

SHORT TITLE; CONTINUATION AND EFFECT OF RAILROAD RETIREMENT ACT OF 1935

Act June 24, 1937, ch. 382, §§201-205, 50 Stat. 318, 319, as amended by acts Oct. 8, 1940, ch. 757, title VI, pt. II, 54 Stat. 1014; Apr. 8, 1942, ch. 227, §10, 56 Stat. 207; Oct. 30, 1966, Pub. L. 89-700, title I, §111, 80 Stat. 1085, provided that act Aug. 29, 1935, ch. 812, §§1 to 14, 49 Stat. 967 to 973, comprising subchapter II of this chapter, as in effect prior to amendment by act June 24, 1937, was to be known as the Railroad Retirement Act of 1935 and that such act, as amended by act June 24, 1937, was to be known as the Railroad Retirement Act of 1937, set out transitional provisions for adjudication of claims under both the Railroad Retirement Acts of 1935 and 1937, and provided that the enactment of act June 24, 1937 was to have no effect on members of the Railroad Retirement Board in office on June 24, 1937, except that persons experienced in railroad service were to be retained in the employ of the Board, even if unqualified for service under the civil service law and rules, where the Board determined that they possessed the necessary qualifications.

SUBCHAPTER III—RAILROAD RETIREMENT ACT OF 1937

CODIFICATION

This subchapter was comprised of act Aug. 29, 1935, ch. 812, as restated by act June 24, 1937, ch. 382, 50 Stat. 307, known as the Railroad Retirement Act of 1937. The Railroad Retirement Act of 1937 was amended in its entirety and completely revised by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, effective Jan. 1, 1975. The act, as amended and revised by Pub. L. 93-445, was redesignated the Railroad Retirement Act of 1974 and is classified to subchapter IV of this chapter.

§§ 228a to 228c-1. Omitted

CODIFICATION

Sections 228a to 228c-1 were omitted pursuant to the amendment and revision of act Aug. 29, 1935, ch. 812, by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, known as the Railroad Retirement Act of 1974.

Section 228a, act Aug. 29, 1935, ch. 812, §1, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 307; amended June 11, 1940, ch. 307, §1, 54 Stat. 264; Aug. 13, 1940, ch. 664, §§1, 3, 54 Stat. 785, 786; Oct. 10, 1940, ch. 842, §25, 54 Stat. 1100; Apr. 8, 1942, ch. 227, §13, 56 Stat. 209; July 31, 1946, ch. 709, §§1, 2, 201 to 204, 60 Stat. 722, 725 to 727; Oct. 30, 1951, ch. 632, §1, 65 Stat. 683; July 18, 1952, ch. 945, §6(d)(1), 66 Stat. 777; Aug. 31, 1954, ch. 1164, pt. I, §1, 68 Stat. 1038; Sept. 1, 1954, ch. 1206, title IV, §401(a), 68 Stat. 1097; Aug. 1, 1956, ch. 836, title I, §120(a), 70 Stat. 836; Aug. 1, 1956, ch. 837, title IV, §408(c), 70 Stat. 877; Aug. 30, 1957, Pub. L. 85-238, §4(a), 71 Stat. 520; Aug. 28, 1958, Pub. L. 85-840, title VII, §703, 72 Stat. 1056; Sept. 13, 1960, Pub. L. 86-778, title VII, §708, 74 Stat. 997; June 30, 1961, Pub. L. 87-64, title III, §301, 75 Stat. 142; July 30, 1965, Pub. L. 89-97, title III, §326(a), 79 Stat. 400; Sept. 29, 1965, Pub. L. 89-212, §2(f), 79 Stat. 860; Oct. 30, 1966, Pub. L. 89-700, title I, §101, 80 Stat. 1079; Feb. 15, 1968, Pub. L. 90-257, title I, §101, 82 Stat. 16; Oct. 22, 1968, Pub. L. 90-624, §2, 82 Stat. 1316, defined terms for purposes of this subchapter. See section 231 of this title.

Section 228b, act Aug. 29, 1935, ch. 812, §2, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 309; amended July 31, 1946, ch. 709, §§205, 206, 60 Stat. 727, 728; Oct. 30, 1951, ch. 632, §§2, 3, 5, 65 Stat. 683; Aug. 31, 1954, ch. 1164, pt. I, §§2, 3, 68 Stat. 1038; Sept. 1, 1954, ch. 1206, title IV, §401(b), 68 Stat. 1097; Aug. 12, 1955, ch. 869, §1, 69 Stat. 715; May 19, 1959, Pub. L. 86-28, pt. I, §1, 73 Stat. 25; Sept. 22, 1961, Pub. L. 87-285, §§1, 2, 75 Stat. 585; Sept. 29, 1965, Pub. L. 89-212, §1, 79 Stat. 858; Oct. 30, 1966, Pub. L. 89-699, title II, §201(a), 80 Stat. 1075; Oct. 30, 1966, Pub. L. 89-700, title I, §102, 80 Stat. 1079; Feb. 15, 1968, Pub. L. 90-257, title I, §§102, 103, 82 Stat. 16; Aug. 12, 1970, Pub. L. 91-377, §2, 84 Stat. 791; July 2, 1971, Pub. L. 92-46, §2, 85 Stat. 101; Oct. 4, 1972, Pub. L. 92-460,

§1(b), (c), 86 Stat. 765; July 10, 1973, Pub. L. 93-69, title I, §§101, 104(b), (c), 87 Stat. 162, 164, related to eligibility of individuals for annuities under this subchapter. See section 231a of this title.

Section 228c, act Aug. 29, 1935, ch. 812, §3, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 310; amended July 31, 1946, ch. 709, §§207-211, 60 Stat. 728, 729; June 23, 1948, ch. 608, §1, 62 Stat. 576; Oct. 30, 1951, ch. 632; §§6-10, 65 Stat. 684; June 16, 1954, ch. 300, §1, 68 Stat. 250; Aug. 31, 1954, ch. 1164, pt. I, §§4-7, 68 Stat. 1038, 1039; Aug. 7, 1956, ch. 1022, §1, 70 Stat. 1076; Sept. 6, 1958, Pub. L. 85-927, pt. I, §1, 72 Stat. 1778; May 19, 1959, Pub. L. 86-28, pt. I, §2, 73 Stat. 26; Sept. 13, 1960, Pub. L. 86-778, title II, §211(o)(1), 74 Stat. 958; Oct. 5, 1963, Pub. L. 88-133, title I, §§1, 2, 77 Stat. 219; Sept. 29, 1965, Pub. L. 89-212, §3(a), (b), 79 Stat. 860; Oct. 30, 1966, Pub. L. 89-699, title I, §1, title II, §201(b), (c), 80 Stat. 1073, 1075, 1076; Oct. 30, 1966, Pub. L. 89-700, title I, §103, title III, §301(i), (iv)(a), 80 Stat. 1080, 1088; Feb. 15, 1968, Pub. L. 90-257, title I, §104, 82 Stat. 17; Mar. 17, 1970, Pub. L. 91-215, §§1, 2, 84 Stat. 70; Aug. 12, 1970, Pub. L. 91-377, §1, 84 Stat. 791; July 2, 1971, Pub. L. 92-46, §1, 85 Stat. 101; Oct. 4, 1972, Pub. L. 92-460, §1(a), (d), 86 Stat. 765; July 6, 1973, Pub. L. 93-58, §1, 87 Stat. 141; July 10, 1973, Pub. L. 93-69, title I, §104(a), 87 Stat. 163; Oct. 16, 1974, Pub. L. 93-445, title VI, §601, 88 Stat. 1360, related to computation of annuities under this subchapter. See section 231b of this title.

Section 228c-1, act Aug. 29, 1935, ch. 812, §4, as restated June 24, 1937, ch. 382, pt. I, §1, as added Oct. 8, 1940, ch. 757, title VI, pt. II, §625, 54 Stat. 1014; amended Apr. 8, 1942, ch. 227, §§1-8, 56 Stat. 204-206; July 31, 1946, ch. 709, §212, 60 Stat. 729; Oct. 30, 1951, ch. 632, §4, 65 Stat. 683; Aug. 1, 1956, ch. 837, title IV, §408(a), (b), 70 Stat. 876; Oct. 5, 1963, Pub. L. 88-133, title I, §§3, 4, 77 Stat. 219; Oct. 30, 1966, Pub. L. 89-700, title I, §104, 80 Stat. 1081, related to consideration of time spent in military service in computation of annuities. See section 228a of this title.

ANNUITIES, PENSIONS, AND JOINT AND SURVIVOR ANNUITY ELECTIONS

Act July 31, 1946, ch. 709, §§404-407, 60 Stat. 742, provided that the rights of persons to whom pensions or annuities were awarded before July 31, 1946 were to be governed by the applicable provisions of law in effect prior to that date, that the election of a joint and survivor annuity made before July 31, 1946, by a person to whom the annuity accrued before Jan. 1, 1947, was to be given effect as though the provisions of law under which the election was made had continued to be operative, that death payments under sections 219 and 228e of this title, other than survivor annuities pursuant to an election, were to be made only with respect to deaths occurring before Jan. 1, 1947, and that any person to whom an annuity accrued before Jan. 1, 1947, and who would as of the date of the initial accrual have been entitled to an annuity in a greater amount by reason of the amendments by act July 31, 1946, had such amendments been in effect at the date of initial accrual, was to be awarded the annuity in such greater amount without additional application therefor.

REDUCTION OF ANNUITY BECAUSE OF PRIOR DISABILITY ANNUITY TERMINATED BY RECOVERY

Act July 31, 1946, ch. 709, §408, 60 Stat. 742, provided that no annuities accruing after July 1946 were to be reduced under section 228b(a)(3) of this title in order to compensate for an annuity terminated by recovery from a disability.

DUAL BENEFIT PROVISION; RETROACTIVE PAYMENT TO SURVIVORS

Act June 16, 1954, ch. 300, §2, 68 Stat. 250, provided that in the case of a decedent dying before July 1, 1954, so much of any annuity or pension payment due such decedent under section 228c(b) of this title, was to be paid only to the widow or widower of the decedent, if living, or to the child or children of such decedent, in the alternative, if living.

## PERCENTAGE ADJUSTMENT

Pub. L. 92-46, § 4, July 2, 1971, 85 Stat. 101, authorized the Railroad Retirement Board to make certain adjustments in allowance percentages under this subchapter, so that the percentages when applied against certain social security benefits, would result in amounts comparable to those in effect prior to the changes made by Pub. L. 92-5, Mar. 17, 1971, 85 Stat. 5, known as the Social Security Amendments of 1971.

## RECERTIFICATIONS BY RAILROAD RETIREMENT BOARD

Pub. L. 93-69, §106, July 10, 1973, 87 Stat. 165, provided that all recertifications required by reason of the amendments made by sections 104 and 105 of Pub. L. 93-69 were to be made by the Board without application therefor.

Pub. L. 92-460, §3, Oct. 4, 1972, 86 Stat. 766, provided that all recertifications required by reason of the amendments made by Pub. L. 92-460 were to be made by the Board without application therefor.

Pub. L. 92-46, §6, July 2, 1971, 85 Stat. 102, provided that all recertifications required by reason of the amendments made by Pub. L. 92-46 were to be made by the Board without application therefor.

Pub. L. 91-377, §4(b)(2), Aug. 12, 1970, 84 Stat. 792, provided that all recertifications required by reason of the amendments made by Pub. L. 91-377 to sections 228b, 228c, 228e, and 228o of this title were to be made by the Board without application therefor.

Pub. L. 90-257, §108(c), Feb. 15, 1968, 82 Stat. 23, provided that all recertifications required by reason of the amendments made by Pub. L. 90-257 to sections 228a, 228b, 228c, 228e, and 228j of this title were to be made by the Board without application therefor.

Pub. L. 89-699, §202(b), Oct. 30, 1966, 80 Stat. 1077, provided that all recertifications required by reason of the amendments made by Pub. L. 89-699 were to be made by the Board without application therefor.

Pub. L. 86-28, §6(b), Mar. 19, 1959, 73 Stat. 28, provided that all recertifications required by reason of the amendments made by Pub. L. 86-28 to sections 228b, 228c, 228e, 228s-1 and the enactment of section 228z-1 of this title were to be made by the Board without application therefor.

Act Oct. 30, 1951, ch. 632, §25(j), 65 Stat. 691, provided that all recertifications by the Board under act Oct. 30, 1951 were to be made without applications therefor unless required by reason of section 9 of act Oct. 30, 1951, in which case, recertifications were to be made only upon application therefor in such manner and form as the Board was to prescribe.

Act June 23, 1948, ch. 608, §3, 62 Stat. 577, provided in part that all recertifications required by reason of act June 23, 1948 were to be made by the Board without application therefor.

## RESTRICTIONS ON ESTABLISHMENT OF NEW ANNUITIES AND USE OF CERTAIN LABOR TACTICS

Pub. L. 91-215, §7, Mar. 17, 1970, 84 Stat. 72, placed certain limitations on the utilization of particular procedures established under the Railway Labor Act, section 151 et seq. of this title, when alterations in the provisions of this subchapter regarding certain annuity payments were being sought and placed similar limitations on the use of strikes and lockouts as labor practices when such changes were being sought.

**§ 228d. Repealed. July 31, 1946, ch. 709, §212, 60 Stat. 729**

Section, act Aug. 29, 1935, ch. 812, §4, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 311, related to joint and survivor annuity.

**§§ 228e to 228z-1. Omitted**

## CODIFICATION

Sections 228e to 228z-1 were omitted pursuant to the amendment and revision of act Aug. 29, 1935, ch. 812, by

Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, known as the Railroad Retirement Act of 1974.

Section 228e, act Aug. 29, 1935, ch. 812, §5, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 312; amended Apr. 8, 1942, ch. 227, §12, 56 Stat. 208; 1946 Reorg. Plan No. 2, §4, eff. July 16, 1946; 11 F.R. 7873, 60 Stat. 1095; acts July 31, 1946, ch. 709, §213, 60 Stat. 729; June 23, 1948, ch. 608, §2, 62 Stat. 577; Oct. 30, 1951, ch. 632, §§11 to 23, 65 Stat. 685; July 18, 1952, ch. 945, §6(d)(2), (3), 66 Stat. 777; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953 18 F.R. 2053, 67 Stat. 631; acts Aug. 31, 1954, ch. 1164, pt. I, §§8-14, 68 Stat. 1039; Sept. 1, 1954, ch. 1206, title I, §106(f), title IV, §401(b)-(d), 68 Stat. 1081, 1097; Aug. 12, 1955, ch. 869, §§2, 3, 69 Stat. 716; Aug. 1, 1956, ch. 836, title I, §120(b), (c), 70 Stat. 836; Aug. 7, 1956, ch. 1022, §2, 70 Stat. 1076; Aug. 30, 1957, Pub. L. 85-238, §4(b), (c), 71 Stat. 520; Sept. 6, 1958, Pub. L. 85-927, §2, 72 Stat. 1779; May 19, 1959, Pub. L. 86-28, pt. I, §3, 73 Stat. 27; Sept. 13, 1960, Pub. L. 86-778, title II, §211(o)(2), 74 Stat. 958; Sept. 22, 1961, Pub. L. 87-285, §3, 75 Stat. 585; Oct. 5, 1963, Pub. L. 88-133, title I, §§5, 6, 77 Stat. 220; July 30, 1965, Pub. L. 89-97, title I, §111(b)(2), title III, §326(b), 79 Stat. 341, 400; Sept. 29, 1965, Pub. L. 89-212, §3(c)-(e), 79 Stat. 860; Oct. 30, 1966, Pub. L. 89-699, title II, §201(d)-(f), 80 Stat. 1076; Oct. 30, 1966, Pub. L. 89-700, title I, §105, title III, §301(i), (iv)(b), (c), 80 Stat. 1082, 1088; Jan. 2, 1968, Pub. L. 90-248, title I, §151(d)(3), 81 Stat. 860; Feb. 15, 1968, Pub. L. 90-257, title I, §105, 82 Stat. 19; Aug. 12, 1970, Pub. L. 91-377, §3, 84 Stat. 791, July 2, 1971, Pub. L. 92-46, §3, 85 Stat. 101; Oct. 4, 1972, Pub. L. 92-460, §1(e), (f), 86 Stat. 766; July 6, 1973, Pub. L. 93-58, §2, 87 Stat. 141; July 10, 1973, Pub. L. 93-69, title I, §104(d), 87 Stat. 164, related to annuities and lump sum payments for survivors. See sections 231c and 231e of this title.

Section 228f, act Aug. 29, 1935, ch. 812, §6, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 312, related to pensions to individuals on pension or gratuity rolls of employers. See section 231o of this title.

Section 228g, act Aug. 29, 1935, ch. 812, §7, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 313, related to additional pensions or gratuities by employers. See section 231o of this title.

Section 228h, act Aug. 29, 1935, ch. 812, §8, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 313; amended July 31, 1946, ch. 709, §214, 60 Stat. 735; Oct. 30, 1966, Pub. L. 89-700, title I, §106, 80 Stat. 1085, related to filing of compensation returns by employers with Board. See section 231h of this title.

Section 228h-1, act Oct. 9, 1940, ch. 797, §4, 54 Stat. 1089, related to records of service and compensation prior to Jan. 1, 1937, was transferred to a note set out under section 228h of this title.

Section 228i, act Aug. 29, 1935, ch. 812, §9, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 314; amended Oct. 10, 1940, ch. 842, §26, 54 Stat. 1100; Oct. 30, 1966, Pub. L. 89-700, title I, §107, 80 Stat. 1085, related to erroneous payments by the Board. See section 231i of this title.

Section 228j, act Aug. 29, 1935, ch. 812, §10, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 314; amended 1940 Reorg. Plan No. III, §1(a), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; acts June 25, 1948, ch. 646, 19§§1, 32(b), 62 Stat. 875, 895, 991; May 24, 1949, ch. 139, §127, 63 Stat. 107; Oct. 15, 1949, ch. 695, §5(a), 63 Stat. 880; Aug. 12, 1955, ch. 869, §5, 69 Stat. 716; Sept. 6, 1958, Pub. L. 85-927, pt. I, §3, 72 Stat. 1781; Sept. 6, 1966, Pub. L. 89-554, §8(a), 80 Stat. 660; Oct. 30, 1966, Pub. L. 89-700, title I, §108, 80 Stat. 1085; Feb. 15, 1968, Pub. L. 90-257, title I, §106, 82 Stat. 21, related to establishment of Railroad Retirement Board. See section 231f of this title.

Section 228k, act Aug. 29, 1935, ch. 812, §11, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 315; amended July 31, 1946, ch. 709, §215, 60 Stat. 735, related to court jurisdiction under this subchapter. See section 231g of this title.

Section 228l, act Aug. 29, 1935, ch. 812, §12, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 316 and amended Aug. 12, 1955, ch. 869, §4, 69 Stat. 716, related to assignability of annuities and pension payments under this subchapter. See section 231m of this title.

Section 228m, act Aug. 29, 1935, ch. 812, §13, as restated June 24, 1937, ch. 382, pt. I, §1, 50 Stat. 316;