

c. 347, § 12, 44 Stat. 587; June 21, 1934, c. 691, § 7, 48 Stat. 1197.)

§ 163. **Repeal of prior legislation; exception.** Chapters 6 and 7 of this title, providing for mediation, conciliation, and arbitration, and all Acts and parts of Acts in conflict with the provisions of this chapter are repealed, except that the members, secretary, officers, employees, and agents of the Railroad Labor Board, in office on May 20, 1926, shall receive their salaries for a period of 30 days from such date, in the same manner as though this chapter had not been passed. (May 20, 1926, c. 347, § 14, 44 Stat. 587.)

§ 164. **Advertisements for proposals for purchases or services rendered for Board of Mediation, including arbitration boards.** Section 5 of Title 41 shall not be construed to apply to any purchase or service rendered for the Board of Mediation, including arbitration boards established under this title when the aggregate amount involved does not exceed the sum of \$50. (Feb. 11, 1927, c. 104, § 1, 44 Stat. 1072.)

The Board of Mediation has been abolished and a National Mediation Board established. See section 154 of this title.

Chapter 9.—RETIREMENT OF RAILROAD EMPLOYEES

Sec.

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Section 201. Definitions. As used in this chapter—

(a) The term "carrier" includes any express company, sleeping-car company, carrier by railroad, subject to Chapter 1 of Title 49, and any company which is directly or indirectly owned or controlled by or under common control with any carrier by railroad and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation of passengers or property or the receipt, delivery, elevation, transfer in transit, refrigeration or icing storage, and handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the business of any such "carrier": *Provided, however,* That the term "carrier" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso.

(b) The term "employee" means each person in the service of a carrier, subject to its continuing authority to supervise and direct the manner of rendition of his service, who has been in such service within one year before the enactment hereof, or who after the enactment hereof shall have been in such service. The term "employee" also includes each officer or other official representative of an "employee organization", herein called "representative", who has performed service for a carrier, who is duly designated and authorized to represent employees under and in accordance with Chapter 8 of this title, and who, during, or following employment by

a carrier, is engaged in such representative service in behalf of such employees.

(c) The term "Board" means the Railroad Retirement Board hereby created.

(d) The term "annuity" means regular payments at the end of each completed month during retirement, ceasing at death or at resumption of compensated service.

(e) The term "service" means the employment relation between an employee and a carrier whether before or after the enactment hereof.

(f) The term "service period" means the total service of an employee for one or more carriers whether or not continuously performed, and includes as one month every calendar month during which the employee has been paid compensation by a carrier and includes as one year every twelve such months. An ultimate fraction of six months or more shall be computed as one year.

(g) The term "retirement" means the status of cessation of compensated service with the right to receive an annuity.

(h) The term "age" means age at the latest attained birthday.

(i) The term "carrier contribution" means the payment to be made by each carrier.

(j) The term "employee contribution" means the payment to be made by each employee.

(k) The term "voluntary contribution" means the payment made by an employee equal to the total of both the employee and the carrier contribution.

(l) The term "effective date" means the 1st day of the second month after June 27, 1934.

(m) The term "Railroad Retirement Act" means and may be used in citing this chapter and subsequent amendments thereto. (June 27, 1934, c. 868, § 1, 48 Stat. 1283.)

§ 202. **Purposes (a) Railroad retirement system established; administration and construction.** For the purpose of providing adequately for the satisfactory retirement of aged employees and promoting efficiency and safety in interstate transportation, and to make possible greater employment opportunity and more rapid advancement of employees in the service of carriers, there is hereby established a railroad retirement system; and it is made the duty of all carriers and employees subject to this chapter to perform and fulfill the obligations imposed thereby. This chapter shall be administered and construed with the intent and to the purpose of providing the greatest practicable amount of relief from unemployment and the greatest possible use of resources available for said purpose and for the payment of annuities for the relief of superannuated employees. (June 27, 1934, c. 868, § 2, 48 Stat. 1284.)

(b) **Special report.** Not later than four years from the effective date, the Board, in a special report to the President of the United States to be submitted to Congress, shall make specific recommendations for such changes in the retirement system hereby created as shall assure the adequacy and permanency of said retirement system on the basis of its experience and all information and experience then available. For this purpose the Board shall from time to time make such investigations and actuarial studies as shall provide the fullest information practicable for such report and recommendations. (June 27, 1934, c. 868, § 2, 48 Stat. 1284.)

§ 203. **Annuities.** Each employee having attained the age of sixty-five years, or having completed a service period of thirty years, shall be paid an annuity, to begin on a date specified in a written application, which date shall not be more than sixty days before the making of the application. No annuity shall begin less than six months after the effective date. Such annuity shall be based upon the service period of the employee and shall be the sum of the amounts determined by multiplying the number of years of service, not exceeding thirty years, by the following percentages of the monthly compensation: 2 per centum of the first \$50; 1½ per centum of the

next \$100; and 1 per centum of the compensation in excess of \$150. The "monthly compensation" shall be the average of the monthly compensation paid to the employee by the carrier, except that where applicable for service before the effective date the monthly compensation shall be the average of the monthly compensation for all pay-roll periods for which the employee has received compensation from any carrier out of eight consecutive calendar years of such services ending December 31, 1931. No part of any monthly compensation in excess of \$300 shall be recognized in determining any annuity for any employee contribution. The annuity shall be reduced by one-fifteenth of such annuity for each year the employee is less than sixty-five years of age at the time of the first annuity payment. No such reduction shall be made, if the Board shall determine that the carrier has retired the employee because of physical or mental inability to continue in active service. Upon death of an employee before or after retirement an amount, equal at his death to a computation, with interest at 3 per centum compounded annually, of the accumulation from his payments less any annuity payments received by him, shall be paid as he may have designated or to his legal representative. Any employee who upon retirement shall be entitled to an annuity with a value determined by the Board of less than \$300 shall be paid such value in a lump sum. (June 27, 1934, c. 868, § 3, 48 Stat. 1284.)

§ 204. **Retirement.** Retirement shall be compulsory upon employees who, on the effective date, have attained or thereafter shall attain the age of sixty-five years. The carrier and the employee may, by an agreement in writing filed with the Board, extend the time for retirement as to such employee for one year and for successive periods of one year each, but not beyond the age of seventy years. Until five years from the effective date, the compulsory retirement shall not apply to an employee who from and after the effective date occupies an official position in the service of a carrier. (June 27, 1934, c. 868, § 4, 48 Stat. 1285.)

§ 205. **Contribution.** Each employee shall pay an employee contribution in a percentage upon his compensation. Each carrier shall pay a carrier contribution equal to twice the contributions of each employee of such carrier. The employee compensation shall be the compensation for service paid to such employee by the carrier excluding compensation in excess of \$300 per month. The contribution percentage shall be determined by the Board from time to time, and shall be such as to produce from the combined employee and carrier contributions, with a reasonable margin for contingencies, the amount necessary to pay the annuities, other disbursements, and the expenses becoming payable from time to time. Until the Board shall determine on a different percentage the employee contribution percentage shall be 2 per centum. Employee contributions shall be deducted by the carrier from the compensation of its employees and shall be paid by the carrier, together with the carrier contributions, into the Treasury of the United States quarterly or at such other times as ordered by the Board. (June 27, 1934, c. 868, § 5, 48 Stat. 1285.)

§ 206. **Existing pension systems.** The Board shall have the power to provide by appropriate rules and regulations for substituting the provisions for annuities and other benefits to employees under this chapter, for any obligation for prior service or for any existing provisions for the voluntary payment of pensions to employees subject to this chapter by a carrier or any employees subject to this chapter, so as to relieve such carrier from its obligations for age retirement benefits under its existing pension systems and to transfer such obligations to the retirement system herein established. If the fulfillment of any such transferred obligation shall require additional contributions or larger payments than would otherwise be required under the provisions of this chapter, then such additional contributions

shall be made by the carrier originally responsible for the creation of such obligation or for the excess amount of such payments over those which would be required under the provisions of this chapter. In the event that the Board is unable to make satisfactory arrangements with any carrier for the substitution of the provisions under this chapter for its existing pension system, then, and in that event, the provisions of this chapter shall be applied to said carrier and its employees without regard to any conflict or duplication in the operation of such an existing pension system and the operation and effect of the provisions of this chapter: *Provided*, That the Board, at its option, shall have power, in lieu of the foregoing provisions of this section, to order that all former employees of carriers, who prior to the effective date have become separated from the service at the age of seventy years or over and who may or may not be receiving age retirement benefits, shall be entitled to the benefits of this chapter. (June 27, 1934, c. 868, § 6, 48 Stat. 1285.)

§ 207. **Employee representatives.** Any representative of an employee organization who is included within the definition of "employee" in paragraph (b), section 201 of this chapter shall have the option, but shall not be required to continue or to become a beneficiary under the provisions of this chapter. If he shall elect to continue or to become such a beneficiary he shall pay all voluntary contributions.

For the purposes of this section the requirements of section 204 of this chapter shall not apply. Service rendered to an employee organization shall be included in computing the total service period of such representative.

For such representative who shall elect to become a beneficiary under this chapter, the basic compensation upon which contributions shall be made and benefits calculated shall be that compensation paid by the carrier for service rendered in the position to which the rights of such representative would entitle him for the period defined in section 203 of this chapter: *Provided*, That if no definite and specific rights obtain, the average compensation paid to the four employees whose last date of entry in the service is nearest the date of entry in the service of the same carrier by such representative, shall be his basic compensation to be determined for the period defined in section 203 of this chapter. When a question arises as to rights under this provision the Board shall investigate and determine rights of such representative.

For such representative who elects to continue as a beneficiary under the provisions of this chapter, his basic compensation shall be the average monthly compensation paid to him by the carrier during the last twelve months of active service with such carrier. (June 27, 1934, c. 868, § 7, 48 Stat. 1286.)

§ 208. **Retirement fund.** All moneys paid into the Treasury under the provisions of this chapter, all interest, and other receipts, and all refunds of moneys paid out under this chapter shall constitute and be kept in a separate fund in the Treasury to be known as the "railroad retirement fund." At the request and direction of the Board, the Treasurer of the United States, with the approval of the Secretary of the Treasury, is authorized to invest such funds as are not immediately required for disbursements in interest-bearing bonds, notes, or other obligations of the United States, and to collect the principal and interest of such securities and to sell and dispose of the same as in the judgment of the Board shall be in the interest of said fund. There is hereby appropriated such sums not in excess of the amounts in said fund as may be necessary to pay all annuities, other disbursements and the expenses of administration of this chapter. (June 27, 1934, c. 868, § 8, 48 Stat. 1286.)

§ 209. **Retirement board.** (a) **Personnel.** There is hereby established as an independent agency in the executive branch of the Government a Railroad Retirement Board, to be composed of three members appointed by the President, by and with the advice and consent of the Senate. Each member shall hold

office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of the term and the terms of office of the members first taking office after June 27, 1934, shall expire, as designated by the President, one at the end of two years, one at the end of three years, and one at the end of four years, after June 27, 1934. One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of the carriers, in both cases as the President shall direct, so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and carriers concerned. One member, who shall be the chairman of the Board, shall be appointed initially, for a term of two years, without recommendation by either carriers or employees and shall not be in the employment of or be pecuniarily or otherwise interested in any carrier or organization of employees. Vacancies in the Board shall not impair the powers nor affect the duties of the Board nor of the remaining members of the Board of whom a majority of those in office shall constitute a quorum for the transaction of business. Each of said members shall receive a salary of \$10,000 per year, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, while away from the principal office of the Board on duties required by this chapter. The members and employees of the Board shall be included as employees under this chapter and together with employees receiving annuities shall be furnished free transportation in the same manner as such transportation is furnished to employees.

(b) **Duties.** The Board shall have and exercise all the duties and powers necessary to administer this chapter. The Board shall receive and take such steps and institute and prosecute such proceedings and actions as may be necessary to enforce the payments and obligations required under the chapter, make and certify awards and payments, and account for all moneys and funds necessary thereto. The Board may require such advances upon the payments of carrier as necessary to put this chapter into operation. The Board shall establish and promulgate rules and regulations and provide for the adjustment of all controversial matters, with power as a Board or through any member or subordinate designated therefor, to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations in any matter involving annuities or other payments, and shall maintain such offices, provide such equipment, furnishings, supplies, services, and facilities and employ such persons and provide for their compensation and expenses, as may be necessary to the proper discharge of its functions. All rules, regulations, or decisions of the Board shall require the approval of at least two members and shall be entered upon the records of the Board and shall be a public record. The Board shall gather, keep, compile, and publish in convenient form such records and data as may be necessary, and at intervals of not more than two years shall cause to be made actuarial surveys and analyses, to determine from time to time the payments to be required to provide for all annuities, other disbursements and expenses, and to assure proper administration and the adequacy and permanency of the retirement system hereby established. The Board shall have power to require all carriers and employees and any officer, board, commission, or other agency of the United States to furnish such information and records as shall be necessary for the administration of this chapter. The Board shall make an annual report to the President of the United States to be submitted to Congress. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. (June 27, 1934, c. 868, § 9, 48 Stat. 1287.)

§ 210. **Court jurisdiction.** The several district courts of the United States and the Supreme Court of

the District of Columbia shall have jurisdiction to entertain an application and to grant appropriate relief in the following cases which may arise under the provisions of this chapter:

(a) An application by the Board to compel an employee or other person residing within the jurisdiction of said court, or a carrier subject to service of process within said jurisdiction, to comply with any obligations imposed on said employee, other person, or carrier under the provisions of this chapter.

(b) An application by an employee or carrier to the Supreme Court of the District of Columbia or to the district court of any district wherein the Board maintains an office or has designated an agent authorized to accept service in its behalf, to compel the Board to set aside an action or decision claimed to be in violation of a legally enforceable right of the applicant, or to take an action, or to make a decision necessary for the enforcement of a legal right of the applicant, when the applicant shall establish his right to a judicial review upon the jurisdictional ground that, unless he is granted a judicial review of the action or decision, or failure of the Board to act or to decide, of which he complains, he will be deprived of a constitutional right to obtain a judicial determination of his alleged right.

(c) The jurisdiction herein specifically conferred upon the said Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by said courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this chapter. (June 27, 1934, c. 868, § 10, 48 Stat. 1288.)

§ 211. **Exemption.** No annuity or death payment shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever. (June 27, 1934, c. 868, § 11, 48 Stat. 1288.)

§ 212. **Penalties; carriers.** On the failure of any carrier to make any payment when due under the provisions of this chapter, such carrier, unless excused by order of the Board, shall pay an additional 1 per centum of the amount of such payment for each month such payment is delayed. (June 27, 1934, c. 868, § 12, 48 Stat. 1288.)

§ 213. **Same; other persons.** Any employee, other person, officer, or agent of a carrier subject to this chapter who shall willfully fail or refuse to make any report or furnish any information required by the Board in the administration of this chapter or who shall willfully fail or refuse to make any accounting required under this chapter, or who shall knowingly make any false or fraudulent statement or report required for the purpose of this chapter, or who shall knowingly make or aid in making any false or fraudulent statement or claim for the purpose of receiving any award or payment under this chapter shall be punished by a fine of not less than \$100 nor more than \$10,000, or by imprisonment not exceeding one year. (June 27, 1934, c. 868, § 13, 48 Stat. 1288.)

§ 214. **Separability.** If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter or application of such provision to other persons or circumstances shall not be affected thereby. (June 27, 1934, c. 868, § 14, 48 Stat. 1289.)

RAILWAY MAIL SERVICE

See Title 39, POSTAL SERVICE.

REBELLION

See Title 50, WAR.

RECLAMATION OF ARID AND DESERT LANDS

See Title 16, CONSERVATION.

RECOGNIZANCE

See Title 28, JUDICIAL CODE AND JUDICIARY.

RED CROSS

See Title 36, PATRIOTIC SOCIETIES AND OBSERVANCES.

REGISTER OF TREASURY

See Title 31, MONEY AND FINANCE.

RELIEF OF INTERNATIONALS OF FOREIGN GOVERNMENTS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

REPATRIATION

See Title 8, ALIENS AND CITIZENSHIP.

RESEARCH WORK

See chapter 5 of Title 20, EDUCATION.

RESERVATIONS

See Title 25, INDIANS; Title 43, PUBLIC LANDS.

RESERVE BANKS

See Title 12, BANKS AND BANKING.

RESTRAINT OF TRADE

See Title 15, COMMERCE AND TRADE.

RETURNS OFFICE

See Title 41, PUBLIC CONTRACTS.

REVENUE

See title 19, CUSTOMS DUTIES; Title 26, INTERNAL REVENUE.

RIVER AND HARBOR IMPROVEMENT

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

ROADS

See Title 23, HIGHWAYS.

SAFETY APPLIANCES

See Title 45, RAILROADS.

ST. ELIZABETHS HOSPITAL

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

SALVAGE

See Title 46, SHIPPING.

SANITATION

See Title 42, PUBLIC HEALTH.

SEAL OF UNITED STATES

See Title 4, FLAG AND SEAL, SEAT OF GOVERNMENT AND THE STATES.

SEAMEN

See Title 46, SHIPPING.

SEAT OF GOVERNMENT

See Title 4, FLAG AND SEAL, SEAT OF GOVERNMENT AND THE STATES.

SECRETARIES (CABINET)

See chapters 2-11 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

SEEDS

See Title 7, AGRICULTURE.

SENATE

See Title 2, CONGRESS.

SHIP MORTGAGE ACT

See Title 46, SHIPPING.

