

Public Law 94-92  
94th Congress

An Act

To amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and for other purposes.

Aug. 9, 1975

[H.R. 8714]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Railroad employees. Unemployment and sickness benefits increase.

TITLE I—RAILROAD UNEMPLOYMENT INSURANCE ACT  
AMENDMENTS

SECTION 1. (a) Section 1(h) of the Railroad Unemployment Insurance Act is amended—

45 USC 351.

(1) by inserting “for a ‘period of continuing sickness’ (as defined in section 2(a) of this Act)” immediately after the words “a statement of sickness” each time those words appear in the second paragraph thereof; and

(2) by striking out from the second paragraph “and ends with the thirteenth day thereafter” and inserting in lieu thereof “and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day with respect to which a statement of sickness for a new ‘period of continuing sickness’ (as defined in section 2(a) of this Act) is filed in his behalf”.

(b) Section 1(k) of such Act is amended by striking out “\$3” from the second sentence and inserting in lieu thereof “\$10”.

(c) Section 2(a) of such Act is amended—

Benefits.

45 USC 352.

(1) by striking out the first paragraph and inserting in lieu thereof the following:

“(a) Benefits shall be payable to any qualified employee for each day of unemployment in excess of four during any registration period: *Provided, however,* That notwithstanding the provisions of section 1(h) of this Act, in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, other than a strike subject to the disqualification in section 4(a-2)(iii), none of the first seven days of unemployment due to such stoppage of work shall be included in any registration period; and subject to the registration provisions of section 1(h), so many of the ensuing seven consecutive calendar days during which his unemployment continues to be caused by such stoppage of work shall constitute a registration period, during which benefits shall be payable for each day of unemployment. Benefits shall be payable to any qualified employee for each day of sickness after the fourth consecutive day of sickness in a period of continuing sickness, but excluding four days of sickness in any registration period. A period of continuing sickness means (i) a period of consecutive days of sickness, whether from one or more causes, or (ii) a period of successive days of sickness due to a single cause without interruption of more than ninety consecutive days which are not days of sickness.”; and

45 USC 354.

(2) by striking out the second paragraph and inserting in lieu thereof the following:

Daily benefit  
rate.

"The daily benefit rate with respect to any such employee for such day of unemployment or sickness shall be in an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, but not less than \$12.70: *Provided, however,* That for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed \$24 per day of such unemployment or sickness and that for registration periods beginning after June 30, 1976, such amount shall not exceed \$25 per day of such unemployment or sickness. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both."

45 USC 352.

(d) Section 2(c) of such Act is amended—

(1) by inserting "except that notwithstanding the provisions of section 1(i) of this Act, in determining the employee's compensation in the base year for purposes of this proviso and the second proviso of this subsection, any money remuneration paid to the employee for services rendered as an employee not in excess of \$775 in any month shall be taken into account" immediately before the colon at the end of the first proviso; and

45 USC 231.

(2) by inserting immediately after the colon at the end of the first proviso the following: "*Provided further,* That, with respect to an employee who has less than ten years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment in a benefit year but has exhausted such rights, the maximum number of days of, and amount of payment for, unemployment within such benefit year (as extended by the provisions of subsection (h) of this section) for which benefits may be paid shall be enlarged, but not by more than sixty-five days, to include all compensable days of unemployment within an extended benefit period determined pursuant to the provisions of subsection (h) of this section, but the total amount of benefits which may be paid to an employee for days of unemployment within such extended benefit period shall in no case exceed 50 per centum of the employee's compensation in the base year:"

Extended benefit  
period.

45 USC 352.

(e) Section 2 of such Act is further amended by adding at the end thereof the following new subsection:

"(h) (1) For purposes of the second proviso of subsection (c) of this section, an extended benefit period, with respect to an employee, shall begin on the first day of unemployment within a period of high unemployment following the day on which the employee exhausted his then current rights to normal benefits for unemployment and shall continue for seven successive fourteen-day periods (each of which periods shall constitute a registration period). If the general benefit year in which an employee's extended benefit period began ends within such extended benefit period, such benefit year shall, in the case of such employee, be deemed not to be ended until the last day of the extended benefit period. If an employee unemployed within a period of high unemployment is not a 'qualified employee' for the general benefit year then current but was a 'qualified employee' for the preceding general benefit year, such preceding general benefit year shall, for purposes of the second proviso of subsection (c) of this section, in the case of such employee, be deemed not to be ended until the last day of such

employee's extended benefit period determined pursuant to the provisions of this subsection.

“(2) For purposes of subdivision (1) of this subsection, a ‘period of high unemployment’ shall begin with the twentieth day after whichever of the following first occurs: (A) there is a national ‘on’ indicator as defined in section 203(d) of Public Law 91-373, as amended, or (B) a period of three consecutive calendar months in which, for each month included in such period, the rate of railroad unemployment (seasonally adjusted) equalled or exceeded the lowest applicable unemployment rate specified for the national ‘on’ indicator in section 203(d) of Public Law 91-373, as amended, and shall end with the twentieth day after both of the following occur: (A) there is a national ‘off’ indicator as defined in section 203(d) of Public Law 91-373, as amended, and (B) a period of three consecutive calendar months, in which, for each month included in such period, the rate of railroad unemployment (seasonally adjusted) was less than the lowest applicable unemployment rate specified for the national ‘off’ indicator in section 203(d) of Public Law 91-373, as amended.

Period of high unemployment.

26 USC 3304 note.

“(3) For purposes of subdivision (2) of this subsection, the term ‘rate of railroad unemployment’ for a month means the percentage arrived at by dividing (A) the average weekly number of individuals who filed bona fide claims for benefits for days of unemployment in such month, excluding from such number those individuals whose unemployment was due to a stoppage of work because of a strike, lock-out, or other labor dispute, by (B) the average midmonth count of employees of class I railroads and class I switching and terminal companies, as reported to the Interstate Commerce Commission, adjusted, as determined by the Board, to include all employees covered by this Act for the twelve months ending with the second calendar quarter preceding such month.

“Rate of railroad unemployment.”

“(4) Determinations under this subsection shall be made by the Board in accordance with regulations prescribed by it. When a determination has been made that a ‘period of high unemployment’ is beginning or ending, the Board shall cause notice of such determination to be published in the Federal Register. The Board shall also cause to be published in the Federal Register the formula which it uses to adjust the mid-month count of employees of class I railroads and class I switching and terminal companies to include all employees covered by this Act, and the formula it uses to make seasonal adjustments in the rate of railroad unemployment.”

Publication in Federal Register.

Publication in Federal Register.

(f) Section 3 of such Act is amended by striking out “seven” and inserting in lieu thereof “five”.

45 USC 353.

(g) Section 8(a) of such Act is amended by striking out the last five lines in the table contained therein and inserting in lieu thereof the following:

Employers' contributions.  
45 USC 358.

“\$300,000,000 or more.....	0.5
\$200,000,000 or more but less than \$300,000,000.....	4.0
\$100,000,000 or more but less than \$200,000,000.....	5.5
\$50,000,000 or more but less than \$100,000,000.....	7.0
Less than \$50,000,000.....	8.0”.

(h) Section 8(b) of such Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following: “Each employee representative shall pay a contribution with respect to so much of the compensation paid to him for services performed as an employee representative during any month after December 1975 as is not, for any such calendar month, in excess of \$400, at the rate applicable to employers in accordance with subsection (a) of this section.”

Employee representatives' contributions.

45 USC 360. (i) Section 10(a) of such Act is amended—  
 (1) by striking out “0.25” from clause (i) and inserting in lieu thereof “0.5”; and  
 (2) by striking out “and pursuant to subsection (h) of this section” from clause (ii).

45 USC 361. (j) Section 11(a) of such Act is amended by striking out “0.25” from clause (i) and inserting in lieu thereof “0.5”.

Effective dates. SEC. 2. (a) The amendment made by section 1(a) of this Act shall be effective with respect to days of sickness in registration periods beginning after June 30, 1975.

45 USC 351 note. (b) The amendment with respect to qualifying conditions made by section 1(f) shall be effective for services rendered after December 31, 1973.

(c) The amendments made by sections 1(b), 1(c), and 1(d)(1) of this Act shall be effective with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 1975: *Provided, however,* That the amount of benefits paid for days of unemployment or days of sickness in a registration period beginning after June 30, 1975, and prior to the date of enactment of this Act shall, if paid to an employee who is covered by a nongovernmental plan for unemployment or sickness insurance and who has been paid benefits under such plan for one or more days within the registration period, be reduced by the amount, if any, by which the benefits paid to him under the nongovernmental plan would have been reduced if this Act had been enacted prior to July 1, 1975, so that the employee will receive the full amount of the combined benefits that he would have received under the Railroad Unemployment Insurance Act and the nongovernmental plan if the benefit increases provided by this Act had been enacted prior to said date. The amount of each such reduction in the benefits paid under the amendment made by section 1(c)(2) of this Act shall be paid over by the Board to the insurer of the nongovernmental plan or to the employer if a self-insurer. Reductions in benefits and payments to insurers and employers hereunder shall be made on claims filed with the Board by such insurers and employers within thirty days after the date of enactment of this Act.

45 USC 367.

(d) The amendments made by sections 1(d)(2) and 1(e) of this Act shall be effective with respect to days of unemployment in registration periods beginning after June 30, 1975.

(e) The amendments made by sections 1(g), 1(h), 1(i)(1), and 1(j) of this Act shall be effective with respect to compensation paid for services rendered after December 31, 1975.

(f) The amendment made by section 1(i)(2) of this Act shall be effective on the date of enactment of this Act.

## TITLE II—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1974 AND THE RAILROAD RETIREMENT TAX ACT

Railroad retirement account.  
45 USC 231n.

SEC. 201. (a) Section 15(a) of the Railroad Retirement Act of 1974 is amended by striking out “authorized to be” in the second sentence thereof.

(b) Section 15(b) of such Act is amended by striking out “authorized to be” the first time it appears therein.

(c) Section 15(c) of such Act is amended by striking out “authorized to be” in the second sentence thereof and by adding immediately after “June 30, 1975,” the words “out of any moneys in the Treasury not otherwise appropriated.”

(d) Section 15 of such Act is further amended by inserting at the end thereof the following new subsection:

“(h) There are hereby authorized to be appropriated from time to time such sums as may be necessary to provide for the expenses of the Board in administering the provisions of this Act.”

(e) The amendments made by this section shall be effective January 1, 1975.

SEC. 202. (a) Section 204 of the Act entitled “An Act to amend the Railroad Retirement Act of 1937 to revise the retirement system for employees of employers covered thereunder, and for other purposes”, approved October 16, 1974 (88 Stat. 1352), is amended by adding at the end thereof the following new subsection:

“(c) An individual who was awarded an annuity under section 2(a) of the Railroad Retirement Act of 1937 shall not be entitled to an annuity amount computed under the provisions of section 3(c) of the Railroad Retirement Act of 1974: *Provided, however*, That the provisions of this subsection shall not be applicable (i) to an individual who will have rendered at least twelve months of service as an employee to an employer (as defined in the Railroad Retirement Act of 1974) after December 31, 1974, or (ii) to an individual who was awarded an annuity under section 2(a) 4 or 2(a) 5 of the Railroad Retirement Act of 1937 and who recovered from disability and returned to the service of an employer (as defined in the Railroad Retirement Act of 1974) after December 31, 1974.”

(b) The amendment made by this section shall be effective January 1, 1975.

SEC. 203. (a) Section 1402(b) of the Internal Revenue Code of 1954 is amended by striking out “, but solely with respect to the tax imposed by section 1401(b),” from item (B) of the second sentence thereof.

(b) Section 3231(e) of the Internal Revenue Code of 1954 is amended by striking out “\$3” from the fifth sentence of paragraph (1) and inserting in lieu thereof “\$25”.

(c) The amendments made by this section shall be effective January 1, 1975, and shall apply only with respect to compensation paid for services rendered on or after that date.

Approved August 9, 1975.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-384 (Comm. on Interstate and Foreign Commerce).  
CONGRESSIONAL RECORD, Vol. 121 (1975):

- July 24, considered and passed House.
- July 29, considered and passed Senate, amended.
- July 30, House concurred in Senate amendment.