sections 228a, 228b, 228c, 228e, 352, 353, and 358 of this title, sections 3201, 3202, 3211, and 3231 of Title 26, Internal Revenue Code, and sections 1500, 1501, 1510, 1520, 1522 of the Internal Revenue Code of 1939) shall be effective July 1, 1946, except as otherwise provided.

"SEC. 402. The provisions of sections 1, 265, and 301 of this Act [amending this section, section 228a of this title, and section 1532 of the Internal Revenue Code of 1939] shall be effective with respect to compensation paid on and after April 1, 1946."

**Effective Date of 1951 Amendment**
Section 28 of act Oct. 30, 1951, provided that: "The provisions of sections 26 and 27 of the Act [amending sections 350 and 354 of this title] shall become effective with respect to registration periods beginning on and after January 1, 1953."

**Effective Date of 1946 Amendments**
Amendment by sections 1 and 2 of act July 31, 1946, effective July 31, 1946, see section 401 of act July 31, 1946.

Amendment by sections 301 to 304 of act July 31, 1946, effective as of July 1, 1947, see section 403 of act July 31, 1946, set out as a note under section 352 of this title.

**Effective Date of 1942 Amendment**
Act Apr. 8, 1942, besides amending subsec. (e) of this section, contained the following paragraph: "The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad Unemployment Insurance Act [this chapter] when that Act was enacted on June 25, 1938; Provided, however, That no interest or penalties shall accrue or be deemed to have accrued for the failure to make returns under, or pay contributions levied by, section 8 of said Railroad Unemployment Insurance Act [section 358 of this title] with respect to the compensation of employees of any local lodge or division of a railway-labor-organization employer earned prior to July 1, 1940, and with respect to the compensation of employees of any general committee of a railway-labor-organization employer earned prior to the enactment of this amendment if, with respect to any such local lodge or division (1) the headquarters of such a local lodge or division was not located in the United States or (2) all, or substantially all, the individuals constituting the membership of such a local lodge or division were employees of an employer not conducting the principal part of its business in the United States; and if, with respect to any such general committee (1) the individuals represented by such a general committee were employees of an employer not conducting the principal part of its business in the United States, or (2) the service to such a general committee was rendered outside the United States, or (3) the office or headquarters of the individual rendering service to such a general committee was not located in the United States and if such returns are made and such contributions are paid by such a local lodge or division or by such a general committee within the time allowed for making returns and paying contributions with respect to the first calendar quarter beginning after the enactment of this amendment.

**Effective Date of 1940 Amendment**
Section 1 of act Oct. 10, 1940, provided: "That the provisions of this Act [amending this section, sections 228a, 228b, 352 to 355, 356, 361, and 362 of this title, and section 1532 of former Title 26, Internal Revenue Code of 1939, and enacting provisions set out as notes under this section and section 262 of this title] shall take effect on November 1, 1940, except that sections 2, 11, 25, 26, and 27 [amending sections 228a, 228l, 351, and 352 of this title and section 1532 of former Title 26 and enacting provisions set out as a note under section 262 of this title] shall be effective as of July 1, 1946, and sections 19 and 20 [amending section 353 of this title] shall become effective upon the approval of this act: Provided, however, That—

"(a) A half-month which has begun prior to November 1, 1940, in accordance with the Railroad Unemployment Insurance Act [this chapter] and regulations thereunder, and which includes such date, shall continue, and benefits with respect thereto shall be computed and paid as if this act had not been enacted;

(b) All benefit years current on October 31, 1940, shall terminate (1) on October 31, 1940, or (2) on the last day of a half-month which includes October 31, 1940 and November 1, 1940, whichever is later, and, for the purposes of section 2(c) of the Railroad Unemployment Insurance Act [section 352(c) of this title], as amended by this act, all benefits paid for unemployment in half-months begun subsequent to June 30, 1940, and prior to November 1, 1940, shall be deemed to have been paid for unemployment within the benefit year ending June 30, 1941;

(c) Benefits for unemployment in the first registration period, beginning after October 31, 1940, of an employee who has, subsequent to June 30, 1940, completed a waiting period under section 3(b) of the Railroad Unemployment Insurance Act [section 353(b) of this title], shall be determined and computed as though such registration period were a subsequent registration period in the same benefit year."

**Exclusion From Wages And Compensation of Refunds Required From Employers To Compensate for Duplication of Medicare Benefits by Health Care Benefits Provided by Employers**
For purposes of this chapter, the term "compensation" shall not include the amount of any refund required under section 421 of Pub. L. 100–360 (42 U.S.C. 1395b note), see section 10262 of Pub. L. 101–239, set out as a note under section 1395b of Title 42, The Public Health and Welfare.

§ 352. Benefits

(a) Days for which benefits payable; determination of amount

1. A (A) Payment of Unemployment Benefits.—

(i) Generally.—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of unemployment in excess of 7 during that employee's benefit year.

(ii) Waiting Period for First Registration Period.—Benefits shall be payable to any qualified employee for each day of unemployment in excess of 7 during that employee's first registration period in a period of continuing unemployment if such period of continuing unemployment is the employee's initial period of continuing unemployment commencing in the benefit year.

(iii) Strikes.—

(I) Initial 14-Day Waiting Period.—If the Board finds that a qualified employee has a period of continuing unemployment that includes days of unemployment due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which such employee was last employed, no benefits shall be payable for such employee's first 14 days of unemployment due to such stoppage of work.

(II) Subsequent Days of Unemployment.—For subsequent days of unemployment due to the same stoppage of work, benefits shall be payable as provided in clause (i) of this subparagraph.

(III) Subsequent Periods of Continuing Unemployment.—If such period of continu-
§ 352

(1) Normal benefits

(A) Generally

The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 130, and the maximum number of days of sickness within a benefit year for which benefits may be paid to an employee shall be 130.

(B) Limitation

The total amount of benefits that may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee’s compensation in the base year; and the total amount of benefits that may be paid to an employee for days of

(B) PAYMENT OF SICKNESS BENEFITS—

(i) Generally—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of sickness in excess of 7 during that employee’s first registration period in a period of continuing sickness if such period of continuing sickness is the employee’s initial period of continuing sickness commencing in the benefit year. For the purposes of this clause, the first registration period in a period of continuing sickness is the registration period that first begins with 4 consecutive days of sickness and includes more than 4 days of sickness.

(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.—Benefits shall be payable to any qualified employee for each day of sickness in excess of 7 during that employee’s first registration period in a period of continuing sickness if such period of continuing sickness is the employee’s initial period of continuing sickness commencing in the benefit year. For the purposes of this clause, the first registration period in a period of continuing sickness is the registration period that first begins with 4 consecutive days of sickness and includes more than 4 days of sickness.

(iii) DEFINITION OF PERIOD OF CONTINUING SICKNESS.—For the purposes of this subparagraph, a period of continuing sickness means—

(I) a period of sickness in a period of continuing sickness if such period of continuing sickness is an employee’s initial period of continuing sickness commencing in the benefit year.

(ii) a series of consecutive registration periods, each of which includes more than 4 days of unemployment; or

(iii) a series of successive registration periods, each of which includes more than 4 days of unemployment, if each succeeding registration period begins within 15 days after the last day of the immediately preceding registration period.

(v) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing unemployment ends when an employee exhausts rights to unemployment benefits under subsection (c) of this section.

(vi) LIMIT ON AMOUNT OF BENEFITS.—No benefits shall be payable to an otherwise eligible employee for any day of unemployment in a registration period where the total amount of the remuneration (as defined in section 351(j) of this title) payable or accruing to him for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed $24 per day of such unemployment or sickness, that for registration periods beginning after June 30, 1976, but before July 1, 1988, such amount shall not exceed $25 per day of such unemployment or sickness, and that for registration periods beginning after June 30, 1989, such amount shall not exceed $30 per day of unemployment or sickness, and that for registration periods beginning after June 30, 1989, such amount shall not exceed the maximum daily benefit rate provided in paragraph (3) of this subsection. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both.

(3) The maximum daily benefit rate computed by the Board under section 362(c)(2) of this title shall be the product of the monthly compensation base, as computed under section 351(i)(2) of this title for the base year immediately preceding the beginning of the benefit year, multiplied by 5 percent. If the maximum daily benefit rate so computed is not a multiple of $1, it shall be rounded down to the nearest multiple of $1.

(4) In computing benefits to be paid, days of unemployment shall not be combined with days of sickness in the same registration period.

(b) Time of payments

The benefits provided for in this section shall be paid to an employee at such reasonable intervals as the Board may prescribe.

(c) Maximum number of days for benefits

(1) Normal benefits

(A) Generally

The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 130, and the maximum number of days of sickness within a benefit year for which benefits may be paid to an employee shall be 130.

(B) Limitation

The total amount of benefits that may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee’s compensation in the base year; and the total amount of benefits that may be paid to an employee for days of

(1) a period of continuing sickness if such period of continuing sickness is an employee’s initial period of continuing sickness commencing in the benefit year.

(ii) a series of consecutive registration periods, each of which includes more than 4 days of unemployment; or

(iii) a series of successive registration periods, each of which includes more than 4 days of unemployment, if each succeeding registration period begins within 15 days after the last day of the immediately preceding registration period.

(v) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing unemployment ends when an employee exhausts rights to unemployment benefits under subsection (c) of this section.

(vi) LIMIT ON AMOUNT OF BENEFITS.—No benefits shall be payable to an otherwise eligible employee for any day of unemployment in a registration period where the total amount of the remuneration (as defined in section 351(j) of this title) payable or accruing to him for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed $24 per day of such unemployment or sickness, that for registration periods beginning after June 30, 1976, but before July 1, 1988, such amount shall not exceed $25 per day of such unemployment or sickness, and that for registration periods beginning after June 30, 1989, such amount shall not exceed the maximum daily benefit rate provided in paragraph (3) of this subsection. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both.

(3) The maximum daily benefit rate computed by the Board under section 362(c)(2) of this title shall be the product of the monthly compensation base, as computed under section 351(i)(2) of this title for the base year immediately preceding the beginning of the benefit year, multiplied by 5 percent. If the maximum daily benefit rate so computed is not a multiple of $1, it shall be rounded down to the nearest multiple of $1.

(4) In computing benefits to be paid, days of unemployment shall not be combined with days of sickness in the same registration period.

(b) Time of payments

The benefits provided for in this section shall be paid to an employee at such reasonable intervals as the Board may prescribe.

(c) Maximum number of days for benefits

(1) Normal benefits

(A) Generally

The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 130, and the maximum number of days of sickness within a benefit year for which benefits may be paid to an employee shall be 130.

(B) Limitation

The total amount of benefits that may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee’s compensation in the base year; and the total amount of benefits that may be paid to an employee for days of
sickness within a benefit year shall in no case exceed the employee’s compensation in the base year, except that notwithstanding section 351(i) of this title, in determining the employee’s compensation in the base year for the purpose of this sentence, any money remuneration paid to the employee for services rendered as an employee shall be taken into account that is not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 351(i) of this title bears to $600.

(2) Extended benefits

(A) Generally
With respect to an employee who has 10 or more years of service as defined in section 231(f) of this title, who did not voluntarily leave work and (in a case involving exhaustion of rights to normal benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under this paragraph, and extended unemployment benefits or extended sickness benefits (depending on the type of normal benefit rights exhausted) may be paid for not more than 65 days of unemployment or 65 days of sickness within such extended benefit period.

(B) Beginning date
An employee’s extended benefit period shall begin on the employee’s first day of unemployment or first day of sickness, as the case may be, following the day on which the employee exhausts the employee’s then current rights to normal benefits for days of unemployment or days of sickness and shall continue for 7 consecutive 14-day periods, each of which shall constitute a registration period, but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 353 of this title on the basis of compensation earned after the first of such consecutive 14-day periods has begun.

(C) Termination when employee reaches age of 65
Notwithstanding any other provision of this paragraph, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of paying benefits for days of unemployment.

(D) Temporary increase in extended unemployment benefits
(i) Employees with 10 or more years of service
Subject to clause (iii), in the case of an employee who has 10 or more years of service (as so defined), with respect to extended unemployment benefits—
(I) subparagraph (A) shall be applied by substituting “130 days of unemployment” for “65 days of unemployment”;
and
(II) subparagraph (B) shall be applied by inserting “(or, in the case of unemployment benefits, 13 consecutive 14-day periods)” after “7 consecutive 14-day periods”.

(ii) Employees with less than 10 years of service
Subject to clause (iii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph would apply to an employee described in clause (i) if such clause had not been enacted.

(iii) Application
The provisions of clauses (i) and (ii) shall apply to an employee who received normal benefits for days of unemployment under this chapter during the period beginning July 1, 2008, and ending on August 31, 2011, except that no extended benefit period under this paragraph shall begin after February 29, 2012. Notwithstanding the preceding sentence, no benefits shall be payable under this subparagraph and clauses (i) and (ii) shall no longer be applicable upon the exhaustion of the funds appropriated under clause (iv) for payment of benefits under this subparagraph.

(iv) Appropriation
Out of any funds in the Treasury not otherwise appropriated, there are appropriated $20,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended. In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.

(3) Accelerated benefits

(A) General rule
With respect to an employee who has 10 or more years of service as defined in section 231(f) of this title, who did not voluntarily retire, and (in a case involving unemployment benefits) did not voluntarily leave work without good cause, who has 14 or more consecutive days of unemployment, or 14 or more consecutive days of sickness, and who is not a qualified employee with respect to the general benefit year current when such unemployment or sickness commences but is or becomes a qualified employee for the next succeeding general benefit year, such succeeding general benefit year shall, in that employee’s case, begin on the first day of the month in which such unemployment or sickness commences.
(B) Exception

In the case of a succeeding benefit year beginning in accordance with subparagraph (A) by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the date on which the employee attains age 65, and continuing through the day preceding the first day of the next succeeding general benefit year.

(C) Determination of age

For the purposes of this subsection, the Board may rely on evidence of age available in its records and files at the time determinations of age are made.

(d) Overpayment of benefits; recovery; liability of officers

If the Board finds that at any time more than the correct amount of benefits has been paid to any individual under this chapter or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this chapter or any other Act administered by the Board may, except as otherwise provided in this subsection, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this chapter or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

Adjustments under this subsection may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

There shall be no recovery in any case in which more than the correct amount of benefits has been paid to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of this chapter or would be against equity or good conscience.

No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under the third paragraph of this subsection or has been begun but cannot be completed under the first paragraph of this subsection.

(e) Assignment, taxation, garnishment, attachment, etc., of benefits

Notwithstanding any other law of the United States, or of any State, Territory, or the District of Columbia, no benefits shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

(f) Effect of payment of benefits for remunerable period; payment of surplus remuneration to Board

If (i) benefits are paid to any employee with respect to unemployment or sickness in any registration period, and it is later determined that remuneration is payable to such employee with respect to any period which includes days in such registration period which had been determined to be days of unemployment or sickness, and (ii) the person or company from which such remuneration is payable has, before payment thereof, notice of the payment of benefits upon the basis of days of unemployment or sickness included in such period, the remuneration so payable shall not be reduced by reason of such benefits but the remuneration so payable, to the extent to which benefits were paid upon the basis of days which had been determined to be days of unemployment or sickness and which are included in the period for which such remuneration is payable, shall be held to be a special fund in trust for the Board. The amount of such special fund shall be paid to the Board and in the collection thereof the Board shall have the same authority, and the same penalties shall apply, as are provided in section 308 of this title with respect to contributions. The proceeds of such special fund shall be credited to the account. Such benefits, to the extent that they are represented in such a special fund which has been collected by the Board, shall be disregarded for the purposes of subsection (c) of this section.

(g) Payment of accrued benefits upon death

Benefits accrued to an individual but not yet paid at death shall, upon certification by the Board, be paid, without necessity of filing further claims therefor, to the same individual or to any accrued annuities under section 231e(a)(1) of this title are paid. If the death of the individual to whom such benefits were accrued annuities. If there is no individual to whom all or any part of such accrued benefits can be paid in accordance with the foregoing provisions, such benefits or part thereof shall escheat to the credit of the account.
93–445, title IV, § 401, Oct. 16, 1974, 88 Stat. 1350; Pub. L. 94–92, title I, § 1(c)–(e), Aug. 9, 1975, 89 Stat. 461, 462; Pub. L. 98–76, title IV, § 412(a), Aug. 12, 1983, 97 Stat. 436; Pub. L. 100–167, title VII, §§ 7101(c), 7201(a), Nov. 10, 1988, 102 Stat. 3758, 3774; Pub. L. 104–98, title II, § 2006(a), Dec. 29, 1995, 109 Stat. 950; Pub. L. 104–251, §§ 2–5(b), Oct. 9, 1996, 110 Stat. 3161–3165; Pub. L. 111–1, div. B, title II, § 2006(a), Feb. 17, 2009, 123 Stat. 445; Pub. L. 111–92, § 9(a), Nov. 6, 2009, 123 Stat. 2988; Pub. L. 111–312, title V, § 505(a), Dec. 17, 2010, 124 Stat. 3774; Pub. L. 104–88 substituted “Surface Transportation Board, adjusted, as determined by the Railroad Retirement Board” for “Interstate Commerce Commission, adjusted, as determined by the Board”. 1996—Subsec. (h)(3). Pub. L. 104–88 substituted “$175,000,000 to cover the cost of additional extended unemployment benefits for certain employees with less than ten years of service as defined in section 231(f) of this title.” 1995—Subsec. (h)(3), Pub. L. 104–88 substituted “$175,000,000 to cover the cost of additional extended unemployment benefits for certain employees with less than ten years of service as defined in section 231(f) of this title.” 1995—Subsec. (a)(3). Pub. L. 104–88, § 7201(a)(1), (2), substituted “(1)” after “(a)” and substituted subpars. (A) and (B) for “Benefits shall be payable to any qualified employee for each day of unemployment in excess of four during any registration period: Provided, however, that in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, no benefits shall be payable for the first fourteen days of unemployment due to such stoppage of work. Benefits shall be payable to any qualified employee for each day of sickness after the fourth consecutive day of sickness in a period of continuing sickness, but excluding four days of sickness in any registration period. A period of continuing sickness means (i) a period of consecutive days of sickness, whether from one or more causes, or (ii) a period of successive days of sickness due to a single cause without interruption of more than ninety consecutive days which are not days of sickness.” 1988—Subsec. (a)(2). Pub. L. 100–647, § 7201(a)(3)–(6), inserted “(2)” before “The daily benefit”, substituted “sickness, that for” for “sickness and that for”, inserted “but before July 1, 1988,” after “June 30, 1976,” and inserted “, that for registration periods beginning after June 30, 1988, but before July 1, 1989, such amount shall not exceed $30 per day of unemployment or sickness, and that for registration periods beginning after June 30, 1989, such amount shall not exceed the maximum daily benefit rate provided in paragraph (3) of this subsection.” after “unemployment or sickness”. 1985—Subsec. (a)(3). Pub. L. 100–647, § 7201(a)(7), added par. (3). 1984—Subsec. (a)(4). Pub. L. 100–647, § 7201(a)(8), inserted “(4)” before “In computing benefits”. 1983—Subsec. (a). Pub. L. 98–78–76 substituted “That in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, no benefits shall be payable for the first fourteen days of unemployment due to such stoppage of work for: ‘‘That notwithstanding the provisions of section 351(h) of this title, in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, other than a strike subject to the disqualification in section 354(a–2)(iii) of this title, none of the
first seven days of unemployment due to such stoppage of work shall be included in any registration period; and subject to the registration provisions of section 351(h) of this title, so many of the ensuing seven consecutive calendar days during which his unemployment continues to be caused by such stoppage of work shall constitute a registration period, during which benefits shall be payable for each such registration period in the same benefit year, and "10 per centum" for "50 per centum", and "not to exceed $10.20" for "not to exceed $5.50", and increased the daily benefit rates.

Subsec. (c). Pub. L. 86–28, § 303(a), provided for an extended benefit period with respect to employees who have ten or more years of service, who did not voluntarily leave work without good cause or voluntarily retire, and who have exhausted their rights to normal benefits for days of unemployment in a benefit year.


1954—Subsec. (a), Act Aug. 31, 1954, § 304(a), changed the table of daily benefit rates and qualifying amounts of earnings in the base year so that such rates and amounts will begin with $3.50 and $4.00, respectively, to a maximum of $6.50 for $4,000 and over, and inserted proviso immediately after the table.

Subsec. (c). Act Aug. 31, 1954, § 304(b), inserted proviso at end.

1952—Subsec. (a), Act May 15, 1952, substituted a new table of daily benefit rates.

1946—Subsec. (a). Act July 31, 1946, § 305, changed first and second pars to include benefits for days of sickness, changed reference to total amount of compensation payable to him in second par. to total compensation, added new benefit rates to table for compensation of $2,000 to $2,499.99 and $2,500 and over, and added last two pars. relating to maternity benefits and to computation of benefits.

Subsec. (c). Act July 31, 1946, § 306, increased maximum days of unemployment to 130 and established same maximum for days of sickness.


1940—Subsec. (a). Act Oct. 10, 1940, § 9, designated existing provisions as cl. (i), substituted registration period for half-month as determining factor, added cl. (ii), and increased total compensation amounts set out in Column I and daily benefit amounts set out in Column II.

Subsec. (c). Act Oct. 10, 1940, § 10, substituted provisions relating to maximum number of days of unemployment within a benefit year, for provisions relating to maximum benefits payable to an employee within his benefit year.

Subsec. (d). Act Oct. 10, 1940, § 11, substituted provisions relating to adjustments for erroneous payments and procedure for recovery of such payments, for provisions making applicable section 351(h) of this title for adjustments and recovery of erroneous payments.

Subsec. (f). Act Oct. 10, 1940, § 12, in cl. (i) substituted provisions relating to registration periods for provisions relating to benefits paid with respect to any period, and in text following cl. (ii) inserted condition relating to benefits which were paid upon the basis of days determined to be days of unemployment and included in the period for which remuneration is payable.

1939—Subsec. (a). Act June 20, 1939, § 7, struck out exception relating to part-time workers.

Subsec. (d). Act June 20, 1939, §§ 9, 10, redesignated subsec. (e) as (d). Former subsec. (d), which authorized Board to prescribe regulations for determining amount of daily benefits and maximum benefits during any benefit year, was struck out.

Subsec. (e). Act June 20, 1939, § 9, redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Act June 20, 1939, § 9, redesignated subsec. (g) as (f) and struck out reference to subsec. (a). Former subsec. (f) redesignated (e).

Effective Date of 1996 Amendment

Section 6 of Pub. L. 104–251 provided that: “The amendments made by this Act (amending this section
and repealing section 368 of this title] shall take effect on the date of the enactment of this Act [Oct. 9, 1966]."

**Effective Date of 1995 Amendment**
Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

**Effective Date of 1988 Amendment**
Section 7201(b) of Pub. L. 100–647 provided that:

"(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 10, 1988]."

"(2) The amendments made by paragraph (2) of subsection (a) shall apply with respect to registration periods beginning after June 30, 1988."

**Effective Date of 1983 Amendment**
Section 412(b) of Pub. L. 98–76 provided that: "The amendment made by this section [amending this section] shall apply with respect to days of unemployment and days of sickness in registration periods beginning after December 31, 1983."

**Effective Date of 1975 Amendment; Reduction of Benefits in View of Coverage Under Nongovernmental Plan; Filing Claims for Payments to Insurers and Employers**
Amendment by section 1(c), (d)(1) of Pub. L. 94–92 effective with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 1975, reduction of benefits in view of coverage under nongovernmental plan, and filing of claims for payments to insurers and employers; and amendment by section 1(d)(2), (e) of Pub. L. 94–92 effective with respect to days of unemployment in registration periods beginning after June 30, 1975, see section 2 of Pub. L. 94–92, set out as an Effective Date of 1975 Amendment note under section 351 of this title.

**Effective Date of 1974 Amendment**

**Effective Date of 1968 Amendment**
Section 208 of Pub. L. 90–257 provided that: "The amendments made by sections 201(a)(1), 201(b), 202(a)(1), 202(a)(2), 202(b)(1), 206 and 207 [amending this section and sections 351, 362, and 363 of this title] shall be effective as of July 1, 1968. The amendments made by sections 201(a)(2) and 203 [amending sections 351 and 353 of this title] shall be effective with respect to base years beginning in calendar years after December 31, 1966, except that with respect to the base year in calendar year 1967 the amendments made by section 203 [amending section 353 of this title] shall not be applicable to an employee whose compensation with respect to that base year was not less than $750 but less than $1,000; further, as to such an employee, the amendments made by section 202(a)(3) [amending this section] shall not be applicable with respect to days of unemployment and days of sickness in registration periods in the benefit year beginning July 1, 1968. The amendments made by section 202(a)(3) [amending this section] shall otherwise be effective with respect to days of unemployment and days of sickness in registration periods beginning on or after July 1, 1968. The amendments made by sections 202(b)(1) through (vi) [amending this section] shall be effective to provide the beginning of extended benefit periods on or after July 1, 1968. The amendments made by section 202(b)(2)(vii) through (ix) [amending this section] shall be effective to provide for the early beginning of a benefit year on or after July 1, 1967. The amendment made by section 204(b) [amending section 354 of this title] shall be effective with respect to calendar days in benefit years beginning after June 30, 1968, and the amendment made by section 204(b) [amending section 354 of this title] shall be effective with respect to voluntary leaving of work (within the meaning of section 4(a–2)(i) of the Railroad Unemployment Insurance Act [section 354(a–2)(i) of this title]) after the enactment date of this Act [Feb. 15, 1968]."

**Effective Date of 1959 Amendment**
Amendment by Pub. L. 86–28 effective with respect to benefits accruing in general benefit years which begin after the benefit year ending June 30, 1958, and in extended benefit periods which begin after Dec. 31, 1957, see section 309 of Pub. L. 86–28, set out as a note under section 351 of this title.

**Effective Date of 1955 Amendment**
Section 4 of act Aug. 12, 1955, provided that the amendment made by that section is effective as of the date of its "original enactment" [June 25, 1938].

**Effective Date of 1954 Amendment**
Amendment by act Aug. 31, 1954, effective July 1, 1954, see section 401 of act Aug. 31, 1954, set out as a note under section 351 of this title.

**Effective Date of 1952 Amendment**
Section 3 of act May 15, 1952, provided that: "The amendments made by this Act [amending this section and section 353 of this title] shall be effective with respect to benefit years beginning on and after July 1, 1952."

**Effective Date of 1946 Amendment**
Amendment by section 306 of act July 31, 1946, effective July 1, 1946, see section 402 of that Act.

Section 403 of act July 31, 1946, provided that: "Sections 361, 382, 393, 394, 395 (except for the revision of the table which shall become effective on the date of enactment of this Act [July 31, 1946]), 307, 308, 309, and 310 [amending sections 351 to 354 of this title] shall become effective on July 1, 1947."

**Effective Date of 1940 Amendment**
For effective date of amendment by act Oct. 10, 1940, see section 1 of act Oct. 10, 1940, set out as a note under section 351 of this title.

**Extended Railroad Unemployment Insurance Benefits During Periods of High National Unemployment**

"(a) IN GENERAL.—For purposes of section 2(h) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(2)), a 'period of high unemployment' includes any month during the period November 1991 through February 1994.

"(b) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no employee shall have an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act beginning before November 17, 1991, or after February 5, 1994.

"(2) TRANSITION.—If an employee has established an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act and the last day of such extended benefit period, as established, is after February 5, 1994, such employee shall continue to be entitled to extended unemployment benefits for days of unemployment in registration periods included in such extended benefit period, provided that such employee meets the eligibility requirements of this section and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).
“(3) REACHBACK PROVISIONS.—If an employee has exhausted that employee’s rights to normal unemployment benefits under section 2(c) of the Railroad Unemployment Insurance Act [45 U.S.C. 352(c)] after February 28, 1991, but before November 17, 1991, such employee shall, for the purposes of the application of this section, be deemed to have exhausted such rights after November 17, 1991.

“(c) LIMITATION ON PAYMENT.—Extended benefits under this section shall be payable for a maximum of 65 days of unemployment, including any extended benefits payable by reason of the application of the reachback provisions.

“(d) ENLARGEMENT OF BENEFITS.

“(1) GENERALLY.—During the period that begins on the date of the enactment of this subsection [Feb. 7, 1992].—

“(A) subsection (c) of this section shall be applied by substituting ‘130’ for ‘65’.

“(B) section 2(c) of the Railroad Unemployment Insurance Act [45 U.S.C. 352(c)] shall be applied—

“(i) by substituting ‘13’ (but not more than 130 days) for ‘7 (but not more than 65 days)’ in the table; and

“(ii) by substituting ‘but not by more than 130 days for ‘but not by more than sixty-five days’ in the second proviso; and

“(C) section 2(h)(1) of the Railroad Unemployment Insurance Act [45 U.S.C. 352(h)(1)] shall be applied by substituting ‘13’ for ‘seven’.

“(2) PHASE-OUT.—

“(A) BENEFITS ON OR AFTER JUNE 14, 1992.—Effective on and after June 14, 1992, paragraph (1) of this section shall be applied by substituting ‘100’ for ‘130’ each place it appears, and by substituting ‘10’ for ‘13’ each place it appears.

“(B) REDUCTIONS UNDER EMERGENCY COMPENSATION EXTENSION PROVISIONS.—

“(i) Effective on and after the date on which a reduction in benefits is imposed under section 102(b)(2)(A)(iii) [section 102(b)(2)(A)(iii) of Pub. L. 102–164, 26 U.S.C. 3304 note], subparagraph (A) of this paragraph and subparagraphs (B) and (C) of paragraph (1) shall not apply and subparagraph (A) of paragraph (1) shall be applied by substituting ‘50’ for ‘130’.

“(ii) Effective after October 2, 1993, subparagraphs (A) and (B) of this paragraph shall be applied by substituting ‘35’ for ‘130’.

“(C) LIMITATIONS ON REDUCTIONS.—Notwithstanding subparagraphs (A) and (B), in the case of an individual who is receiving extended benefits under section 2(c) of the Railroad Unemployment Insurance Act [45 U.S.C. 352(c)] for persons with 10 or more but less than 15 years of service, or extended benefits by reason of this section, for any day during a week which precedes a period for which a reduction under this paragraph takes effect, such reduction shall not apply for purposes of determining the amount of benefits payable to such individual for any day thereafter for which the individual meets the eligibility requirements of this section and the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.].

“(e) TERMINATION OF BENEFITS.—In the case of an individual who is receiving extended benefits by reason of this section on February 5, 1994, such benefits shall not continue to be payable to such individual after April 30, 1994.

[Section 3(c) of Pub. L. 103–6 provided that: “The amendments made by this section [amending section 501 of Pub. L. 102–164, set out above] shall apply to weeks beginning after March 6, 1993.”]