

SEC. 2. Section 4336 of the Revised Statutes of the United States, as amended (46 U. S. C. 277), is further amended to read as follows:

Inspection of register, etc.

Penalty.

"Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master or other person in charge or command of any such vessel shall not exhibit the same, when required by such officer, unless the vessel is one which by regulation of the Secretary of the Treasury is not required to have its register or enrollment or license or document in lieu thereof on board, such master or person in charge or command shall be liable to a penalty of \$100, unless the failure to do so is willful, in which case he shall be liable to a penalty of \$1,000 and to a fine of not more than \$1,000 or imprisonment for not more than one year, or both."

Approved August 30, 1957.

Public Law 85-238

AN ACT

August 30, 1957
[H. R. 1944]

To amend title II of the Social Security Act so as to make inapplicable, in the case of the survivors of certain members of the Armed Forces, the provisions which presently prevent the payment of benefits to aliens who are outside the United States.

Social Security Act, amendments.
70 Stat. 835.
42 USC 402.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 (t) (4) of the Social Security Act is amended (1) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "or", and (2) by adding after subparagraph (C) the following new subparagraph:

42 USC 410.

"(D) the individual on whose wages and self-employment income such benefit is based died, before such month, either (i) while on active duty or inactive duty training (as those terms are defined in section 210 (m) (2) and (3)) as a member of a uniformed service (as defined in section 210 (n)), or (ii) as the result of a disease or injury which the Administrator of Veterans' Affairs determines was incurred or aggravated in line of duty while on active duty (as defined in section 210 (m) (2)), or an injury which he determines was incurred or aggravated in line of duty while on inactive duty training (as defined in section 210 (m) (3)), as a member of a uniformed service (as defined in section 210 (n)), if the Administrator determines that such individual was discharged or released from the period of such active duty or inactive duty training under conditions other than dishonorable, and if the Administrator certifies to the Secretary his determinations with respect to such individual under this clause."

42 USC 402.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after December 1956, and with respect to lump-sum death payments under such section 202 in the case of deaths occurring after December 1956.

70 Stat. 813.
42 USC 402.

SEC. 3. (a) Section 202 (b) (1) of the Social Security Act is amended by striking out subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and by inserting "and" at the end of subparagraph (B).

70 Stat. 814.
42 USC 402.

(b) Section 202 (c) (1) of such Act is amended by striking out subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(c) Section 202 (e) (1) of such Act is amended by striking out subparagraph (D) and redesignating subparagraph (E) as subparagraph (D) and by inserting "and" at the end of subparagraph (C).

68 Stat. 1085.
42 USC 402.

(d) Section 202 (f) (1) of such Act is amended by striking out subparagraph (D) and redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

64 Stat. 485.

(e) Section 202 (g) (1) (F) of such Act is amended to read as follows:

64 Stat. 486.

"(F) in the case of a former wife divorced, was receiving from such individual (pursuant to agreement or court order) at least one-half of her support at the time of his death, and the child referred to in subparagraph (E) is her son, daughter, or legally adopted child and the benefits referred to in such subparagraph are payable on the basis of such individual's wages and self-employment income."

(f) Section 202 (h) (1) of such Act is amended by striking out "(e) (1) (D) and (E)" and "(f) (1) (D), (E), and (F)" and inserting in lieu thereof "(e) (1) (D)" and "(f) (1) (D) and (E)", respectively.

70 Stat. 808.

(g) Section 202 (p) (1) of such Act is amended by striking out "subparagraph (D) of subsection (c) (1)" and "subparagraph (E) of subsection (f) (1)" and inserting in lieu thereof "subparagraph (C) of subsection (c) (1)" and "subparagraph (D) of subsection (f) (1)", respectively.

70 Stat. 832.
42 USC 402.

(h) Section 216 (h) is amended to read as follows:

64 Stat. 492.
42 USC 416.

"(h) (1) An applicant is the wife, husband, widow, or widower of a fully or currently insured individual for purposes of this title if the courts of the State in which such insured individual is domiciled at the time such applicant files an application, or, if such insured individual is dead, the courts of the State in which he was domiciled at the time of death, or, if such insured individual is or was not so domiciled in any State, the courts of the District of Columbia, would find that such applicant and such insured individual were validly married at the time such applicant files such application or, if such insured individual is dead, at the time he died. If such courts would not find that such applicant and such insured individual were validly married at such time, such applicant shall, nevertheless be deemed to be the wife, husband, widow, or widower, as the case may be, of such insured individual if such applicant would, under the laws applied by such courts in determining the devolution of intestate personal property, have the same status with respect to the taking of such property as a wife, husband, widow, or widower of such insured individual.

"(2) In determining whether an applicant is the child or parent of a fully or currently insured individual for purposes of this title, the Secretary shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual is domiciled at the time such applicant files application, or, if such insured individual is dead, by the courts of the State in which he was domiciled at the time of his death, or, if such insured individual is or was not so domiciled in any State, by the courts of the District of Columbia. Applicants who according to such law would have the same status relative to taking intestate personal property as a child or parent shall be deemed such.

"(3) For purposes of section 202 (i), a widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or she was receiving regular contributions from him toward her support

70 Stat. 871.
42 USC 402.

on such date, or he had been ordered by any court to contribute to her support; a widower shall be deemed to have been living with his wife at the time of her death if they were both members of the same household at the time of her death, or he was receiving regular contributions from her toward his support on such date, or she had been ordered by any court to contribute to his support."

(i) (1) Except as provided in paragraph (2), the amendments made by this section shall apply in the case of monthly benefits under section 202 of the Social Security Act for months after the month in which this Act is enacted.

(2) The amendment made by subsection (f) shall not apply in the case of benefits under section 202 (h) of the Social Security Act, based on the wages and self-employment income of a deceased individual who died in or prior to the month in which this Act is enacted, for any parent who files the proof of support, required by such section 202 (h), in or prior to the month in which this Act is enacted; and the amendment to section 216 (h) (1) of such Act made by subsection (h) of this section shall not operate to deprive any such parent of benefits to which he would otherwise be entitled under section 202 (h) of such Act.

SEC. 4. (a) Section 1 (q) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "1956" and inserting in lieu thereof "1957."

(b) Paragraph (1) of section 5 (1) of the Railroad Retirement Act of 1937, as amended, is amended by striking out the sentence immediately following clause (iii) thereof and inserting in lieu thereof the following sentence: "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, as in effect prior to 1957, are fulfilled."

(c) Paragraph (1) of section 5 (1) of such Act is further amended by striking out the third sentence immediately following clause (iii) thereof and inserting in lieu thereof the following sentence: "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, as in effect prior to 1957, shall be applied."

SEC. 5. Where—

(a) one or more persons were entitled (without the application of section 202 (j) (1) of the Social Security Act) to parents' insurance benefits under section 202 (h) of such Act for the month in which this Act is enacted on the basis of the wages and self-employment income of an individual;

(b) a person becomes entitled to a widow's, widower's or mother's insurance benefit under section 202 (e), (f), or (g) of the Social Security Act for any subsequent month on the basis of such wages and self-employment income;

(c) the total of the benefits to which all persons are entitled under section 202 of the Social Security Act, on the basis of such wages and self-employment income for such subsequent month are reduced by reason of the application of section 203 (a) of such Act;

then the amount of the benefit to which each such person referred to in paragraph (a) or (b) is entitled for such subsequent month shall be increased, after the application of such section 203 (a), to the amount it would have been—

(d) if, in the case of a parent's insurance benefit, the person referred to in paragraph (b) was not entitled to the benefit referred to in such paragraph, or

(e) if, in the case of a benefit referred to in paragraph (b), no person was entitled to a parent's insurance benefit for such subsequent month on the basis of such wages and self-employment income.

Approved August 30, 1957.

Public Law 85-239

AN ACT

August 30, 1957
[H. R. 8892]

To amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes and to permit such a minister to include, for social security purposes, the value of meals and lodging furnished him for the convenience of his employer and the rental value of the parsonage furnished to him, 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 1402 (e) (2) of the Internal Revenue Code of 1954 (relating to time for filing waiver certificates in the case of ministers, members of religious orders, and Christian Science practitioners) is amended (1) by inserting "whichever of the following dates is later: (A)" after "on or before", and (2) by inserting "; or (B) the due date of the return (including any extension thereof) for his second taxable year ending after 1956" before the final period.

Internal Revenue
Code of 1954,
amendments.
Ministers.
68 Stat. 1088.

(b) Section 1402 (e) (3) of such code (relating to effective date of certificate) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this paragraph:

68 Stat. 1089.

"(A) A certificate filed by an individual after the date of the enactment of this subparagraph but on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1956 shall be effective for the first taxable year ending after 1955 and all succeeding taxable years.

"(B) If an individual filed a certificate on or before the date of the enactment of this subparagraph which (but for this subparagraph) is effective only for the third or fourth taxable year ending after 1954 and all succeeding taxable years, such certificate shall be effective for his first taxable year ending after 1955 and all succeeding taxable years if such individual files a supplemental certificate after the date of the enactment of this subparagraph and on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1956.

"(C) A certificate filed by an individual after the due date of the return (including any extension thereof) for his second taxable year ending after 1956 shall be effective for the taxable year immediately preceding the taxable year with respect to which it is filed and all succeeding taxable years."

(c) If a certificate filed pursuant to section 1402 (e) (3) (A) or (B) of the Internal Revenue Code of 1954 after the due date of the return (including any extension thereof) for any taxable year is effective for such taxable year or for any preceding taxable year, then—