

than a substitute rural carrier, under a temporary or indefinite appointment for not less than ninety days and who shall not have been separated from the postal service prior to January 6, 1952, shall be deemed to have earned annual leave at the rate of fifteen days per year and sick leave at the rate of 10 days per year, and for such purposes shall receive credit for one-twelfth of a year for each whole calendar month he was carried on the roll as a temporary or indefinite employee during such period.

## EFFECTIVE DATE

SEC. 209. This title shall take effect on January 6, 1952, except that paragraph (7) of section 207 (a) shall take effect as of the date of enactment of the Independent Offices Appropriation Act, 1952.

*Ante*, p. 268.

Approved October 30, 1951.

## Public Law 234

## CHAPTER 632

## AN ACT

To amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act, and for other purposes.

October 30, 1951  
[H. R. 3669]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1 of the Railroad Retirement Act of 1937, as amended, is amended by substituting in the last sentence of subsection (f) thereof the phrase "one hundred twenty-six" for the phrase "fifty-four" and by adding after subsection (p) thereof a new subsection as follows:

Railroad Retirement Act; Railroad Unemployment Insurance Act, amendments.  
50 Stat. 307.  
45 U. S. C. § 228a.

"(q) The terms 'Social Security Act' and 'Social Security Act, as amended' shall mean the Social Security Act as amended in 1950."

SEC. 2. Subsection (a) of section 2 of the Railroad Retirement Act of 1937, as amended, is amended by inserting in the first sentence thereof, after "enactment date," the following: "and shall have completed ten years of service," ; and by inserting in the first sentence of paragraph 5 of said subsection a period after the phrase "regular employment" and striking out all of that sentence following that phrase.

45 U. S. C. § 228b.

SEC. 3. Subsection (c) of section 2 of the Railroad Retirement Act of 1937, as amended, is amended by substituting for the phrase "sixty days", the phrase "six months".

45 U. S. C. § 228c-1.

SEC. 4. Section 4 of the Railroad Retirement Act of 1937, as amended, is amended by substituting for the phrase "sixty days" in subsection (k) thereof the phrase "six months".

45 U. S. C. § 228b.

SEC. 5. Section 2 of the Railroad Retirement Act of 1937, as amended, is amended by adding after subsection (d) thereof the following new subsections:

"(e) SPOUSE'S ANNUITY.—The spouse of an individual, if—

"(i) such individual has been awarded an annuity under subsection (a) or a pension under section 6 and has attained the age of 65, and

45 U. S. C. § 228f.

"(ii) such spouse has attained the age of 65 or in the case of a wife, has in her care (individually or jointly with her husband) a child who, if her husband were then to die, would be entitled to a child's annuity under subsection (c) of section 5 of this Act,

45 U. S. C. § 228e.  
*Post*, p. 685.

shall be entitled to a spouse's annuity equal to one-half of such individual's annuity or pension, but not more than \$40: *Provided, however*, That if the annuity of the individual is awarded under paragraph 3 of subsection (a), the spouse's annuity shall be computed or recomputed as though such individual had been awarded the annuity to which he would have been entitled under paragraph 1 of said subsec-

tion: *Provided further*, That, if the annuity of the individual is awarded pursuant to a joint and survivor election, the spouse's annuity shall be computed or recomputed as though such individual had not made a joint and survivor election: *And provided further*, That any spouse's annuity shall be reduced by the amount of any annuity and the amount of any monthly insurance benefit, other than a wife's or husband's insurance benefit, to which such spouse is entitled, or on proper application would be entitled, under subsection (a) of this section or subsection (d) of section 5 of this Act or section 202 of the Social Security Act; except that if such spouse is disentitled to a wife's or husband's insurance benefit, or has had such benefit reduced, by reason of subsection (k) of section 202 of the Social Security Act, the reduction pursuant to this third proviso shall be only in the amount by which such spouse's monthly insurance benefit under said Act exceeds the wife's or husband's insurance benefit to which such spouse would have been entitled under that Act but for said subsection (k).

"(f) For the purposes of this Act, the term 'spouse' shall mean the wife or husband of a retirement annuitant or pensioner who (i) was married to such annuitant or pensioner for a period of not less than three years immediately preceding the day on which the application for a spouse's annuity is filed, or is the parent of such annuitant's or pensioner's son or daughter, if, as of the day on which the application for a spouse's annuity is filed, such wife or husband and such annuitant or pensioner were members of the same household, or such wife or husband was receiving regular contributions from such annuitant or pensioner toward her or his support, or such annuitant or pensioner has been ordered by any court to contribute to the support of such wife or husband; and (ii) in the case of a husband, was receiving at least one-half of his support from his wife at the time his wife's retirement annuity or pension began.

"(g) The spouse's annuity provided in subsection (e) shall, with respect to any month, be subject to the same provisions of subsection (d) as the individual's annuity, and, in addition, the spouse's annuity shall not be payable for any month if the individual's annuity is not payable for such month (or, in the case of a pensioner, would not be payable if the pension were an annuity) by reason of the provisions of said subsection (d). Such spouse's annuity shall cease at the end of the month preceding the month in which (i) the spouse or the individual dies, (ii) the spouse and the individual are absolutely divorced, or (iii), in the case of a wife under age 65, she no longer has in her care a child who, if her husband were then to die, would be entitled to an annuity under subsection (c) of section 5 of this Act."

SEC. 6. Subsection (a) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by changing "2.40" to "2.76", "1.80" to "2.07", and "1.20" to "1.38".

SEC. 7. Subsection (b) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by striking out all of paragraph (4) and inserting in lieu thereof the following paragraph:

"The retirement annuity or pension of an individual, and the annuity of his spouse, if any, shall be reduced, beginning with the month in which such individual is, or on proper application would be, entitled to an old age insurance benefit under the Social Security Act, as follows: (i) in the case of the individual's retirement annuity, by that portion of such annuity which is based on his years of service and compensation before 1937, or by the amount of such old age insurance benefit, whichever is less, (ii) in the case of the individual's pension, by the amount of such old age insurance benefit, and (iii) in the case of the spouse's annuity, to one-half the individual's retirement annuity or pension as reduced pursuant to clause (i) or clause (ii) of this

Post, p. 686.

49 Stat. 623; 64 Stat.  
482.  
42 U. S. C. § 402.

45 U. S. C. § 228c.

49 Stat. 620; 64 Stat.  
477.  
42 U. S. C. §§ 1305,  
301 note.

paragraph: *Provided, however, That, in the case of any individual receiving or entitled to receive an annuity or pension on the day prior to the date of enactment of this paragraph, the reductions required by this paragraph shall not operate to reduce the sum of (A) the retirement annuity or pension of the individual, (B) the spouse's annuity, if any, and (C) the benefits under the Social Security Act which the individual and his family receive or are entitled to receive on the basis of his wages, to an amount less than such sum was before the enactment of this paragraph.*"

SEC. 8. Subsection (e) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by striking out the phrase "and not less than five years of service"; by changing the phrase "subsection 2 (a) (3)" to "section 2 (a) 3 or the last paragraph of section 3 (b)"; by changing "\$3.60" to "\$4.14", and "\$60" to "\$69"; and by changing the period at the end of the subsection to a colon and inserting after the colon the following: "*Provided, however, That if for any entire month in which an annuity accrues and is payable under this Act the annuity to which an employee is entitled under this Act (or would have been entitled except for a reduction pursuant to section 2 (a) 3 or a joint and survivor election), together with his or her spouse's annuity, if any, or the total of survivor annuities under this Act deriving from the same employee, is less than the amount, or the additional amount, which would have been payable to all persons for such month under the Social Security Act (deeming completely and partially insured individuals to be fully and currently insured, respectively, and disregarding any possible deductions under subsections (f) and (g) (2) of section 203 thereof) if such employee's service as an employee after December 31, 1936, were included in the term 'employment' as defined in that Act and quarters of coverage were determined in accordance with section 5 (1) (4) of this Act, such annuity or annuities, shall be increased proportionately to a total of such amount or such additional amount.*"

45 U. S. C. § 228c.

49 Stat. 620; 64 Stat.  
477.  
42 U. S. C. §§ 1305,  
301 note.

SEC. 9. Section 3 of the Railroad Retirement Act of 1937, as amended, is amended by striking out subsection (h) thereof.

45 U. S. C. § 228c.

SEC. 10. Subsection (i) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by redesignating it as subsection (h).

SEC. 11. Subsection (a) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting "and Widower's" after "Widow's"; by inserting "or widower" after "widow"; by inserting "or his" after "her", by inserting "or he" after "she"; by striking out the phrase "three-fourths of"; and by changing the period at the end thereof to a colon, and by inserting after the colon the following: "*Provided, however, That if in the month preceding the employee's death the spouse of such employee was entitled to a spouse's annuity under subsection (e) of section 2 in an amount greater than the widow's or widower's insurance annuity, the widow's or widower's insurance annuity shall be increased to such greater amount.*"

45 U. S. C. § 228e.

SEC. 12. Subsection (b) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by striking out the phrase "three-fourths of"; and by changing the period at the end thereof to a colon and inserting after the colon the following: "*Provided, however, That if in the month preceding the employee's death the spouse of such employee was entitled to a spouse's annuity under subsection (e) of section 2 in an amount greater than the widow's current insurance annuity, the widow's current insurance annuity shall be increased to such greater amount.*"

SEC. 13. Subsection (c) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by substituting for the phrase "one-half" the phrase "two-thirds".

SEC. 14. Subsection (d) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting, “, no widower,” after “widow”; and by substituting for the phrase “one-half” the phrase “two-thirds”.

SEC. 15. Subsection (e) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by substituting for the phrase “one-half” the phrase “two-thirds”.

SEC. 16. Subsection (f) (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting “widower,” after the phrase “widow,” where this phrase first appears in the first sentence, and after the phrase “widow,” wherever this phrase appears in the fourth sentence; and by substituting in the first sentence for the word “eight” the word “ten”.

SEC. 17. Subsection (f) (2) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting “, widower,” after the word “widow” wherever this word appears; by inserting “or her” after the words “his” and “him” wherever these words appear; by inserting immediately before “, or to others” in the first sentence the following: “, and to others deriving from him or her, during his or her life,”; by changing the period at the end of said subsection to a comma and by inserting after the comma the following: “except that the deductions of the benefits which, pursuant to subsection (k) (1) of this section, are paid under section 202 of the Social Security Act, during the life of the employee to him or to her and to others deriving from him or her, shall be limited to such portions of such benefits as are payable solely by reason of the inclusion of service as an employee in ‘employment’ pursuant to said subsection (k) (1).”

49 Stat. 623; 64 Stat.  
482.  
42 U. S. C. § 402.

SEC. 18. Subsection (g) (2) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

45 U. S. C. § 228e.

“(2) If an individual is entitled to more than one annuity for a month under this section, such individual shall be entitled only to that one of such annuities for a month which is equal to or exceeds any other such annuity. If an individual is entitled to an annuity for a month under this section and is entitled, or would be so entitled on proper application therefor, for such month to an insurance benefit under section 202 of the Social Security Act, the annuity of such individual for such month under this section shall be only in the amount by which it exceeds such insurance benefit. If an individual is entitled to an annuity for a month under this section and also to a retirement annuity, the annuity of such individual for a month under this section shall be only in the amount by which it exceeds such retirement annuity.

49 Stat. 623; 64 Stat.  
482.  
42 U. S. C. § 402.

“(3) In the case of any individual receiving or entitled to receive an annuity under this section on the day prior to the date of enactment of the provisions of this paragraph, the application of paragraph (2) of this subsection to such individual shall not operate to reduce the sum of (A) the annuity under this section of such individual, (B) the retirement annuity, if any, of such individual, and (C) the benefits under the Social Security Act which such individual receives or is entitled to receive, to an amount less than such sum was before the enactment of the provisions of this paragraph.”

49 Stat. 620; 64 Stat.  
477.  
42 U. S. C. §§ 1305,  
301 note.

SEC. 19. Subsection (h) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

“(h) Maximum and Minimum Annuity Totals.—Whenever according to the provisions of this section as to annuities, payable for a month with respect to the death of an employee, the total of annuities is more than \$30 and exceeds either (a) \$160, or (b) an amount equal to two and two-thirds times such employee’s basic amount, whichever of such amounts is the lesser, such total of annuities shall, prior to any deduc-

tions under subsection (i), be reduced to such lesser amount or to \$30, whichever is greater. Whenever such total of annuities is less than \$14, such total shall, prior to any deductions under subsection (i), be increased to \$14."

SEC. 20. Subdivision (ii) of paragraph (1) of subsection (i) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by substituting "\$50" for "\$25".

SEC. 21. Subsection (j) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by striking out all of the third sentence thereof after the phrase "the month in which" (including the proviso), and substituting the following: "eligibility therefor was otherwise acquired, but not earlier than the first day of the sixth month before the month in which the application was filed."

SEC. 22. (a) Paragraph (1) of subsection (k) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting "(i)" after the word "determining" and by inserting in said paragraph after the word "Act" where it first appears the following: "to an employee who will have completed less than ten years of service and to others deriving from him or her during his or her life and with respect to his or her death, and lump-sum death payments with respect to the death of such employee, and (ii) insurance benefits with respect to the death of an employee who will have completed ten years of service"; by striking in said paragraph after "1947," the following: "to a widow, parent, or surviving child,"; by inserting before the word "occurring" the phrase "of such an employee"; by inserting after the phrase "such date" the following: ", and for the purposes of section 203 of that Act"; by substituting in said paragraph "210 (a) (10)" for "209 (b) (9)"; and by inserting at the end of such paragraph (1) the following sentence: "In the application of the Social Security Act pursuant to this paragraph to service as an employee, all service as defined in section 1 (c) of this Act shall be deemed to have been performed within the United States."

(b) Subsection (k) (2) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by substituting the following:

"(2) (A) The Board and the Federal Security Administrator shall determine, no later than January 1, 1954, the amount which would place the Federal Old-Age and Survivors Insurance Trust Fund (hereafter termed 'Trust Fund') in the same position in which it would have been at the close of the fiscal year ending June 30, 1952, if service as an employee after December 31, 1936, had been included in the term 'employment' as defined in the Social Security Act and in the Federal Insurance Contributions Act.

"(B) On January 1, 1954, for the fiscal year ending June 30, 1953, and at the close of each fiscal year beginning with the fiscal year ending June 30, 1954, the Board and the Federal Security Administrator shall determine, and the Board shall certify to the Secretary of the Treasury for transfer from the Railroad Retirement Account (hereafter termed 'Retirement Account') to the Trust Fund, interest for such fiscal year at the rate specified in subparagraph (D) on the amount determined under subparagraph (A) less the sum of all offsets made under subparagraph (C).

"(C) At the close of the fiscal year ending June 30, 1953, and each fiscal year thereafter, the Board and the Federal Security Administrator shall determine the amount, if any, which if added to or subtracted from the Trust Fund would place such Trust Fund in the same position in which it would have been if service as an employee after December 31, 1936, had been included in the term 'employment' as defined in the Social Security Act and in the Federal Insurance Contributions Act. For the purposes of this subparagraph, the

45 U. S. C. § 228e.

49 Stat. 620; 64 Stat.

477.

42 U. S. C. §§ 1305,

301 note.

53 Stat. 175.

26 U. S. C. § 1432.

amount determined under subparagraph (A), less such offsets as have theretofore been made under this subparagraph, and the amount determined under subparagraph (B) for the fiscal year under consideration shall be deemed to be part of the Trust Fund. Such determination shall be made no later than June 15, following the close of the fiscal year. If such amount is to be added to the Trust Fund, the Board shall, within ten days after the determination, certify such amount to the Secretary of the Treasury for transfer from the Retirement Account to the Trust Fund; if such amount is to be subtracted from the Trust Fund, the Administrator shall, within ten days after the determination, certify such amount to the Secretary of the Treasury for transfer from the Trust Fund to the Retirement Account. The amount so certified shall further include interest (at the rate determined in subparagraph (D) for the fiscal year under consideration) payable from the close of such fiscal year until the date of certification. In the event the Administrator is required under the provisions of this subparagraph to certify to the Secretary of the Treasury an amount to be transferred to the Retirement Account from the Trust Fund, the Administrator, in lieu of such certification, may offset the amount determined under the first sentence of this subparagraph against the amount determined in subparagraph (A) as diminished by any prior offsets and the offset shall be made to be effective as of the first day of the fiscal year following the fiscal year under consideration.

“(D) For the purposes of subparagraphs (B) and (C), for any fiscal year, the rate of interest to be used shall be equal to the average rate of interest, computed as of May 31 preceding the close of such fiscal year, borne by all interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest shall be the multiple of one-eighth of 1 per centum next lower than such average rate.

“(E) The Secretary of the Treasury is authorized and directed to transfer to the Trust Fund from the Retirement Account or to the Retirement Account from the Trust Fund, as the case may be, such amounts as, from time to time, may be determined by the Board and the Federal Security Administrator pursuant to the provisions of subparagraphs (B) and (C) of this subsection, and certified by the Board or the Administrator for transfer from the Retirement Account or from the Trust Fund.”

45 U. S. C. § 228e.

SEC. 23. (a) (1) Paragraph (1) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting “widower,” after “widow,” where this word first appears; by substituting “216 (c), (e), and (g)” for “209 (j) and (k)”, and by substituting “202 (h)” for “202 (f)”.

(2) The said paragraph (1) is further amended by striking out subdivision (i) thereof and inserting in lieu of such subdivision the following:

“(i) a ‘widow’ or ‘widower’ shall have been living with the employee at the time of the employee’s death; a widower shall have received at least one-half of his support from his wife employee at the time of her death or he shall have received at least one-half of his support from his wife employee at the time her retirement annuity or pension began.”

(3) The said paragraph (1) is further amended by inserting in subdivision (ii) after the phrase “such death” the following: “by other than a step parent, grand parent, aunt, or uncle”; and by amending subdivision (iii) to read as follows: “(iii) a ‘parent’ shall have received, at the time of the death of the employee to whom the relationship of parent is claimed, at least one-half of his support from such employee.”

(4) Paragraph (1) of the said subsection (1) is further amended by substituting for all the matter which follows subdivision (iii) the following: "A 'widow' or 'widower' shall be deemed to have been living with the employee if the conditions set forth in section 216 (h) (2) or (3), whichever is applicable, of the Social Security Act are fulfilled. A 'child' shall be deemed to have been dependent upon a parent if the conditions set forth in section 202 (d) (3), (4), or (5) of the Social Security Act are fulfilled (a partially insured mother being deemed currently insured). In determining for purposes of this section and subsection (f) of section 2 whether an applicant is the wife, husband, widow, widower, child, or parent of an employee as claimed, the rules set forth in section 216 (h) (1) of the Social Security Act shall be applied;"

64 Stat. 511, 512.  
42 U. S. C. § 416.

64 Stat. 484.  
42 U. S. C. § 402.

64 Stat. 511.  
42 U. S. C. § 416.

(b) Paragraph (4) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting after the table the following: "If upon computation of the compensation quarters of coverage in accordance with the above table an employee is found to lack a completely or partially insured status which he would have if compensation paid in a calendar year were presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in service as an employee, such presumption shall be made."

(c) Paragraph (6) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

45 U. S. C. § 228e.

"(6) The term 'wages' shall mean wages as defined in section 209 of the Social Security Act (except that for the purposes of section 5 (i) (1) (ii) of this Act such wages shall be determined without regard to subsection (a) of said section 209). In addition, the term shall include (i) 'self-employment income' as defined in section 211 (b) of the Social Security Act (and in determining 'self-employment income' the 'net earnings from self-employment' shall be determined as provided in section 211 (a) of such Act and charged to correspond with the provisions of section 203 (e) of such Act), and (ii) wages deemed to have been paid under section 217 (a) of the Social Security Act on account of military service which is not creditable under section 4 of this Act."

49 Stat. 625; 53 Stat. 1373.  
42 U. S. C. § 409.

64 Stat. 502.  
42 U. S. C. § 411.

53 Stat. 1367.  
42 U. S. C. § 403.  
64 Stat. 512.  
42 U. S. C. § 417.

(d) Paragraph (7) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by inserting before the word "had" the phrase "completed ten years of service and will have"; and by inserting in the parenthetical phrase in subdivision (i), after the word "quarter" the following: "which is not a quarter of coverage and".

45 U. S. C. § 228e.

(e) Paragraph (8) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

"(8) An employee will have been 'partially insured' at the time of his death, whether before or after the enactment of this section, if it appears to the satisfaction of the Board that he will have completed ten years of service and will have had (i) a current connection with the railroad industry; and (ii) six or more quarters of coverage in the period ending with the quarter in which he will have died or in which a retirement annuity will have begun to accrue to him and beginning with the third calendar year next preceding the year in which such event occurs."

(f) Paragraph (9) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by changing the language before the first proviso to read as follows:

"(9) An employee's 'average monthly remuneration' shall mean the quotient obtained by dividing (A) the sum of (i) the compensation paid to him after 1936 and before the quarter in which he will have

died, eliminating any excess over \$300 for any calendar month, and (ii) if such compensation for any calendar year is less than \$3,600 and the average monthly remuneration computed on compensation alone is less than \$300 and the employee has earned in such calendar year 'wages' as defined in paragraph (6) hereof, such wages, in an amount not to exceed the difference between the compensation for such year and \$3,600, by (B) three times the number of quarters elapsing after 1936 and before the quarter in which he will have died:"; by inserting in the second proviso after the word "quarter" the following: "which is not a quarter of coverage and"; and by changing the period at the end of said proviso to a colon and adding the following: "*And provided further,* That if the exclusion from the divisor of all quarters beginning with the first quarter in which the employee was completely insured and had attained the age of sixty-five and the exclusion from the dividend of all compensation and wages with respect to such quarters would result in a higher average monthly remuneration, such quarters, compensation and wages shall be so excluded."

45 U. S. C. § 228e.

(g) Paragraph (10) of subsection (1) of section 5 of the Railroad Retirement Act of 1937, as amended, is amended by substituting "\$300" for "\$250" and "\$14" for "\$10".

45 U. S. C. § 228q note.

SEC. 24. Section 17 of the Railroad Retirement Act of 1937, as amended, is amended by striking out "subsection (b) of".

#### EFFECTIVE DATES

SEC. 25. (a) Except as otherwise specifically provided, the amendments made by this Act shall take effect with respect to benefits accruing under the Railroad Retirement Acts and the Social Security Act after the last day of the month in which this Act is enacted, irrespective of when service or employment occurred or compensation or wages were earned: *Provided, however,* That, in the recomputation pursuant to this Act of survivor annuities heretofore awarded, the basic amount shall not be recomputed.

45 U. S. C., ch. 9.  
49 Stat. 620; 64 Stat.  
477.  
42 U. S. C. §§ 1305,  
301 note.

(b) The amendments made by sections 3, 4, and 21 of this Act shall apply to benefits awarded in whole or in part on or after the date of enactment of this Act.

(c) The amendments made by sections 16 and 17 of this Act shall take effect with respect to deaths occurring on or after the date of enactment of this Act.

(d) In the case of any retirement or survivor annuity awarded under the Railroad Retirement Acts prior to the date of enactment of this Act and currently payable, if such annuity was awarded to, or with respect to the death of, any individual who has completed less than ten years of service, then the amendments made by this Act shall apply with respect to such annuity as if such individual had met the requirement of ten years of service which is imposed as a condition to benefits under the Railroad Retirement Act of 1937, as amended by this Act. In addition, the spouse of any such individual shall not, during such individual's lifetime, be barred from a spouse's annuity under such Act by reason of the fact that such individual has completed less than ten years of service.

50 Stat. 307.  
45 U. S. C. §§ 228a-  
228s.

(e) Where the parent of a deceased employee has, prior to the date of enactment of this Act, been awarded a survivor annuity under the Railroad Retirement Acts which is currently payable, the entitlement of such parent to a survivor's annuity in accordance with the amendments made by this Act shall be determined without regard to whether or not such employee died leaving a "widow" or "widower", as defined in this Act.

(f) All joint and survivor annuities heretofore and hereafter awarded shall be governed by the law under which the election of the joint and survivor annuity was made, except that the individual who made the election shall have the right to revoke the same in such manner and form as the Board may prescribe.

An election shall be deemed to have been revoked if before or after the enactment hereof the spouse for whom the election was made predeceased the individual who made the election. Upon revocation of the election, or death of the spouse, as herein provided, the individual's annuity shall be increased to the amount which would have been payable had no election been made; such increased annuity shall, subject to the provisions of section 2 (c) of the Railroad Retirement Act of 1937, as amended, begin to accrue on the first of the calendar month following the calendar month in which the election was revoked or the spouse died but not before the calendar month next following the month of enactment hereof.

(g) All pensions due in months following the first calendar month after the month of enactment hereof shall be increased by 15 per centum.

(h) The increase in retirement annuities provided by this Act shall apply also to annuities heretofore awarded under the Railroad Retirement Act of 1935, and the term "spouse" as used in this Act shall include the wife or husband of an employee who has been awarded an annuity under the Railroad Retirement Act of 1935. The provisions of this Act shall not apply to annuities heretofore paid under the Railroad Retirement Acts in lump sums equal to their commuted values.

(i) The annuity of the spouse of an employee who has been awarded an annuity under section 3 (b) of the Railroad Retirement Act of 1935 or under section 2 (a) 2 (b) of the Railroad Retirement Act of 1937 prior to its amendment by Public Law 572, Seventy-ninth Congress, shall, subject to the provisions of this Act, be one-half the annuity such employee would have received had the annuity been awarded at age sixty-five.

(j) All recertifications by the Railroad Retirement Board required by reason of the provisions of this Act other than section 9 shall be made without application therefor. Recertifications pursuant to section 9 of this Act shall be made only upon application therefor in such manner and form and filed within such time as the Railroad Retirement Board may prescribe.

#### AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

SEC. 26. Section 1 (k) of the Railroad Unemployment Insurance Act, as amended, is amended by adding before the period at the end of the first paragraph thereof the following: "*Provided further*, That any calendar day on which no remuneration is payable to or accrues to an employee solely because of the application to him of mileage or work restrictions agreed upon in schedule agreements between employers and employees or solely because he is standing by for or laying over between regularly assigned trips or tours of duty shall not be considered either a day of unemployment or a day of sickness".

SEC. 27. Subsection (a-1) of section 4 of the Railroad Unemployment Insurance Act, as amended, is amended by striking out all of subdivisions (iii) and (iv) thereof.

SEC. 28. The provisions of sections 26 and 27 of this Act shall become effective with respect to registration periods beginning on and after January 1, 1952.

Approved October 30, 1951, 9:30 a. m., E. S. T.

45 U. S. C. § 228b.

49 Stat. 967.  
45 U. S. C. §§ 215-228 note.

49 Stat. 969; 50 Stat. 309; 60 Stat. 727.  
45 U. S. C. §§ 228c, 228b.

52 Stat. 1095.  
45 U. S. C. § 351.

52 Stat. 1098.  
45 U. S. C. § 354.

Effective date.