

[CHAPTER 797]

JOINT RESOLUTION

Providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

October 9, 1940
[S. J. Res. 267]
[Pub. Res., No. 102]

Railroad Retirement Board.
Preamble.
50 Stat. 307; 49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-223r.

Whereas complete records of all service and compensation which may be creditable toward benefits under the provisions of the Railroad Retirement Act of 1937 and the Railroad Retirement Act of 1935 are required for the administration of said Acts; and

Whereas such records with respect to service prior to January 1, 1937, are largely in the possession of employers subject to said Acts and are constantly subject to the danger of loss or destruction; and

Whereas the loss or destruction of such records would jeopardize the establishment of the rights of individuals to annuities based in whole or in part on such prior service and would otherwise severely and permanently impede and impair the administration of said Acts, and the danger of loss or destruction presents a serious emergency; and

Whereas the prompt transcription, compilation, and filing with the Railroad Retirement Board of such records will remove the data contained therein from the danger of their loss or destruction and will make them expeditiously and permanently available for necessary operations of the Railroad Retirement Board and will result in a more efficient and economical administration of the said Acts: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each employer subject to the Railroad Retirement Act of 1937, and each other company, association, or person (hereinafter referred to as the "other company") who is in possession of such data as are hereinafter described, shall immediately begin collecting and shall furnish currently as completed and not later than June 30, 1943, shall have completed furnishing to the Railroad Retirement Board (hereinafter called "the Board") in such form as the Board may prescribe, certified reports of all data with respect to service and compensation prior to January 1, 1937, corresponding in substance with that which has heretofore been required by the Board for the adjudication of claims for annuities under the Railroad Retirement Act of 1937 and the Railroad Retirement Act of 1935 and which can be obtained from records in the possession of such employer or other company.

SEC. 2. The Board is hereby authorized and directed to establish a uniform reasonable rate of payment to which employers or other companies are entitled for the furnishing of the reports required by section 1 of this joint resolution to be furnished which rate shall not result in payment to any employer or other company of any amount in excess of 50 cents multiplied by the aggregate number of man-years of service established and verified by such employer or other company and reported to the Board in accordance with section 1 of this joint resolution. The Board shall, from time to time, determine, and certify on proper voucher to the Secretary of the Treasury, the amount of payment due to each employer or other company pursuant to this section: *Provided, however,* That no payment shall be certified or made with respect to any item in such reports as concerns the record of employees sixty-five years of age or over who have filed application for annuity, or with respect to any report not furnished on or before June 30, 1943. Upon such certification, the Secretary of the Treasury shall pay such amount to such employer or other company from the special fund hereinafter established. Whenever any employer or other company furnishes through any other employer or other company any report required by the first section of this

Collection, etc., by employers, of designated data for Board.

Form.

Establishment of uniform rate of payment.

Certification of amounts due employers.

Proviso. Certification forbidden in certain cases.

Payment.

joint resolution to be furnished, the Board may certify the payment to be made to the employer or other company through whom such report is furnished, and payment in accordance with such certification shall discharge all obligations arising hereunder with respect to such report.

SEC. 3. If any employer or other company fails to exercise due care and diligence in carrying out its duties under this joint resolution, the Board, by its employees, may transcribe the necessary data from records in the possession of such employer or other company, which records shall be made available as the Board may require, and no payment shall be due to any employer or other company for or on account of any records transcribed by employees of the Board.

SEC. 4. Reports, records, and data acquired by the Board pursuant to this joint resolution shall be so assembled and processed by the Board as to provide as nearly as practicable a complete record, by individuals, of all service and compensation prior to January 1, 1937, creditable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935. The Board shall take steps reasonably calculated to give notice of such record to each individual with respect to whom such record is established. Direct communication, transmission to employers for delivery, public advertisement, or such other means as the Board may determine, shall constitute due notice to all such individuals: *Provided, however,* That, unless the Board's records show that actual notice was received through other means by an individual for whom the Board has an address on file and such notice is evidenced by a receipt signed by such individual, notice to such individual shall include the mailing of notice to the last address on file with the Board. Whenever the Board shall determine that reasonable notice has been given it shall so find and shall enter such finding upon its records. Such finding may be made with respect to all individuals or, from time to time, with respect to described classes of individuals. Any record established as herein above provided, which is not contested within two years after the finding of reasonable notice hereinabove provided for has been entered upon the records of the Board, shall be presumed to include all service rendered and compensation earned prior to January 1, 1937, by the individual to whom such record relates, and, unless shown by new and manifestly convincing evidence to be clearly erroneous, shall be conclusive: *Provided, however,* That such record shall in no wise restrict the authority of the Board to determine, upon the filing of an application for an annuity, that some or all of the service or compensation so recorded is not service or compensation as said terms are defined in the Railroad Retirement Acts or that under the provisions of the applicable Railroad Retirement Act some or all of the service or compensation so recorded is not to be used in the computation of an annuity. The Board may also take steps, through publication or otherwise, reasonably calculated to give notice of the carrying out of this joint resolution, to individuals with respect to whom no record of service or compensation is established. Whenever the Board shall determine that such steps have been taken it shall so find and shall enter such findings upon its records. With respect to each individual who does not, within two years after such finding has been entered upon the records of the Board, request the establishment of a record of his service and compensation, the fact that no such record is established shall be presumed to show that such individual, prior to January 1, 1937, rendered no service and earned no compensation as said terms are defined in the applicable Railroad Retirement Act, and such presumption shall be rebuttable only by new and manifestly convincing evidence showing it to be clearly erroneous.

Transcription of data by Board.

Assembly and processing of reports, etc.

50 Stat. 307; 49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-228r.
Notice to individuals.

Provided.
Mailing of notice to last address.

Finding of reasonable notice.

Uncontested records conclusive as to designated services, etc.

Board's authority to determine services, etc., not restricted.

Notice by publication.

Presumption of non-service, etc.

Orders, rules, etc.

SEC. 5. The Board is hereby authorized to promulgate such orders, rules, and regulations as in its judgment are necessary or proper to carry out the purposes of this joint resolution. All powers and remedies including legal processes available to the Board under the Railroad Retirement Act of 1937 for the administration of said Act shall be similarly available to the Board for the carrying out of this joint resolution.

Special fund.

SEC. 6. In order to carry out the purposes of this joint resolution, there shall be set aside on July 1, 1940, in a special fund \$9,000,000 of the amount appropriated to the Railroad Retirement Account by the Railroad Retirement Board Appropriation Act, 1941, such fund to remain available until June 30, 1943, for expenditure in accordance with the provisions of section 2 of this joint resolution. Any unobligated balance on June 30, 1943, in the special fund hereby established shall revert to the Railroad Retirement Account.

Ante, p. 597.

Designated authority, etc., of Board not impaired.

49 Stat. 967; 50 Stat. 307; 52 Stat. 1094.

45 U. S. C., Supp. V, §§ 215-228r, 351-367.

SEC. 7. No provision of this joint resolution shall be construed in any manner to limit or impair any authority, power, or discretion conferred upon or vested in the Board by the Railroad Retirement Act of 1935, the Railroad Retirement Act of 1937, or the Railroad Unemployment Insurance Act.

Approved, October 9, 1940.

[CHAPTER 798]

JOINT RESOLUTION

To exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, said committee to be appointed with the approval of the President-elect, shall be exempt from the tax on admissions imposed by section 1700 of the Internal Revenue Code, as amended, all the net proceeds from the sale of said tickets to be donated by the said committee to charity.

Approved, October 9, 1940.

[CHAPTER 836]

AN ACT

To authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President determines that it is necessary in the interest of national defense to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been denied in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress), he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or

October 9, 1940

[H. J. Res. 467]

[Pub. Res., No. 103]

Inaugural admission tickets.
Payments for, tax free.53 Stat. 189.
26 U. S. C., Supp. V,
§ 1700.

October 10, 1940

[H. R. 10339]

[Public, No. 829]

National defense.
Requisition, etc., of
certain articles and
materials.

Ante, p. 714.