

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2594

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 1996

Received

---

## AN ACT

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 Unemploy-  
3 ment Insurance Amendments Act of 1996”.

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

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

8 “(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—

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

14 “(ii) WAITING PERIOD FOR FIRST REGISTRA-  
15 TION PERIOD.— Benefits shall be payable to any  
16 qualified employee for each day of unemployment in  
17 excess of 7 during that employee’s first registration  
18 period in a period of continuing unemployment if  
19 such period of continuing unemployment is the em-  
20 ployee’s initial period of continuing unemployment  
21 commencing in the benefit year.

22 “(iii) STRIKES.—

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

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

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

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

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

23 “(I) a single registration period that in-  
24 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 period of  
22 continuing sickness is the employee’s initial period of  
23 continuing sickness commencing in the benefit year.  
24 For the purposes of this clause, the first registration  
25 period in a period of continuing sickness is that reg-

1       istration period that first begins with 4 consecutive  
2       days of sickness and includes more than 4 days of  
3       sickness.

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

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

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

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

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

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

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

1 beginning of the benefit year, multiplied by 5 percent. If  
2 the maximum daily benefit rate so computed is not a mul-  
3 tiple of \$1, it shall be rounded down to the nearest mul-  
4 tiple of \$1.”.

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

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

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

10 “(1) NORMAL BENEFITS.—

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

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

1 standing section 1(i), in determining the em-  
2 ployee's compensation in the base year for the  
3 purpose of this sentence, any money remunera-  
4 tion paid to the employee for services rendered  
5 as an employee shall be taken into account that  
6 is not in excess of an amount that bears the  
7 same ratio to \$775 as the monthly compensa-  
8 tion base for that year as computed under sec-  
9 tion 1(i) bears to \$600.

10 “(2) EXTENDED BENEFITS.—

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

1 sickness benefits (depending on the type of nor-  
2 mal benefit rights exhausted) may be paid for  
3 not more than 65 days of unemployment or 65  
4 days of sickness within such extended benefit  
5 period.

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

22 “(C) TERMINATION WHEN EMPLOYEE  
23 REACHES AGE OF 65.—Notwithstanding any  
24 other provision of this paragraph, an extended  
25 benefit period for sickness benefits shall termi-

1           nate on the day next preceding the date on  
2           which the employee attains age 65, except that  
3           it may continue for the purpose of paying bene-  
4           fits for days of unemployment.

5           “(3) ACCELERATED BENEFITS.—

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

23                   “(B) EXCEPTION.—In the case of a suc-  
24          ceeding benefit year beginning in accordance  
25          with subparagraph (A) by reason of sickness,

1           such sentence shall not operate to permit the  
2           payment of benefits in the period provided for  
3           in such sentence for any day of sickness begin-  
4           ning with the date on which the employee at-  
5           tains age 65, and continuing through the day  
6           preceding the first day of the next succeeding  
7           general benefit year.

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

13           (b) REPEAL OF DEADWOOD PROVISION.—Section  
14           2(h) of the Railroad Unemployment Insurance Act (45  
15           U.S.C. 352(h)) is repealed.

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

20           **SEC. 6. EFFECTIVE DATE.**

21           The amendments made by this Act shall take effect  
22           on the date of the enactment of this Act.

          Passed the House of Representatives September 18,  
          1996.

Attest:

ROBIN H. CARLE,

*Clerk.*