

Public Law 88-133

AN ACT

October 5, 1963
[H. R. 8100]

To amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, and the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 to increase the creditable and taxable compensation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1937

SECTION 1. Section 3(a) of the Railroad Retirement Act of 1937 is amended by striking out “\$250” and inserting in lieu thereof “\$300”.

50 Stat. 310;
73 Stat. 26.
45 USC 228c.

SEC. 2. Section 3(c) of the Railroad Retirement Act of 1937 is amended by inserting before “, shall be recognized” in the second sentence the following: “and before the calendar month next following the month in which this Act was amended in 1963, or in excess of \$450 for any month after the month in which this Act was so amended”.

SEC. 3. Section 4(k) of the Railroad Retirement Act of 1937 is amended by striking out “by the individual who rendered such military service”, and by striking out “six months” and inserting in lieu thereof “twelve months”.

56 Stat. 205;
60 Stat. 729.
45 USC 228c-1.

SEC. 4. Section 4(n) of the Railroad Retirement Act of 1937 is amended—

70 Stat. 877.

(1) by inserting after “January 1, 1937,” in the first and sixth sentences the following: “and after June 30, 1963,”;

(2) by striking out “after December 1956” in the first sentence and inserting in lieu thereof “after December 31, 1956, and before July 1, 1963,”;

(3) by striking out the second, third, and fourth sentences and inserting in lieu thereof the following: “The additional cost of crediting military service rendered prior to January 1, 1937, and after June 30, 1963, shall be determined as follows: (i) determine the difference between the actuarial value of the benefit payable under this Act based in part on military service and the actuarial value of the benefit which would be payable to the same individual without regard to military service; (ii) with respect to military service rendered after June 30, 1963, adjust such difference by applying thereto the ratio of the total net level cost of all benefits under this Act to the portion thereof remaining after the exclusion of administrative expenses and interest charges on the unfunded accrued liability after taking into account the effects of section 5(k) (2); and (iii) subtract the actuarial value of such benefit based on the individual’s military service as is includible in determinations made pursuant to section 5(k) (2). In calculating these actuarial values, the Board shall use such mortality tables and actuarial factors as it finds appropriate; the ratio referred to in clause (ii) of the preceding sentence shall be determined from time to time by the Board on the basis of actuarial estimates made in accordance with section 15; and all actuarial values shall be calculated as of the date on which the benefit based on military service begins to accrue and shall not thereafter be subject to change. All actuarial calculations in this subsection shall take into account interest at the rate used in the actuarial estimates referred to in the preceding sentence.”;

70 Stat. 836.
45 USC 228c.50 Stat. 316;
Post, p. 220.
45 USC 228c.

(4) by striking out all of the seventh sentence after "thereon" and inserting in lieu thereof a period;

(5) by striking out the eighth sentence and inserting in lieu thereof the following: "In determining pursuant to section 5(k) (2) for any fiscal year the total amount to be credited from the Railroad Retirement Account to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, credit shall be given such Account for the amount of the taxes described in clause (3) (B) of the first sentence of this subsection and the amount of such taxes with respect to military service after June 30, 1963."; and

(6) by adding at the end of the subsection the following new sentences: "The amount authorized to be appropriated to the Railroad Retirement Account pursuant to clause (2) of the first sentence of this subsection shall be reduced by the amounts credited to such Account pursuant to section 5(k) (2) for military service rendered before January 1, 1957, and the amounts so credited shall be considered as additional costs within the meaning of section 217(g) of the Social Security Act. In any determination made pursuant to section 5(k) (2), no further charges shall be made against the Trust Funds established by title II of the Social Security Act for military service rendered before January 1, 1957, and with respect to which appropriations authorized by clause (2) of the first sentence of this subsection shall have been credited to the Railroad Retirement Account, but the additional benefit payments incurred by such Trust Funds by reason of such military service shall be taken into account in making any such determination."

SEC. 5. Section 5(f) (2) of the Railroad Retirement Act of 1937 is amended by inserting after "so amended" (in the first parenthetical phrase after clause (vi)) the following: "and before the calendar month next following the month in which this Act was amended in 1963, and in excess of \$450 for any month after the month in which this Act was so amended".

SEC. 6. (a) Section 5(1) (9) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "and" where it appears the third time;

(2) by inserting after "so amended" the following: "and before the calendar month next following the month in which this Act was amended in 1963 and any excess over \$450 for any calendar month after the month in which this Act was so amended"; and

(3) by striking out "\$400" where it appears the second time and inserting in lieu thereof "\$450".

(b) Section 5(1) (10) of such Act is amended by striking out "\$400" and inserting in lieu thereof "\$450".

SEC. 7. (a) Section 15 of the Railroad Retirement Act of 1937 is amended by striking out the third sentence of subsection (a); and by striking out subsection (b) and inserting in lieu thereof the following:

"(b) At the request and direction of the Board, it shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the Account as, in the judgment of the Board, is not immediately required for the payment of annuities, pensions, and death benefits. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price; or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may

70 Stat. 836.
45 USC 288e.

70 Stat. 875.
42 USC 417.

42 USC 401-
425.

62 Stat. 577;
72 Stat. 1780.
45 USC 288e.

60 Stat. 734;
72 Stat. 1781.

50 Stat. 316.
45 USC 228o.

be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Account. Such obligations issued for purchase by the Account shall have maturities fixed with due regard for the needs of the Account, and shall bear interest at a rate equal to the average market yield, computed as of the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt that are not due or callable until after the expiration of three years from the end of such calendar month, except that where such rate is not a multiple of one-eighth of 1 per centum, the rate of interest on such obligations shall be the multiple of one-eighth of 1 per centum nearest such rate: *Provided*, That the rate of interest on such obligations shall in no case be less than 3 per centum per annum. The Secretary of the Treasury may purchase other interest-bearing obligations of the United States, or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only if he determines that such purchases are in the public interest, provided that the investment yield of such obligations shall not be less than the interest rate determined in accordance with the preceding sentence. If it is in the interest of the Account so to do, the Secretary of the Treasury may sell and dispose of obligations in the Account and he may sell obligations acquired by the Account (other than special obligations issued exclusively to the Account) at the market price. Special obligations issued exclusively to the Account shall, at the request of the Board, be redeemed at par plus accrued interest. All amounts credited to the Account shall be available for all purposes of the Account."

40 Stat. 288.
31 USC 774(2).

(b) The Secretary of the Treasury is authorized to retire the special obligations held by the Account on the date of enactment of this Act and to issue in lieu thereof special obligations with an interest rate determined as provided for in section 15(b) of the Railroad Retirement Act of 1937 as amended by this Act.

Supra.
Effective dates.

SEC. 8. The provisions of sections 1, 2, 5, and 6 of this Act shall be effective with respect to annuities accruing and deaths occurring after the month in which this Act is enacted. The provisions of section 3 shall be effective with respect to annuities awarded on or after the date of enactment of this Act. The provisions of section 7(a) shall be effective on the date of the enactment of this Act.

TITLE II—AMENDMENTS TO THE RAILROAD RETIREMENT TAX ACT

SEC. 201. Sections 3201 and 3211 of the Railroad Retirement Tax Act are each amended by inserting before the colon the following: "before the calendar month next following the month in which this provision was amended in 1963, or \$450 for any calendar month after the month in which this provision was so amended".

73 Stat. 28, 29.
26 USC 3201,
3211.

SEC. 202. Sections 3202 and 3221(a) of the Railroad Retirement Tax Act are each amended by inserting after "\$400" wherever it appears the following: "for any calendar month before the calendar month next following the month in which this provision was amended in 1963, or \$450 for any calendar month after the month in which this provision was so amended".

68A Stat. 431,
433; 73 Stat. 29.
26 USC 3202,
3221.

TITLE III—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND THE TEMPORARY EXTENDED RAILROAD UNEMPLOYMENT INSURANCE BENEFITS ACT OF 1961

SEC. 301. (a) Section 3 of the Railroad Unemployment Insurance Act is amended to read as follows:

54 Stat. 1097.
45 USC 353.

“Qualifying Condition

“SEC. 3. An employee shall be a ‘qualified employee’ if the Board finds that his compensation will have been not less than \$750 with respect to the base year, and, if such employee has had no compensation prior to such year, that he will have had compensation with respect to each of not less than seven months in such year.”

(b) The amendment made by subsection (a) shall be fully effective with respect to base years after 1963. With respect to the base year 1963, they shall be applicable only to an employee concerning whom the Railroad Retirement Board finds that his compensation in that portion of the calendar year 1963 preceding the first day of the calendar month next following the month of enactment of this Act will have been less than \$500.

SEC. 302. (a) Section 4(a-2)(i) of the Railroad Unemployment Insurance Act is amended to read as follows:

53 Stat. 846;
60 Stat. 737.
45 USC 354.

“(i) (A) subject to the provisions of subdivision (B) hereof, any of the days in the period beginning with the day with respect to which the Board finds that he left work voluntarily, and continuing until he has been paid compensation of not less than \$750 with respect to time after the beginning of such period;

“(B) if the Board finds that he left work voluntarily with good cause, the provisions of subdivision (A) shall not apply, with respect to him, to any day in a registration period if such period does not include any day which is in a period for which he could receive benefits under an unemployment compensation law other than this Act, and he so certifies. Such certification shall, in the absence of evidence to the contrary, be accepted subject to the penalty provisions of section 9(a) of this Act;”

52 Stat. 1103.
45 USC 359.

(b) The amendment made by subsection (a) shall be effective only with respect to an employee who leaves work voluntarily after the date of enactment of this Act.

Effective date.

SEC. 303. (a) Effective with respect to compensation paid after December 31, 1963, section 8(a) of the Railroad Unemployment Insurance Act is amended by striking out “3¾” in the table and inserting in lieu thereof “4”.

52 Stat. 1102.
45 USC 358.

(b) Effective with respect to contributions collected by the Railroad Retirement Board pursuant to section 8(f) of the Railroad Unemployment Insurance Act on compensation paid after December 31, 1963, that part of such contributions equal to one-fourth of 1 per centum of the compensation on which such contributions are based shall, notwithstanding the provisions of section 10(b) of such Act, be applied by the Board exclusively for transfers from the railroad unemployment insurance account to the general fund of the Treasury until the full amount advanced from the general fund of the Treasury to the railroad unemployment insurance account pursuant to section 4 of the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 has been repaid.

52 Stat. 1104.
45 USC 360.

(c) The last sentence of section 4 of the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 is hereby

75 Stat. 17.
45 USC 403.

repealed, effective with respect to contributions collected on compensation paid after December 31, 1963.

SEC. 304. Effective with respect to contributions collected by the Railroad Retirement Board after December 31, 1961, section 8(f) of the Railroad Unemployment Insurance Act is amended by striking out "0.2 per centum" and inserting in lieu thereof "0.25 per centum".

62 Stat. 578.
45 USC 358.

SEC. 305. Effective after June 30, 1964, section 10(d) of the Railroad Unemployment Insurance Act is amended by striking out "the rate of 3 per centum per annum" and inserting in lieu thereof "a rate for each fiscal year equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the preceding fiscal year, rounded to the nearest multiple of one-eighth of 1 per centum".

73 Stat. 32.
45 USC 360.

Approved October 5, 1963.

Public Law 88-134

AN ACT

October 5, 1963
[H. R. 5250]

To amend section 411(a) of title 38, United States Code, to increase the rates of dependency and indemnity compensation payable to widows of veterans dying from service-connected disabilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411(a) of title 38, United States Code, is amended by striking out "\$112" and inserting in lieu thereof "\$120".

72 Stat. 1127.

SEC. 2. The amendment made by this Act shall take effect on the effective date of the Uniformed Services Pay Act of 1963, or on January 1, 1964, whichever first occurs.

Effective date.
Ante, p. 210.

Approved October 5, 1963.

Public Law 88-135

AN ACT

October 8, 1963
[H. R. 6118]

To amend the Act providing for the admission of the State of Alaska into the Union with respect to the selection of public lands for the development and expansion of communities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of subsection (g) of section 6 of the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), is amended by striking out the period at the end thereof and adding "or, in the case of selections under subsection (a) of this section, one hundred and sixty acres."

Alaska.
Lands, develop-
ment.

48 USC prec.
21 note.

Approved October 8, 1963.