

and before July 1, 1959, 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 [this chapter], except that an employee who has filed, and established, a first claim for benefits under the Temporary Unemployment Compensation Act of 1958 [42 U.S.C. 1400 et seq.] may not thereafter establish a claim under this subsection, and an employee who has registered for, and established a claim for benefits under this subsection may not thereafter establish a claim under the Temporary Unemployment Compensation Act of 1958. Except to the extent inconsistent with this subsection, the provisions of the Railroad Unemployment Insurance Act [this chapter] shall be applicable in the administration of this subsection."

INTERCHANGE OF INFORMATION BETWEEN SECRETARY OF LABOR AND RAILROAD RETIREMENT BOARD

Section 303(c) of Pub. L. 86-28 provided that: "The Secretary of Labor, upon request shall furnish the Board information deemed necessary by the Board for the administration of the provisions of subsection (b) hereof [set out above], and the Board, upon request, shall furnish the Secretary of Labor information deemed necessary by the Secretary for the administration of the Temporary Unemployment Compensation Act of 1958 [section 1400 et seq. of Title 42, The Public Health and Welfare]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351, 355, 360, 362 of this title; title 26 sections 105, 3231.

§ 353. Qualifying condition

An employee shall be a "qualified employee" if the Board finds that his compensation with respect to the base year will have been not less than 2.5 times the monthly compensation base for months in such base year as computed under section 351(i) of this title, and, if such employee has had no compensation prior to such year, that he will have had compensation with respect to each of not less than five months in such year.

(June 25, 1938, ch. 680, § 3, 52 Stat. 1097; June 20, 1939, ch. 227, § 10, 53 Stat. 845; Oct. 10, 1940, ch. 842, § 13, 54 Stat. 1097; July 31, 1946, ch. 709, § 308, 60 Stat. 737; May 15, 1952, ch. 290, § 2, 66 Stat. 73; Aug. 31, 1954, ch. 1164, pt. III, § 303, 68 Stat. 1041; Pub. L. 86-28, pt. III, § 304, May 19, 1959, 73 Stat. 31; Pub. L. 88-133, title III, § 301(a), Oct. 5, 1963, 77 Stat. 222; Pub. L. 90-257, title II, § 203, Feb. 15, 1968, 82 Stat. 24; Pub. L. 94-92, title I, § 1(f), Aug. 9, 1975, 89 Stat. 463; Pub. L. 98-76, title IV, § 411(a)(2), Aug. 12, 1983, 97 Stat. 436; Pub. L. 100-647, title VII, § 7202(a), Nov. 10, 1988, 102 Stat. 3776.)

AMENDMENTS

1988—Pub. L. 100-647 inserted "with respect to the base year" after "his compensation" and substituted "2.5 times the monthly compensation base for months in such base year as computed under section 351(i) of this title" for "\$1,500 with respect to the base year".

1983—Pub. L. 98-76 substituted "\$1,500" for "\$1,000".

1975—Pub. L. 94-92 substituted "five" for "seven" months.

1968—Pub. L. 90-257 substituted "\$1,000" for "\$750".

1963—Pub. L. 88-133 increased from \$500 to \$750 the amount of compensation in a base year required to qualify for benefits and provided that if employee has had no compensation prior to such year he will have had compensation with respect to each of not less than 7 months in such year.

1959—Pub. L. 86-28 substituted "\$500" for "\$400".

1954—Act Aug. 31, 1954, substituted "\$400" for "\$300".

1952—Act May 15, 1952, substituted "\$300" for "\$150" to conform to the new table of daily benefit rates as set out in section 352 of this title.

1946—Act July 31, 1946, changed section to relate to compensation paid instead of compensation earned during a year.

1940—Act Oct. 10, 1940, reorganized structure by striking out designations for subsecs. "(a)" and "(b)" and, as so restructured, provisions of former subsec. (a) became entire section and defined "qualified employee" and provisions of former subsec. (b), which related to the employee's waiting period, were omitted.

1939—Subsec. (b). Act June 20, 1939, substituted provisions relating to half-months as the waiting period, for provisions relating to fifteen consecutive days of unemployment or two half months.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 7202(b) of Pub. L. 100-647 provided that: "The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Nov. 10, 1988]."

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-76 applicable to compensation paid for services rendered after Dec. 31, 1983, see section 411(b) of Pub. L. 98-76, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94-92 effective for services rendered after Dec. 31, 1973, see section 2 of Pub. L. 94-92, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-257 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 such amendments not to be applicable to an employee whose compensation with respect to that base year was not less than \$750 but was less than \$1,000, see section 208 of Pub. L. 90-257, set out as a note under section 352 of this title.

EFFECTIVE DATE OF 1963 AMENDMENT

Section 301(b) of Pub. L. 88-133 provided that: "The amendment made by subsection (a) [amending this section] shall be fully effective with respect to base years after 1963. With respect to the base year 1963, they shall be applicable only to an employee concerning whom the Railroad Retirement Board finds that his compensation in that portion of the calendar year 1963 preceding the first day of the calendar month next following the month of enactment of this Act [October 1963] will have been less than \$500."

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-28 effective with respect to base years after the base year ending 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 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

Amendment by act May 15, 1952, effective with respect to benefit years beginning on and after July 1, 1952, see section 3 of act May 15, 1952, set out as a note under section 352 of this title.

EFFECTIVE DATE OF 1946 AMENDMENT

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