

## [CHAPTER 307]

## JOINT RESOLUTION

June 11, 1940  
[H. J. Res. 496]  
[Pub. Res., No. 81]

Providing for more uniform coverage under the Railroad Retirement Acts of 1935 and 1937, the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code.

Railroad Retirement Act of 1937, amendments, 50 Stat. 308, 45 U. S. C., Supp. V, § 228a (c).  
*Proviso.*  
Individuals not deemed in service of employer.

50 Stat. 308, 45 U. S. C., Supp. V, § 228a (d).  
*Proviso.*  
Employment relation.

Amendments, operation and effect.

Railroad Retirement Act of 1935, amendments, 49 Stat. 968, 45 U. S. C., Supp. V, § 228a (c).  
*Proviso.*  
Individuals not deemed in service of carrier.

49 Stat. 968, 45 U. S. C., Supp. V, § 228a (d).  
*Proviso.*  
Employment relation.

Amendments, operation and effect.

Internal Revenue Code, amendments, 53 Stat. 182, 26 U. S. C., Supp. V, § 1532 (b).  
*Proviso.*  
Employment relation to carrier.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (c) of section 1 of the Railroad Retirement Act of 1937, approved June 24, 1937 (50 Stat. 307), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

Subsection (d) of section 1 of said Act is hereby amended by substituting for the proviso therein the following: "*Provided, however,* That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section."

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1937 when that Act was enacted on June 24, 1937.

SEC. 2. Subsection (c) of section 1 of the Railroad Retirement Act of 1935, approved August 29, 1935 (49 Stat. 967), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of a carrier when rendering service outside the United States to a carrier conducting the principal part of its business in the United States if such carrier is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

Subsection (d) of section 1 of said Act is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of a carrier in accordance with subsection (c) of this section."

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1935 when that Act was enacted on August 29, 1935.

SEC. 3. Subsection (b) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended by substituting for the second proviso therein the following: "*Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (d) of this section."