

Public Law 85-927

AN ACT

September 6, 1958
[S. 2020]

To amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Social Security Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Railroad Retirement Act of 1937, amendments.
"Monthly compensation,"
50 Stat. 311.
45 USC 228c.

PART I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1937

SECTION 1. (a) Section 3 (c) of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new sentence: "If the 'monthly compensation' computed under this subsection is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1."

45 USC 228c.

(b) Section 3 (e) of such Act is amended by inserting at the end thereof the following new paragraph:

"Period of disability."

66 Stat. 771.
42 USC 416.

"For the purposes of this subsection, the Board shall have the same authority to determine a 'period of disability' within the meaning of section 216 (i) of the Social Security Act, with respect to any employee who will have filed application therefor and (i) have completed ten years of service or (ii) have been awarded an annuity, as the Secretary of Health, Education, and Welfare would have to determine such a period under such section 216 (i) if the employee met the requirements of clauses (A) and (B) of paragraph (3) of such section, considering for purposes of such determination that all his service as an employee after 1936 constitutes 'employment' within the meaning of title II of the Social Security Act and determining his quarters of coverage for such purposes by presuming his compensation in a calendar year to have been paid in equal proportions with respect to all months in which he will have been in service as an employee in such calendar year: *Provided*, That an application for an annuity filed with the Board on the basis of disability shall be deemed to be an application to determine such a period of disability, and such an application filed with the Board on or before the date of the enactment of this paragraph shall, for purposes of this subsection and section 216 (i) (4) of the Social Security Act, be deemed filed after December 1954 and before July 1958: *Provided further*, That, notwithstanding any other provision of law, the Board shall have the authority to make such determination on the basis of the records in its possession or evidence otherwise obtained by it, and a determination by the Board with respect to any employee concerning such a 'period of disability' shall be deemed a final decision of the Board determining the rights of persons under this Act for purposes of section 11 of this Act. An application filed with the Board pursuant to this paragraph shall be deemed filed as of the same date also with the Secretary of Health, Education, and Welfare for the purpose of determining a 'period of disability' under section 216 (i) of the Social Security Act."

42 USC 416.

42 USC 416.
45 USC 228c.
Annuities.

(c) Section 3 (f) of such Act is amended to read as follows:

"(f) (1) Annuities under section 2 (a) which will have become due an individual but will not have been paid at the time of such individual's death shall be payable to the person, if any, who is determined by the Board to be such individual's widow or widower and to have been living with such individual at the time of such individual's death and who will not have died before receiving payment of such annuities. If there be no such widow or widower, such annuities shall be payable to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of

burial of such individual, and to the extent that he or they will not have been reimbursed under section 5 (f) (1) for having paid such expenses. If there be no person or persons so entitled, or if the total of such annuities exceeds the amount payable under this paragraph to such person or persons, such total, or the remainder thereof, as the case may be, shall be paid to the children, grandchildren, parents, or brothers and sisters of the deceased individual in the same manner as if such unpaid annuities were a lump sum payable under section 5 (f) (2).

“(2) Insurance annuities under section 5 which will have become due a survivor of an employee but will not have been paid at the time of such survivor's death shall be payable to the person, if any, who is determined by the Board to be such employee's widow or widower and to have been living with such employee at the time of the employee's death and who will not have died before receiving payment of such annuities. If there be no such widow or widower, such annuities shall be payable to the children, grandchildren, parents, or brothers and sisters of the deceased employee in the same manner as if such unpaid annuities were a lump sum payable under section 5 (f) (2).

“(3) Annuities under section 2 (e) which will have become due a spouse of an individual but which will not have been paid at the time of such spouse's death shall be payable to the individual from whose employment such spouse's annuity derived and who will not have died before receiving payment of such annuities. If there be no such individual, such annuities shall be paid as provided in the last two sentences of paragraph (1) of this subsection as if such annuities were annuities due under section 2 (a) to an individual but unpaid at the time of such individual's death.

“(4) Applications for accrued and unpaid annuities provided for in paragraphs (1), (2), and (3) of this subsection shall be filed prior to the expiration of two years after the death of the person to whom such annuities were originally due.

“(5) For the purposes of this subsection and paragraphs (1) and (2) of section 5 (f) of this Act, a widow or widower of an individual shall be deemed to have been living with the individual at the time of the individual's death if the applicable conditions set forth in section 216 (h) (2) or (3) of the Social Security Act are fulfilled.

71 Stat. 519.
42 USC 416.

“(6) If there is no person to whom all or any part of the annuity payments described in paragraph (1), (2), or (3) can be made, such payments or part thereof shall escheat to the credit of the Railroad Retirement Account.”

(d) Section 3 (h) of such Act is amended by striking out “\$2.50” and inserting in lieu thereof “\$5”.

45 USC 228c.

(e) Section 3 of such Act is further amended by adding at the end thereof the following new subsection:

45 USC 228c.

“(i) If the amount of any annuity computed under this section, or under section 2 or section 5, is not a multiple of \$0.10, it shall be raised to the next higher multiple of \$0.10.”

SEC. 2. (a) Section 5 (f) (1) of the Railroad Retirement Act of 1937 is amended—

45 USC 228e.

(1) by striking out the first three sentences and inserting in lieu thereof the following: “Upon the death, after the month in which this Act is enacted, of a completely or partially insured employee who will have died leaving no widow, widower, child, or parent who would on proper application therefor be entitled to receive an annuity under this section for the month in which such death occurred, a lump sum of ten times the employee's basic amount shall be paid to the person, if any, who is determined by the

Board to be the widow or widower of the deceased employee and to have been living with such employee at the time of such employee's death and who will not have died before receiving payment of such lump sum. If there be no such widow or widower, such lump sum shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of such deceased employee.”;

(2) by striking out “widow, widower, child, or parent” in the fourth sentence and inserting in lieu thereof “widow or widower”; and

(3) by striking out all of the fourth sentence beginning with “a payment to any then surviving widow” and inserting in lieu thereof the following: “a payment equal to the amount by which such lump sum exceeds such annuities so accrued after such deductions shall then nevertheless be made under this paragraph to the person (or, if more than one, in equal shares to the persons) first named in the following order of preference: the widow, widower, child, or parent of the employee then entitled to a survivor annuity under this section.”

45 USC 228e.

(b) Section 5 (f) (2) of such Act is amended by striking out “to the person or persons in the order provided in paragraph (1) of this subsection, or in the absence of such person or persons, to his or her estate, a lump sum” and by inserting in lieu thereof the following: “to the following person (or, if more than one, in equal shares to the persons) whose relationship to the deceased employee will have been determined by the Board and who will not have died before receiving payment of the lump sum provided for in this paragraph:

“(i) the widow or widower of the deceased employee who was living with such employee at the time of such employee's death; or

“(ii) if there be no such widow or widower, to any child or children of such employee; or

“(iii) if there be no such widow, widower, or child, to any grandchild or grandchildren of such employee; or

“(iv) if there be no such widow, widower, child, or grandchild, to any parent or parents of such employee; or

“(v) if there be no such widow, widower, child, grandchild, or parent, to any brother or sister of such employee; or

“(vi) if there be no such widow, widower, child, grandchild, parent, brother, or sister, to the estate of such employee, a lump sum”.

45 USC 228e.

(c) The first sentence of section 5 (h) of such Act is amended by striking out “prior to” and inserting in lieu thereof “after”.

45 USC 228e.

(d) Section 5 (i) (3) of such Act is amended (1) by inserting “and” after the semicolon in subparagraph (i); (2) by striking out all of subparagraph (ii) after “title II of the Social Security Act” and inserting in lieu thereof a period; and (3) by striking out subparagraphs (iii) and (iv).

42 USC 401-425.

45 USC 228e.

(e) Section 5 (k) (3) of such Act is amended—

(1) by inserting in the first sentence after “service” the following: “, of determinations under section 3 (e) of this Act, or section 216 (i) of the Social Security Act, of periods of disability within the meaning of such section 216 (i),”; and

42 USC 416.

(2) by inserting in the first sentence after “this section” the following: “, section 3 (e) of this Act,”; and

(3) by inserting in the second sentence after “therein” the following: “(except in the case of a determination of disability under section 216 (i) of the Social Security Act)”.

42 USC 416.

(f) Section 5 (1) (6) of such Act is amended by striking out the parenthetical phrases in the first and second sentences and by inserting at the end thereof the following sentence: "Wages, as defined in this paragraph, shall be credited for the purposes of this section in the manner and to the extent credited for corresponding purposes of title II of the Social Security Act."

45 USC 228e.

42 USC 401-425.

45 USC 228e.

42 USC 401-425.

45 USC 228e.

42 USC 401-425.

45 USC 228e.

(g) Section 5 (1) (7) (ii) of such Act is amended by striking out "forty or more quarters of coverage" and inserting in lieu thereof the following: "either will have had forty or more quarters of coverage or would be fully insured under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term 'employment' as defined in that Act".

(h) Section 5 (1) (8) of such Act is amended (1) by striking out "will have had (i)" and inserting in lieu thereof "(i) will have had", (2) by inserting "either will have had" after "(ii)", and (3) by inserting before the final period a comma and the following: "or would be currently insured under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term 'employment' as defined in that Act".

(i) Section 5 (1) (9) of such Act is amended—

(1) by striking out "quarter in which he will have died" each place it appears in clauses (A) and (B) and by inserting in lieu thereof "employee's closing date";

(2) by striking out the last proviso; and

(3) by inserting after the first sentence the following new sentence: "An employee's 'closing date' shall mean (A) the first day of the first calendar year in which such employee both had attained age 65 and was completely insured; or (B) the first day of the calendar year in which such employee died; or (C) the first day of the calendar year following the year in which such employee died, whichever would produce the highest 'average monthly remuneration' as defined in the preceding sentence. If the amount of the 'average monthly remuneration' as computed under this paragraph is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1".

SEC. 3. Section 10 (b) (4) of the Railroad Retirement Act of 1937 is amended by inserting after the third sentence the following new sentence: "For purposes of its administration of this Act or the Railroad Unemployment Insurance Act, or both, the Board may hereafter place, without regard to the numerical limitations contained in section 505 of the Classification Act of 1949, as amended, four positions in grade GS-16 of the General Schedule established by that Act, four positions in grade GS-17 of such schedule, and one position in grade GS-18 of such schedule."

Supergrades.
45 USC 228j.

SEC. 4. Section 13 of the Railroad Retirement Act of 1937 is amended (1) by inserting "(a)" after "Sec. 13."; (2) by inserting "or both" before the final period, and (3) by adding at the end thereof the following new subsection:

45 USC 228m.

"(b) All fines and penalties imposed by a court pursuant to this Act shall be paid to the court and be remitted from time to time by order of the judge to the Treasury of the United States to be credited to the Railroad Retirement Account."

SEC. 5. (a) The amendments made by sections 1 (a), 1 (d), 1 (e), and 2 (i) shall be effective with respect to annuities awarded under the Railroad Retirement Act of 1937 on or after the date of the enactment of this Act.

Effective dates.
50 Stat. 307.
45 USC 228a-
228z.

(b) The amendments made by sections 2 (g) and 2 (h) shall be effective (1) with respect to deaths occurring on or after the date of the enactment of this Act and (2) with respect to any death occurring

before such date if none of the survivors of the deceased individual became entitled before such date to monthly benefits, by reason of the individual's death, under title II of the Social Security Act.

42 USC 401-425.

(c) The amendments made by section 1 (b) shall be effective with respect to determinations of periods of disability, within the meaning of section 216 (i) of the Social Security Act, made on or after the date of the enactment of this Act.

42 USC 416.

(d) The amendments made by sections 1 (c), 2 (a), and 2 (b) shall be effective with respect to deaths occurring in months after the month in which this Act is enacted.

(e) The amendments made by sections 2 (c), 2 (d), and 2 (f) shall be effective with respect to annuities accruing for months after the month in which this Act is enacted.

(f) The amendments made by sections 2 (e) and 3 shall be effective on the date of the enactment of this Act.

(g) The amendment made by clause (3) of section 4 shall be effective with respect to offenses committed on or after the date of the enactment of this Act; and the other amendments made by section 4 shall be effective with respect to fines and penalties imposed on or after such date.

PART II—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Railroad Unemployment Insurance Act, amendments.
52 Stat. 1094.
45 USC 351.

SEC. 201. (a) (1) The second proviso in section 1 (k) of the Railroad Unemployment Insurance Act is amended by striking out "second" and inserting in lieu thereof "first", and by striking out "first" and inserting in lieu thereof "second".

45 USC 351.

(2) The second paragraph of such section 1 (k) is amended by striking out "one dollar" and inserting in lieu thereof "three dollars".

(b) Section 1 (q) of such Act is amended by inserting before the period at the end thereof the following: "in the unemployment trust fund".

45 USC 354.

SEC. 202. Section 4 (a-1) (ii) of the Railroad Unemployment Insurance Act is amended by striking out all that follows "sickness compensation law" and precedes the first proviso and by inserting in lieu thereof the following: "other than this Act, or any other social-insurance payments under any law".

45 USC 358.

SEC. 203. Section 8 (a) of the Railroad Unemployment Insurance Act is amended by inserting before the period at the end thereof a semicolon and the following: "and in determining such balance as of September 30 of any year, the balance to the credit of the railroad unemployment insurance administration fund as of the close of business on such date shall be deemed to be a part of the balance to the credit of such account".

Social Security Act, amendments.
42 USC 1104.

SEC. 204. (a) Section 904 (a) of the Social Security Act is amended by inserting after "the railroad unemployment insurance account" the following: "or the railroad unemployment insurance administration fund".

42 USC 1104.

(b) Section 904 (e) of the Social Security Act is amended by striking out "and the railroad unemployment insurance account" and inserting in lieu thereof the following: "the railroad unemployment insurance account, and the railroad unemployment insurance administration fund".

42 USC 1104.

(c) Section 904 (f) of the Social Security Act is amended by striking out "fund as the Railroad Retirement Board" and all that follows and by inserting in lieu thereof the following: "railroad unemployment insurance account for the payment of benefits, and out of the railroad unemployment insurance administration fund for the pay-

ment of administrative expenses, as the Railroad Retirement Board may duly certify, not exceeding the amount standing to the credit of such account or such fund, as the case may be, at the time of such payment."

SEC. 205. Section 11 (a) of the Railroad Unemployment Insurance Act is amended by striking out the first sentence and the first two words of the second sentence, and by inserting in lieu thereof the following: "The Secretary of the Treasury shall maintain in the unemployment trust fund established pursuant to section 904 of the Social Security Act an account to be known as the railroad unemployment insurance administration fund. This unemployment insurance administration fund".

45 USC 361.

42 USC 1104.

SEC. 206. The second paragraph of section 12 (1) of the Railroad Unemployment Insurance Act is amended by striking out "Classification Act of 1923, except that the Board may fix the salary of a director of unemployment insurance at \$10,000 per annum" and inserting in lieu thereof the following: "Classification Act of 1949, as amended".

45 USC 362.

SEC. 207. (a) The amendments made by section 201 (a) shall be effective with respect to registration periods in benefit years after the benefit year ending on June 30, 1958.

Effective dates.
Ante, p. 1782.

(b) The amendments made by section 202 shall be effective with respect to days in benefit years after the benefit year ending on June 30, 1958.

Ante, p. 1782.

(c) The remaining amendments made by this part shall be effective, except as otherwise indicated therein, on the date of the enactment of this Act.

PART III—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 301. Section 202 (t) of the Social Security Act is amended by changing the period at the end of paragraph (4) thereof to a comma and inserting thereafter the word "or" and the following:

70 Stat. 835.
42 USC 402.

"(E) the individual on whose employment such benefit is based had been in service covered by the Railroad Retirement Act which was treated as employment covered by this Act pursuant to the provisions of section 5 (k) (1) of the Railroad Retirement Act."

45 USC 228e.

SEC. 302. The amendments made by section 301 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.

42 USC 402.

Approved September 6, 1958.

Public Law 85-928

AN ACT

To amend section 4201 of title 18, United States Code, with respect to the annual rate of compensation of members of the Board of Parole.

September 6, 1958
[S. 4096]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4201 of title 18, United States Code, is amended by deleting the second sentence thereof and substituting in lieu thereof the following sentence: The annual rate of basic compensation of each member of the Board shall be \$17,500.

64 Stat. 1085.

Approved September 6, 1958.