

Railroad Retirement Act Amendments of 1951: Benefit Provisions and Legislative History

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The Railroad Retirement Act Amendments of 1951 provide for important changes in both the retirement and the survivor insurance provisions of the railroad retirement system. Some of these changes vitally affect the administration and financing of the Federal old-age and survivors insurance program. This article is devoted largely to a summary of the more important benefit provisions and the history of the legislation and is intended both for the general reader and for those who will have the responsibility for administering the provisions affecting old-age and survivors insurance. The March Bulletin will report in detail on the provisions for financial interchange between the old-age and survivors insurance and railroad retirement programs.

THE Railroad Retirement Act Amendments of 1951 became Public Law 234 (Eighty-second Congress, 1st session) on October 30, 1951, when President Truman affixed his signature to H.R. 3669. In signing the bill, President Truman stated that the legislation "will provide substantially higher benefits for railroad workers who have retired because of age or permanent disability, and for the widows and orphans of railroad workers."

The amendments provide the first significant revision of the Railroad Retirement Act since 1948, when Congress raised the retirement benefits 20 percent to allow in part for changes in cost-of-living and wage levels since the period before World War II.¹ In 1946 there had also been important amendments to the railroad retirement system,² the most significant of which was the introduction of survivor benefits coordinated to a certain

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¹ See Wilbur J. Cohen and James L. Calhoun, "Social Security Legislation, January-June 1948: Legislative History and Background," *Social Security Bulletin*, July 1948.

² See Jack M. Elkin, "The 1946 Amendments to the Railroad Retirement and Railroad Unemployment Insurance Acts," *Social Security Bulletin*, December 1946.

degree with those under old-age and survivors insurance. The 1951 law deals almost entirely with the benefits under the railroad retirement system, although there is a minor amendment to the Railroad Unemployment Insurance Act; no changes are made in the Carriers Taxing Act, which contains the provisions for assessing the contributions to finance the railroad retirement program.

It is significant that Congress at the same time it passed the 1951 legislation also adopted Senate Concurrent Resolution 51,³ establishing a Joint Congressional Committee to "make a full and complete factfinding study and investigation of the Railroad Retirement Act." Among the matters to be studied are the relationship between this program and the old-age and survivors insurance system, both as to benefits provided and as to simplification of administration. Particular emphasis and study are to be given to the cost of the railroad retirement program and to means of strengthening its financing basis. Such a study, President Truman stated, "is a very desirable step. There are real and serious questions to be settled before we can feel confident

³ Agreed to by the Senate on October 15 and by the House the next day (with a minor amendment that the Senate accepted on October 17).

that we are giving adequate and fair protection, on a sound financial basis, to retired workers and survivors. I hope the committee will be able to report in time for legislative action next year."

Need for Legislation

The immediate need for the legislation arose because of the general increases in the cost of living and in wages that have occurred in the past decade. The 1948 amendments had provided an increase of 20 percent in the retirement benefits but made no substantial change in the survivor benefits established in 1946.

Since retirement benefits are based on railroad service and compensation both before and after the inception of the program in 1937, increases in wages in the past decade have had little effect on benefits for workers retiring in recent years and, of course, no effect for those who had retired before 1940. The 20-percent increase in 1948 was thus only partial recognition of the economic changes that had occurred, and further increases seemed necessary if the relative benefit adequacy originally planned were to be restored.

Furthermore, the survivor benefits in virtually all instances were less than those that would have been payable on the basis of the same earnings history under the old-age and survivors insurance system as amended in 1950.⁴ This fact was also true of retirement benefits for a worker who had had little or no railroad employment before 1937. Since the employee contribution rate under the railroad retirement system in 1951 (6 percent) was four times as high as that under old-age and survivors

⁴ See Wilbur J. Cohen and Robert J. Myers, "Social Security Act Amendments of 1950: A Summary and Legislative History," *Social Security Bulletin*, October 1950.

insurance (1½ percent), it hardly seemed equitable that in some cases the benefits to railroad employees were lower.

Summary of Provisions

The principal provisions of the railroad retirement system, both those of the previous law and those of the new law, are shown in the accompanying chart. The new law makes nine important changes:

1. The formula for retirement annuities is modified to provide a 15-percent increase for both present and future annuitants.

2. A spouse's annuity is provided, under certain conditions, when both spouses are aged 65 or over (and also when a wife is under age 65 and has a dependent child under age 18 in her care). The amount of the spouse's annuity is 50 percent of the husband's full retirement annuity but cannot exceed \$40 a month (except under unusual circumstances).

3. Monthly survivor benefits are increased 33½ percent and the lump-sum death payments 25 percent by a change in the benefit formula,⁵ with a further increase for those with high earnings (since the previous \$250 maximum on the average monthly remuneration used in computing the survivor benefits is raised to \$300).

4. Both retirement and survivor benefits, but particularly the latter, are increased further in a number of instances by the "old-age and survivors insurance minimum guarantee" provision, which stipulates that bene-

⁵ Survivor benefits are computed by applying certain percentages to the so-called "basic amount." On the whole, these percentages under the previous law paralleled those under old-age and survivors insurance (75 percent, for example, for a widow aged 65 or over). The amendments left the basic amount unchanged but raised the beneficiary percentages applied thereto 33½ percent for monthly benefits and 25 percent for the lump-sum death payment. Mathematically, this procedure has the same effect as though the factors that are applied to various portions of the average monthly remuneration to obtain the basic amount had been increased 33½ percent and the beneficiary percentages left unchanged (except for the lump-sum payment). For comparability with old-age and survivors insurance, the latter concept is used in this article, with suitable notation as to the "adjusted basic amount" and with the beneficiary percentages in effect remaining unchanged.

fits are to be at least as large as those that would be payable for the same wage history under old-age and survivors insurance.

5. Retirement annuities are to be reduced for persons also receiving retirement benefits under old-age and survivors insurance if railroad service before 1937 is counted in determining the railroad benefit (but for beneficiaries on the rolls when the bill was enacted and who were then receiving old-age and survivors insurance benefits, such reduction may not result in railroad retirement benefits lower than those previously received).

6. In computing retirement benefits, service after age 65 is credited, whereas formerly service beyond the calendar year in which age 65 was attained could not be counted. This change is applicable not only for future cases but also for those on the rolls when the bill became law, so that many retirement annuities are further increased.⁶

7. For deaths and retirements of individuals with less than 10 years of railroad service,⁷ benefits (other than the residual death payment described later) will not be paid by the railroad retirement system, except when the award was made before October 30, 1951; instead, the wage credits for service after 1936 will be transferred to the old-age and survivors insurance program. These workers or their survivors may then receive old-age and survivors insurance benefits. There is no provision for refunding the excess of contributions under the railroad system over those that would have been paid under old-age and survivors insurance for the same employment (other than

⁶ In general, this change does not greatly increase benefits for those who had service after age 65 but who have previously been credited with the maximum service of 30 years now possible. For such retrants there will usually be a relatively small increase if the use of service performed after age 65 results in higher average monthly compensation, although in a few cases this service may produce a slightly lower average and thus a decrease in the annuity.

⁷ In determining whether this 10-year test is met, service before 1937, when contributions were first collected, is included. When such total service is less than 10 years the individual loses credit for all such "prior service" he may have had.

the residual death payment); the railroad retirement system retains such excess contributions from the short-service employees and their employers, and these funds assist in meeting the over-all costs of the program.

8. To compensate for the preceding change and for other reasons, financial interchanges will be made between the two programs that will place the old-age and survivors insurance trust fund in the same position as it would have been if railroad employment had always been covered by old-age and survivors insurance.

9. In the application of the work clause under old-age and survivors insurance, railroad earnings are to be considered as covered wages; thus an individual cannot engage in railroad employment for wages of more than \$50 a month and receive old-age and survivors insurance benefits, as was formerly possible. As before, however, a railroad annuitant may engage in employment covered by old-age and survivors insurance without affecting his railroad retirement benefit.

The various benefit changes described above are generally effective for November 1951. Under administrative procedure, payments of benefits for November 1951 were made at the beginning of December 1951, but in these checks only the increases of 15 percent in retirement annuities and of 33½ percent in monthly survivor benefits were made. Retroactive adjustments will be made to reflect the effect of the other changes.

Legislative History

Congressional action on the railroad retirement provisions began with a consideration of H.R. 3669 (and its companion bill S.1347) and H.R. 3755 (and its companion bill S.1353). These bills, introduced in April 1951, embodied two somewhat different approaches. Both House bills were introduced by Representative Crosser, Chairman of the Committee on Interstate and Foreign Commerce, while both Senate bills were introduced by a bipartisan group that included Senator Murray, Chairman of the Committee on Labor and Public Welfare, and Senator Douglas, chairman of the subcommittee that studied the problem. The approach in H.R. 3669

had the support of the 18 "nonoperating" labor organizations (affiliated in the Railway Labor Executives' Association) that represent roughly three-fourths of all railroad employees; H.R. 3755 was supported by the four "operating" labor organizations that represent most of the other employees.

Hearings were held on these as well as on various other railroad retirement bills.⁸ The Senate hearings began April 27 and ended May 14, while the House hearings began May 15 and ended June 6. As a result of the House hearings, and in an attempt to find a solution to the problem, another bill—H.R. 4641—was introduced in June by Representative Priest, a member of the Committee on Interstate and Foreign Commerce.

H.R. 3669 As Introduced

This bill contained most of the features of the final legislation, but it also had many features that were not a part of the law as enacted. The following provisions are among the more important items that were changed in the final version.

(1) Increase in retirement annuities by varying amounts, ranging from 13¼ percent to 16⅔ percent (rather than a uniform 15 percent);

(2) The maximum for a spouse's annuity of \$50 a month (rather than the \$40 in the final legislation, which the Senate Committee, in describing its subsequent action, noted as also being the maximum for a wife's benefit under old-age and survivors insurance);

(3) Maximum taxable and creditable compensation after 1951 of \$400 a month (rather than \$300);

(4) A new formula for computing survivor benefits that would increase them on the average by roughly 75 percent (rather than the smaller increases adopted);

⁸ Representatives of the Federal Security Agency were asked to testify before the Senate subcommittee (*Hearings Before the Subcommittee on Railroad Retirement Legislation of the Committee on Labor and Public Welfare on . . . Bills To Amend the Railroad Retirement Act of 1937* (U. S. Senate, 82d Cong., 1st sess.), pp. 541-563). For the written views of the Agency, see *Senate Hearings*, pp. 608-614, and *Report of the Senate Committee on Labor and Public Welfare on S.1347*, p. 14.

Transfer of Short-Service Employees

PROVISIONS OF THE RAILROAD RETIREMENT ACT IN REGARD TO TRANSFER OF SHORT-SERVICE EMPLOYEES:

As to retirement annuities under the Railroad Retirement Act—

Section 2 (a). The following-described individuals, if they . . . shall have completed ten years of service, shall be eligible for annuities after they shall have ceased to render compensated service

As to survivor annuities under the Railroad Retirement Act (payable only with respect to completely or partially insured individuals)—

Section 5 (1) (7). An employee will have been 'completely insured' if . . . he will have completed ten years of service

Section 5 (1) (8). An employee will have been 'partially insured' . . . if . . . he will have completed ten years of service

As to crediting railroad service under old-age and survivors insurance—

Section 5 (k) (1). For the purpose of determining (i) insurance benefits under title II of the Social Security Act to an employee who will have completed less than ten years of service and to others deriving from him or her during his or her life and with respect to his or her death, and lump-sum death payments with respect to the death of such employee . . . this Act shall not operate to exclude from 'employment,' under title II of the Social Security Act, service which would otherwise be included in such 'employment'

(5) Withholding of retirement annuities if the annuitant, aged 65 or older, is in employment covered by old-age and survivors insurance (and would have his benefit suspended under the old-age and survivors insurance work clause—for example, by earning more than \$50 per month in covered employment);

(6) Making financial interchange between the railroad retirement and the old-age and survivors insurance systems the subject for a joint study to be submitted to Congress by 1956 (instead of becoming effective immediately without further legislative action);

(7) Service after age 65 creditable only for benefits awarded after enactment of the amendments (instead of including beneficiaries on the rolls, as in the final legislation);

(8) Incorporation of many of the benefit features of the 1950 amendments to the old-age and survivors insurance system. Some of these were retained in the final legislation (for example, benefits for retired workers' wives under age 65 caring for a de-

pendent child; benefits for aged, dependent husbands and widowers; similarity of definitions of dependents; and payment of retroactive benefits for as much as 6 months), while others were omitted (for example, benefits for the former wife divorced who has a dependent survivor child in her care; payment of an additional amount, in effect, for the first survivor child; payment of child's benefits regardless of school attendance between ages 16 and 18; an increase in parent's benefits to the same size as widow's benefits; and lump-sum payments for all deaths rather than only when no survivors are eligible for immediate monthly benefits).

H.R. 3755

H.R. 3755 provided for relatively few changes in the program, principally an increase of 25 percent in all retirement annuities; survivor benefits, on the whole, would be increased in the same proportion. Subsequently the supporters of this legislation redrafted the bill because of cost con-

Table 1.—Illustrative monthly retirement annuities under the Railroad Retirement Act

Average monthly compensation	Old law	New law ¹	
		Nonmarried or spouse not eligible	Married, and spouse eligible
10 years' service			
\$100.....	² \$21.00	² \$24.15	\$36.23
150.....	² 30.00	² 34.50	51.75
200.....	36.00	41.40	62.10
250.....	42.00	48.30	72.45
300.....	48.00	55.20	82.80
20 years' service			
\$100.....	² \$42.00	² \$48.30	\$72.45
150.....	60.00	69.00	103.50
200.....	72.00	82.80	122.80
250.....	84.00	96.60	136.60
300.....	96.00	110.40	150.40
30 years' service			
\$100.....	\$63.00	\$72.45	\$108.68
150.....	90.00	103.50	143.50
200.....	108.00	124.20	164.20
250.....	126.00	144.90	184.90
300.....	144.00	165.60	205.60
40 years' service ³			
\$100.....	\$84.00	\$96.60	\$136.60
150.....	120.00	138.00	178.00
200.....	144.00	165.60	205.60
250.....	168.00	193.20	233.20
300.....	192.00	220.80	260.80

¹ Does not take into account the provisions for an increase if necessary to guarantee that benefits will at least equal those that would have been payable under old-age and survivors insurance for the same wage history, or for a decrease when annuity is based on "prior service" (before 1937) and old-age and survivor insurance benefits are also being paid.

² Minimum annuity provision would be applicable for those with "current connection" and would yield larger amounts than those shown. In such cases this provision would raise the benefits for a 10-year man to those shown for a \$200 man and for a 20-year man to those for a \$150 man.

³ Persons using prior service cannot have total service of more than 30 years. Accordingly, persons retiring in 1977 are the first who can get credit for 40 years of service.

siderations so that the retirement annuities would be increased by 16½ percent; while no general increase would be made in the survivor benefits, it was recognized that such a step was necessary and should be immediately studied.⁹

H.R. 4641

H.R. 4641 also provided for relatively few changes, with the benefit increases being, on the whole, lower than in the previous bills. All retirement annuities

⁹ *Hearings Before the Committee on Interstate and Foreign Commerce on H.R. 3669, H.R. 3755, and Others* (House of Representatives, 82d Cong., 1st sess.), pp. 482-484.

would be increased 10 percent, while survivor benefits would be made payable under the same conditions, in approximately the same amounts, and to the same classes of survivors as under the old-age and survivors insurance system. Certain provisions were the same as in the final legislation; both retirement and survivor benefits were to be at least as large as the benefits or additional benefits payable under old-age and survivors insurance if railroad service had been counted as covered employment thereunder, and benefits were reduced for annuitants also receiving old-age and survivors insurance benefits. H.R. 4641 also contained a provision (present in H.R. 3669 as introduced but not in the final legislation) preventing payment of railroad benefits to an annuitant who is past age 65 and who is in employment covered by old-age and survivors insurance if the work clause of that program would prevent benefit payment.

H.R. 3669 As Reported by Committee

By a vote of 18 to 12, the House Committee on Interstate and Foreign Commerce voted on September 19 to report out a completely revised version of H.R. 3669. This action was taken immediately before the House took an extended recess. The two other major bills considered (H.R. 3755 and H.R. 4641) had a significant effect on the provisions of the reported bill.

The provisions were relatively simple, providing a flat increase of 15 percent for retired workers, 33½ percent in monthly benefits for survivors, and 25 percent in lump-sum death payments. In its report, the Committee expressed its intention to make a further study of the controversial issues involved and its belief that immediate action should be taken to raise the benefits. The Committee Report also contains the views of the minority (including Chairman Crosser), strongly advocating the provisions of the bill as it had been introduced.

H.R. 3669 As Passed by House

The House debated the legislation on October 4 and completed its action on October 16 (the day after the

Table 2.—Illustrative monthly survivor annuities under the Railroad Retirement Act ¹

Average monthly remuneration	Widow aged 65 or over		Widow and 2 children	
	Old law	New law	Old law	New law
10 years' service ²				
\$100.....	\$26.81	³ \$37.50	\$62.56	\$83.42
150.....	30.94	³ 43.20	72.19	³ 115.00
200.....	35.06	³ 48.80	81.81	³ 130.00
250.....	39.19	³ 54.40	91.44	³ 145.00
300.....	43.31	³ 60.00	101.06	³ 150.00
20 years' service				
\$100.....	\$29.25	\$39.00	\$68.25	\$91.00
150.....	33.75	45.00	78.75	³ 115.00
200.....	38.25	51.00	89.25	³ 130.00
250.....	42.75	57.00	99.75	³ 145.00
300.....	47.25	63.00	110.25	³ 150.00
30 years' service				
\$100.....	\$31.69	\$42.25	\$73.94	\$98.58
150.....	36.56	48.75	85.31	³ 115.00
200.....	41.44	55.25	96.69	³ 130.00
250.....	46.31	61.75	108.06	³ 145.00
300.....	51.19	68.25	119.44	159.25
40 years' service				
\$100.....	\$34.13	\$45.50	\$79.63	\$106.17
150.....	39.38	52.50	91.88	122.50
200.....	44.63	59.50	104.13	138.83
250.....	49.88	66.50	116.38	155.17
300.....	55.13	73.50	128.63	⁴ 160.00

¹ Individual assumed to enter railroad service at age 21 in 1951 or later and to remain steadily employed therein at a level wage. Figures indicate survivor benefits should death occur at ages 31, 41, 51, and 61, respectively.

² No monthly survivor benefits paid under the railroad retirement system for less than 10 years of service.

³ "Old-age and survivors insurance minimum guarantee" provision applicable.

⁴ \$160 maximum benefit provision applicable.

Senate had acted on the companion bill, S.1347). During the debate, Representative Crosser offered a substitute that closely paralleled the provisions of the bill he had originally introduced. This substitute was rejected by a vote of 114 to 158. Representative Harris, on behalf of the majority of the Committee on Interstate and Foreign Commerce, offered a substitute for the reported bill that was adopted without record vote.

The provisions adopted by the House were in essence those of H.R. 3669 as reported, plus certain features of S.1347 as passed by the Senate. In addition to increasing retirement and survivor benefits and lump-sum death payments, the bill passed by the House provided for spouse's and widower's annuities, as in the final legislation.

It also carried the "old-age and survivors insurance minimum guarantee" provision, just as in the final legislation, except that to obtain this guarantee a "current connection" would be required. In general, this requirement is met when the individual, at the time of his retirement or death, had 1 year of railroad service in the preceding 2½ years. The bill also contained a number of minor provisions that were in both S.1347 and the final legislation.

S.1347 As Passed by Senate

On October 4, the Committee on Labor and Public Welfare unanimously reported S.1347 to the Senate. As introduced, S.1347 had been a companion bill to H.R. 3669, but the bill as reported was a complete substitute. It differed from the final legislation in only one important respect—it increased from \$300 to \$350 the creditable and taxable monthly wage base, while the final bill retained the \$300 figure that had been in effect since the system began in 1937.

On October 15 the report was taken up by the Senate and after debate was adopted without a record vote. On October 17 the Senate, in order to take the legislation to conference, considered H.R. 3669 as passed by the House the previous day and by unanimous consent approved it but with the wording of S.1347 as passed by the Senate substituted for the language in the House bill.

Conference Action

On October 18 the conferees met and reported an agreement, which on the next day was accepted by the House by a vote of 339 to 0 and by the Senate by unanimous consent. As indicated previously, the provisions of the final legislation were virtually the same as the bill originally passed by the Senate, with the exception that the maximum wage base was not increased. The important changes from the bill originally passed by the House were the transfer of employees with less than 10 years of service to the old-age and survivors insurance system, the financial interchange provisions between the two systems, certain provisions relating to duplication of benefits, and provision for recomputation of benefits previously

awarded to take into account service after age 65.

Benefits Under New Law

Illustrative Benefits

Table 1 shows illustrative retirement annuities under Public Law 234, as contrasted with those under the previous law. The amounts are those arising under the benefit formulas without taking into account the minimum annuity provision for those with a "current connection" or, for the new law, the provisions for correlating the payments to a certain extent with those under the old-age and survivors insurance system.

In table 2, illustrative survivor annuities under the new law are contrasted with those under the former law for an individual entering railroad service at age 21 in 1951 (or thereafter) and remaining steadily employed therein at a level wage. No illustrative survivor annuities for workers now at the middle and older ages (regardless of whether they had service before 1951) are shown since, in the near future and possibly for many years to come, the great majority of the claims for this group will be paid under the "old-age and survivors insurance minimum guarantee" provision rather than under the railroad retirement benefit formula. This minimum provision has rela-

tively slight effect on retirement annuities except when the amount of credited railroad service has been little more than 10 years.

Average Benefits

The net effect of the various benefit changes is shown in table 3, which contrasts for different types of beneficiaries the average monthly benefits actually paid for October 1951 before the amendments went into effect and the estimated averages that would have been paid if the amendments had been in effect in that month. For comparative purposes, average benefits under the old-age and survivors insurance system are also shown.

The increase for annuitants over age 65 is about 30 percent—the result principally of the 15-percent flat increase, the addition of the spouse's annuity (payable in about 40 percent of the cases), and the crediting of service beyond age 65; there is also present the effect of a decreasing factor—the offset feature for those receiving old-age and survivors insurance benefits. The increases for survivor benefits are somewhat higher than the 33½-percent flat increase in the benefit formula because of the "old-age and survivors insurance minimum guarantee" provision; for children the increase is about 70 percent, and for parents, more than 100 percent.

In comparison with the old-age and survivors insurance benefits, the new railroad retirement benefits are notably higher for retirement cases and only slightly higher for survivor cases, since—though the benefits are computed in essentially the same way—railroad earnings are somewhat higher on the average.

Benefit Interrelationships Between the Two Programs

Under the new legislation, there are a number of situations in which benefits under the railroad retirement and old-age and survivors insurance programs are interrelated. This section will give hypothetical examples of how such situations will work out.

Minimum Guarantee—Retirement Annuities

The retirement annuity—plus the spouse's annuity, if any—is guaran-

Table 3.—Average monthly benefits¹ under the Railroad Retirement Act and under old-age and survivors insurance, October 1951

Type of beneficiary	Railroad Retirement Act			Average benefit under old-age and survivors insurance
	Number of persons	Average benefit		
		Old law	New law	
Annuitant over age 65	212, 500	\$84	² \$109	³ \$50
Annuitant under age 65	44, 800	75	86	(⁴)
Pensioner ⁵	6, 600	71	² 92	(⁴)
Aged widow	84, 000	30	40	36
Widowed mother	13, 300	28	39	34
Child	47, 700	17	29	27
Parent	1, 100	17	40	37

¹ Rounded to the nearest dollar.

² Includes spouse's annuity, when payable.

³ Includes wife's and child's benefits, when payable.

⁴ Not applicable.

⁵ Pensioners taken over from former railroad pension plans in 1937.

Source: Railroad retirement data from letter of Railroad Retirement Board to Bureau of the Budget, Oct. 23, 1951.

teed to at least equal the amount that would have been payable under old-age and survivors insurance if the individual's railroad service had been credited thereunder. When the indi-

vidual is receiving, or is eligible to receive, old-age and survivors insurance benefits based on his earnings under that program, then the guarantee relates to the additional amount that the

railroad earnings would have produced under old-age and survivors insurance if added to the earnings from which his old-age and survivors insurance benefit is determined.

Chart 1.—Principal changes in the Railroad Retirement Act under the 1951 amendments¹

Item	Old law	New law
A. Benefits payable to —		
(1) Age annuitant.....	Aged 65 or over, or aged 60 or over if 30 or more years of service (but for men under age 65, annuity reduced 1/15 for each year under age 65 at time of retirement).	No change, except that minimum of 10 years of service required (if less service, credit given under OASI ² system), but those on rolls at enactment are not removed.
(2) Disability annuitant.....	Unable to engage in any regular employment, and with 10 or more years of service, or aged 60 or over; or unable to engage in regular occupation, with "current connection" with railroad employment when disabled, and with 20 or more years of service, or aged 60 or over.	No change, except as in item (1).
(3) Spouse of annuitant aged 65 or over....	Benefits not payable.....	Aged 65 or over (husband to be eligible must be "dependent"), or regardless of age for wife with dependent child under age 18 present.
(4) Widow.....	Aged 65 or over, or with dependent child under age 18 present.	No change, ³ except that benefits provided for dependent widower aged 65 or over and except as in item (1).
(5) Children of deceased individual.....	Under age 18.....	No change, ³ except as in item (1).
(6) Dependent parent.....	Aged 65 or over, and no surviving spouse or child who could ever receive monthly benefits.	No change, ³ except as in item (1).
(7) Lump-sum death payment.....	For deaths when no monthly benefits payable immediately.	No change, except as in item (1).
(8) Residual death payment.....	Payable after all benefit rights, including those of survivors, have terminated—to assure total payments of at least contributions paid plus some allowance for interest.	No change, except that suitable modifications made for those with less than 10 years of service, see item (1).
B. Insured status for survivor benefits		
(1) "Quarter of coverage".....	In general, calendar quarters with \$50 or more of railroad compensation after 1936, or similar credits under OASI.	No change.
(2) "Current connection".....	In general, exists at time of retirement or death if 1 year of railroad service in preceding 2½ years.	No change.
(3) Completely insured status.....	Current connection, and 1 quarter of coverage for each 2 quarters after 1936 and before age 65 (or death if earlier), with minimum of 6 quarters of coverage or maximum of 40 quarters of coverage required.	No change, except that minimum of 10 years of service (including years before 1937) also required.
(4) Partially insured status.....	Current connection, and 6 quarters of coverage in year of death (exclusive of quarter of death) and three preceding years.	No change, except that minimum of 10 years of service (including years before 1937) also required, and that quarter of death included and also applicable to retirements.
(5) Transfer of credits to OASI system....	If not insured as in items (3) and (4), railroad credits used in determining survivor benefits under OASI.	No change, except as noted in item A(1).
C. Amount of retirement benefits		
(1) "Years of service".....	All service after 1936 except that after calendar year of attaining age 65, plus—for those in "employment status" on August 29, 1935—such service before 1937 as will make total of not more than 30 years.	No change, except that service after attaining age 65 creditable in all instances.
(2) "Monthly compensation".....	Average of creditable compensation paid in period of service counted, maximum of \$300 creditable for any month.	No change.
(3) Monthly amount.....	2.40% of first \$50 of monthly compensation, plus 1.80% of next \$100, plus 1.20% of next \$150, all multiplied by years of service.	Percentage factors increased by 15% in each case.
(4) Minimum amount.....	If having current connection at retirement, amount determined under item (3) shall not be less than least of: \$60, \$3.60 times years of service, and monthly compensation.	No change, except that dollar figures in minimum increased 15% and "OASI minimum guarantee" provision added, see item F(8).
D. Basic amount of survivor benefits		
(1) "Average monthly remuneration".....	Based on railroad compensation and OASI credits from 1937 to retirement (or death if earlier) divided by total time elapsed in such period, with maximum of \$250.	No change, except that maximum for average remuneration is raised to \$300 (but not for those on survivor benefit rolls at enactment) and except that average may be computed at age 65 if this gives higher amount.
(2) "Basic amount".....	40% of first \$75 of average monthly remuneration, plus 10% of remainder of average monthly remuneration, all increased by 1% for each year after 1936 with \$200 or more of remuneration. Minimum basic amount is \$10.	Basic amount unchanged, although in effect "adjusted" by 33⅓% in all cases—see items E(2) to E(5). Minimum basic amount increased to \$14.
(3) Maximum family benefits.....	\$120, or 80 percent of average remuneration, or twice basic amount, whichever is least (but not to reduce below \$20).	\$160, or 2⅔ times the basic amount (but as in item (2) above, in effect twice the "adjusted basic amount"), whichever is the lesser (but not to reduce below \$30).
(4) Minimum family benefits.....	\$10.....	\$14; also "OASI minimum guarantee" provision added, see item F(8).

See footnotes at end of table.

Consider, for example, an individual who entered railroad service at the beginning of 1937, who retires at age 65 at the end of 1952 after having earned \$300 in each month of the 16 years, and who never had old-age and

survivors insurance wage credits. Assume that he has a wife aged 65 and an adopted child aged 17. Under the new railroad retirement benefit formula, he would receive \$88.32 a month, plus an additional \$40 for his spouse,

making a total of \$128.32. If his railroad service had been counted under the old-age and survivors insurance system, he would have been eligible for an old-age insurance benefit of \$80; the additional benefits (\$70) for his

Chart 1.—Principal changes in the Railroad Retirement Act under the 1951 amendments¹—Continued

Item	Old law	New law
E. Benefit amounts of dependents and survivors		
(1) Spouse.....	None payable.....	50% of full retirement or disability annuity (disregarding any reduction made for retirement before age 65), with maximum of \$40.
(2) Widow.....	75% of survivor basic amount.....	100% of survivor basic amount, which is 75% of "adjusted basic amount," see item D(2). Widow's annuity shall not be less than any spouse's annuity immediately previously received.
(3) Child of deceased worker.....	50% of survivor basic amount.....	66 2/3% of survivor basic amount, which is 50% of "adjusted basic amount," see item D(2).
(4) Dependent parent.....	50% of survivor basic amount.....	66 2/3% of survivor basic amount, which is 50% of "adjusted basic amount," see item D(2).
(5) Lump-sum death payment.....	8 times the basic amount.....	10 times survivor basic amount, which is 7 1/2 times "adjusted basic amount," see item D(2).
F. Miscellaneous benefit provisions		
(1) Employment permitted retired workers and spouses.	None for any railroad or for last employer before retirement.	No change.
(2) Employment permitted survivor beneficiaries.	None for any railroad and not more than \$25 in employment covered under OASI.	No change, except that \$25 allowable OASI employment increased to \$50.
(3) Effect of railroad employment on benefits of OASI beneficiaries.	No provision.....	Railroad earnings counted in determining whether benefits are payable.
(4) Duplication of benefits under railroad system.	Not permitted; in effect, only larger benefit payable.....	No change.
(5) Duplication of retirement annuity with OASI benefits.	No provision.....	Annuity reduced by portion thereof based on service before 1937 or by amount of old-age insurance benefit (based on worker's wages), whichever is smaller. No reduction for any other type of benefit under OASI. For annuitants on rolls at enactment, total payable after reduction, including spouse's annuity and OASI benefits, cannot be less than formerly received under both systems.
(6) Duplication of spouse's annuity with OASI benefits.	No provision.....	Annuity reduced by any OASI benefit except wife's benefit (and indirectly by OASI benefits that reduce husband's retirement annuity, see item (5) above).
(7) Duplication of survivor benefits with OASI benefits.	Not permitted; in effect, only larger benefit payable.....	No change.
(8) "OASI minimum guarantee" provision.	No provision.....	Guarantee that retirement or survivor benefits under railroad system, plus any OASI benefits payable, will not be less than OASI benefits would be on basis of combined credits under both systems.
(9) Credit for military service.....	Given at rate of \$160 per month for service during a war-service period if in railroad service in year of entry into military service or in preceding year. Provisions against using same service under more than one Federal system.	No change.
(10) Time within which benefits must be claimed.	Retirement annuities retroactive for 60 days. Survivor monthly benefits retroactive for 3 months. Lump-sum death payment within 2 years. No limit for residual death payment.	Monthly benefits retroactive for 6 months. No change for death payments.
G. Financing provisions		
(1) Tax rates.....	6% on employer and 6% on employee for 1951, and 6 1/4% each, thereafter; paid on maximum compensation of \$300 per month.	No change.
(2) Government contribution.....	For cost of military service provision, see item F(9).....	No change.
(3) Interest rate on investments.....	Minimum of 3% per annum guaranteed by General Treasury.	No change.
(4) OASI "interchange".....	Transfer made to assure equitable distribution of cost of survivor benefits when credits under both systems are merged, see items B(5) and D(1).	OASI trust fund to be put in same position as it would have been if railroad employment had always been covered thereunder, by transfers in appropriate direction. Takes into account, among other matters, payment of survivor benefits for long-service employees on basis of combined wage credits. Provision for transfers for survivor benefits (see adjoining column) eliminated; for transfer of short-service railroad employees, see item A(1).

¹ All changes applicable to those on the benefit rolls at time of enactment, except as noted.

² OASI means old-age and survivors insurance under the Social Security Act.

³ Certain liberalizations in definitions were made to conform with OASI definitions—for example, a parent need be only chiefly dependent (rather than wholly).

wife and dependent child¹⁰ would bring the total to \$150.¹¹ Accordingly, in this case, the man's railroad retirement annuity and the spouse's annuity would be increased so that they would total \$150.¹²

The guarantee provision applies only for months for which the old-age and survivors insurance benefits would be payable. For instance, if in a certain month the child receives more than \$50 in employment under the old-age and survivors insurance program, the total benefit payable under that program would have been reduced from \$150 to \$120. Accordingly, for that month the annuity payable under the railroad retirement program would be reduced to the \$128.32 arising under that program's benefit formula. The result would be the same when the child reaches age 18 and any benefits for him under old-age and survivors insurance would be permanently terminated.

If this individual had had a small amount of coverage under the old-age and survivors insurance program—sufficient, say, to qualify him for the minimum old-age insurance benefit of \$20, plus an additional \$20 for his wife and child—the guarantee provision would have no effect on his railroad annuity. (Nor would the provision against dual receipt of benefits, discussed subsequently, have any effect, since this individual is assumed to have no "prior service.") His additional benefits under old-age and survivors insurance as a result of counting railroad service would then be \$110. Since this amount is less than would be paid under the railroad retirement benefit formula, he would receive \$128.32 from the railroad sys-

¹⁰ Under the railroad retirement system, no additional payment is made for the dependent child of a retired worker although, when such a child is present, the wife can receive a spouse's annuity even though she may be under age 65.

¹¹ The wife and child are each eligible for 50 percent of the man's benefit, which would be \$40 apiece in this case, but the \$150 maximum benefit provision reduces their benefits to \$35 each.

¹² Both the man's retirement annuity and the spouse's annuity would be increased proportionately, to \$103.24 and \$46.76, respectively; this is the only type of case in which the spouse's annuity can exceed \$40.

tem and \$40 from the old-age and survivors insurance system.

There may be situations, similar to the one described above, where the railroad benefit is increased by the "old-age and survivors insurance minimum guarantee" provision, and yet old-age and survivors insurance benefits are also paid. For instance, if the individual had a minimum old-age and survivors insurance benefit of \$20, and if his railroad earnings had averaged \$150 a month in 1937-52 (but \$300 in each month of 1951 and 1952), the new railroad retirement formula would give a benefit of \$82.80 (including spouse's annuity). By the operation of the guarantee, the total railroad benefit would be increased to \$110, which—with the \$40 paid by old-age and survivors insurance—would total the \$150 that the old-age and survivors insurance program would pay if his railroad earnings were counted as "wages."

Minimum Guarantee— Survivor Benefits

For benefits to the survivors of deceased individuals having 10 or more years of railroad service and the required insured status, including "current connection," the same type of minimum guarantee applies as for retirement annuities. Here, however, the situation is different because (1) no credit is given for prior service, (2) the average monthly wage is computed in the same general fashion as under old-age and survivors insurance—that is, over periods of potential coverage rather than only over the actual months of service as for retirement annuities, (3) the benefit formula produces benefits in some cases lower, although in other cases higher, than the old-age and survivors insurance benefit formula, and (4) less liberal benefit amounts are given for certain categories than under the old-age and survivors insurance system.

In computing the average monthly wage (item 2 above), there is also the very important element that old-age and survivors insurance permits a "new start"; both wages and the period before 1951 can be ignored for individuals having 6 quarters of coverage after 1950. This provision will tend to produce a higher average wage by

dropping out the lower wages of the war and prewar periods, whereas under railroad retirement all wages and periods since 1936 must, in general, be included. For persons not able to use the "new start" (such as survivors receiving benefits based on the record of a wage earner who died before 1952), old-age and survivors insurance benefits are computed as under the 1939 act and then adjusted upward by use of a conversion table¹³ that partially, though roughly, allows for the lower wages of the past.

In regard to the third item, the old-age and survivors insurance benefit formula is 50 percent of the first \$100 of average monthly wage and 15 percent of the excess, while the railroad retirement benefit formula is, in effect, 53½ percent of the first \$75 and 13½ percent of the remainder plus 1-percent increment for each year of coverage after 1936. As a result, for workers with short periods of coverage, the effect of the increment under the railroad retirement formula is more than offset by the higher limit of the first bracket under old-age and survivors insurance.

As to the fourth item, the effective benefit percentages applicable to the "adjusted basic amount" (item D(2) of the accompanying chart) are frequently lower under the railroad retirement system than under old-age and survivors insurance. There is no additional family benefit (25 percent of the primary insurance amount) for survivor children, while parents receive, in effect, benefits at the 50-percent rate formerly used in old-age and survivors insurance (now 75 percent).

For survivor awards made in the near future (and possibly for many years to come), the vast majority of the amounts paid will be under the minimum guarantee provision rather than under the new railroad retirement benefit formula. Any simple comparison is difficult to make because of the differences between the two programs. Illustrative calculations

¹³ For a full description of the method of calculation, see Walter E. Wilcox, *Analysis of the Benefits under Title II of the Social Security Act Amendments of 1950*, Actuarial Study No. 30, Social Security Administration, February 1951 (especially pages 12, 14, and 15).

have been made, however, for an individual who died in 1951, having been covered under the railroad retirement program continuously since the beginning of 1937, and who left a widow and one child. Since this individual would not have sufficient coverage after 1950 to use the "new start" average wage under old-age and survivors insurance, the average wage is computed in approximately the same fashion under both programs. In obtaining the benefit under old-age and survivors insurance, the conversion table would be used. The resulting benefits for the widow and child, based on various assumed average monthly wages, are shown below.

Average monthly wage	Benefit under railroad retirement provisions ¹	Benefit under old-age and survivors insurance provisions
\$50.....	\$38.33	\$62.70
75.....	57.50	71.70
100.....	62.30	78.30
150.....	71.88	87.60
200.....	81.47	96.00
250.....	91.05	102.80
300.....	100.63	102.80

¹ Before application of the "old-age and survivors insurance minimum guarantee" provision.

For this particular case, the minimum guarantee provision would apply at every wage level—that is, the railroad retirement system would pay the larger amount computed under the old-age and survivors insurance provisions.¹⁴

This situation will not prevail for all survivor benefits currently awarded or those arising in the near future, although it is believed that a substantial majority will be affected—particularly when in the middle of 1952 it becomes possible under old-age and

¹⁴ It may be noted that the family benefit based on an average monthly wage of \$50 exceeds, under old-age and survivors insurance, the average wage. This situation arises because most workers with an average monthly wage of \$50 had much lower earnings than this before and during the war and much higher wages thereafter. The increase in old-age and survivors insurance benefits made by the 1950 amendments, in the aggregate, was designed to raise benefits so as to relate them to the increased wage and price levels at the time. Accordingly, the total benefit would probably be significantly less than the recent monthly earnings of the individual.

survivors insurance to use the new benefit formula along with the "new start" average wage.

Dual Receipt of Benefits

The retirement annuity of any individual entitled to an old-age insurance benefit (based on the individual's own wages earned in jobs covered by the social security program) is to be reduced by the smaller of (1) the old-age insurance benefit or (2) the portion of the retirement annuity based on service before 1937. For beneficiaries on the rolls when the law was enacted, there is a saving provision to the effect that this reduction, when considered in conjunction with the various increases made by the benefit formula and the spouse's annuity, shall not result in the individual's receiving less than he did before the amendments.

Consider, for example, a retired individual aged 65 or over with a wife also aged 65 or over. Assume that he had 20 years of service before 1937 and 10 years of service after 1936, all at a compensation of \$200 a month. Before the amendments he was receiving a retirement annuity of \$108 a month. Further assume that, as a result of a small amount of old-age and survivors insurance coverage, he had been receiving an old-age insurance benefit of \$20 and his wife was receiving a benefit of \$10. Under the amended benefit formula, the man's retirement annuity is increased to \$124.20, and in addition there is a spouse's annuity of \$40. The man's retirement annuity must be reduced, however, by the old-age insurance benefit of \$20 that he is receiving (since this is smaller than the portion of his retirement annuity—about \$83—based on prior service). Accordingly, his actual retirement annuity is \$104.20, while the spouse's annuity is \$40,¹⁵ so that the total payment from the railroad retirement system would be \$144.20 as contrasted with the former \$108. If the wife should die, however, the man's reduced retirement annuity of \$104.20 would be raised to \$108, the amount that he had been receiving before the enact-

¹⁵ When this type of reduction is made, the spouse's annuity is half the reduced retirement annuity, but in the example given the \$40 maximum would continue to apply.

ment of the amendments.¹⁶ For those retiring after the effective date, this saving provision is not applicable.

In some instances, this provision against dual receipt of benefits will be partially or wholly offset by the "old-age and survivors insurance minimum guarantee" provision described previously. In the example given in the preceding paragraph this guarantee would have no effect because his total railroad benefit of \$144.20 is more than the maximum benefit for a married man and his eligible wife under old-age and survivors insurance (\$102.80 currently and \$120 for retirements after March 1952). Consider, for example, an individual retiring at age 65 in January 1953 who has a wife aged 65 and a child aged 17. Assume that he had 30 years of continuous railroad service (and thus 14 years of prior service) and an average monthly compensation of \$125 over the period, but with \$300 a month in 1951 and 1952. Further assume that, as a result of a small amount of old-age and survivors insurance coverage, he is receiving an old-age insurance benefit of \$20, and correspondingly the total family benefit is \$40. Under the amended benefit formula, the man's railroad annuity is \$87.98 and the spouse's annuity is \$40, or a total of \$127.98. Because of the old-age insurance benefit actually paid, the man's annuity is reduced to \$67.98 and the spouse's annuity to \$33.99, or a total of \$101.97. The "old-age and survivors insurance minimum guarantee" in this case is \$110 (the \$150 maximum family benefit—based on the \$300 average wage in 1951 and 1952 and the two eligible dependents—less the \$40 actually paid). Accordingly, the railroad total benefit as reduced by the "dual receipt of benefits" provision is then adjusted up to \$110 by the guarantee provision.

In future years the provision against dual receipt of retirement benefits will have less and less effect, since fewer

¹⁶ The same situation would occur if the individual did not have an eligible wife when the amendments were enacted. In other words, he would then have received no increase in his railroad retirement benefits since the rise due to the new benefit formula would have been offset by the reduction because of dual receipt of benefits under the two systems.

annuities under the railroad retirement system will be based on service performed before 1937. Thus, for those who have no prior service or for those who have at least 30 years of service after 1936, there will be no restrictions against receiving full, dual retirement benefits under the two programs.

As in the previous law, there are provisions against payment of different categories of benefits under the two systems for survivors, with an extension of this principle also to spouse's annuities. Thus, for instance, an aged widow of a railroad worker cannot receive both a widow's annuity under the Railroad Retirement Act and an old-age insurance benefit based on her own earnings, but rather, in effect, only the larger of the two amounts. Similarly, an aged wife of a retired railroad worker cannot receive both a spouse's annuity and an old-age insurance benefit based on her own earnings. She may, on the other hand, receive a wife's benefit under both programs; as previously described, however, since the husband's railroad retirement annuity will be reduced in most cases in the near future when he also receives old-age and survivors insurance benefits, the spouse's annuity under the railroad program will be correspondingly reduced.¹⁷

Residual Death Payments

The railroad retirement program provides for a residual death payment that gives a minimum guarantee of payments to the individual on the basis of his railroad wages. The amount guaranteed is 4 percent of creditable compensation during 1937-46 and 7 percent thereafter. The payment will always be in excess of the contributions the individual has

¹⁷ This situation will not occur, however, when the husband's original annuity and his reduced annuity both total \$80 or more, since in either case the spouse's annuity is then the \$40 maximum.

made. The residual payment is determined by subtracting from the amount guaranteed all payments made under the railroad retirement program and certain payments made under the old-age and survivors insurance program on the basis of railroad earnings.

As an example, consider an individual who had less than 10 years of railroad service when he retired at age 65 in December 1951, with his wife also aged 65. Assume that all his railroad service was after 1946 and that his total credited compensation amounted to \$5,000, so that the minimum guarantee of benefits is \$350. Since he had less than 10 years of railroad service, his wage history was transferred to the old-age and survivors insurance system and, with the wage credits previously established, produced an old-age insurance benefit of, say, \$28 a month, along with a benefit of \$14 a month for his wife. Further, assume that without the railroad wage credits he would have been eligible for the minimum old-age insurance benefit of \$20 for himself and \$10 for his wife. Upon his death, a lump-sum payment of \$84 will be payable, and his widow will receive a monthly benefit of \$21.

Assume that the individual lives for one full year after retirement and that his widow dies 4 months later.¹⁸ The residual payment is determined as follows: From the \$350 minimum guarantee there must be deducted the excess benefits received during the retired worker's lifetime as a result of crediting the railroad wages (12 months at \$8 for the man and \$4 for his wife, or a total of \$144) and all survivor benefits paid (the \$84 lump-sum death payment and widow's bene-

¹⁸ Actually, this is an unusual case since both husband and wife would, on the average, live for about 12-14 years. In most instances there will be no residual death payment because the benefits paid before the death of the last surviving beneficiary will greatly exceed the minimum guarantee.

fits of \$21 for 4 months, or a total of \$168). The residual death payment would be \$38 (\$350 minus \$144 minus \$168).

Basic Documents Relating to Public Law 234

H.R. 3669, 82d Cong., 1st sess., as introduced April 12, 1951, and as reported out September 19, 1951.

H.R. 3755, 82d Cong., 1st sess., as introduced April 18, 1951.

H.R. 4641, 82d Cong., 1st sess., as introduced June 28, 1951.

S. 1347, 82d Cong., 1st sess. (identical with H.R. 3669), as introduced April 18, 1951, and as reported out October 4, 1951.

S. 1353, 82d Cong., 1st sess. (identical with H.R. 3755), as introduced April 18, 1951.

Hearings before the Committee on Interstate and Foreign Commerce, House of Representatives (82d Cong., 1st sess.), on H.R. 3669, H.R. 3755, and Others, May-June 1951.

Hearings before the Subcommittee on Railroad Retirement Legislation of the Committee on Labor and Public Welfare, U.S. Senate (82d Cong., 1st sess.), on Bills to Amend the Railroad Retirement Act of 1937, April-May 1951.

Report of the Committee on Interstate and Foreign Commerce on H.R. 3669 (H. Rept. 976, 82d Cong., 1st sess.), September 19, 1951.

House debate on H.R. 3669, *Congressional Record*, October 4 and 16, 1951 (Volume 97, Nos. 186 and 194).

Report of the Senate Committee on Labor and Public Welfare on S. 1347 (S. Rept. 890, 82d Cong., 1st sess.), October 4, 1951.

Senate debate on S. 1347, *Congressional Record*, October 15, 1951 (Volume 97, No. 193).

Senate debate on H.R. 3669, *Congressional Record*, October 17, 1951 (Volume 97, No. 195).

Conference Report on H.R. 3669 (H. Rept. 1215, 82d Cong., 1st sess.), October 18, 1951.

House and Senate debate on Conference Report, *Congressional Record*, October 19, 1951 (Volume 97, No. 197).

President's Statement, White House press release, October 30, 1951.