



Railroad Retirement Board: Retirement, Survivor, Disability, Unemployment, and Sickness Benefits

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January 11, 2012

Congressional Research Service

7-5700

www.crs.gov

RS22350

Summary

The Railroad Retirement Board (RRB) administers retirement, survivor, disability, unemployment, and sickness insurance for railroad workers and their families. This report describes Railroad Retirement Act (RRA) and Railroad Unemployment Insurance Act (RUIA) eligibility requirements, benefit types and compensation amounts, and program financing. This report also covers railroad unemployment provisions in the 2009 stimulus package (the American Recovery and Reinvestment Act, P.L. 111-5) and follow-on legislation concerning temporary extended unemployment benefits for railroad workers. The report will be updated annually.

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Introduction

The Railroad Retirement Board (RRB), an independent federal agency, administers retirement, survivor, disability, unemployment, and sickness insurance for railroad workers and their families under the Railroad Retirement Act (RRA) and Railroad Unemployment Insurance Act (RUIA).¹ Workers covered by those acts include those employed by railroads engaged in interstate commerce and related subsidiaries, railroad associations, and railroad labor organizations. During FY2010, the RRB paid almost \$10.8 billion in retirement and survivor benefits to about 582,000 beneficiaries. Unemployment and sickness benefits totaling \$160 million, including over \$20 million in temporary extended unemployment benefits, were paid to more than 38,000 claimants.² Lifelong railroad workers receive railroad retirement benefits instead of Social Security benefits; railroad workers with non-railroad experience receive benefits from either railroad retirement or from Social Security, depending on the length of their railroad service.

Railroad retirement is separate from the Social Security system, but the two programs are closely coordinated. The first legislation to establish a federal retirement program for railroad workers passed shortly before the Social Security Act of 1935. The funding of railroad retirement and Social Security was first linked in 1951, when a financial interchange was established. This annual exchange of funds places the Social Security Trust Funds in the same financial position they would have been in if railroad service had been covered by Social Security. The two programs' benefits are also coordinated. In 1974, railroad retirement benefits were divided into two tiers (discussed below). Tier I benefits are computed using the Social Security benefit formula based on earnings covered by either program. Tier II benefits are similar to private pension benefits and are based only on railroad work.

This report provides general information on railroad benefits. Certain exceptions and special cases are not covered. Individual railroad workers and beneficiaries should contact the RRB for more specific information on their benefits.³

Railroad Retirement, Survivor, and Disability Benefits

The Railroad Retirement Act (45 U.S.C. §231) authorizes retirement, survivor, and disability benefits for railroad workers and their families. To be *insured* for RRA benefits, a worker must generally have at least 10 years of covered railroad work, or 5 years performed after 1995. The family of an insured railroad worker may be entitled to receive railroad retirement benefits. If a worker does not qualify for railroad retirement benefits, his or her railroad work counts toward Social Security benefits.

¹ The RRB is governed by three board members: one recommended by railroad employers, one recommended by railroad labor organizations, and one appointed to represent the public interest.

² Railroad Retirement Board, *An Agency Overview*, January 2011, available at http://www.rrb.gov/opa/agency_overview.asp.

³ To find the nearest RRB office, see <http://www.rrb.gov/field/field.asp> or call 1-877-772-5772.

Retirement Benefits for Railroad Workers

At the age of 60, railroad workers with at least 30 years of covered railroad work may receive unreduced retirement annuities. At full retirement age, which is gradually increasing from 65 to 67, insured workers with fewer than 30 years of service may also receive full retirement annuities.⁴ Workers with fewer than 30 years of service may receive *reduced* retirement annuities starting at the age of 62. Retirement annuities are not payable to workers who continue to work in a covered railroad job or who return to railroad work after retirement. At the end of FY2011, about one-third of railroad retirement beneficiaries received age-based annuities (190,100 of 542,834 beneficiaries in September 2011). The average age-based retirement annuity was about \$2,244 per month, including tier I, tier II, and vested dual benefits (described below).⁵

Tier I Retirement Annuities

Tier I benefits are designed to be equivalent to Social Security benefits. Tier I benefits are calculated using the Social Security benefit formula with the railroad retirement age and service requirements, and are based on both railroad retirement and Social Security-covered employment. After tier I benefits are first paid, they increase annually with a cost of living adjustment (COLA) in the same manner as Social Security benefits.⁶

Tier I benefits may be reduced for retirees who receive Social Security benefits or government pensions, retire early, or continue to work after retirement. Generally, Social Security benefits are subtracted from tier I benefits, since work covered by Social Security is counted towards tier I benefits. (Beneficiaries insured by both systems receive a single check from the RRB.) Railroad retirement benefits may also be reduced for certain pensions earned through federal, state, and local government work. Tier I benefit reductions for early retirement are similar to those in the Social Security system. As the full retirement age rises, so will the reduction for early retirement.⁷ For early retirees who continue to work outside the railroad industry, tier I benefits are reduced by \$1 for every \$2 earned above an exempt amount (\$14,640 in 2012).⁸ If a railroad retiree also receives social security benefits, the retiree's social security benefits are reduced if the retiree earns more than the exempt amount, but the retiree's tier I railroad retirement benefits are not reduced because of earnings.

Tier II Retirement Annuities

Tier II retirement annuities are paid in addition to tier I annuities and any private pension and retirement savings plans offered by railroad employers.⁹ They are similar to private pensions and

⁴ Full retirement age is rising from 65 for those born before 1938 to 67 for those born after 1959.

⁵ Railroad Retirement Board, Bureau of the Actuary, *Quarterly Benefit Statistics, July-September 2011*, December 15, Table 1, 2011, at http://www.rrb.gov/pdf/act/stat_qbs911.pdf.

⁶ For more on Social Security's benefit formula and COLA, see CRS Report 94-27, *Social Security: Brief Facts and Statistics*, by Gary Sidor.

⁷ The reduction at the age of 62, Social Security's earliest eligibility age, is rising from 20% to 30% as the normal retirement age rises from age 65 to age 67.

⁸ During the calendar year that a retiree will reach the full retirement age, the formula for calculating the early retirement reduction changes: benefits are reduced \$1 for every \$3 earned above the exempt amount (\$38,880 in 2012) until the beneficiary reaches full retirement age.

⁹ Annual tier II benefits are 7/10% of a worker's average taxable monthly compensation for the highest 60 months of (continued...)

based solely on covered railroad service. Tier II benefits are increased annually by 32.5% of the Social Security COLA.

Tier II benefits are *not* reduced if a worker receives Social Security benefits or a government pension. Generally, the early retirement reductions for tier II benefits are the same as for tier I benefits. The reductions for earnings are different. For railroad retirees who continue to work at the non-railroad job they held at the time they retired, tier II benefits are reduced by \$1 for every \$2 earned, up to 50% of the benefit. The benefit reduction for earnings applies to all tier II beneficiaries, regardless of age.

Other Retired Worker Benefits: Supplemental Annuities and Vested Dual Benefits

Tier II payroll taxes also finance a *supplemental annuity* program. Supplemental annuities are payable to employees hired before October 1981, with at least 25 years of covered railroad service and a *current connection* with the railroad industry.¹⁰ At the end of FY2011, about 121,422 retired railroad employees received supplemental annuities which averaged \$42 a month.¹¹

In addition, general revenues finance a *vested dual benefit* for those who were insured for both railroad retirement and Social Security in 1974 when the two-tier benefit structure was established. Neither supplemental annuities nor vested dual benefits are adjusted for the cost of living. Supplemental annuities are subject to the same earnings reductions as tier II benefits; vested dual benefits are subject to the same earnings reductions as tier I benefits.

Retirement Benefits for Railroad Workers' Families

In any month that a worker collects a railroad retirement benefit, his or her spouse may also be eligible for a retirement benefit equal to or greater than the benefits he or she would have received if the worker's railroad work had been covered by Social Security.¹² A spouse qualifies for a retirement annuity when he or she reaches the same minimum age required for the worker to collect a retirement annuity (i.e., either at the age of 60 or 62, depending on years of service). At any age, a spouse may be eligible for a retirement annuity if he or she cares for the retired worker's unmarried child under the age of 18 (or a child disabled before the age of 22). A qualifying spouse receives 50% of the worker's tier I benefit before reductions (or, if higher, a Social Security benefit based on his or her own earnings). Spouses may also receive 45% of the worker's tier II benefit before reductions. At the end of FY2011, about a quarter of railroad

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earnings times the individual's years of service, less 25% of any vested dual benefit.

¹⁰ People have a *current connection* if they worked in a covered railroad job for at least 12 of the 30 months before death or receipt of a railroad annuity. The current connection is not broken during employment at certain U.S. government agencies, or in other special circumstances.

¹¹ Railroad Retirement Board, Bureau of the Actuary, *Quarterly Benefit Statistics, July-September 2011*, December 15, 2011, Table 1, at http://www.rrb.gov/pdf/act/stat_qbs911.pdf.

¹² Divorced spouses of retired railroad workers may also be eligible for retirement annuities. A divorced spouse may receive 50% of the worker's tier I benefit before reductions, but no tier II benefits. To qualify, the former spouse must have been married to the worker for at least 10 years and must not be remarried; both the worker and former spouse must be at least 62 years old.

retirement beneficiaries (134,254) received spouse annuities. The average spouse annuity was \$848 per month.¹³

For spouses, as for railroad workers, Social Security benefits are subtracted from tier I benefits. The benefit reductions for government pensions and post-retirement earnings are also the same for spouses and workers as under Social Security. Spouses are subject to reductions based on the primary worker's earnings as well as on their own earnings. As for early retirement, spouses are subject to different benefit reductions than are workers.¹⁴ Finally, spouses' benefits are reduced by the amount of any railroad benefits they earned based on their own work.

Retired workers may also receive benefits on behalf of their children, if the children are unmarried and under the age of 18 (or 19 if still in high school). These benefits are subject to certain maximums based on the total benefits paid to the worker's family.

Survivor Benefits for Railroad Workers' Families

Surviving spouses, former spouses, children, and other dependents of railroad workers may be eligible to receive survivor benefits after the worker's death. These benefits are paid in addition to any private life insurance offered by railroad employers. To be insured for survivor benefits, a worker must have had a current connection¹⁵ with the railroad industry at the time of death. Railroad survivor benefits are generally higher than comparable Social Security benefits because families of railroad workers may be entitled to tier II benefits as well as tier I benefits (which are equivalent to Social Security benefits). In cases where no monthly survivor benefits are paid, a lump-sum payment may be made to certain survivors.

The widows and widowers of railroad workers may receive survivor benefits. At full retirement age, a surviving spouse may be eligible for 100% of the worker's tier I benefit (or his or her own Social Security benefit, if higher). The widow(er) may also receive up to 100% of the worker's tier II benefit. As early as the age of 60 (or age 50, if disabled), widows and widowers may receive *reduced* survivor benefits.¹⁶ At any age, a widow(er) caring for a deceased worker's child under the age of 18 may receive a survivor benefit of 75% of the worker's tier I benefit, as well as up to 100% of the worker's tier II benefit. At the end of FY2011, about 20% of railroad retirement beneficiaries (110,372) received aged widow(er) benefits, which averaged \$1,366 per month. Less than 1% of railroad retirement beneficiaries (745) received benefits as widowed mothers and fathers; these benefits averaged \$1,663 per month.¹⁷

Children of railroad workers may also receive survivor benefits. To qualify, a child must be unmarried and under the age of 18 (or 19 if still in high school). Disabled adult children may

¹³ Railroad Retirement Board, Bureau of the Actuary, *Quarterly Benefit Statistics, July-September 2011*, December 15, 2011, at http://www.rrb.gov/pdf/act/stat_qbs911.pdf.

¹⁴ For spouses, the reduction at the age of 62 is gradually rising from 25% to 35%.

¹⁵ People have a *current connection* if they worked in a covered railroad job for at least 12 of the 30 months before death or receipt of a railroad annuity. The current connection is not broken during employment at certain U.S. government agencies or in other special circumstances.

¹⁶ For widow(er)s, the reduction at the age of 60 (Social Security's earliest eligibility age for widowed spouses) is rising from 17.10% to 20.36%.

¹⁷ Railroad Retirement Board, Bureau of the Actuary, *Quarterly Benefit Statistics, July-September 2011*, December 15, 2011, at http://www.rrb.gov/pdf/act/stat_qbs911.pdf.

qualify if their disability began before the age of 22. Eligible children receive 75% of the worker's tier I benefit and 15% of the worker's tier II benefit. At the end of FY2011, about 2% of railroad retirement beneficiaries (9,881) received children's survivor benefits, which averaged \$941 per month.¹⁸ In addition, if a parent of a railroad worker was dependent on the worker for at least half of the parent's support, he or she may receive 82.5% of the worker's tier I benefit and 35% of the worker's tier II benefit.

Survivor benefits are not payable to a current railroad employee, and survivor benefits are reduced by any railroad retirement benefit the survivor has earned through his or her own railroad work. Survivors receive the same reductions as retired workers for Social Security benefit receipt; they also have reductions for government pension receipt and earnings. A family maximum applies to survivor benefits, usually applicable when three or more survivors receive benefits on a worker's record (not counting divorced spouses).

Disability Benefits for Railroad Workers

Railroad workers may be eligible for benefits if they become disabled. The Railroad Retirement Board determines whether a worker is disabled based on the medical evidence provided during the application process. Railroad workers found to be totally and permanently disabled from all work may be eligible for *total disability annuities*. Totally disabled workers may receive tier I benefits after a five-month waiting period and tier II benefits at the age of 62 if they have 10 or more years of service. *Occupational disability annuities* are also payable to workers found to be permanently disabled from their regular railroad occupations, at least 60 years old with 10 years of service (or any age with 20 years of service), and with a current connection to the railroad industry. In 2008, the RRB reported that it approved nearly 98% of the occupational disability applications it received.¹⁹

At the end of FY2011, about 15% of railroad retirement beneficiaries (83,109) received disability benefits. The average disability annuity paid to workers younger than the full retirement age was \$2,437; the average paid to those at or above the full retirement age was \$1,995.²⁰

Disability annuities are not payable if a worker is currently employed in a covered railroad job. Disability benefits are suspended for beneficiaries below the full retirement age who earn more than \$1,365 a month during unemployment periods starting after July 2012.²¹ After the full retirement age, the earnings reductions for retired railroad workers apply. The tier I portion of disability benefits may be reduced for the receipt of workers compensation or government disability benefits.

¹⁸ Railroad Retirement Board, Bureau of the Actuary, *Quarterly Benefit Statistics, July-September 2011*, December 15, 2011, at http://www.rrb.gov/pdf/act/stat_qbs911.pdf.

¹⁹ Railroad Retirement Board, *Semiannual Report to the Congress*, October 31, 2008, <http://www.rrb.gov/pdf/oig/SEMIRPTS/semi908.pdf>.

²⁰ Railroad Retirement Board, Bureau of the Actuary, *Quarterly Benefit Statistics, July-September 2011*, December 15, 2011, at http://www.rrb.gov/pdf/act/stat_qbs911.pdf.

²¹ Railroad Retirement Board, *Notice of Annual Rates (2012)*, Program Letter 2012-2, December 9, 2011, at <http://www.rrb.gov/AandT/pl/pl1202.asp>.

Financing of Retirement and Survivor Benefits Under the Railroad Retirement Act

Payroll taxes are a major funding source for railroad retirement, survivor, and disability benefits. Railroad retirement payroll taxes are divided into two tiers. The tier I tax is the same as the Social Security payroll tax: railroad employers and employees each pay 6.2%²² on earnings up to \$110,100 in 2012. Tier I taxes are transferred to the Social Security trust funds in a financial interchange, then used to pay tier I benefits. The tier II tax is set each year based on the railroad retirement system's asset balances as well as benefit and administrative costs. The tier II tax is 12.1% for employers and 3.9% for employees on earnings up to \$81,900 in 2012.²³ Tier II taxes are used to finance tier II benefits, supplemental annuities, and a portion of tier I benefits. Payroll taxes provided almost 42% of RRA funding in FY2010.²⁴

Railroad benefits are also funded from several other sources. The financial interchange with Social Security provided almost 36% of RRA funding in FY2010. Revenues not needed to pay current benefits and administrative costs are held in the National Railroad Retirement Investment Trust, which is invested in both government securities and private equities. Transfers and interest from this fund provide another revenue source for railroad benefits, and were about 18% of RRA funding in FY2010. Federal income taxes levied on railroad retirement benefits made up about 4% of funding. General fund transfers to pay the costs of phasing out vested dual benefits were less than 1% of funding.

Prior to the Railroad Retirement and Survivors' Improvement Act of 2001 (P.L. 107-90), surplus railroad retirement assets could only be invested in U.S. government securities—just as the Social Security trust funds must be invested in specially issued U.S. government securities. The 2001 act established the National Railroad Retirement Investment Trust to manage and invest part of the RRB's assets in the same way that the assets of private-sector and most state and local government pension plans are invested. The remainder of the railroad retirement system's assets continue to be invested solely in U.S. government securities. The trust is designed to maintain four to six years' worth of benefits in case of lower-than-expected returns. To maintain this balance, the tier II tax is set to automatically adjust to maintain the fund balance at four to six years. This tax adjustment would not require congressional action. No tax increase is scheduled at the time of this writing.²⁵

²² In December 2010 and again in December 2011, Congress provided a temporary reduction of two percentage points in the payroll tax rate paid by employees, from 6.2% to 4.2%. For more information, see "RRA and RUIA Benefits Since 2009" below.

²³ Railroad Retirement Board, *Notice of Annual Rates (2012)*, Program Letter 2012-2, December 9, 2011, at <http://www.rrb.gov/AandT/pl/pl1202.asp>. See also Railroad Retirement Board, *Reminders for 2012*, <http://www.rrb.gov/forms/g34.asp>.

²⁴ U.S. Railroad Retirement Board, *2011 Railroad Retirement Board Annual Report*, page 9, at <http://www.rrb.gov/pdf/opa/annualrpt/annualreport.pdf>.

²⁵ For more information, see CRS Report RS22782, *Railroad Retirement Board: Trust Fund Investment Practices*, by Scott Szymendera.

Railroad Unemployment and Sickness Benefits

Railroad workers may qualify for daily unemployment and sickness benefits under the Railroad Unemployment Insurance Act (45 U.S.C. §351-369). These benefits are paid in addition to any paid leave or private insurance an employee may have. For sickness benefits, a worker must be unable to work because of illness or injury. Sickness benefits are distinct from disability benefits because they are intended to cover a finite, temporary period of time. Workers may not earn any money while receiving unemployment or sickness benefits.

Eligibility for railroad unemployment and sickness benefits is based on recent railroad service and earnings. Each year, the *benefit year* begins on July 1. Eligibility is based on work in the prior year, or the *base year*. To qualify, railroad workers must have a minimum amount of creditable earnings in the base year (\$3,412.50 in the 2012 base year), not counting earnings above a *monthly* maximum (\$1,763 in the 2012 base year).²⁶ New railroad workers must also have at least five months of covered railroad work in the base year. To receive unemployment benefits, a worker must be ready, willing, and able to work.

Unemployment and sickness beneficiaries receive a maximum of \$66 a day for benefit year 2011 (between July 2011 and July 2012).²⁷ Railroad workers only receive these benefits to the extent that they are higher than other benefits they receive under the Railroad Retirement Act, the Social Security Act, or certain other public programs, including workers compensation. Unemployment and sickness beneficiaries may receive *normal benefits* for up to 26 weeks in a benefit year, or until the benefits they receive equal their creditable earnings in the base year (if sooner).²⁸ Employees with at least 10 years of covered railroad service may qualify for *extended benefits* for 13 weeks after they have exhausted normal benefits. The 2009 stimulus package included an additional, temporary, extension of extended railroad unemployment benefits (see below for more details). Workers who apply for unemployment benefits will be enrolled automatically in a free job placement service run by railroad employers and the RRB.

Financing of Benefits Under the Railroad Unemployment Insurance Act

Railroad unemployment and sickness benefits are financed solely by railroad employers. Employers' contributions are based on the taxable earnings of their employees. The employer's tax rate depends on the past rates of unemployment and sickness claims by employees. For calendar year 2012 the rate ranges from 3.15% to 12.0% on the first \$1,365 in paid to each employee per month. Railroad unemployment funds not needed immediately are deposited into an account that is part of the national unemployment insurance trust fund and the railroad account receives interest based on these deposits.

²⁶ Railroad Retirement Board, *Notice of Annual Rates (2012)*, Program Letter 2012-2, December 9, 2011, at <http://www.rrb.gov/AandT/pl/pl1202.asp>. See also Railroad Retirement Board, *Reminders for 2012*, <http://www.rrb.gov/forms/g34.asp>.

²⁷ Railroad unemployment benefits are paid biweekly. A full biweekly claim is \$660 (in each two-week period, unemployed workers are compensated for 10 days of unemployment).

²⁸ There is essentially a one-week waiting period for unemployment and sickness benefits. There is a two-week waiting period for unemployment benefits if a worker participates in a legal strike.

RRA and RUIA Benefits Since 2009

American Recovery and Reinvestment Act of 2009

One-Time Payment for RRA Beneficiaries

The 2009 stimulus package (the American Recovery and Reinvestment Act of 2009, P.L. 111-5, “ARRA”) provided a one-time economic recovery payment of \$250 to all adult railroad retirement beneficiaries within 120 days after enactment of the act (February 17, 2009).²⁹ The act appropriated such funds as were necessary to make the payments as well as \$1.4 million for the RRB to administer the one-time payments.

Temporary Federal Income Tax Exclusion of Railroad Unemployment Benefits

Railroad unemployment benefits are subject to federal income taxes, as are unemployment benefits paid under state government programs. The Railroad Unemployment Insurance Act specifically provides that railroad unemployment and sickness benefits are not subject to state income taxes.

ARRA stipulates that individuals who receive Railroad Unemployment Insurance (RUIA) benefits may exclude from gross income up to \$2,400 in benefits received in 2009. The exclusion is applicable for taxable years beginning after December 31, 2008.

Temporary Extension of Extended Unemployment Benefits

ARRA also temporarily extended the availability of extended unemployment benefits for railroad workers. Railroad workers who previously were not eligible for extended unemployment benefits because they did not have 10 years of service may be eligible for benefits of up to 65 days within an extended period consisting of seven consecutive two-week registration periods. Railroad workers who previously were eligible for extended unemployment benefits of up to 65 days (because they had 10 years of service) may now be eligible for benefits of up to 130 days within an extended period consisting of 13 consecutive two-week registration periods.

The provision applied to railroad employees who received normal unemployment benefits during the benefit year beginning July 1, 2008, and ending June 30, 2009. No extended benefits under the act could begin after December 31, 2009.

Worker, Homeownership, and Business Assistance Act of 2009

On November 6, 2009, the President signed P.L. 111-92, the Worker, Homeownership, and Business Assistance Act of 2009, into law. Section 9 extended the availability of ARRA’s

²⁹ For more details, see CRS Report R40188, *Social Security Provisions in the American Recovery and Reinvestment Act of 2009: Supplemental Appropriations, Economic Recovery Payments, and Tax Credits for Certain Government Retirees*, by Scott Szymendera.

extended railroad unemployment benefits by one year to June 30, 2010. The special extended unemployment benefit periods could begin no later than December 31, 2010.

Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

On December 17, 2010, the President signed P.L. 111-312 into law. Section 505 extended availability of ARRA's extended railroad unemployment benefits by one year to June 30, 2011. The special extended unemployment benefit periods could begin no later than December 31, 2011. P.L. 111-312 also provided a temporary, one-year reduction in the payroll tax rate paid by employees, from 6.2% to 4.2%, analogous to the temporary payroll tax reduction Congress provided to workers covered by Social Security.

Temporary Payroll Tax Cut Continuation Act of 2011

On December 23, 2011, ARRA's temporary, extended railroad unemployment benefits were extended for two additional months, to August 31, 2011, by Section 202 of the Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112-78). The special extended unemployment benefit periods may begin no later than February 29, 2012. A further extension of some of the provisions is included in H.R. 3630, which has passed the House and Senate and awaits conference.³⁰ P.L. 112-78 also provided a two-month extension of the temporary reduction in the payroll tax paid by employees.

The American Jobs Act

The proposed American Jobs Act (H.R. 12 and S. 1549) would, among other provisions, extend the availability of ARRA's extended railroad unemployment benefits for an additional year through June 30, 2012. The funds would continue to be financed with funds still available under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).

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³⁰ For a complete discussion of legislation to extend or expand unemployment benefits, see CRS Report R41662, *Unemployment Insurance: Legislative Issues in the 112th Congress*, by Katelin P. Isaacs and Julie M. Whittaker and CRS Report R41508, *Expiring Unemployment Insurance Provisions*, by Katelin P. Isaacs.