

Approved October 3, 1972.

Public Law 92-460

AN ACT

October 4, 1972
[H. R. 15927]

To amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, and for other purposes.

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

“(5) The individual’s annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 20 per centum.”.

(b) Section 2(e) of such Act is amended—

(1) by striking out “section 3(a) (3) or (4) of this Act” and inserting in lieu thereof “section 3(a) (3), (4), or (5) of this Act”;

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

“The spouse’s annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased by 20 per centum. The preceding sentence and the other provisions of this subsection shall not operate to increase the spouse’s annuity (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse’s annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding two paragraphs.”

(c) Section 2(i) of such Act is amended by striking out “the last two paragraphs” and inserting in lieu thereof “the last paragraph plus the two preceding paragraphs”.

(d) Section 3(e) of such Act is amended—

(1) by striking out the word “and” after clause (iv) in the second paragraph thereof and inserting after the semicolon in clause (v) in such second paragraph the following new clauses:

“(vi) individuals not entitled to an annuity under section 2 or 5 of this Act shall not be included in the computation under such first proviso except a spouse who could qualify for an annuity under section 2(e) or (h) of this Act if the employee from whom the spouse’s annuity under this Act would derive had attained age sixty-five, and such employee’s children who meet the definition

Railroad Retirement Act of 1937, amendment.

Annuities increase.
82 Stat. 17;
85 Stat. 101.
45 USC 228c.

Spouse’s annuity.
85 Stat. 101.
45 USC 228b.

Minimum annuity.
82 Stat. 18.
45 USC 228c.

45 USC 228b, 228e.

Supra.

72 Stat. 1028;
81 Stat. 860.
42 USC 416.

70 Stat. 815;
72 Stat. 1020;
81 Stat. 867.
42 USC 423.

53 Stat. 1362.
42 USC 401.

79 Stat. 354.
42 USC 415.

60 Stat. 733;
65 Stat. 688;
82 Stat. 20.
45 USC 228e.
85 Stat. 101.

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

Ante, p. 765.

Recertification.

Percentage
adjustment.

as such contained in section 216(e) of the Social Security Act; (vii) after an annuity has been certified for payment and such first proviso was inapplicable after allowing for any waiting period under section 223(c)(2) of the Social Security Act, and after having considered the inclusion of all persons who were then eligible for inclusion in the computation under such first proviso, or was then applicable but later became inapplicable, any recertification in such annuity under such first proviso shall not take into account individuals not entitled to an annuity under section 2 or 5 of this Act except a spouse who could qualify for an annuity under section 2(h) of this Act when she attains age sixty-two if the employee from whom the spouse's annuity would derive had attained age sixty-five, and who was married to such employee at the time he applied for the employee annuity; (viii) in computing the amount to be paid under such first proviso, the only benefits under title II of the Social Security Act which shall be considered shall be those to which the individuals included in the computation are entitled; (ix) the average monthly wage for an employee during his lifetime shall include (A) only his wages and self-employment income creditable under the Social Security Act through the later of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue, and (B) his compensation up to the date his annuity began to accrue; and (x) in computing the average monthly wage in clause (ix) above, section 215(b)(2)(C)(ii) of the Social Security Act shall, solely for the purpose of including compensation up to the date the employee's annuity began to accrue, be deemed to read as follows: "the year succeeding the year in which he died or retired"; and (2) by striking out in the third paragraph thereof "or on application, would be".

(e) Section 5(1)(1) of such Act is amended by striking out from the first sentence thereof "and (g)" and inserting in lieu thereof "(g), and (k)".

(f) Section 5 of such Act is further amended by inserting at the end thereof the following new subsection:

"(p) A survivor's annuity computed under the preceding provisions of this section (except an annuity in the amount determined under the proviso in subsection (a) or (b)) shall (before any reduction on account of age) be increased by 20 per centum."

SEC. 2. (a) All pensions under section 6 of the Railroad Retirement Act of 1937, all annuities under the Railroad Retirement Act of 1935, and all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 shall be increased by 20 per centum.

(b) All such widows' and widowers' insurance annuities which 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 prior to October 1, 1972, be increased by 20 per centum.

(c) All such joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

SEC. 3. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 4. For the purposes of approximating the offsets in railroad retirement benefits for increases in social security benefits by reason of amendments prior to the Social Security Amendments of 1971, the Railroad Retirement Board is authorized to prescribe adjustments in

50 Stat. 307.
45 USC 228a.

the percentages in the Railroad Retirement Act of 1937 and laws pertaining thereto in order that these percentages, when applied against current social security benefits not in excess of the primary insurance amount applicable for an average monthly wage of \$650, will produce approximately the same amounts as those computed under the law in effect, except for changes in the wage base, before the Social Security Amendments of 1971 were enacted.

Effective dates.

SEC. 5. (a) The amendments made by this Act, except for subsections (d) and (e) of section 1, shall be effective with respect to annuities accruing for months after August, 1972 and with respect to pensions due in calendar months after September, 1972. The provisions of clauses (vi) through (x), which are added by section 1(d)(1) of this Act, and the provisions of section 1(d)(2) of this Act, shall be effective as follows: clause (vi) shall be effective with respect to annuities awarded after the enactment of this Act; clauses (vii) and (viii), and the provisions of section 1(d)(2), shall be effective with respect to annuities awarded or recertified after the enactment of this Act; and clauses (ix) and (x) shall be effective with respect to calendar years after 1971.

(b) The first three sections of this Act, except for subsections (d) and (e) of section 1, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1973. Annuities accruing for months after June 30, 1973, and pensions due in calendar months after June 30, 1973, shall be computed as if the first three sections of this Act, except for subsections (d) and (e) of section 1, and the amendments made by such sections, had not been enacted.

Termination date.

SEC. 6. It is the policy of the Congress of the United States that the 20-percent increase in annuities of Railroad Retirement beneficiaries provided by this Act, as well as the 10-percent and 15-percent increases provided by Public Law 92-46 and Public Law 91-377, respectively, all of which will expire by the terms of such Acts on June 30, 1973, can be made permanent only if at the same time a method is adopted to insure the receipt of sufficient revenues by the Railroad Retirement Account to make such Account financially solvent based on sound actuarial projections. Accordingly, representatives of employees and retirees and representatives of carriers shall, no later than March 1, 1973, submit to the Senate Committee on Labor and Public Welfare and the House of Representatives Committee on Interstate and Foreign Commerce a report containing the mutual recommendations of such representatives based upon their negotiations and taking into account the report and specific recommendations of the Commission on Railroad Retirement designed to insure such solvency. A copy of the report of such representatives shall also be submitted to the Railroad Retirement Board, which, no later than April 1, 1973, shall submit to such committees of the Congress a report containing its views and specific recommendations, and those of the administration, with reference to the report submitted by such representatives.

85 Stat. 101;
84 Stat. 791.

Report to congressional committees.

Report to congressional committees.

CARL ALBERT

Speaker of the House of Representatives.

JAMES B. ALLEN

Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

October 4, 1972.

The House of Representatives having proceeded to reconsider the bill (H. R. 15927) entitled "An Act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS

Clerk.

I certify that this Act originated in the House of Representatives.

W. PAT JENNINGS

Clerk.

By: W. Raymond Colley

IN THE SENATE OF THE UNITED STATES,

October 4, 1972.

The Senate having proceeded to reconsider the bill (H. R. 15927) entitled "An Act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, to simplify administration of the Act, and for other purposes", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO

Secretary.

By: Darrell St. Claire

Assistant Secretary.

Public Law 92-461

AN ACT

October 6, 1972
[H. R. 8694]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22-E and 22-F, and for other purposes.

Yavapai Indians.
Judgment funds.
disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22-E and 22-F, together with any interest thereon,