

## Public Law 88-650

## AN ACT

October 13, 1964  
[H. R. 9393]

To amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aides employed by soil and water conservation districts in Oklahoma, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 216(i)(2) of the Social Security Act is amended by striking out the third sentence and inserting in lieu thereof the following: "A period of disability shall (subject to section 223(a)(3)) begin—

Social Security Act, amendment. 68 Stat. 1080. 42 USC 416. Disability period.

"(A) on the day the disability began, but only if the individual satisfies the requirements of paragraph (3) on such day; or

"(B) if such individual does not satisfy the requirements of paragraph (3) on such day, then on the first day of the first quarter thereafter in which he satisfies such requirements."

(b) Section 216(i)(3) of such Act is amended by striking out "of paragraphs (2) and (4)" and inserting in lieu thereof "of paragraph (2)".

(c) Section 216(i)(4) of such Act is repealed.

Repeal.

(d) (1) The amendments made by subsections (a), (b), and (c) shall apply in the case of applications for disability determinations under section 216(i) of the Social Security Act filed after the month following the month in which this Act is enacted.

(2) Except as provided in the succeeding paragraphs, such amendments shall also apply, and as though such amendments had been enacted on July 1, 1962, in the case of applications for disability determinations filed under section 216(i) of the Social Security Act during the period beginning July 1, 1962, and ending with the close of the month following the month in which this Act is enacted, by an individual who—

(A) has been under a disability (as defined in such section 216(i)) continuously since he filed such application and up to (i) the first day of the second month following the month in which this Act is enacted or (ii) if earlier, the first day of the month in which he attained the age of 65, and

(B) is living on the day specified in subparagraph (A) (i).

(3) In the case of an individual to whom paragraph (2) applies and who filed an application for disability insurance benefits under section 223 of the Social Security Act during the period specified in such paragraph—

70 Stat. 815. 42 USC 423.

(A) if such individual was under a disability (as defined in section 223(c) of such Act) throughout such period and was not entitled to disability insurance benefits under such section 223 for any month in such period (except for the amendments made by this section), such application and any application filed during such period for benefits under section 202 of the Social Security Act on the basis of the wages and self-employment income of such individual shall, notwithstanding section 202(j)(2) and the first sentence of section 223(b), be deemed an effective application, or

64 Stat. 482. 42 USC 402.

(B) if such individual was entitled (without the application of this section) to disability insurance benefits under section 223 for a continuous period of months immediately preceding—

(i) the second month following the month in which this Act was enacted, or

(ii) if earlier, the month in which he became entitled to benefits under section 202(a),

his primary insurance amount shall be recomputed, but only if such amount would be increased solely by reason of the enactment of this section.

(4) No monthly insurance benefits, and no increase in monthly insurance benefits, may be paid under title II of the Social Security Act by reason of the enactment of this section for any month before the eleventh month before the month in which this Act is enacted.

(5) In the case of an individual (A) who is entitled under section 202 of the Social Security Act (but without the application of subsection (j) (1) of such section) to a widow's, widower's, or parent's insurance benefit, or to an old-age, wife's, or husband's insurance benefit which is reduced under section 202(q) of such Act, for any month in the period referred to in paragraph (2) of this subsection, (B) who was under a disability (as defined in section 223(c) of the Social Security Act) which began prior to the sixth month before the first month for which the benefits referred to in clause (A) are payable and which continued through the month following the month in which this Act is enacted, and (C) who files an application for disability insurance benefits under section 223(a)(1) of the Social Security Act—

(i) subsection (a) (3) of section 223 of the Social Security Act shall not prevent him from being entitled to such disability insurance benefits;

(ii) the provisions of subsection (a) (1) of such section 223 terminating entitlement to disability insurance benefits by reason of entitlement to old-age insurance benefits shall not apply with respect to him unless and until he again becomes entitled to such old-age insurance benefits under the provisions of section 202 of such Act;

(iii) such individual shall, for any month for which he is thereby entitled to both old-age insurance benefits and disability insurance benefits, be entitled only to such disability insurance benefits; and

(iv) in case the benefits reduced under subsection (q) of section 202 of such Act are old-age insurance benefits (I) such old-age insurance benefits for the months in the period referred to in paragraph (2) of this subsection shall not be recomputed solely by reason of the enactment of this section, and, if otherwise recomputed, the provisions of and amendments made by this section shall not apply to such recomputation; and (II) the months for which he received such old-age insurance benefits before or during the period for which he becomes entitled, by reason of such enactment, to disability insurance benefits under such section 223 and the months for which he received such disability insurance benefits shall be excluded from the "reduction period" and the "adjusted reduction period", as defined in paragraphs (5) and (6), respectively, of such subsection (q) for purposes of determining the amount of the old-age insurance benefits to which he may subsequently become entitled.

(6) The entitlement of any individual to benefits under section 202 of the Social Security Act shall not be terminated solely by reason of the enactment of this section, except where such individual is entitled to benefits under section 202(a) or 223 of such Act in an amount which (but for this subsection) would have required termination of such benefits under such section 202.

SEC. 2. (a) Clause (B) of section 1402(e) (2) of the Internal Revenue Code of 1954 (relating to time for filing waiver certificate by ministers, members of religious orders, and Christian Science practitioners) is amended by striking out "his second taxable year ending

42 USC 401-425.

64 Stat. 482.  
42 USC 402.

75 Stat. 131.

70 Stat. 815.  
42 USC 423.

75 Stat. 134.

Ministers, coverage.

71 Stat. 521;

74 Stat. 926.

26 USC 1402.

after 1959" and inserting in lieu thereof "his second taxable year ending after 1962".

(b) Section 1402(e)(3) of such Code (relating to effective date of certificate) is amended by adding at the end thereof the following new subparagraph:

74 Stat. 926.  
26 USC 1402.

"(C) Notwithstanding the first sentence of subparagraph (A), if an individual files a certificate after the date of the enactment of this subparagraph and on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1962, such certificate shall be effective for his first taxable year ending after 1961 and all succeeding years."

(c) The amendments made by subsections (a) and (b) shall be applicable only with respect to certificates filed pursuant to section 1402(e) of the Internal Revenue Code of 1954 after the date of the enactment of this Act; except that no monthly benefits under title II of the Social Security Act for the month in which this Act is enacted or any prior month shall be payable or increased by reason of such amendments.

42 USC 401-425.

SEC. 3. For purposes of the agreement under section 218 of the Social Security Act entered into by the State of Oklahoma, remuneration paid to district engineering aides of soil and water conservation districts of the State of Oklahoma which was reported by the State as amounts paid to such aides as employees of the State for services performed by them during the period beginning January 1, 1951, and ending with the close of June 30, 1962, shall be deemed to have been paid to such aides for services performed by them in the employ of the State.

Oklahoma,  
Conservation  
district employ-  
ees.  
64 Stat. 514.  
42 USC 418.

SEC. 4. (a) Section 209 of the Social Security Act (relating to definition of wages) is amended—

"Wages."  
64 Stat. 492.  
42 USC 409.

(1) by striking out "or" at the end of subsection (i);

(2) by striking out the period at the end of subsection (j) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after subsection (j) the following new subsection:

"(k) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the Internal Revenue Code of 1954."

Ante, p. 51.

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended—

68A Stat. 417.  
26 USC 3121.

(1) by striking out "or" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or"; and

(3) by adding after paragraph (10) the following new paragraph:

"(11) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217."

(c) Section 3306(b) of such Code (relating to definition of wages) is amended—

Unemployment  
taxes.  
26 USC 3306.

(1) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(2) by adding after paragraph (8) the following new paragraph:

"(9) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such

Ante, p. 51.

remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217."

(d) The amendments made by this section shall apply with respect to remuneration paid on or after the first day of the first calendar month which begins more than ten days after the date of the enactment of this Act.

Aid to the blind.  
74 Stat. 997;  
76 Stat. 206.  
42 USC 1202.

SEC. 5. (a) Clause (8) of section 1002(a) of the Social Security Act is amended to read as follows: "(8) provide that the State agency shall, in determining need, take into consideration any other income and resources of the individual claiming aid to the blind, as well as any expenses reasonably attributable to the earning of any such income, except that, in making such determination, the State agency (A) shall disregard the first \$85 per month of earned income, plus one-half of earned income in excess of \$85 per month, (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan;"

76 Stat. 198.  
42 USC 1382.

(b) Clause (14) of section 1602(a) of such Act is amended to read as follows:

"(14) provide that the State agency shall, in determining need for aid to the aged, blind, or disabled, take into consideration any other income and resources of an individual claiming such aid, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination with respect to any individual who is blind, the State agency (A) shall disregard the first \$85 per month of earned income plus one-half of earned income in excess of \$85 per month, and (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, and in making such determination with respect to any other individual who has attained age 65 and is claiming aid to the aged, blind, or disabled, of the first \$50 per month of earned income the State agency may, after December 31, 1962, disregard not more than the first \$10 thereof plus one-half of the remainder; and".

Approved October 13, 1964.

## Public Law 88-651

### AN ACT

October 13, 1964  
[H. R. 2434]

To amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes.

Veterans.  
Medal of Honor  
Roll.  
77 Stat. 95.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 560(b) of title 38, United States Code, is amended (1) by striking out "fifty years" and inserting in lieu thereof "forty years" and (2) by striking out "beyond the call of duty" and all that follows through the end thereof and inserting in lieu thereof "beyond the call of duty while so serving."

Approved October 13, 1964.