

scribed by section 153 of this title for the selection and designation of members of the National Railroad Adjustment Board. The National Air Transport Adjustment Board shall meet within forty days after the date of the order of the National Mediation Board directing the selection and designation of its members and shall organize and adopt rules for conducting its proceedings, in the manner prescribed in section 153 of this title. Vacancies in membership or office shall be filled, members shall be appointed in case of failure of the carriers or of labor organizations of the employees to select and designate representatives, members of the National Air Transport Adjustment Board shall be compensated, hearings shall be held, findings and awards made, stated, served, and enforced, and the number and compensation of any necessary assistants shall be determined and the compensation of such employees shall be paid, all in the same manner and to the same extent as provided with reference to the National Railroad Adjustment Board by section 153 of this title. The powers and duties prescribed and established by the provisions of section 153 of this title with reference to the National Railroad Adjustment Board and the several divisions thereof are conferred upon and shall be exercised and performed in like manner and to the same extent by the said National Air Transport Adjustment Board, not exceeding, however, the jurisdiction conferred upon said National Air Transport Adjustment Board by the provisions of this subchapter. From and after the organization of the National Air Transport Adjustment Board, if any system, group, or regional board of adjustment established by any carrier or carriers by air and any class or classes of its or their employees is not satisfactory to either party thereto, the said party, upon ninety days' notice to the other party, may elect to come under the jurisdiction of the National Air Transport Adjustment Board.

(May 20, 1926, ch. 347, §205, as added Apr. 10, 1936, ch. 166, 49 Stat. 1190.)

**§ 186. Omitted**

**Editorial Notes**

CODIFICATION

Section, act May 20, 1926, ch. 347, §206, as added Apr. 10, 1936, ch. 166, 49 Stat. 1191, transferred certain pending cases before National Labor Relations Board to Mediation Board.

**§ 187. Separability**

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

(May 20, 1926, ch. 347, §207, as added Apr. 10, 1936, ch. 166, 49 Stat. 1191.)

**§ 188. Authorization of appropriations**

There is authorized to be appropriated such sums as may be necessary for expenditure by the Mediation Board in carrying out the provisions of this chapter.

(May 20, 1926, ch. 347, §208, as added Apr. 10, 1936, ch. 166, 49 Stat. 1191.)

**CHAPTER 9—RETIREMENT OF RAILROAD EMPLOYEES**

**SUBCHAPTER I—RAILROAD RETIREMENT ACT OF 1934**

Sec.

201 to 214. Omitted or Repealed.

**SUBCHAPTER II—RAILROAD RETIREMENT ACT OF 1935**

215 to 228. Omitted.

**SUBCHAPTER III—RAILROAD RETIREMENT ACT OF 1937**

228a to 228z-1. Omitted or Repealed.

**SUBCHAPTER IV—RAILROAD RETIREMENT ACT OF 1974**

- 231. Definitions.
- 231a. Annuity eligibility requirements.
- 231b. Computation of annuities.
- 231c. Computation of spouse and survivor annuities.
- 231d. Annuity beginning and ending dates.
- 231e. Lump sum payments.
- 231f. Railroad Retirement Board.
- 231f-1. Annual actuarial report.
- 231g. Court jurisdiction.
- 231h. Returns of compensation; conclusiveness.
- 231i. Erroneous payments.
- 231j. Waiver of annuities.
- 231k. Incompetence.
- 231l. Penalties.
- 231m. Assignability; exemption from levy.
- 231n. Railroad Retirement Account.
- 231n-1. Social Security Equivalent Benefit Account.
- 231o. Private pensions.
- 231p. Free transportation.
- 231q. Crediting service under Social Security Act.
- 231r. Automatic benefit eligibility requirement adjustments.
- 231s. Separability.
- 231t. Short title.
- 231u. Benefit preservation.
- 231v. Computation and certification of account benefit ratios.

**SUBCHAPTER I—RAILROAD RETIREMENT ACT OF 1934**

**§§ 201 to 208. Omitted**

**Editorial Notes**

CODIFICATION

Sections 201 to 208, sections 1 to 8, respectively, of act June 27, 1934, ch. 868, §1, 48 Stat. 1283-1286, were omitted pursuant to the decision in the case of *Railroad Retirement Board v. Alton R. Co.* (Dist. of Col., 1935), 295 U.S. 330, 55 S.Ct. 758, 79 L.Ed. 1468, declaring this subchapter unconstitutional.

Section 201 defined terms for purposes of this subchapter.

Section 202 stated purposes of this subchapter and required a special report to be sent from the Railroad Retirement Board to the President.

Section 203 related to annuities paid under this subchapter.

Section 204 related to compulsory retirement.

Section 205 related to employee contributions.

Section 206 related to existing pension systems.

Section 207 related to employee representatives.

Section 208 related to retirement fund established under this subchapter.

Provisions relating to refund of sums paid by railroads and other carriers of the United States under this

subchapter were contained in act June 1, 1938, ch. 315, §§1, 2, 52 Stat. 608.

**§ 209. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649**

Section, act June 27, 1934, ch. 868, § 9, 48 Stat. 1287, established a Railroad Retirement Board and set out its functions.

**§§ 210 to 214. Omitted**

**Editorial Notes**

CODIFICATION

Sections 210 to 214, sections 10 to 14, respectively, of act June 27, 1934, ch. 868, § 10, 48 Stat. 1288, 1289, were omitted as unconstitutional. See section 201 of this title.

Section 210 related to jurisdiction of certain courts.

Section 211 related to exemption of annuities or death payments from legal process.

Section 212 related to penalties for missed payments by carriers and has been omitted from the Code as unconstitutional.

Section 213 related to certain other penalties.

Section 214 related to separability of provisions.

**SUBCHAPTER II—RAILROAD RETIREMENT ACT OF 1935**

**Editorial Notes**

CODIFICATION

This subchapter was comprised of act Aug. 29, 1935, ch. 812, §§1-14, 49 Stat. 967 to 973, known as the Railroad Retirement Act of 1935, and was amended in its entirety and completely revised by act June 24, 1937, ch. 382, 50 Stat. 307. The act, as amended and revised, was redesignated the Railroad Retirement Act of 1937 and was classified to subchapter III of this chapter. The Railroad Retirement Act of 1935 continued in effect with respect to individuals granted annuities prior to enactment of the Railroad Retirement Act of 1937. It was specifically amended by act June 11, 1940, ch. 307, § 2, 54 Stat. 264, and by act Aug. 13, 1940, ch. 664, §§ 2, 3, 54 Stat. 785.

**§§ 215 to 228. Omitted**

**Editorial Notes**

CODIFICATION

Sections 215 to 228 were omitted pursuant to the amendment and revision of act Aug. 29, 1935, ch. 812 by act June 24, 1937, ch. 382, 50 Stat. 307, known as the Railroad Retirement Act of 1937.

Section 215, acts Aug. 29, 1935, ch. 812, § 1, 49 Stat. 967; June 11, 1940, ch. 307, § 2, 54 Stat. 264; Aug. 13, 1940, ch. 664, §§ 2, 3, 54 Stat. 780, defined terms for purposes of this subchapter.

Section 216, act Aug. 29, 1935, ch. 812, § 2, 49 Stat. 968, related to reductions in annuities of employees working beyond age sixty-five.

Section 217, act Aug. 29, 1935, ch. 812, § 3, 49 Stat. 969, related to employees eligible for annuities under this subchapter.

Section 218, act Aug. 29, 1935, ch. 812, § 4, 49 Stat. 969, related to annuities to representatives under this subchapter.

Section 219, act Aug. 29, 1935, ch. 812, § 5, 49 Stat. 970, related to death payments under this subchapter.

Section 220, act Aug. 29, 1935, ch. 812, § 6, 49 Stat. 970, related to establishment of Railroad Retirement Board.

Section 221, act Aug. 29, 1935, ch. 812, § 7, 49 Stat. 971, related to issuance of a special report on retirement system by Board.

Section 222, act Aug. 29, 1935, ch. 812, § 8, 49 Stat. 972, related to establishment of Investigation Commission.

Section 223, act Aug. 29, 1935, ch. 812, § 9, 49 Stat. 973, related to court jurisdiction under this subchapter.

Section 224, act Aug. 29, 1935, ch. 812, § 10, 49 Stat. 973, related to assignability of annuity payments.

Section 225, act Aug. 29, 1935, ch. 812, § 11, 49 Stat. 973, related to penalties under this subchapter.

Section 226, act Aug. 29, 1935, ch. 812, § 12, 49 Stat. 973, related to separability of provisions.

Section 227, act Aug. 29, 1935, ch. 812, § 13, 49 Stat. 973, related to authorization of appropriations under this subchapter.

Section 228, act Aug. 29, 1935, ch. 812, § 14, 49 Stat. 973, related to short title of this subchapter.

**Statutory Notes and Related Subsidiaries**

**EFFECT OF AMENDMENTS TO SECTION 215 OF THIS TITLE**

Act June 11, 1940, ch. 307, § 2, 54 Stat. 264, provided that the amendment of section 215 of this title by act June 11, 1940, was to have the same effect as if it had been part of the Railroad Retirement Act of 1935 from its enactment on Aug. 29, 1935.

**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**

**Editorial Notes**

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**

**Editorial Notes**

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.