amendments made by Pub. L. 89–699 were to be made by the Board without application therefor.

Pub. L. 86–28, § 6(b), Mar. 19, 1959, 73 Stat. 28, provided that all recertifications required by reason of the amendments made by Pub. L. 86–28 to sections 228b, 228c, 228e, 228s–1 and the enactment of section 228z–1 of this title were to be made by the Board without application therefor.

Act Oct. 30, 1951, ch. 632, § 25(j), 65 Stat. 691, provided that all recertifications by the Board under act Oct. 30, 1951 were to be made without applications therefor unless required by reason of section 9 of act Oct. 30, 1951, in which case, recertifications were to be made only upon application therefor in such manner and form as the Board was to prescribe.

Act June 23, 1948, ch. 608, § 3, 62 Stat. 577, provided in part that all recertifications required by reason of act June 23, 1948 were to be made by the Board without application therefor.

RESTRICTIONS ON ESTABLISHMENT OF NEW ANNUITIES AND USE OF CERTAIN LABOR TACTICS

Pub. L. 91–215, § 7, Mar. 17, 1970, 84 Stat. 72, placed certain limitations on the utilization of particular procedures established under the Railway Labor Act, section 151 et seq. of this title, when alterations in the provisions of this subchapter regarding certain annuity payments were being sought and placed similar limitations on the use of strikes and lockouts as labor practices when such changes were being sought.

§ 228d. Repealed. July 31, 1946, ch. 709, § 212, 60 Stat. 729

Section, act Aug. 29, 1935, ch. 812, § 4, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 311, related to joint and survivor annuity.

§§ 228e to 228z–1. Omitted

Editorial Notes

CODIFICATION

Sections 228e to 228z–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 228e, act Aug. 29, 1935, ch. 812, § 5, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 312; amended Apr. 8, 1942, ch. 227, § 12, 56 Stat. 208; 1946 Reorg. Plan No. 2, § 4, eff. July 16, 1946; 11 F.R. 7873, 60 Stat. 1095; acts July 31, 1946, ch. 709, § 213, 60 Stat. 729; June 23, 1948, ch. 608, § 2, 62 Stat. 577; Oct. 30, 1951, ch. 632, §§ 11 to 23, 65 Stat. 685; July 18, 1952, ch. 945, § 6(d)(2), (3), 66 Stat. 777; 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953 18 F.R. 2053, 67 Stat. 631; acts Aug. 31, 1954, ch. 1164, pt. I, §§ 8–14, 68 Stat. 1039; Sept. 1, 1954, ch. 1206, title I, § 106(f), title IV, § 401(b)–(d), 68 Stat. 1081, 1097; Aug. 12, 1955, ch. 869, §§ 2, 3, 69 Stat. 716; Aug. 1, 1956, ch. 836, title I, § 120(b), (c), 70 Stat. 836; Aug. 7, 1956, ch. 1022, § 2, 70 Stat. 1076; Aug. 30, 1957, Pub. L. 85–238, § 4(b), (c), 71 Stat. 520; Sept. 6, 1958, Pub. L. 85–927, § 2, 72 Stat. 1779; May 19, 1959, Pub. L. 86–28, pt. I, § 3, 73 Stat. 27; Sept. 13, 1960, Pub. L. 86–778, title II, § 211(*o*)(2), 74 Stat. 958; Sept. 22, 1961, Pub. L. 87–285, § 3, 75 Stat. 585; Oct. 5, 1963, Pub. L. 88–133, title I, §§ 5, 6, 77 Stat. 220; July 30, 1965, Pub. L. 89–97, title I, § 111(b)(2), title III, § 326(b), 79 Stat. 341, 400; Sept. 29, 1965, Pub. L. 89–212, § 3(c)–(e), 79 Stat. 860; Oct. 30, 1966, Pub. L. 89–699, title II, § 201(d)–(f), 80 Stat. 1076; Oct. 30, 1966, Pub. L. 89–700, title I, § 105, title III, § 301(i), (iv)(b), (c), 80 Stat. 1082, 1088; Jan. 2, 1968, Pub. L. 90–248, title I, § 151(d)(3), 81 Stat. 860; Feb. 15, 1968, Pub. L. 90–257, title I, § 105, 82 Stat. 19; Aug. 12, 1970, Pub. L. 91–377, § 3, 84 Stat. 791, July 2, 1971, Pub. L. 92–46, § 3, 85 Stat. 101; Oct. 4, 1972, Pub. L. 92–460, § 1(e), (f), 86 Stat. 766; July 6, 1973, Pub. L. 93–58, § 2, 87 Stat. 141; July 10, 1973, Pub. L. 93–69, title I, § 104(d), 87 Stat. 164, related to annuities and lump sum payments for survivors. See sections 231c and 231e of this title.

Section 228f, act Aug. 29, 1935, ch. 812, § 6, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 312, related to pensions to individuals on pension or gratuity rolls of employers. See section 231*o* of this title.

Section 228g, act Aug. 29, 1935, ch. 812, § 7, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 313, related to additional pensions or gratuities by employers. See section 231*o* of this title.

Section 228h, act Aug. 29, 1935, ch. 812, § 8, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 313; amended July 31, 1946, ch. 709, § 214, 60 Stat. 735; Oct. 30, 1966, Pub. L. 89–700, title I, § 106, 80 Stat. 1085, related to filing of compensation returns by employers with Board. See section 231h of this title.

Section 228h–1, act Oct. 9, 1940, ch. 797, § 4, 54 Stat. 1089, related to records of service and compensation prior to Jan. 1, 1937, was transferred to a note set out under section 228h of this title.

Section 228i, act Aug. 29, 1935, ch. 812, § 9, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 314; amended Oct. 10, 1940, ch. 842, § 26, 54 Stat. 1100; Oct. 30, 1966, Pub. L. 89–700, title I, § 107, 80 Stat. 1085, related to erroneous payments by the Board. See section 231i of this title.

Section 228j, act Aug. 29, 1935, ch. 812, § 10, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 314; amended 1940 Reorg. Plan No. III, § 1(a), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; acts June 25, 1948, ch. 646, 19§§ 1, 32(b), 62 Stat. 875, 895, 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880; Aug. 12, 1955, ch. 869, § 5, 69 Stat. 716; Sept. 6, 1958, Pub. L. 85–927, pt. I, § 3, 72 Stat. 1781; Sept. 6, 1966, Pub. L. 89–554, § 8(a), 80 Stat. 660; Oct. 30, 1966, Pub. L. 89–700, title I, § 108, 80 Stat. 1085; Feb. 15, 1968, Pub. L. 90–257, title I, § 106, 82 Stat. 21, related to establishment of Railroad Retirement Board. See section 231f of this title.

Section 228k, act Aug. 29, 1935, ch. 812, § 11, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 315; amended July 31, 1946, ch. 709, § 215, 60 Stat. 735, related to court jurisdiction under this subchapter. See section 231g of this title.

Section 228*l*, act Aug. 29, 1935, ch. 812, § 12, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 316 and amended Aug. 12, 1955, ch. 869, § 4, 69 Stat. 716, related to assignability of annuities and pension payments under this subchapter. See section 231m of this title.

Section 228m, act Aug. 29, 1935, ch. 812, § 13, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 316; amended Sept. 6, 1958, Pub. L. 85–927, pt. I, § 4, 72 Stat. 1781, related to penalties under this subchapter. See section 231*l* of this title.

Section 228n, act Aug. 29, 1935, ch. 812, § 14, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 316, related to separability of provisions. See section 231s of this title.

Section 228*o*, act Aug. 29, 1935, ch. 812, § 15, as restated June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 316; amended Sept. 22, 1959, Pub. L. 86–346, title I, § 104(4), 73 Stat. 622; Oct. 5, 1963, Pub. L. 88–133, title I, § 7(a), 77 Stat. 220; Oct. 30, 1966, Pub. L. 89–699, title I, § 2, 80 Stat. 1074; Mar. 17, 1970, Pub. L. 91–215, § 3, 84 Stat. 70; Aug. 12, 1970, Pub. L. 91–377, § 5, 84 Stat. 792, related to establishment of Railroad Retirement Account. See section 231n of this title.

Section 228p, act Aug. 29, 1935, ch. 812, § 16, as added June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 317, related to authorization of appropriations under this subchapter.

Section 228q, act Aug. 29, 1935, ch. 812, § 17, as added June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 317; amended Oct. 30, 1951, ch. 632, § 24, 65 Stat. 690, defined ''employment'' as used in this subchapter. See section 231q of this title.

Section 228r, act Aug. 29, 1935, ch. 812, § 18, as added June 24, 1937, ch. 382, pt. I, § 1, 50 Stat. 318, related to free transportation. See section 231p of this title.

Section 228s, act Aug. 29, 1935, ch. 812, § 19(a), (b), as added June 24, 1937, ch. 382, pt. I, § 1, as added Apr. 8, 1942, ch. 227, § 11, 56 Stat. 207, 208; amended Oct. 30, 1966, Pub. L. 89–700, title I, § 109, 80 Stat. 1085, related to incompetence. See section 231k of this title.

Section 228s–1, act June 24, 1937, ch. 382, pt. I, § 20, as added Aug. 31, 1954, ch. 1164, pt. I, § 15, 68 Stat. 1040; amended May 19, 1959, Pub. L. 86–28, pt. I, § 4, 73 Stat.

28; Aug. 29, 1959, Pub. L. 86–211, §8(c), 73 Stat. 436; Oct. 30, 1966, Pub. L. 89–700, title I, §110, 80 Stat. 1085, related to waiver of annuities and pensions under this subchapter. See section 231k of this title

Section 228s–2, act Aug. 29, 1935, ch. 812, §21, as added July 30, 1965, Pub. L. 89–97, title I, §105(a)(1), 79 Stat. 335; amended July 30, 1965, Pub. L. 89–97, title I, §111(b)(1), 79 Stat. 340; Jan. 2, 1968, Pub. L. 90–248, title I, §129(c)(13), 81 Stat. 849, related to hospital insurance benefits for the aged. See section 231f of this title.

Section 228s–3, act Aug. 29, 1935, ch. 812, §22, as added Oct. 30, 1972, Pub. L. 92–603, title II, §201(d), 86 Stat. 1373, related to hospital insurance benefits for the disabled. See section 231f of this title.

Section 228t, act Oct. 30, 1951, ch. 632, §25(d), 65 Stat. 690, related to certain retirement or survivor annuities awarded prior to Oct. 30, 1951.

Section 228u, act Oct. 30, 1951, ch. 632, §25(e), 65 Stat. 690, related to determination of entitlement to a survivor annuity.

Section 228v, act Oct. 30, 1951, ch. 632, §25(f), 65 Stat. 691, related to law governing the awards of annuities.

Section 228w, act Oct. 30, 1951, ch. 632, §25(g), 65 Stat. 691, related to increased pensions after Nov. 30, 1961.

Section 228x, act Oct. 30, 1951, ch. 632, §25(h), 65 Stat. 691, related to increased annuities under subchapter II of this chapter.

Section 228y, act Oct. 30, 1951, ch. 632, §25(i), 65 Stat. 691, related to certain reduced annuities.

Section 228z, act Aug. 7, 1956, ch. 1022, §3, 70 Stat. 1076, related to increased pensions and annuities awarded before July 1, 1956 and annuities under subchapter II of this chapter.

Section 228z–1, Pub. L. 86–28, pt. I, §5, May 19, 1959, 73 Stat. 28, related to additional increases in certain pensions and annuities.

Statutory Notes and Related Subsidiaries

ACTUARIAL SOUNDNESS OF THE RAILROAD RETIREMENT SYSTEM

Pub. L. 93–69, title I, §107, July 10, 1973, 87 Stat. 165, authorized certain designated representatives of employees and representatives of carriers to submit to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce, no later than Apr. 1, 1974, a report containing their recommendations for restructuring the railroad retirement system to assure long-term actuarial soundness.

ADOPTED CHILD'S REENTITLEMENT TO ANNUITY

Pub. L. 93–58, §4(b), July 6, 1973, 87 Stat. 141, provided that any child whose entitlement to an annuity under section 228e(c) of this title was terminated by reason of his or her adoption prior to July 6, 1973, and who otherwise would have been entitled to an annuity under such section for a month after July, 1973, could become reentitled to his or her annuity by proper application.

CERTAIN PERSONS BECOMING EMPLOYERS

Act July 31, 1946, ch. 709, §409, 60 Stat. 743, provided that in the application of section 228f of this title with respect to persons who were not employers before the enactment of act July 31, 1946, the dates Jan. 1, 1946, and Jan. 1, 1947, were to be substituted for Mar. 1, 1937 and July 1, 1937, respectively.

COMMISSION ON RAILROAD RETIREMENT

Pub. L. 91–377, §7, Aug. 12, 1970, 84 Stat. 792, as amended by Pub. L. 92–46, §7, July 2, 1971, 85 Stat. 102, established a commission on railroad retirement, prescribed its composition, designated the rates of pay for its members, authorized a study of the retirement system and its financing, authorized appropriations for funding the expenses of the commission, and required that the commission submit a full report on its work no later than June 30, 1972.

CONGRESSIONAL DECLARATION OF 1974 LEGISLATIVE INTENT

Pub. L. 93–69, title I, §108, July 10, 1973, 87 Stat. 165, provided that the Congress declared its intent to enact legislation in 1974, effective not later than Jan. 1, 1975, which would assure the long-term actuarial soundness of the railroad retirement system.

CONVERSION OF SPECIAL OBLIGATIONS IN RAILROAD RETIREMENT ACCOUNT ON OCT. 5, 1963; INTEREST RATE

Pub. L. 88–133, §7(b), Oct. 5, 1963, 77 Stat. 220, provided that: ''The Secretary of the Treasury is authorized to retire the special obligations held by the account on the date of enactment of this Act [Oct. 5, 1963] 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 [Pub. L. 88–133].''

DETERMINATION OF AMOUNTS OF SOCIAL SECURITY BENEFITS

Pub. L. 91–377, §4(c), Aug. 12, 1970, 84 Stat. 792, provided that the amount by which a social security benefit computed under Pub. L. 90–248, Jan. 2, 1968, 81 Stat. 821, known as the Social Security Amendments of 1967, for purposes of Pub. L. 91–377, was to be deemed to be an amount equal to 87 per cent of such benefit computed under Pub. L. 91–172, title X, Dec. 30, 1969, 83 Stat. 737, known as the Social Security Amendments of 1969, and the amount by which an individual's social security benefit was increased by reason of the Social Security Amendments of 1969 was to be deemed to be 13 per cent of such individual's social security benefit as computed under the Social Security Amendments of 1969.

ENTITLEMENT TO ANNUITY OR PENSION UNDER RAILROAD RETIREMENT ACT OF 1937 AS INCLUDING ENTITLEMENT UNDER RAILROAD RETIREMENT ACT OF 1935

Pub. L. 89–97, title I, §105(a)(2), July 30, 1965, 79 Stat. 335, provided that for purposes of section 21 of the Railroad Retirement Act of 1937, section 21 of act Aug. 29, 1935, as added by section 105(a)(1) of Pub. L. 89–97, and for certain other purposes, entitlement to an annuity or pension under this subchapter was to be deemed to include entitlement under subchapter II of this chapter.

HOSPITAL INSURANCE BENEFITS FOR THE AGED

Act Aug. 29, 1935, ch. 812, §21, as added July 30, 1965, Pub. L. 89–97, title I, §105(a)(1), 79 Stat. 335, required the Railroad Retirement Board to certify to the Secretary of Health, Education, and Welfare, in order to provide hospital insurance benefits for annuitants, pensioners, and certain other aged individuals for purposes of the Social Security program, the name of anyone aged 65 who was entitled to an annuity or pension under this subchapter, would have been so entitled had he ceased compensated service and had applied for such annuity, or bore a particular relationship to certain qualified employees, and specified such additional information as such certification was to include.

INCREASES IN CERTAIN PENSIONS AND ANNUITIES

Pub. L. 93–69, title I, §105, July 10, 1973, 87 Stat. 164, provided that if title II of the Social Security Act, section 401 et seq. of Title 42, The Public Health and Welfare, was amended to provide an increase in benefits at any time during the period July 1, 1973 to Dec. 31, 1974, the pension of each recipient under section 228f of this title and the annuity of each recipient under this subchapter was to be increased by an amount computed under the method set forth in section 228c(a)(6) of this title.

Pub. L. 92–460, §2 Sept. 4, 1972, 86 Stat. 766, provided for 20 per cent increases in pensions under section 228f of this title, annuities under subchapter II of this chapter, certain survivor annuities, and certain widows' and widowers' insurance annuities.

Pub. L. 92–46, § 5, July 2, 1971, 85 Stat. 101, provided for 10 per cent increases in pensions under section 228f of this title, annuities under subchapter II of this chapter, certain survivor annuities, and certain widows' and widowers' insurance annuities.

Pub. L. 91–377, § 4(b)(1), Aug. 12, 1970, 84 Stat. 792, provided for 15 per cent increases in pensions under section 228f of this title, annuities under subchapter II of this chapter, certain survivor annuities, and certain widows' and widowers' insurance annuities, provided that there would be a reduction in the amount of the increase where the recipient was also a recipient of certain social security benefits.

Pub. L. 90–257, § 107, Feb. 15, 1968, 82 Stat. 22, provided for certain increases in pensions under section 228f of this title, annuities under subchapter II of this chapter, survivor annuities and widows' and widowers' insurance annuities, provided that there would be a reduction in the amount of the increase where the recipient was also a recipient of certain social security benefits.

Pub. L. 89–699, § 201(g), Oct. 30, 1966, 80 Stat. 1077, provided for 7 per cent increases in pensions under section 228f of this title, annuities under subchapter II of this chapter, certain survivor annuities, and certain widows' and widowers' insurance annuities, provided that there would be a reduction in the amount of the increase where the recipient was also a recipient of certain social security benefits.

PERMANENCY OF INCREASES IN CERTAIN PENSIONS AND ANNUITIES

Pub. L. 92–460, § 6, Sept. 4, 1972, 86 Stat. 767, provided that it was the policy of Congress that the 20 per cent increase in pension and annuity benefits provided by section 2 of Pub. L. 92–460, as well as the 10 per cent and 15 per cent increases provided by section 5 of Pub. L. 92–46 and section 4(b)(1) of Pub. L. 91–377, respectively, could become permanent only if measures were taken to assure that the Railroad Retirement Account would remain solvent, and required representatives of employees, retirees, and carriers to submit to Congress reports containing their recommendations for such solvency measures no later than Mar. 1, 1973, and required the Railroad Retirement Board to submit its solvency recommendations to Congress no later than Apr. 1, 1973.

PRESUMPTION OF HIGHER INCREASES IN ANNUITIES

Pub. L. 90–257, § 108(b), Feb. 15, 1968, 82 Stat. 23, provided that in cases where an annuity was payable in the month before the month with respect to which increases in benefits under title II of the Social Security Act, sections 401 et seq. of Title 42, The Public Health and Welfare, provided for by Pub. L. 90–248, Jan. 2, 1968, 81 Stat. 821, known as the Social Security Amendments of 1967, became effective in an amount determined under this subchapter, other than under the first proviso of section 228c(e) of this title, the provisions of Pub. L. 90–257 were to be presumed to provide a higher amount of increase in annuity than the provisions of the Social Security Amendments of 1967 would provide under the first proviso of section 228c(e) of this title.

RAILROAD RETIREMENT AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SYSTEM

Pub. L. 89–97, § 105(c), July 30, 1965, 79 Stat. 336, provided that amendments preserving the relationship between the railroad retirement and old-age, survivors, and disability insurance systems were contained in section 326 of Pub. L. 89–97, which amended sections 228 and 228e of this title.

TRANSFER OF FUNDS FOR PAYMENT OF SUPPLEMENTAL ANNUITIES

Pub. L. 91–215, § 6, Mar. 17, 1970, 84 Stat. 71, authorized the Railroad Retirement Board to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the Railroad Retirement Supplemental Account such funds as were necessary to meet the payment of the supplemental annuities pursuant to section 228c(j) of this title, as well as the administrative expenses necessarily involved for the six months following Mar. 17, 1970, and required the Board to request the return of an equal amount plus interest to the Railroad Retirement Account from the Supplemental Account within one year from Mar. 17, 1970.

Pub. L. 89–699, § 3(b), Oct. 30, 1966, 80 Stat. 1075, authorized the Railroad Retirement Board to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the Railroad Retirement Supplemental Account such funds as were necessary to meet the payment of the supplemental annuities pursuant to section 228c(j) of this title, as well as the administrative expenses necessarily involved for the six months following Oct. 30, 1966, and required the Board to request the return of an equal amount plus interest to the Railroad Retirement Account from the Supplemental Account within one year from Oct. 30, 1966.

SUBCHAPTER IV—RAILROAD RETIREMENT ACT OF 1974

Editorial Notes

CODIFICATION

This subchapter is comprised of act Aug. 29, 1935, ch. 812, as amended in its entirety and completely revised by act June 24, 1937, ch. 382, part I, 50 Stat. 307, and as further amended in its entirety and completely revised by Pub. L. 93–445, title I, § 101, Oct. 16, 1974, 88 Stat. 1305, eff. Jan. 1, 1975. The Act, as restated by Pub. L. 93–445, was redesignated the Railroad Retirement Act of 1974. See section 231t of this title. The Act is set out in this subchapter carrying a statutory credit showing restatement by act June 24, 1937 and a further restatement by Pub. L. 93–445 without reference to amendments made to the Act between its original enactment in 1935 and 1974. For history of the Act, credits, and note material, see subchapters II and III of this chapter.

§ 231. Definitions

For the purposes of this subchapter—

(a)(1) The term ''employer'' shall include—

(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of title 49;

(ii) any company which is directly or indirectly owned or controlled by, or under common control with, one or more employers as defined in paragraph (i) of this subdivision, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad;

(iii) any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any employer as defined in paragraph (i) or (ii) of this subdivision;

(iv) any railroad association, traffic association, tariff bureau, demurrage bureau, weighing and inspection bureau, collection agency and any other association, bureau, agency, or organization which is controlled and maintained wholly or principally by two or more employers as defined in paragraph (i), (ii), or (iii) of this subdivision and which is engaged in the performance of services in connection