

(June 25, 1938, ch. 680, §16, 52 Stat. 1113.)

§ 366a. Effect of Internal Revenue Code

The provisions of the Railroad Unemployment Insurance Act, as herein amended, shall be in full force and effect notwithstanding the enactment of the Internal Revenue Code.

(June 20, 1939, ch. 227, §22, 53 Stat. 848.)

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in text, is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 367 of this title and Tables.

The Internal Revenue Code, referred to in text, probably means the Internal Revenue Code of 1939, which was classified to former Title 26, Internal Revenue Code, and was generally repealed by section 7851 of the Internal Revenue Code of 1986, Title 26.

CODIFICATION

Section was not enacted as a part of the Railroad Unemployment Insurance Act which comprises this chapter.

§ 367. Short title

This chapter may be cited as the "Railroad Unemployment Insurance Act".

(June 25, 1938, ch. 680, §17, 52 Stat. 1113.)

CODIFICATION

Another section 17 of Act June 25, 1938, was classified to section 368 of this title prior to repeal by Pub. L. 104-251, §5(c), Oct. 9, 1996, 110 Stat. 3165.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-251, §1, Oct. 9, 1996, 110 Stat. 3161, provided that: "This Act [amending section 352 of this title, repealing section 368 of this title, and enacting provisions set out as a note under section 352 of this title] may be cited as the 'Railroad Unemployment Insurance Amendments Act of 1996'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-647, title VII, §7001, Nov. 10, 1988, 102 Stat. 3757, provided that: "This title [enacting section 369 of this title, amending sections 231, 231a, 231e, 351 to 355, 358, 360, 361, and 362 of this title and sections 3321, 3322, 6157, 6201, 6317, 6513, and 6601 of Title 26, Internal Revenue Code, omitting section 3323 of Title 26, enacting provisions set out as notes under sections 231, 231a, 351 to 353, 355, and 358 of this title and section 3321 of Title 26, and amending provisions set out as notes under section 231n of this title] may be cited as the 'Railroad Unemployment Insurance and Retirement Improvement Act of 1988'."

§ 368. Repealed. Pub. L. 104-251, §5(c), Oct. 9, 1996, 110 Stat. 3165

Section, act June 25, 1938, ch. 680, §17, as added Mar. 24, 1983, Pub. L. 98-8, title I, §102(a), 97 Stat. 32; amended Nov. 30, 1983, Pub. L. 98-181, title II, §2005(a), 97 Stat. 1298, related to payment of supplemental employment benefits.

Another section 17 of act June 25, 1938, is classified to section 367 of this title.

§ 369. Annual report

On or before July 1 of 1989, and of each calendar year thereafter, the Railroad Retirement Board shall submit to the Congress a report on the financial status of the railroad unemploy-

ment insurance system under various economic and employment assumptions. Such report shall include any recommendation for financing changes which might be advisable, including any adjustment the Railroad Retirement Board recommends regarding the rates of employer contributions.

(Pub. L. 100-647, title VII, §7105, Nov. 10, 1988, 102 Stat. 3772.)

CODIFICATION

Section was enacted as part of the Railroad Unemployment Insurance and Retirement Improvement Act of 1988 and also as part of the Technical and Miscellaneous Revenue Act of 1988, and not as part of the Railroad Unemployment Insurance Act which comprises this chapter.

CHAPTER 12—TEMPORARY RAILROAD UNEMPLOYMENT INSURANCE PROGRAM

Sec.

- 401. Payment of compensation; eligibility; duration; maximum aggregate amount payable; duplication of benefits; application of railroad unemployment insurance provisions.
- 402. Exchange of information between Secretary of Labor and Railroad Retirement Board.
- 403. Appropriation to railroad unemployment insurance account; transfer and repayment of funds; interest.
- 404. Temporary increase in employers' contribution rate.

§ 401. Payment of compensation; eligibility; duration; maximum aggregate amount payable; duplication of benefits; application of railroad unemployment insurance provisions

An employee as defined in the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.] who has, after June 30, 1960, and before April 1, 1962, exhausted (within the meaning prescribed by the Railroad Retirement Board by regulation) his right to unemployment benefits under the Railroad Unemployment Insurance Act, shall be paid unemployment benefits in accordance otherwise with the provisions of such Act for days of unemployment, not exceeding sixty-five, and not exceeding in the aggregate, an amount equal to 50 per centum of the total amount of unemployment benefits which were payable to him in the benefit year in which he last exhausted his rights before making his first claim under this chapter, which occur in registration periods, as defined in the Railroad Unemployment Insurance Act, beginning on or after the fifteenth day after the date of enactment of the Temporary Extended Unemployment Compensation Act of 1961 [March 24, 1961], and before April 1, 1962, and which would not be days with respect to which he would be held entitled otherwise to receive unemployment benefits under the Railroad Unemployment Insurance Act: *Provided*, That an employee entitled under this section to benefits for a day before April 1, 1962, may receive such benefits for days in registration periods which begin before July 1, 1962: *Provided further*, That payment of benefits otherwise provided for in this chapter shall not be made with respect to any individual for any day of unemployment to the extent that such payment, when added to the sum of the benefits under the Railroad Unemployment In-

insurance Act and under this chapter paid such individual with respect to prior days in the benefit year, would exceed one hundred and ninety-five times such individual's daily benefit rate for such benefit year. An employee who has filed, and established, a first claim for benefits under the provisions of the Temporary Extended Unemployment Compensation Act of 1961, may not thereafter establish a claim under this section, and an employee who has registered for, and established, a claim under this section may not thereafter establish a claim under the provisions of the Temporary Extended Unemployment Compensation Act of 1961. Except to the extent inconsistent with this section, the provisions of the Railroad Unemployment Insurance Act shall be applicable in the administration of this section.

(Pub. L. 87-7, § 2, Mar. 24, 1961, 75 Stat. 16.)

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in text, is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (§ 351 et seq.) of this title. For complete classification of this Act to the Code, see section 367 of this title and Tables.

The Temporary Extended Unemployment Compensation Act of 1961, referred to in text, is Pub. L. 87-6, Mar. 24, 1961, 75 Stat. 8, which enacted sections 1105 and 14007 to 1400v of Title 42, The Public Health and Welfare, amended sections 3301 and 3302 of Title 26, Internal Revenue Code, and enacted provisions set out as notes under sections 1101 and 14007 of Title 42. For complete classification of this Act to the Code, see Tables.

SHORT TITLE

Section 1 of Pub. L. 87-7 provided: "That this Act [enacting this chapter] may be cited as the 'Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 402 of this title.

§ 402. Exchange of information between Secretary of Labor and Railroad Retirement Board

The Secretary of Labor, upon request, shall furnish the Railroad Retirement Board information deemed necessary by such Board for the administration of section 401 of this title, and such Board, upon request, shall furnish the Secretary of Labor information deemed necessary by the Secretary for the administration of the Temporary Extended Unemployment Compensation Act of 1961.

(Pub. L. 87-7, § 3, Mar. 24, 1961, 75 Stat. 17.)

REFERENCES IN TEXT

The Temporary Extended Unemployment Compensation Act of 1961, referred to in text, is Pub. L. 87-6, Mar. 24, 1961, 75 Stat. 8, which enacted sections 1105 and 14007 to 1400v of Title 42, The Public Health and Welfare, amended sections 3301 and 3302 of Title 26, Internal Revenue Code, and enacted provisions set out as notes under sections 1101 and 14007 of Title 42. For complete classification of this Act to the Code, see Tables.

§ 403. Appropriation to railroad unemployment insurance account; transfer and repayment of funds; interest

There are authorized to be appropriated to the railroad unemployment insurance account,

without fiscal year limitation, such amounts as may be necessary to carry out the provisions of this chapter. The amounts so appropriated shall be transferred from time to time to the railroad unemployment insurance account on the basis of estimates by the Secretary of the Treasury after consultation with the Railroad Retirement Board of the amounts required from time to time to carry out the provisions of this chapter. Amounts so transferred shall be repayable advances without interest.

(Pub. L. 87-7, § 4, Mar. 24, 1961, 75 Stat. 17; Pub. L. 88-133, title III, § 303(c), Oct. 5, 1963, 77 Stat. 222.)

AMENDMENTS

1963—Pub. L. 88-133 repealed provision for repayment of advances by transfers from account to general fund of Treasury when funds of account derived from increase in employers' contribution rate are adequate for such purpose, which is now covered by section 303(b) of Pub. L. 88-133, set out as a note below.

EFFECTIVE DATE OF 1963 AMENDMENT

Section 303(c) of Pub. L. 88-133 provided that the amendment made by such section 303(c) is effective with respect to contributions collected on compensation paid after Dec. 31, 1963.

REPAYMENT BY ACCOUNT OF ADVANCES FROM GENERAL FUND OF TREASURY FROM CONTRIBUTIONS COLLECTED ON COMPENSATION PAID AFTER DECEMBER 31, 1963

Section 303(b) of Pub. L. 88-133 provided that: "Effective with respect to contributions collected by the Railroad Retirement Board pursuant to section 8(f) of the Railroad Unemployment Insurance Act [section 358(f) of this title] on compensation paid after December 31, 1963, that part of such contributions equal to one-fourth of 1 per centum of the compensation on which such contributions are based shall, notwithstanding the provisions of section 10(b) of such Act [section 360(b) of this title], be applied by the Board exclusively for transfers from the railroad unemployment insurance account to the general fund of the Treasury until the full amount advanced from the general fund of the Treasury to the railroad unemployment insurance account pursuant to section 4 of the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 [this section] has been repaid."

§ 404. Temporary increase in employers' contribution rate

Notwithstanding the provisions of section 358(a)2¹ of this title, the rate of contribution required to be paid under the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.] by every employer as defined in such Act shall be 4 per centum with respect to compensation as defined in such Act, paid after December 31, 1961, and before January 1, 1964.

(Pub. L. 87-7, § 5, Mar. 24, 1961, 75 Stat. 17.)

REFERENCES IN TEXT

Section 358(a) of this title, referred to in text, was amended generally by Pub. L. 100-647, title VII, § 7102(a), Nov. 10, 1988, 102 Stat. 3759, and, as so amended, does not contain a cl. "2".

The Railroad Unemployment Insurance Act, referred to in text, is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (§ 351 et seq.) of this title. For complete classification of this Act to the Code, see section 367 of this title and Tables.

¹ See References in Text note below.

CHAPTER 13—RAILROAD SAFETY**SUBCHAPTER I—GENERAL PROVISIONS****§ 421. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section, Pub. L. 91-458, title I, §101, Oct. 16, 1970, 84 Stat. 971, stated congressional declaration of purpose for this chapter. See section 20101 of Title 49, Transportation.

SUBCHAPTER II—RULES, REGULATIONS, ORDERS, AND STANDARDS**§§ 431 to 447. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 431, Pub. L. 91-458, title II, §202, Oct. 16, 1970, 84 Stat. 971; Pub. L. 94-348, §5, July 8, 1976, 90 Stat. 819; Pub. L. 96-423, §14, Oct. 10, 1980, 94 Stat. 1817; Pub. L. 97-468, title VII, §702(a), (c), Jan. 14, 1983, 96 Stat. 2579; Pub. L. 100-342, §§4(a), 7, 9, 10, 19(a), 21-23, June 22, 1988, 102 Stat. 625, 628, 629, 637-639; Pub. L. 102-143, title V, §4, Oct. 28, 1991, 105 Stat. 957; Pub. L. 102-365, §§2, 5(a)(1), 7, 8, 10, Sept. 3, 1992, 106 Stat. 972, 975, 976, 978; Pub. L. 102-533, §14, Oct. 27, 1992, 106 Stat. 3522, authorized Secretary of Transportation to promulgate rules, regulations, orders, and standards for all areas of railroad safety. See sections 20102, 20103, 20103 note, 20108, 20110, 20114, 20131 to 20143, and 24902 of Title 49, Transportation.

Section 432, Pub. L. 91-458, title II, §203, Oct. 16, 1970, 84 Stat. 972; Pub. L. 96-423, §3, Oct. 10, 1980, 94 Stat. 1811, related to emergency powers of Secretary of Transportation. See section 20104 of Title 49.

Section 433, Pub. L. 91-458, title II, §204, Oct. 16, 1970, 84 Stat. 972, required Secretary of Transportation to submit comprehensive study and recommendation of means of eliminating and protecting railroad grade crossings and protecting pedestrians. See section 20134 of Title 49.

Section 434, Pub. L. 91-458, title II, §205, Oct. 16, 1970, 84 Stat. 972, declared that laws, rules, regulations, orders, and standards relating to railroad safety were to be nationally uniform, but permitted more stringent yet compatible State regulation. See section 20106 of Title 49.

Section 435, Pub. L. 91-458, title II, §206, Oct. 16, 1970, 84 Stat. 972; Pub. L. 96-423, §4, Oct. 10, 1980, 94 Stat. 1812; Pub. L. 101-615, §28(a)-(d), Nov. 16, 1990, 104 Stat. 3276, 3277, related to investigative and surveillance activities by State in connection with any rule, regulation, order, or standard related to railroad safety prescribed by Secretary of Transportation. See sections 20105, 20111, and 20117 of Title 49.

Section 436, Pub. L. 91-458, title II, §207, Oct. 16, 1970, 84 Stat. 974; Pub. L. 95-574, §8, Nov. 2, 1978, 92 Stat. 2461; Pub. L. 96-423, §5, Oct. 10, 1980, 94 Stat. 1812; Pub. L. 101-615, §28(e), Nov. 16, 1990, 104 Stat. 3277, related to actions by State agencies to enforce compliance with Federal railroad safety rules, regulations, orders, and standards. See section 20113 of Title 49.

Section 437, Pub. L. 91-458, title II, §208, Oct. 16, 1970, 84 Stat. 974; Pub. L. 93-633, title II, §206, Jan. 3, 1975, 88 Stat. 2166; Pub. L. 95-574, §9, Nov. 2, 1978, 92 Stat. 2462; Pub. L. 96-423, §6, Oct. 10, 1980, 94 Stat. 1813; Pub. L. 100-342, §8, June 22, 1988, 102 Stat. 628, related to general powers of Secretary of Transportation. See section 54a of this title and sections 20107, 20108, 20111, and 20112 of Title 49.

Section 438, Pub. L. 91-458, title II, §209, Oct. 16, 1970, 84 Stat. 975; Pub. L. 93-633, title II, §204(a), Jan. 3, 1975, 88 Stat. 2165; Pub. L. 96-423, §§7, 8(a), Oct. 10, 1980, 94 Stat. 1814; Pub. L. 97-468, title VII, §706, Jan. 14, 1983, 96 Stat. 2581; Pub. L. 100-342, §3(a), June 22, 1988, 102 Stat. 624; Pub. L. 102-365, §§4(a)(1), (c)(1), 9(a)(1), Sept. 3, 1992, 106 Stat. 973, 974, 977, related to civil penalties for violations of any railroad safety rule, regulation, order, or standard issued under this subchapter or vio-

lations of section 39 of this title. See sections 20111, 20112, 20114, 21301, 21302, 21304, and 21311 of Title 49.

Section 439, Pub. L. 91-458, title II, §210, Oct. 16, 1970, 84 Stat. 975; Pub. L. 96-423, §9, Oct. 10, 1980, 94 Stat. 1814; Pub. L. 101-615, §28(f), Nov. 16, 1990, 104 Stat. 3277, related to restraint of violations of this subchapter and certain other statutes and to enforcement of rules, etc., established under such subchapter or statutes. See sections 20112 to 20114 of Title 49.

Section 440, Pub. L. 91-458, title II, §211, Oct. 16, 1970, 84 Stat. 976; Pub. L. 93-633, title II, §203, Jan. 3, 1975, 88 Stat. 2164; Pub. L. 94-56, §2, July 19, 1975, 89 Stat. 263; Pub. L. 96-470, title II, §209(a), Oct. 19, 1980, 94 Stat. 2245; Pub. L. 100-342, §12, June 22, 1988, 102 Stat. 630, related to annual report by Secretary of Transportation on administration of this subchapter. See section 20116 of Title 49.

Section 441, Pub. L. 91-458, title II, §212, as added Pub. L. 96-423, §10, Oct. 10, 1980, 94 Stat. 1815; amended Pub. L. 100-342, §5, June 22, 1988, 102 Stat. 627; Pub. L. 102-365, §5(b), Sept. 3, 1992, 106 Stat. 975, related to protection and rights of railroad employees. See section 20109 of Title 49.

A prior section 441, Pub. L. 91-458, title II, §212, Oct. 16, 1970, 84 Stat. 977; Pub. L. 93-90, §2, Aug. 14, 1973, 87 Stat. 305; Pub. L. 93-633, title II, §205, Jan. 3, 1975, 88 Stat. 2166; Pub. L. 94-56, §3, July 19, 1975, 89 Stat. 263; Pub. L. 94-348, §2(a), July 8, 1976, 90 Stat. 817; Pub. L. 95-574, §2, Nov. 2, 1978, 92 Stat. 2459, authorized appropriations to carry out this chapter, prior to repeal by Pub. L. 96-423, §2, Oct. 10, 1980, 94 Stat. 1811.

Section 442, Pub. L. 95-574, §3, Nov. 2, 1978, 92 Stat. 2459, related to limitations on funding for railroad research and development programs. See section 20117 of Title 49, Transportation.

Section 443, Pub. L. 91-458, title II, §213, as added Pub. L. 96-423, §11, Oct. 10, 1980, 94 Stat. 1816, related to pay classifications of railroad safety inspectors and railroad safety specialists. See section 5109(c) of Title 5, Government Organization and Employees.

Section 444, Pub. L. 91-458, title II, §214, as added Pub. L. 96-423, §2, Oct. 10, 1980, 94 Stat. 1811; amended Pub. L. 97-35, title XI, §1195, Aug. 13, 1981, 95 Stat. 702; Pub. L. 97-468, title VII, §703, Jan. 14, 1983, 96 Stat. 2580; Pub. L. 100-342, §2, June 22, 1988, 102 Stat. 624; Pub. L. 101-508, title X, §10501(b), Nov. 5, 1990, 104 Stat. 1388-400; Pub. L. 102-365, §12, Sept. 3, 1992, 106 Stat. 980, authorized appropriations to carry out this chapter. See sections 20108 and 20117 of Title 49, Transportation.

Section 445, Pub. L. 91-458, title II, §215, as added Pub. L. 100-342, §20, June 22, 1988, 102 Stat. 638, related to grade crossing demonstration projects to reduce accidents involving trains. See sections 20117 and 20134 of Title 49.

Section 446, Pub. L. 101-647, title XVII, §1704, Nov. 29, 1990, 104 Stat. 4846, related to railroad police officers. See section 26101 of Title 49.

Section 447, Pub. L. 91-458, title II, §216, as added Pub. L. 101-508, title X, §10501(a), Nov. 5, 1990, 104 Stat. 1388-399, related to railroad user fees. See section 20115 of Title 49.

CHAPTER 14—RAIL PASSENGER SERVICE**SUBCHAPTER I—GENERAL PROVISIONS****§§ 501 to 502. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 501, Pub. L. 91-518, title I, §101, Oct. 30, 1970, 84 Stat. 1328; Pub. L. 96-73, title I, §102, Sept. 29, 1979, 93 Stat. 537; Pub. L. 97-35, title XI, §1171, Aug. 13, 1981, 95 Stat. 687, related to congressional findings on needs for cost- and energy-efficient intercity rail passenger service. See section 24101 of Title 49, Transportation.

Section 501a, Pub. L. 91-518, title I, §102, as added Pub. L. 96-73, title I, §103(a), Sept. 29, 1979, 93 Stat. 537; amended Pub. L. 97-35, title XI, §1172, Aug. 13, 1981, 95 Stat. 688, enumerated goals established by Congress for Amtrak. See section 24101 of Title 49.