

manent national board of adjustment in order to provide for the prompt and orderly settlement of disputes between said carriers by air, or any of them, and its or their employees, growing out of grievances or out of the interpretation or application of agreements between said carriers by air or any of them, and any class or classes of its or their employees, covering rates of pay, rules, or working conditions, the National Mediation Board is empowered and directed, by its order duly made, published, and served, to direct the said carriers by air and such labor organizations of their employees, national in scope, as have been or may be recognized in accordance with the provisions of this chapter, to select and designate four representatives who shall constitute a board which shall be known as the "National Air Transport Adjustment Board." Two members of said National Air Transport Adjustment Board shall be selected by said carriers by air and two members by the said labor organizations of the employees, within thirty days after the date of the order of the National Mediation Board, in the manner and by the procedure prescribed by section 153 of this title for the selection and designation of members of the National Railroad Adjustment Board. The National Air Transport Adjustment Board shall meet within forty days after the date of the order of the National Mediation Board directing the selection and designation of its members and shall organize and adopt rules for conducting its proceedings, in the manner prescribed in section 153 of this title. Vacancies in membership or office shall be filled, members shall be appointed in case of failure of the carriers or of labor organizations of the employees to select and designate representatives, members of the National Air Transport Adjustment Board shall be compensated, hearings shall be held, findings and awards made, stated, served, and enforced, and the number and compensation of any necessary assistants shall be determined and the compensation of such employees shall be paid, all in the same manner and to the same extent as provided with reference to the National Railroad Adjustment Board by section 153 of this title. The powers and duties prescribed and established by the provisions of section 153 of this title with reference to the National Railroad Adjustment Board and the several divisions thereof are conferred upon and shall be exercised and performed in like manner and to the same extent by the said National Air Transport Adjustment Board, not exceeding, however, the jurisdiction conferred upon said National Air Transport Adjustment Board by the provisions of this subchapter. From and after the organization of the National Air Transport Adjustment Board, if any system, group, or regional board of adjustment established by any carrier or carriers by air and any class or classes of its or their employees is not satisfactory to either party thereto, the said party, upon ninety days' notice to the other party, may elect to come under the jurisdiction of the National Air Transport Adjustment Board.

(May 20, 1926, ch. 347, § 205, as added Apr. 10, 1936, ch. 166, 49 Stat. 1190.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 410; title 29 section 213; title 49 section 1371.

§ 186. Omitted

CODIFICATION

Section, act May 20, 1926, ch. 347, § 206, as added Apr. 10, 1936, ch. 166, 49 Stat. 1191, transferred certain pending cases before National Labor Relations Board to Mediation Board.

§ 187. Separability

If any provision of this subchapter or application thereof to any person or circumstance is held invalid, the remainder of such sections and the application of such provision to other persons or circumstances shall not be affected thereby.

(May 20, 1926, ch. 347, § 207, as added Apr. 10, 1936, ch. 166, 49 Stat. 1191.)

§ 188. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary for expenditure by the Mediation Board in carrying out the provisions of this chapter.

(May 20, 1926, ch. 347, § 208, as added Apr. 10, 1936, ch. 166, 49 Stat. 1191.)

CHAPTER 9—RETIREMENT OF RAILROAD EMPLOYEES**SUBCHAPTER I—RAILROAD RETIREMENT ACT OF 1934**

Sec.

201 to 214. Omitted or Repealed.

SUBCHAPTER II—RAILROAD RETIREMENT ACT OF 1935

215 to 228. Omitted.

SUBCHAPTER III—RAILROAD RETIREMENT ACT OF 1937

228a to 228z-1. Omitted or Repealed.

SUBCHAPTER IV—RAILROAD RETIREMENT ACT OF 1974

231. Definitions.

231a. Annuity eligibility requirements.

- (a) Individuals eligible for annuities; disability standards; proof of continued disability.
- (b) Individuals eligible for supplemental annuities.
- (c) Spouses eligible for annuities.
- (d) Survivors eligible for annuities.
- (e) Compensated service; rights to return.
- (f) Deductions on account of work.
- (g) Employment compensation of survivors; deductions.
- (h) Military service; reductions.
- (i) Limitation; service accrued after 1995.

231b. Computation of annuities.

- (a) Amount.
- (b) Increased annuities under subsection (a).
- (c), (d) Repealed.
- (e) Supplemental annuities.
- (f) Reductions in annuities.
- (g) Increased annuities under subsection (b).
- (h) Increased annuities under subsections (a) and (b).

- Sec. (i) Years of service.
(j) Average monthly compensation.
(k) Employee representatives.
(l) Reductions for increased annuities.
(m) Reductions due to monthly social security payments.
- 231c. Computation of spouse and survivor annuities.
(a) Amount of spouses' annuities; age.
(b) Increases in spouses' annuities in accordance with section 231b(b), (c), (d) of this title.
(c) Repealed.
(d) Increases in spouses' annuities in accordance with section 231b(g) of this title.
(e) Increases in particular spouses' annuities.
(f) Amount of survivors' annuities; age; entitlement.
(g) Increases in survivor's annuities in accordance with subsection (f).
(h) Increases in particular widows' and widowers' annuities.
(i) Reductions in survivors' annuities.
- 231d. Annuity beginning and ending dates.
(a) Annuities under section 231a of this title.
(b) Applications for payment.
(c) Individual's entitlement.
- 231e. Lump sum payments.
(a) Eligible annuities; applications; reversion; determination of status of recipient.
(b) Payments in accordance with Railroad Retirement Act of 1937 and Social Security Act.
(c) Payments in the absence of further benefits.
(d) Payments to recipients ineligible for certain other annuities.
(e) Additional lump sum payment in certain cases.
- 231f. Railroad Retirement Board.
(a) Administration.
(b) Powers and duties.
(c) Sources of payments; adjustments.
(d) Hospital insurance benefits; certified beneficiaries; disability insurance benefits; services in Canada; exchange of information.
(e) Acceptance of gifts and bequests.
(f) Congressional copies of documents submitted or transmitted to President or Office of Management and Budget.
- 231f-1. Annual actuarial report.
- 231g. Court jurisdiction.
- 231h. Returns of compensation; conclusiveness.
- 231i. Erroneous payments.
(a) Recovery.
(b) Adjustments.
(c) Decision not to recover.
(d) Liability of officers.
- 231j. Waiver of annuities.
- 231k. Incompetence.
- 231l. Penalties.
- 231m. Assignability; exemption from levy.
- 231n. Railroad Retirement Account.
(a) Maintenance of account; authorization of appropriations.
(b) Authorization of appropriations; military service costs and administrative expenses.
(c) Repealed.
(d) Dual Benefits Payments Account.
(e) Investments.
(f) Actuarial Advisory Committee.
(g) Annual report.

- Sec. (h) Authorization of appropriations; administrative expenses of subchapter.
(i) Crediting of accounts for unnegotiated benefit checks.
(j) National Railroad Retirement Investment Trust.
(k) Transfers to the Trust.
(l) National Railroad Retirement Investment Trust.
- 231n-1. Social Security Equivalent Benefit Account.
(a) Establishment.
(b) Transfers, etc., to Social Security Equivalent Benefit Account.
(c) Availability and transfer of funds.
(d) Transfers to Social Security Equivalent Benefit Account and National Railroad Retirement Investment Trust.
(e) Applicability of section 231n.
(f) References to Railroad Retirement Account deemed references to Social Security Equivalent Benefit Account; "social security equivalent benefits" defined.
- 231o. Private pensions.
- 231p. Free transportation.
- 231q. Crediting service under Social Security Act.
- 231r. Automatic benefit eligibility requirement adjustments.
(a) Reduced benefits.
(b) Additional eligible beneficiaries.
(c) Reduced conditions of entitlement; expanded benefits.
(d) Limitations.
- 231s. Separability.
- 231t. Short title.
- 231u. Benefit preservation.
- 231v. Computation and certification of account benefit ratios.
(a) Initial computation and certification.
(b) Computations and certifications after 2003.
(c) Definition.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 sections 405, 415.

SUBCHAPTER I—RAILROAD RETIREMENT ACT OF 1934

§§ 201 to 208. Omitted

CODIFICATION

Sections 201 to 208, sections 1 to 8, respectively, of act June 27, 1934, ch. 868, §1, 48 Stat. 1283-1286, were omitted pursuant to the decision in the case of *Railroad Retirement Board v. Alton R. Co.* (Dist. of Col., 1935), 295 U.S. 330, 55 S.Ct. 758, 79 L.Ed. 1468, declaring this subchapter unconstitutional.

Section 201 defined terms for purposes of this subchapter.

Section 202 stated purposes of this subchapter and required a special report to be sent from the Railroad Retirement Board to the President.

Section 203 related to annuities paid under this subchapter.

Section 204 related to compulsory retirement.

Section 205 related to employee contributions.

Section 206 related to existing pension systems.

Section 207 related to employee representatives.

Section 208 related to retirement fund established under this subchapter.

Provisions relating to refund of sums paid by railroads and other carriers of the United States under this subchapter were contained in act June 1, 1938, ch. 315, §§1, 2, 52 Stat. 608.