

Union Calendar No. 379

103D CONGRESS
2D SESSION

H. R. 4868

[Report No. 103-693]

A BILL

To amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes.

AUGUST 10, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1994

Mr. SWIFT (for himself and Mr. OXLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

AUGUST 10, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on August 1, 1994]

A BILL

To amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Railroad Unemployment*
3 *Insurance Amendments Act of 1994”.*

4 **SEC. 2. WAITING PERIOD FOR UNEMPLOYMENT BENEFITS.**

5 *Section 2(a)(1)(A) of the Railroad Unemployment In-*
6 *urance Act is amended to read as follows:*

7 *“(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—*

8 *“(i) GENERALLY.—Except as otherwise provided*
9 *in this subparagraph, benefits shall be payable to any*
10 *qualified employee for each day of unemployment in*
11 *excess of 4 during any registration period within a*
12 *period of continuing unemployment.*

13 *“(ii) WAITING PERIOD FOR FIRST REGISTRATION*
14 *PERIOD.—Benefits shall be payable to any qualified*
15 *employee for each day of unemployment in excess of*
16 *7 during that employee’s first registration period in*
17 *a period of continuing unemployment if—*

18 *“(I) such registration period includes more*
19 *than 4 days of unemployment; and*

20 *“(II) such period of continuing unemploy-*
21 *ment is the employee’s initial period of continu-*
22 *ing unemployment in the benefit year.*

23 *“(iii) STRIKES.—*

24 *“(I) INITIAL 14-DAY WAITING PERIOD.—If*
25 *the Board finds that a qualified employee has a*
26 *period of continuing unemployment that in-*

1 *cludes days of unemployment due to a stoppage*
2 *of work because of a strike in the establishment,*
3 *premises, or enterprise at which such employee*
4 *was last employed, no benefits shall be payable*
5 *for such employee's first 14 days of unemploy-*
6 *ment due to such stoppage of work.*

7 “(II) *SUBSEQUENT DAYS OF UNEMPLOY-*
8 *MENT.—For subsequent days of unemployment*
9 *due to the same stoppage of work, benefits shall*
10 *be payable as provided in clause (i) of this sub-*
11 *paragraph.*

12 “(III) *SUBSEQUENT PERIODS OF CONTINU-*
13 *ING UNEMPLOYMENT.—If such period of continu-*
14 *ing unemployment ends by reason of clause (v)*
15 *but the stoppage of work continues, the waiting*
16 *period established in clause (ii) shall apply to*
17 *the employee's first registration period in a new*
18 *period of continuing unemployment based upon*
19 *the same stoppage of work.*

20 “(iv) *DEFINITION OF PERIOD OF CONTINUING*
21 *UNEMPLOYMENT.—Except as limited by clause (v), for*
22 *the purposes of this subparagraph, the term ‘period of*
23 *continuing unemployment’ means—*

24 “(I) *a single registration period that in-*
25 *cludes more than 4 days of unemployment;*

1 “(II) a series of consecutive registration pe-
2 riods, each of which includes more than 4 days
3 of unemployment; or

4 “(III) a series of successive registration pe-
5 riods, each of which includes more than 4 days
6 of unemployment, if each succeeding registration
7 period begins within 15 days after the last day
8 of the immediately preceding registration period.

9 “(v) *SPECIAL RULE REGARDING END OF PE-*
10 *RIOD.—For purposes of applying clause (ii), a period*
11 *of continuing unemployment ends when an employee*
12 *exhausts rights to unemployment benefits under sub-*
13 *section (c) of this section.*

14 “(vi) *LIMIT ON AMOUNT OF BENEFITS.—No bene-*
15 *fits shall be payable to an otherwise eligible employee*
16 *for any day of unemployment in a registration period*
17 *where the total amount of the remuneration (as de-*
18 *finied in section 1(j) of this Act) payable or accruing*
19 *to him for days within such registration period ex-*
20 *ceeds the amount of the base year monthly compensa-*
21 *tion base. For this purpose, an employee’s remunera-*
22 *tion shall be deemed to include the gross amount of*
23 *any remuneration that would have become payable to*
24 *that employee but did not become payable because*
25 *that employee was not ready or willing to perform*

1 *suitable work available to that employee on any day*
2 *within such registration period.”.*

3 **SEC. 3. WAITING PERIOD FOR SICKNESS BENEFITS.**

4 *Section 2(a)(1)(B) of the Railroad Unemployment In-*
5 *surance Act is amended to read as follows:*

6 *“(B) PAYMENT OF SICKNESS BENEFITS.—*

7 *“(i) GENERALLY.—Except as otherwise provided*
8 *in this subparagraph, benefits shall be payable to any*
9 *qualified employee for each day of sickness after the*
10 *fourth consecutive day of sickness in a period of con-*
11 *tinuing sickness but excluding 4 days of sickness in*
12 *any registration period in such period of continuing*
13 *sickness.*

14 *“(ii) WAITING PERIOD FOR FIRST REGISTRATION*
15 *PERIOD.—Benefits shall be payable to any qualified*
16 *employee for each day of sickness in excess of 7 dur-*
17 *ing that employee’s first registration period in a pe-*
18 *riod of continuing sickness if such registration period*
19 *begins with 4 consecutive days of sickness and in-*
20 *cludes more than 4 days of sickness, except that the*
21 *waiting period established in this clause shall not*
22 *apply to the first registration period in any subse-*
23 *quent period of continuing sickness that begins in the*
24 *same benefit year.*

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

4 “(I) *a period of consecutive days of sickness,*
5 *whether from 1 or more causes; or*

6 “(II) *a period of successive days of sickness*
7 *due to a single cause without interruption of*
8 *more than 90 consecutive days which are not*
9 *days of sickness.*

10 “(iv) *SPECIAL RULE REGARDING END OF PE-*
11 *RIOD.—For purposes of applying clause (ii), a period*
12 *of continuing sickness ends when an employee ex-*
13 *hausts rights to sickness benefits under subsection (c)*
14 *of this section.”.*

15 **SEC. 4. MAXIMUM DAILY BENEFIT RATE.**

16 *Section 2(a)(3) of the Railroad Unemployment Insur-*
17 *ance Act is amended to read as follows:*

18 “(3) *The maximum daily benefit rate computed by the*
19 *Board under section 12(r)(2) shall be the product of the*
20 *monthly compensation base, as computed under section*
21 *1(i)(2) for the base year immediately preceding the begin-*
22 *ning of the benefit year, multiplied by 5 percent. If the max-*
23 *imum daily benefit rate so computed is not a multiple of*
24 *\$1.00, it shall be rounded down to the nearest multiple of*
25 *\$1.00.”.*

1 **SEC. 5. MAXIMUM NUMBER OF DAYS FOR BENEFITS.**

2 (a) *IN GENERAL.*—Section 2(c) of the Railroad Unem-
3 *ployment Insurance Act is amended to read as follows:*

4 “(c) *MAXIMUM NUMBER OF DAYS FOR BENEFITS.*—

5 “(1) *NORMAL BENEFITS.*—

6 “(A) *GENERALLY.*—The maximum number
7 of days of unemployment within a benefit year
8 for which benefits may be paid to an employee
9 shall be 130, and the maximum number of days
10 of sickness within a benefit year for which bene-
11 fits may be paid to an employee shall be 130.

12 “(B) *LIMITATION.*—The total amount of
13 benefits that may be paid to an employee for
14 days of unemployment within a benefit year
15 shall in no case exceed the employee’s compensa-
16 tion in the base year; and the total amount of
17 benefits that may be paid to an employee for
18 days of sickness within a benefit year shall in no
19 case exceed the employee’s compensation in the
20 base year, except that notwithstanding section
21 1(i), in determining the employee’s compensation
22 in the base year for the purpose of this sentence,
23 any money remuneration paid to the employee
24 for services rendered as an employee shall be
25 taken into account that—

1 “(i) is not in excess of \$775 in any
2 month before 1989; and

3 “(ii) in any month in a base year
4 after 1988, is not in excess of an amount
5 that bears the same ratio to \$775 as the
6 monthly compensation base for that year as
7 computed under section 1(i) bears to \$600.

8 “(2) EXTENDED BENEFITS.—

9 “(A) GENERALLY.—With respect to an em-
10 ployee who has 10 or more years of service as de-
11 fined in section 1(f) of the Railroad Retirement
12 Act of 1974, who did not voluntarily retire and
13 (in a case involving exhaustion of rights to nor-
14 mal benefits for days of unemployment) did not
15 voluntarily leave work without good cause, and
16 who had current rights to normal benefits for
17 days of unemployment or days of sickness in a
18 benefit year but has exhausted such rights, the
19 benefit year in which such rights are exhausted
20 shall be deemed not to be ended until the last day
21 of the extended benefit period determined under
22 this paragraph, and extended unemployment
23 benefits or extended sickness benefits (depending
24 on the type of normal benefit rights exhausted)
25 may be paid for not more than 65 days of unem-

1 *ployment or 65 days of sickness within such ex-*
2 *tended benefit period.*

3 “(B) *BEGINNING DATE.*—*An employee’s ex-*
4 *tended benefit period shall begin on the employ-*
5 *ee’s first day of unemployment or first day of*
6 *sickness, as the case may be, following the day*
7 *on which the employee exhausts the employee’s*
8 *then current rights to normal benefits for days of*
9 *unemployment or days of sickness and shall con-*
10 *tinue for 7 consecutive 14-day periods, each of*
11 *which shall constitute a registration period, but*
12 *no such extended benefit period shall extend be-*
13 *yond the beginning of the first registration pe-*
14 *riod in a benefit year in which the employee is*
15 *again qualified for benefits in accordance with*
16 *section 3 on the basis of compensation earned*
17 *after the first of such consecutive 14-day periods*
18 *has begun.*

19 “(C) *TERMINATION WHEN EMPLOYEE*
20 *REACHES AGE OF 65.*—*Notwithstanding any*
21 *other provision of this paragraph, an extended*
22 *benefit period for sickness benefits shall termi-*
23 *nate on the day next preceding the date on which*
24 *the employee attains age 65, except that it may*

1 *continue for the purpose of paying benefits for*
2 *days of unemployment.*

3 “(3) *ACCELERATED BENEFITS.*—

4 “(A) *GENERAL RULE.*—*With respect to an*
5 *employee who has 10 or more years of service as*
6 *defined in section 1(f) of the Railroad Retire-*
7 *ment Act of 1974, who did not voluntarily retire,*
8 *and (in a case involving unemployment benefits)*
9 *did not voluntarily leave work without good*
10 *cause, who has 14 or more consecutive days of*
11 *unemployment, or 14 or more consecutive days of*
12 *sickness, and who is not a qualified employee*
13 *with respect to the general benefit year current*
14 *when such unemployment or sickness commences*
15 *but is or becomes a qualified employee for the*
16 *next succeeding general benefit year, such suc-*
17 *ceeding general benefit year shall, in that em-*
18 *ployee’s case, begin on the first day of the month*
19 *in which such unemployment or sickness com-*
20 *mences.*

21 “(B) *EXCEPTION.*—*In the case of a succeed-*
22 *ing benefit year beginning in accordance with*
23 *subparagraph (A) by reason of sickness, such*
24 *sentence shall not operate to permit the payment*
25 *of benefits in the period provided for in such sen-*

1 *tence for any day of sickness beginning with the*
2 *date on which the employee attains age 65, and*
3 *continuing through the day preceding the first*
4 *day of the next succeeding general benefit year.*

5 “(C) *DETERMINATION OF AGE.*—*For the*
6 *purposes of this subsection, the Board may rely*
7 *on evidence of age available in its records and*
8 *files at the time determinations of age are*
9 *made.”.*

10 ***(b) REPEAL OF DEADWOOD PROVISION.***—*Section 2(h)*
11 *of the Railroad Unemployment Insurance Act is repealed.*

12 ***(c) REPEAL OF EXPIRED PROVISION.***—*Section 17 of*
13 *the Railroad Unemployment Insurance Act (45 U.S.C.*
14 *368), relating to payment of supplemental unemployment*
15 *benefits, is repealed.*

16 ***SEC. 6. EFFECTIVE DATE.***

17 *The amendments made by this Act shall take effect on*
18 *the date of the enactment of this Act.*