

Union Calendar No. 255

104TH CONGRESS
2^D SESSION

H. R. 2594

[Report No. 104-525]

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1995

Mr. SHUSTER (for himself, Mr. OBERSTAR, Ms. MOLINARI, Mr. WISE, Mr. RAHALL, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

APRIL 18, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Unemploy-
5 ment Insurance Amendments Act of 1995”.

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

2 Subparagraph (A) of section 2(a)(1) of the Railroad
3 Unemployment Insurance Act (45 U.S.C. 352(a)(1)(A)) is
4 amended to read as follows:

5 “(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—

6 “(i) GENERALLY.—Except as otherwise pro-
7 vided in this subparagraph, benefits shall be payable
8 to any qualified employee for each day of unemploy-
9 ment in excess of 4 during any registration period
10 within a period of continuing unemployment.

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

16 “(I) such registration period includes more
17 than 4 days of unemployment; and

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

21 “(iii) STRIKES.—

22 “(I) INITIAL 14-DAY WAITING PERIOD.—If
23 the Board finds that a qualified employee has
24 a period of continuing unemployment that in-
25 cludes days of unemployment due to a stoppage
26 of work because of a strike in the establish-

1 ment, premises, or enterprise at which such em-
2 ployee was last employed, no benefits shall be
3 payable for such employee’s first 14 days of un-
4 employment due to such stoppage of work.

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

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

18 “(iv) DEFINITION OF PERIOD OF CONTINUING
19 UNEMPLOYMENT.—Except as limited by clause (v),
20 for the purposes of this subparagraph, the term ‘pe-
21 riod of continuing unemployment’ means—

22 “(I) a single registration period that in-
23 cludes more than 4 days of unemployment;

1 “(II) a series of consecutive registration
2 periods, each of which includes more than 4
3 days 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 registra-
7 tion period begins within 15 days after the last
8 day of the immediately preceding registration
9 period.

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

15 “(vi) LIMIT ON AMOUNT OF BENEFITS.—No
16 benefits shall be payable to an otherwise eligible em-
17 ployee for any day of unemployment in a registra-
18 tion period where the total amount of the remunera-
19 tion (as defined in section 1(j)) payable or accruing
20 to him for days within such registration period ex-
21 ceeds the amount of the base year monthly com-
22 pensation base. For purposes of the preceding sen-
23 tence, an employee’s remuneration shall be deemed
24 to include the gross amount of any remuneration
25 that would have become payable to that employee

1 but did not become payable because that employee
2 was not ready or willing to perform suitable work
3 available to that employee on any day within such
4 registration period.”.

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

6 Subparagraph (B) of section 2(a)(1) of the Railroad
7 Unemployment Insurance Act (45 U.S.C. 352(a)(1)(B))
8 is amended to read as follows:

9 “(B) PAYMENT OF SICKNESS BENEFITS.—

10 “(i) GENERALLY.—Except as otherwise pro-
11 vided in this subparagraph, benefits shall be payable
12 to any qualified employee for each day of sickness
13 after the 4th consecutive day of sickness in a period
14 of continuing sickness but excluding 4 days of sick-
15 ness in any registration period in such period of con-
16 tinuing sickness.

17 “(ii) WAITING PERIOD FOR FIRST REGISTRA-
18 TION PERIOD.—Benefits shall be payable to any
19 qualified employee for each day of sickness in excess
20 of 7 during that employee’s first registration period
21 in a period of continuing sickness if such registra-
22 tion period begins with 4 consecutive days of sick-
23 ness and includes more than 4 days of sickness, ex-
24 cept that the waiting period established in this
25 clause shall not apply to the first registration period

1 in any subsequent period of continuing sickness that
 2 begins in the same benefit year.

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

6 “(I) a period of consecutive days of sick-
 7 ness, whether from 1 or more causes; or

8 “(II) a period of successive days of sick-
 9 ness due to a single cause without interruption
 10 of more than 90 consecutive days which are not
 11 days of sickness.

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

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

18 Paragraph (3) of section 2(a) of the Railroad Unem-
 19 ployment Insurance Act (45 U.S.C. 352(a)(3)) is amended
 20 to read as follows:

21 “(3) The maximum daily benefit rate computed by
 22 the Board under section 12(r)(2) shall be the product of
 23 the monthly compensation base, as computed under sec-
 24 tion 1(i)(2) for the base year immediately preceding the
 25 beginning of the benefit year, multiplied by 5 percent. If

1 the maximum daily benefit rate so computed is not a mul-
2 tiple of \$1, it shall be rounded down to the nearest mul-
3 tiple of \$1.”.

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

5 (a) IN GENERAL.—Subsection (c) of section 2 of the
6 Railroad Unemployment Insurance Act (45 U.S.C. 352(c))
7 is amended to read as follows:

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

9 “(1) NORMAL BENEFITS.—

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

16 “(B) LIMITATION.—The total amount of
17 benefits that may be paid to an employee for
18 days of unemployment within a benefit year
19 shall in no case exceed the employee’s com-
20 pensation in the base year; and the total
21 amount of benefits that may be paid to an em-
22 ployee for days of sickness within a benefit year
23 shall in no case exceed the employee’s com-
24 pensation in the base year, except that notwith-
25 standing section 1(i), in determining the em-

1 ployee’s compensation in the base year for the
2 purpose of this sentence, any money remunera-
3 tion paid to the employee for services rendered
4 as an employee shall be taken into account
5 that—

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

8 “(ii) in any month in a base year
9 after 1988, is not in excess of an amount
10 that bears the same ratio to \$775 as the
11 monthly compensation base for that year
12 as computed under section 1(i) bears to
13 \$600.

14 “(2) EXTENDED BENEFITS.—

15 “(A) GENERALLY.—With respect to an
16 employee who has 10 or more years of service
17 as defined in section 1(f) of the Railroad Re-
18 tirement Act of 1974, who did not voluntarily
19 retire and (in a case involving exhaustion of
20 rights to normal benefits for days of unemploy-
21 ment) did not voluntarily leave work without
22 good cause, and who had current rights to nor-
23 mal benefits for days of unemployment or days
24 of sickness in a benefit year but has exhausted
25 such rights, the benefit year in which such

1 rights are exhausted shall be deemed not to be
2 ended until the last day of the extended benefit
3 period determined under this paragraph, and
4 extended unemployment benefits or extended
5 sickness benefits (depending on the type of nor-
6 mal benefit rights exhausted) may be paid for
7 not more than 65 days of unemployment or 65
8 days of sickness within such extended benefit
9 period.

10 “(B) BEGINNING DATE.—An employee’s
11 extended benefit period shall begin on the em-
12 ployee’s first day of unemployment or first day
13 of sickness, as the case may be, following the
14 day on which the employee exhausts the em-
15 ployee’s then current rights to normal benefits
16 for days of unemployment or days of sickness
17 and shall continue for 7 consecutive 14-day pe-
18 riods, each of which shall constitute a registra-
19 tion period, but no such extended benefit period
20 shall extend beyond the beginning of the first
21 registration period in a benefit year in which
22 the employee is again qualified for benefits in
23 accordance with section 3 on the basis of com-
24 pensation earned after the first of such con-
25 secutive 14-day periods has begun.

1 “(C) TERMINATION WHEN EMPLOYEE
2 REACHES AGE OF 65.—Notwithstanding any
3 other provision of this paragraph, an extended
4 benefit period for sickness benefits shall termi-
5 nate on the day next preceding the date on
6 which the employee attains age 65, except that
7 it may continue for the purpose of paying bene-
8 fits for days of unemployment.

9 “(3) ACCELERATED BENEFITS.—

10 “(A) GENERAL RULE.—With respect to an
11 employee who has 10 or more years of service
12 as defined in section 1(f) of the Railroad Re-
13 tirement Act of 1974, who did not voluntarily
14 retire, and (in a case involving unemployment
15 benefits) did not voluntarily leave work without
16 good cause, who has 14 or more consecutive
17 days of unemployment, or 14 or more consecu-
18 tive days of sickness, and who is not a qualified
19 employee with respect to the general benefit
20 year current when such unemployment or sick-
21 ness commences but is or becomes a qualified
22 employee for the next succeeding general bene-
23 fit year, such succeeding general benefit year
24 shall, in that employee’s case, begin on the first

1 day of the month in which such unemployment
2 or sickness commences.

3 “(B) EXCEPTION.—In the case of a suc-
4 ceeding benefit year beginning in accordance
5 with subparagraph (A) by reason of sickness,
6 such sentence shall not operate to permit the
7 payment of benefits in the period provided for
8 in such sentence for any day of sickness begin-
9 ning with the date on which the employee at-
10 tains age 65, and continuing through the day
11 preceding the first day of the next succeeding
12 general benefit year.

13 “(C) DETERMINATION OF AGE.—For the
14 purposes of this subsection, the Board may rely
15 on evidence of age available in its records and
16 files at the time determinations of age are
17 made.”.

18 (b) REPEAL OF DEADWOOD PROVISION.—Section
19 2(h) of the Railroad Unemployment Insurance Act (45
20 U.S.C. 352(h)) is repealed.

21 (c) REPEAL OF EXPIRED PROVISION.—Section 17 of
22 the Railroad Unemployment Insurance Act (45 U.S.C.
23 368), relating to payment of supplemental unemployment
24 benefits, is repealed.

1 **SEC. 6. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date of the enactment of this Act.

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