Federal Social Security and Related Legislation, 1953

by Wilbur J. Cohen*

The first session of the Eighty-third Congress, which adjourned on August 3, 1953, enacted legislation affecting various aspects of the social security program.

Early in the legislative year—on April 11, 1953—the President's Reorganization Plan No. 1 of 1953 became effective. The Plan created the Department of Health, Education, and Welfare, of which the Social Security Administration is a part, and established a new position—Commissioner of Social Security.

Two of the new laws amended the old-age and survivors insurance provisions of the Social Security Act; one extended through June 30, 1955, the period in which wage credits are provided for military service; it also extended, to cover deaths occurring before July 1955, the provision governing the time in which claims can be filed for lump-sum payments based on the deaths of servicemen who die overseas and are reburied in this country. The other amendment permits State and local government employees in Wisconsin who are covered under the State retirement plan to be covered also under old-age and survivors insurance.

Among the legislative actions affecting the operation of the social security program were (1) a provision extending for 2 years the period for exempting certain Mexican agricultural labor from old-age and survivors insurance; (2) ratification of a supplementary agreement with Italy that provides, subject to further legislation, for arranging for coordination of coverage periods under the old-age and survivors insurance programs of Italy and the United States; and (3) a provision permitting coverage under State unemployment insurance laws of seamen employed by the Federal Government. Congress also adopted legislation authorizing four important studies that relate to or may affect the social security program.

A private relief bill concerning the payment of retroactive benefits under old-age and survivors insurance was vetoed by President Eisenhower. The President also sent to Congress two messages recommending changes in old-age and survivors insurance. In one he urged extension of coverage; in the other he asked that the scheduled rise in the contribution rate be postponed.

Department of Health, Education, and Welfare

Reorganization Plan No. 1 of 1953, creating the Department of Health, Education, and Welfare, became effective on April 11, 1953. President Eisenhower had transmitted the plan to Congress on March 12.1 House Joint Resolution 223, which provided for the plan to take effect 10 days after enactment of the resolution, was approved by the House of Representatives on March 18 and by the Senate on March 30.

The Plan provides for the Department to be headed by a Secretary, assisted by an Under Secretary and two Assistant Secretaries. It provides for a Special Assistant to the Secretary (Health and Medical Affairs), appointed by the President by and with the advice and consent of the Senate from among persons who are recognized leaders in the medical field with wide nongovernmental experience. The Special Assistant has the responsibility of reviewing the health and medical programs of the Department and advising the Secretary with respect to the improvement of those programs and on necessary legislation in the health and medical fields.

Section 4 of the Plan provides for the appointment of a Commissioner of Social Security by the President with the advice and consent of the Senate. He "shall perform such functions concerning social security and public welfare as the Secretary may prescribe."

Section 8 abolishes the position of Commissioner for Social Security. The position had been created by administrative action in 1946 under the general authority of Reorganization Plan No. 2 of 1946, which among other things abolished the Social Security Board. In 1950, Congress amended section 701 of the Social Security Act to provide that there should be a Commissioner for Social Security in the Federal Security Agency, appointed by the Administrator, who would perform such functions relating to social security as the Administrator should assign to him.

In recommending the Plan, President Eisenhower stated that its purpose was "to improve the administration of the vital health, education, and social-security functions now being carried on . . . by giving them departmental rank. Such action is demanded by the importance and magnitude of these functions, which affect the well-being of millions of our citizens. . . . There should be an unceasing effort to improve those health, education, and social-security programs which have proved their value."

Amendments to the Social Security Act

Extension of credits for military service.—Under old-age and survivors insurance, individuals who have served in the active military or naval service of the United States at any time since September 16, 1940, are, in certain circumstances, given wage credits of $160 a month for each month (or part of a month) of such

---

1 H. Doc. 109, 83d Cong., 1st sess. See Joint Hearings before the Committees on Government Operations of the House of Representatives and the Senate of the United States (Subcommittee on Reorganization). Mar. 16, 1953, and Hearing before the Subcommittee on Reorganization of the Committee on Government Operations, United States Senate, Mar. 23, 1953.

* Technical Adviser to the Commissioner of Social Security.
service. These credits are provided without any payment of taxes or appropriation of funds to the old-age and survivors insurance trust fund.

The 1953 amendment to the law (Public Law No. 269) extends the period of military service coverage through June 30, 1955. Persons in service will get social security wage credits for each month of active duty until that date. The previous law did not provide for wage credits for service after December 31, 1953.

The amendment also extends the provision protecting the survivors of men and women who die outside the continental United States while they are in the active military or naval service and whose bodies are returned for burial or reburial to any one of the 48 States, Alaska, the District of Columbia, Hawaii, Puerto Rico, or the Virgin Islands. Lump-sum payments under old-age and survivors insurance may be made when the death occurs in active service abroad before July 1955, if application for payment is made within 2 years of the date of burial or reburial in this country. The provision formerly applied only in cases of deaths occurring before January 1, 1954.

Over the long run, potential benefit disbursements arising from the amendments giving military service credits for the years 1940-55 are estimated by the Chief Actuary of the Social Security Administration to amount to $750 million. The cost is currently borne by the trust fund; Congress did not authorize appropriations for this purpose in the 1950, 1952, or 1953 amendments. The 1946 amendments had provided for survivor benefits in certain circumstances to the families of veterans who died within 3 years after they left military service, and, to cover the cost, Congress authorized appropriation of Federal funds out of general revenues. This authorization was repealed by the 1950 amendments.

Wisconsin retirement amendment. —Public Law No. 279, approved August 15, made old-age and survivors insurance coverage possible for certain State and local government employees in Wisconsin.

The law makes an exception to section 218 (d) of the Social Security Act, which prohibits coverage under old-age and survivors insurance for employees who are in positions that are covered by a State or local retirement system at the time coverage under the Federal program is extended to the coverage group to which they belong. The amendment permits members of the Wisconsin retirement fund, while retaining the protection of that fund, to be covered by old-age and survivors insurance if the State so desires. The retirement fund covers most employees (other than teachers) of the State and its political subdivisions.

The 1950 amendments to the Social Security Act included a provision permitting old-age and survivors insurance coverage, under Federal-State agreements, of State and local employees not covered by a State or local retirement system. For some years before 1950, as well as since that time, the Wisconsin retirement law has contained a clear indication of the State's intention that its system be coordinated with the old-age and survivors insurance system when possible, thereby providing its employees and the employees of its subdivisions with protection under both systems.

At the time of the enactment of the 1950 amendments, Congress indicated that it was of the opinion that no action should be taken that might jeopardize the continuance of existing State and local retirement systems. The Wisconsin retirement system is unique in that it specifically provides for integration with the social security system.

The Wisconsin amendment was considered by Congress in 1950 and 1952. In 1950 the Conference Committee considering the amendments to the Social Security Act adopted the proposal, but later, after opposition from teachers and policemen, reversed its decision. The amendment passed the House of Representatives in 1952 as part of a bill that included other amendments relating to old-age and survivors insurance. The Senate deleted all provisions relating to State and local coverage, and this decision was sustained by the Conference Committee.

Other Legislation
Mexican agricultural labor. —Public Law No. 237, approved August 8, extended for 2 years—through December 31, 1955—certain provisions of the Agricultural Act of 1949. Among these provisions was the amendment to that act adopted in 1951, which excluded from the old-age and survivors insurance program service performed by foreign agricultural workers under contracts entered into in accordance with title V of the 1949 act.

Under the terms of the 1951 legislation the exclusion was embodied in section 210 (a)(1)(C) of the Social Security Act and the comparable provision of the Internal Revenue Code. The legislation applies only to workers from Mexico.

Italian treaty. —On July 21, 1953, the Senate ratified, by a vote of 86 to 1, a supplementary agreement to the Treaty of Friendship, Commerce, and Navigation with Italy. Article VII of the supplementary agreement empowers the United States to enter into arrangements with Italy for combining coverage periods under the old-age and survivors insurance systems of the two countries. The ratification by the Senate was conditioned on the understanding that the arrangements entered into would be made by the United States only in conformity with provisions of statute. Article VII provides as follows:

1. The two High Contracting Parties, in order to prevent gaps in the social insurance protection of their respective nationals who at different times accumulate substantial periods of coverage under the principal old-age and survivors insurance system of one High Contracting Party and also under the corresponding system of the other High Contracting Party, declare

Source: Social Security
their adherence to a policy of permitting all such periods to be taken into account under either such system in determining the rights of such nationals and of their families. The High Contracting Parties will make the necessary arrangements to carry out this policy in accordance with the following principles:

(a) Such periods of coverage shall be combined only to the extent that they do not overlap or duplicate each other, and only insofar as both systems provide comparable types of benefits. (b) In cases where an individual's periods of coverage are combined, the amount of benefits, if any, payable to him by either High Contracting Party shall be determined in such a manner as to represent, so far as practicable and equitable, that proportion of the individual's combined coverage which was accumulated under the system of that High Contracting Party. (c) An individual may elect to have his right to benefits, and the amount thereof, determined without regard to the provisions of the present paragraph.

Such arrangements may provide for the extension of the present paragraph to one or more special old-age and survivors insurance systems of either High Contracting Party, or to permanent or extended disability insurance systems of either High Contracting Party.

2. At such time as the Maintenance of Migrants' Pension Rights Convention of 1953 enters into force with respect to both High Contracting Parties, the provisions of that Convention shall supersede, to the extent that they are inconsistent therewith, paragraph 1 of the present Article and arrangements made thereunder.6

The agreement with Italy is the first and to date the only treaty in which the United States has agreed, in principle, to arrangements for the coordination of benefit rights under old-age and survivors insurance. The Treaty is not self-executing but must be implemented by technical arrangements, which will have to be approved by statute.

Coverage of Federal seamen under unemployment insurance.—Only one piece of legislation affecting unemployment insurance was enacted by Congress in 1953. Public Law No. 196 amends sections 1606 and 1607 of the Internal Revenue Code to permit unemployment insurance coverage under State laws for seamen employed on certain vessels operated by the Federal Government in transporting cargoes essential to Government military and other defense-related activities. The law provides that a State may cover the service of such seamen effective July 1, 1953. The law also permits a State to require contributions under its temporary disability insurance law for such service. Federal consent to coverage of its employees is necessary since, under the Constitution, States cannot tax the Federal Government without its consent.

Uniformed Services Contingency Option Act.—Public Law No. 239, approved August 8, 1953, permits members of the uniformed services—the Armed Forces, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service—to receive a reduced amount of retirement pay in order to provide payments to their widows or children.7 The amount of the reduction is to be determined in each case by the actuarial equivalent method.

Section 8 of the act provides for the establishment of a Board of Actuaries to advise on the administration of the law. The Board is composed of the Government Actuary in the Treasury Department, the Chief Actuary of the Social Security Administration, and an actuary selected from the membership of the Society of Actuaries. The tables used in computing deductions in retirement pay to provide the options are to be those recommended by the Board of Actuaries.

Congressional Studies

Curtis Subcommittee.—House Resolution 91, adopted February 24, 1953, authorized the House Ways and Means Committee to "conduct thorough studies and investigations of all matters pertaining to our social security laws. Such studies and investigations shall include (but not be limited to) the basic concepts and principles of the old-age and survivors insurance and old-age assistance programs, as to taxes, benefits, commitments, retirement tests, reserves, coverage, administration, inequities, inadequacies, fiscal soundness and suggested amendments, changes and improvements."9

Commission on Intergovernmental Relations.—Public Law No. 109, approved July 10, 1953, established the Commission on Intergovernmental Relations, of which Oveta Culp Hobby, Secretary of Health, Education, and Welfare, is a member. The functions of the Commission are, of course, of vital interest to the social security program and to the entire Department of Health, Education, and Welfare.

The Commission has the responsibility of studying and investigating all the present activities in which Federal aid is extended to State and local governments, the interrelationships of the financing of this aid, and the source of funds for financing government programs. The Commission is to determine and report whether there is justification for Federal aid in the various fields in which Federal aid is extended; whether there are other fields in which Federal aid should be extended; whether Federal control with respect to these activities should be limited, and, if so, to what extent; and whether Federal aid should be limited to cases of need. The Commission is also to study and report on all other matters incident to such Federal aid, including the ability of the Federal Government and the States to

---


7 For a summary of the provisions see the Bulletin, November 1950, pp. 19-20.

8 Congressional Record, Feb. 24, p. 1417. H. Res. 243, adopted May 27, authorized the expenditure of $100,000 for the work of the Committee (ibid., May 27, 1953, p. 5861).

finance any activities of this nature.

Section 1 of the law states that it is necessary to study the proper role of the Federal Government in relation to the States and localities because any existing confusion and wasteful duplication of functions and administration pose a threat to the objectives of the Federal-State programs, and because the activity of the Federal Government has been extended into many fields that, under our constitutional system, may be of primary interest to and the obligation of the States and localities, and because, as a result, intergovernmental relations have become complex. The objective of the study is to define these relations, to allocate the functions concerned to their proper jurisdiction, and to adjust intergovernmental fiscal relations so that each level of government discharges the functions that belong within its jurisdiction in a sound and effective manner.

The Commission is composed of 25 members. Fifteen members were appointed by the President—nine from the majority party and six from the minority party; five members were appointed by the President of the Senate—three from the majority party and two from the minority party; and five were appointed by the Speaker of the House of Representatives—three from the majority party and two from the minority party.

Hoover Commission.—The Commission on Organization of the Executive Branch of the Government, known as the Hoover Commission, was established by Public Law No. 108, approved July 10, 1953. The Commission has the responsibility of studying and investigating the present organization and methods of operation of Government agencies to determine what changes, in its opinion, are necessary. The legislation sets forth, to guide the Commission, a declaration of policy—"to promote economy, efficiency, and improved service in the transaction of the public business . . . by (1) recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions; (2) eliminating duplication and overlapping of services, activities, and functions; (3) consolidating services, activities, and functions of a similar nature; (4) abolishing services, activities and functions not necessary to the efficient conduct of government; (5) eliminating nonessential services, functions, and activities which are competitive with private enterprise; (6) defining responsibilities of officials; and (7) relocating agencies now responsible directly to the President in departments or other agencies."

The Commission is composed of 12 members. Four were appointed by the President—two from the Executive branch of the Government and two from private life; four were appointed by the President of the Senate—two from the Senate and two from private life; and four appointed by the Speaker of the House of Representatives—two from the House and two from private life.

The Commission must submit its final report not later than May 31, 1955. Interim reports may be made, and a comprehensive report of its activities and the results of its studies must be submitted before December 31, 1954.

Juvenile delinquency.—Senate Resolution No. 89, adopted on June 1, 1953, provides for a "full and complete study of juvenile delinquency in the United States," to be made by a subcommittee of the Senate Committee on the Judiciary.

The Resolution states that special attention shall be given to (1) determining the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (2) the adequacy of existing provisions of law in dealing with youthful offenders who break Federal laws, (3) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (4) the extent to which juveniles are violating laws relating to the sale or use of narcotics.

The members of the subcommittee are Senator Hendrickson, Chairman, and Senators Langer, Kefauver, and Hennings.

Veto of Private Relief Bill

On June 15, 1953, President Eisenhower vetoed H.R. 1334, a private bill for the relief of Helmuth Wolf Gruhl.10 In 1931, Helen Gruhl married Werner Gruhl. In April 1932 a son, Helmuth Wolf Gruhl, was born of this marriage, and in 1935 Mrs. Gruhl separated from her husband and took the child from their home in Elizabeth, New Jersey, to Chicago, Illinois, and ultimately to Madison, Wisconsin. In June 1941 she obtained an absolute divorce from Werner Gruhl.

Werner Gruhl entered into another marriage. He died in November 1942 in Middlebury, Vermont. Helen Gruhl, the mother of Helmuth Wolf Gruhl, stated that she had no knowledge of the death of her former husband until April 1947. She said she would have learned of the death and would have filed a claim for the child's insurance benefits as early as November 1942, if the widow of Werner Gruhl had not, in her petition for administration of his estate, erroneously made the statement that she was his sole heir. Mrs. Helen Gruhl made application on behalf of her minor son for child's insurance benefits under title II of the Social Security Act in June 1947, and such benefits were awarded, retroactive to March 1947, in the amount of $17.03 a month. Benefits were paid until the child reached age 18.

Had Mrs. Helen Gruhl been informed in 1942 of her husband's death and had timely application been made for the benefits, payments for the 51 months from December 1942 through February 1947, amounting to $868.53, would have accrued to the benefit of the child. The Bureau of Old-Age and Survivors Insurance held that the provisions of the Social Security Act then in effect prevented the payment of these retroactive benefits, and the Bureau's action was upheld, on appeal, by a referee and by the Appeals Council of the Federal Security Agency. The Social Security Act provides for the payment of retroactive benefits for a limited period (before the 1950 amendments, 3 months; since then, 6 months) when the filing of an application is delayed after the individual is first eligible for benefits.

In vetoing the bill, President Eisenhower (Continued on page 25)
**FEDERAL LEGISLATION**

Continued from page 6)

Eisenhower stated that he appreciated the fact that the limitation on retroactive benefits in the Social Security Act may seem like an unjust penalty to those who, as the child and the mother in this case, had no timely knowledge of the wage earner's death. However, he said, “special legislation permitting one individual to receive social insurance benefits under conditions identical with those in which benefits are denied to another is undesirable and contrary to sound principles of equity and justice. If any modification of a provision in the Social Security Act is needed, I believe that the Congress should make such changes in the basic law so they will be available to all persons equally. The Congress, on two separate occasions—in 1939 and 1950—has considered the question of retroactive benefits and has decided that the period should be definitely limited.”

Only two private relief bills dealing with old-age and survivors insurance have become law since the old-age and survivors insurance program was established.

**President’s Message**

Tax rate, old-age and survivors insurance.—On May 20, 1953, President Eisenhower sent a special message to Congress dealing with taxes. In it he recommended that the scheduled increase in the old-age and survivors insurance contribution rate be postponed 1 year. The present law provides that the tax on employees and employers will be increased from 1 1/2 percent each to 2 percent each, beginning January 1, 1954. The rate for self-employed persons will be raised from 2 1/2 percent to 3 percent. The tax is levied only on the first $3,600 of taxable wages and self-employment income.

The President pointed out that “the old-age and survivors insurance trust fund has now reached almost $18 billion,” and that “receipts at present tax rates are currently well in excess of expenditures.”

No hearings were held on the President’s recommendation, nor were any bills introduced in Congress to carry it out. Before Congress adjourned, however, Representative Daniel A. Reed, Chairman of the House Committee on Ways and Means, called attention to the study being made by the Curtis subcommittee on social security in preparation for action in the next legislative session. “The proper method of financing the system is, of course,” he said, “one of the subjects of study.”

Coverage extension.—In a message dated August 1, 1953, President Eisenhower referred to Congress the recommendations of Secretary Oveta Culp Hobby for extending the coverage of old-age and survivors insurance to additional groups of workers. The Secretary’s plan, developed with the assistance of 12 consultants, has been considered.

(Continued on page 28)

For a summary of the consultants’ report to the Secretary, see the Bulletin, September 1953, pp. 3-6.
### Table 5.—Estimated payrolls in employment covered by selected programs in relation to civilian wages and salaries, by specified period, 1939–53

[Corrected to Nov. 4, 1953]

<table>
<thead>
<tr>
<th>Period</th>
<th>Wages and salaries</th>
<th>Payrolls covered by</th>
<th>Percent of civilian wages and salaries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Civilian</td>
<td>Old-age and survivors insurance</td>
</tr>
<tr>
<td></td>
<td>(in millions)</td>
<td></td>
<td>(in millions)</td>
</tr>
<tr>
<td>Calendar year:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1939</td>
<td>$4,754</td>
<td>$4,347</td>
<td>$32,136</td>
</tr>
<tr>
<td>1940</td>
<td>40,587</td>
<td>40,509</td>
<td>35,909</td>
</tr>
<tr>
<td>1941</td>
<td>41,726</td>
<td>41,600</td>
<td>41,286</td>
</tr>
<tr>
<td>1942</td>
<td>41,887</td>
<td>41,567</td>
<td>57,030</td>
</tr>
<tr>
<td>1943</td>
<td>105,047</td>
<td>91,302</td>
<td>69,379</td>
</tr>
<tr>
<td>1944</td>
<td>116,224</td>
<td>90,286</td>
<td>73,069</td>
</tr>
<tr>
<td>1945</td>
<td>117,676</td>
<td>95,078</td>
<td>71,217</td>
</tr>
<tr>
<td>1946</td>
<td>111,256</td>
<td>103,244</td>
<td>79,008</td>
</tr>
<tr>
<td>1947</td>
<td>122,924</td>
<td>117,974</td>
<td>92,680</td>
</tr>
<tr>
<td>1948</td>
<td>134,077</td>
<td>130,457</td>
<td>101,892</td>
</tr>
<tr>
<td>1949</td>
<td>135,418</td>
<td>129,169</td>
<td>99,645</td>
</tr>
<tr>
<td>1950</td>
<td>146,538</td>
<td>140,637</td>
<td>106,439</td>
</tr>
<tr>
<td>1951</td>
<td>169,814</td>
<td>161,174</td>
<td>133,000</td>
</tr>
<tr>
<td>1952</td>
<td>165,705</td>
<td>173,830</td>
<td>145,000</td>
</tr>
<tr>
<td>1953</td>
<td>47,750</td>
<td>45,159</td>
<td>37,800</td>
</tr>
</tbody>
</table>

| Calendar year:  | Wages and salaries | Payrolls covered by | Percent of civilian wages and salaries |
|                 | (in millions)      |                     |                                       |                           |                                           |
| 1952            | 100.0              | 70.8                 | 65.9                                  | 4.8                       |
| 1953            | 100.0              | 70.8                 | 66.0                                  | 4.7                       |
| 1954            | 100.0              | 71.7                 | 70.2                                  | 4.5                       |
| 1955            | 100.0              | 71.7                 | 72.2                                  | 4.6                       |
| 1956            | 100.0              | 70.3                 | 72.2                                  | 4.6                       |
| 1957            | 100.0              | 70.3                 | 71.8                                  | 4.7                       |
| 1958            | 100.0              | 70.3                 | 69.8                                  | 4.8                       |
| 1959            | 100.0              | 70.3                 | 72.8                                  | 4.7                       |
| 1960            | 100.0              | 70.3                 | 73.4                                  | 3.8                       |
| 1961            | 100.0              | 70.3                 | 73.4                                  | 3.8                       |
| 1962            | 100.0              | 70.3                 | 73.4                                  | 3.8                       |
| 1963            | 100.0              | 70.3                 | 73.4                                  | 3.8                       |

1 Continental United States, except as otherwise noted (see footnotes 2 and 7).
2 Represents estimated wages and salaries, in cash and in kind, earned in specified period in continental United States and, in addition, pay of Federal civilian personnel in all other areas, includes employee contributions to social insurance and related programs. Quarterly data reflect prorating of year-end bonus payments.
3 Wages paid in specified period.
5 Federal Legislation, (Continued from page 26)

"would effectively carry out," the President said, "the objectives that I expressed in my message to Congress on the state of the Union. . . . As the Committee on Ways and Means of the House of Representatives proceeds with its studies to improve the Social Security Act, I strongly commend to it this plan for the extension of coverage to most of the major groups not now covered by any social insurance or public retirement system. This is a specific plan for a specific purpose—the extension of coverage. Other important improvements in the Social Security Act are now under study and will be the subject of further recommendations."

Social Security