

Speaker's table the Senate bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees: Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, OBERSTAR, and BORSKI.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

#### RAILROAD UNEMPLOYMENT INSURANCE AMENDMENTS ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2594) to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2594

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Unemployment Insurance Amendments Act of 1996".

#### SEC. 2. WAITING PERIOD FOR UNEMPLOYMENT BENEFITS.

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

"(A) PAYMENT OF UNEMPLOYMENT BENEFITS.—

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

"(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.—Benefits shall be payable to any qualified employee for each day of unemployment in excess of 7 during that employee's first registration period in a period of continuing unemployment if such period of continuing unemployment is the employee's initial period of continuing unemployment commencing in the benefit year.

"(iii) STRIKES.—

"(I) INITIAL 14-DAY WAITING PERIOD.—If the Board finds that a qualified employee has a

period of continuing unemployment that includes days of unemployment due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which such employee was last employed, no benefits shall be payable for such employee's first 14 days of unemployment due to such stoppage of work.

"(II) SUBSEQUENT DAYS OF UNEMPLOYMENT.—For subsequent days of unemployment due to the same stoppage of work, benefits shall be payable as provided in clause (i) of this subparagraph.

"(III) SUBSEQUENT PERIODS OF CONTINUING UNEMPLOYMENT.—If such period of continuing unemployment ends by reason of clause (v) but the stoppage of work continues, the waiting period established in clause (ii) shall apply to the employee's first registration period in a new period of continuing unemployment based upon the same stoppage of work.

"(iv) DEFINITION OF PERIOD OF CONTINUING UNEMPLOYMENT.—Except as limited by clause (v), for the purposes of this subparagraph, the term 'period of continuing unemployment' means—

"(I) a single registration period that includes more than 4 days of unemployment;

"(II) a series of consecutive registration periods, each of which includes more than 4 days of unemployment; or

"(III) a series of successive registration periods, each of which includes more than 4 days of unemployment, if each succeeding registration period begins within 15 days after the last day of the immediately preceding registration period.

"(v) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing unemployment ends when an employee exhausts rights to unemployment benefits under subsection (c) of this section.

"(vi) LIMIT ON AMOUNT OF BENEFITS.—No benefits shall be payable to an otherwise eligible employee for any day of unemployment in a registration period where the total amount of the remuneration (as defined in section 1(j)) payable or accruing to him for days within such registration period exceeds the amount of the base year monthly compensation base. For purposes of the preceding sentence, an employee's remuneration shall be deemed to include the gross amount of any remuneration that would have become payable to that employee but did not become payable because that employee was not ready or willing to perform suitable work available to that employee on any day within such registration period."

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

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

"(B) PAYMENT OF SICKNESS BENEFITS.—

"(i) GENERALLY.—Except as otherwise provided in this subparagraph, benefits shall be payable to any qualified employee for each day of sickness after the 4th consecutive day of sickness in a period of continuing sickness but excluding 4 days of sickness in any registration period in such period of continuing sickness.

"(ii) WAITING PERIOD FOR FIRST REGISTRATION PERIOD.—Benefits shall be payable to any qualified employee for each day of sickness in excess of 7 during that employee's first registration period in a period of continuing sickness if such period of continuing sickness is the employee's initial period of continuing sickness commencing in the benefit year. For the purposes of this clause, the first registration period in a period of continuing sickness is that registration period that first begins with 4 consecutive days of

sickness and includes more than 4 days of sickness.

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

"(I) a period of consecutive days of sickness, whether from 1 or more causes; or

"(II) a period of successive days of sickness due to a single cause without interruption of more than 90 consecutive days which are not days of sickness.

"(iv) SPECIAL RULE REGARDING END OF PERIOD.—For purposes of applying clause (ii), a period of continuing sickness ends when an employee exhausts rights to sickness benefits under subsection (c) of this section."

#### SEC. 4. MAXIMUM DAILY BENEFIT RATE.

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

"(3) The maximum daily benefit rate computed by the Board under section 12(r)(2) shall be the product of the monthly compensation base, as computed under section 1(i)(2) for the base year immediately preceding the beginning of the benefit year, multiplied by 5 percent. If the maximum daily benefit rate so computed is not a multiple of \$1, it shall be rounded down to the nearest multiple of \$1."

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

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

"(c) MAXIMUM NUMBER OF DAYS FOR BENEFITS.—

"(1) NORMAL BENEFITS.—

"(A) GENERALLY.—The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be 130, and the maximum number of days of sickness within a benefit year for which benefits may be paid to an employee shall be 130.

"(B) LIMITATION.—The total amount of benefits that may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee's compensation in the base year; and the total amount of benefits that may be paid to an employee for days of sickness within a benefit year shall in no case exceed the employee's compensation in the base year, except that notwithstanding section 1(i), in determining the employee's compensation in the base year for the purpose of this sentence, any money remuneration paid to the employee for services rendered as an employee shall be taken into account that is not in excess of an amount that bears the same ratio to \$775 as the monthly compensation base for that year as computed under section 1(i) bears to \$600.

"(2) EXTENDED BENEFITS.—

"(A) GENERALLY.—With respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and (in a case involving exhaustion of rights to normal benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under this paragraph, and extended unemployment benefits or extended sickness benefits (depending on the type of normal benefit rights exhausted) may be paid for not more than 65 days of unemployment or 65 days of sickness within such extended benefit period.

“(B) BEGINNING DATE.—An employee's extended benefit period shall begin on the employee's first day of unemployment or first day of sickness, as the case may be, following the day on which the employee exhausts the employee's then current rights to normal benefits for days of unemployment or days of sickness and shall continue for 7 consecutive 14-day periods, each of which shall constitute a registration period, but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 on the basis of compensation earned after the first of such consecutive 14-day periods has begun.

“(C) TERMINATION WHEN EMPLOYEE REACHES AGE OF 65.—Notwithstanding any other provision of this paragraph, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of paying benefits for days of unemployment.

“(3) ACCELERATED BENEFITS.—

“(A) GENERAL RULE.—With respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire, and (in a case involving unemployment benefits) did not voluntarily leave work without good cause, who has 14 or more consecutive days of unemployment, or 14 or more consecutive days of sickness, and who is not a qualified employee with respect to the general benefit year current when such unemployment or sickness commences but is or becomes a qualified employee for the next succeeding general benefit year, such succeeding general benefit year shall, in that employee's case, begin on the first day of the month in which such unemployment or sickness commences.

“(B) EXCEPTION.—In the case of a succeeding benefit year beginning in accordance with subparagraph (A) by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the date on which the employee attains age 65, and continuing through the day preceding the first day of the next succeeding general benefit year.

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

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

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

#### SEC. 6. EFFECTIVE DATE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments of 1996. This bill was reported out of the Committee on Transportation and Infra-

structure last November and enjoyed the full support of both labor and rail management.

This bill is good for railroad workers. It reforms, it has reforms in it which are very significant. It will increase the daily unemployment benefits for railroad workers from \$36 to \$42, in line with other nonrailroad workers. It reduces the waiting period before benefits begin to accrue from 14 days to 7 days. This will produce an immediate gain of \$294 for any unemployed rail worker.

It is no secret that the railroads have been reducing the size of their work forces. In fact, rail employment is less than half what it was in 1975.

By increasing unemployment benefits for rail workers to bring them in line with other nonrail workers across America, H.R. 2594 provides a little more security for workers who know that they, too, could one day be affected by a layoff.

It is high time that the rail unemployment benefits were reformed. Some of my colleagues may remember that a virtually identical bill was passed by the 103d Congress. The legislation was never taken up by the Senate. The issue has languished ever since. We now have an opportunity to get this bill passed. It should not be missed. Both rail labor and rail management support this legislation. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I rise in strong support of the bill, and I yield 2 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments Act of 1996.

This bill has been pending for over 3 years. It was first introduced by our former colleague Al Swift in the 103d Congress. It passed the House on suspension but, like too many other good bills, died in the other body when a single Senator put a hold on it.

The bill was introduced again last year by the bipartisan leadership of our committee and was quickly reported out by a voice vote. The bill is supported by both Republicans and Democrats, by both rail labor and rail management. The bill has four major provisions. Two favor management and the other two favor labor. Both sides feel the bill is a good deal for them.

The bill raises benefit levels so that they are more in line with benefits being paid by the States for nonrailroad employees. It also shortens the waiting time before rail workers qualify for unemployment and sickness benefits. On the other hand, it reduces the number of weeks of benefits received by employees with more than 15 years seniority, and it places a limit on the earnings of employees who are receiving benefits.

Action on this bill has been held up by having various controversial amendments attached to it in the past. The manager's amendment makes some clarifying changes to the committee-reported bill that have been worked out jointly by the majority and minority staffs. I am happy to report that we now have a clean bill that all of us can support. I recommend the bill to my colleagues and urge its passage.

□ 1145

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply emphasize there are no taxpayer dollars involved in this. This is totally financed by the railroad industry and the railroad workers.

With that, I urge support.

Mr. ARCHER. Mr. Speaker, the Committee on Ways and Means has a strong historical interest and involvement in the financing of the railroad unemployment compensation [RRUC] system. The RRUC has been in existence since 1938. Railroad workers were initially covered by the unemployment provisions of the Social Security Act of 1935, until the Railroad Unemployment Insurance Act (Public Law 75-722) was passed in 1938 to provide a uniform unemployment insurance system for railroad workers.

The committee has been closely involved in recent legislation concerning the RRUC. The Technical and Miscellaneous Revenue Act of 1988 (Public Law 100-647) increased the railroad unemployment and sickness daily benefit rate, indexed future benefit rates, qualifying earnings requirements and the contribution base to national wage levels, established a waiting period for benefits, and included other measures to improve the railroad unemployment insurance system's financing. The Emergency Unemployment Compensation Act of 1991, as amended in November 1993 (Public Laws 102-164 and 103-152), provided temporary extended State unemployment benefits, and also provided temporary extended benefits under the Railroad Unemployment Insurance Act.

The railroad unemployment and sickness benefit programs are financed by payroll taxes on railroad employers. The Railroad Unemployment Insurance and Railroad Unemployment Insurance Administration Accounts are part of the Federal Unemployment Trust Fund.

Since 1959, the Railroad Unemployment Trust Fund has been able to borrow funds from the railroad pension fund when employer taxes have not been sufficient to cover the costs of unemployment and sickness benefits. The RRUC program became depleted during the 1960's and 1970's. A rapid decline in 1981 and 1982 in railroad employment resulted in substantial borrowing from the pension system which reached peak levels at the end of 1986. Financial measures to assist the Railroad Unemployment Insurance Account were included in the Railroad Retirement Solvency Act enacted August 12, 1983.

A temporary repayment tax on railroad employers began on July 1, 1986, to initiate repayment of the loans made by the Railroad Retirement Account. The Consolidated Omnibus Budget Reconciliation Act of April 1986

(Public Law 99-272) amended the temporary unemployment insurance loan repayment tax beginning July 1, 1986, continued authority for borrowing by the Railroad Unemployment Insurance Account from the Railroad Retirement Account, and provided a contingency surtax on rail employers if further borrowing took place. The contingency surtax was replaced in 1991 by a surcharge added to employers' unemployment insurance taxes for a calendar year if the balance in the unemployment insurance account goes below \$100 million.

The 1988 Technical and Miscellaneous Revenue Act railroad unemployment insurance amendments improved financing by indexing the tax base to average national wages and experience-rating employer contributions. The 1988 amendments required the Board to make annual financial reports to Congress on the status of the unemployment insurance system. The unemployment insurance financial report that was submitted in June 1993, before the loan was repaid in full, stated that the experience-based contribution rates would keep the system solvent, even under the most pessimistic employment assumptions. The report also indicated that no new loans will be required during the 10-year projection period (fiscal years 1993-2002). The Board therefore recommended no changes to the system at that time. However, given the cash outlay subsequently applied to the repayment of the prior loans, subsequent estimates indicate that new loans in small amounts could, under pessimistic assumptions, possibly be required during part of the projection period.

With respect to H.R. 2594, the benefit increases contained in the bill are offset by increased tax revenues on rail employers by operation of current law, since employer contributions increase automatically as benefits increase. Therefore, no changes to the revenue laws are required to implement the provisions of H.R. 2594. However, because of the recent history of financial difficulties in the RRUC system, the committee will continue to closely monitor the overall financial solvency of the RRUC system, especially in light of this most recent benefit increase.

Mr. WISE. Mr. Speaker, I rise in strong support of H.R. 2594. This bipartisan bill is long overdue and will greatly improve the unemployment insurance system for the over 4,200 railroad workers in my home State of West Virginia.

This legislation was crafted by both management and labor of our Nation's railroad and will amend the existing unemployment insurance system. Last November the House Transportation and Infrastructure Committee marked up this bill and unanimously recommended passage by the full House.

This legislation will make several needed changes to the railroad unemployment insurance system. First, it will increase the maximum daily benefits from \$36 to \$42 for the current benefit year and establish a new formula for determining the benefits so that they will increase automatically in the future. Second, this legislation will shorten the waiting period before and employee is eligible to receive unemployment and sickness benefits from 14 days to 7 days. These changes are especially important to railroad workers who experience seasonal layoffs during the winter months.

This bill is a reasonable balance between labor and management concerns and I applaud both sides for their willingness to work

together on this legislation. I support this bill and hope that my colleagues in the other body would act on this legislation quickly.

Ms. MOLINARI. Mr. Speaker, I rise in strong support of H.R. 2594, the Railroad Unemployment Insurance Amendments Act of 1996. This important legislation will modernize railroad unemployment and sickness benefits so that they are more in keeping with the State systems that apply to all other industries.

Too often Republicans are accused of supporting the interests of big business over those of the working people. I am pleased today to stand in support of legislation that will directly benefit the interests of working people. H.R. 2594 will increase the daily benefits payable to unemployed rail workers from \$36 to \$42. It will also reduce the waiting time before benefits begin to accrue from 14 days to 7 days. This means an automatic increase of \$294 for any qualified employees. The cost to the industry of these increased benefits will be partially offset by a reduction in the maximum number of days of extended benefits, and a reduction in the permissible amount of outside income.

These increased rail unemployment benefits will not impose any additional costs on the American taxpayer. Because the railroad unemployment system is funded through payroll taxes, the industry will bear the full costs of the new benefits.

This bill has been awaiting enactment for a long time. The House passed virtually identical legislation in the 103d Congress, but it was never taken up by the Senate. Because of the complicated budgetary effects of the legislation, it has taken a long time to be able to bring the legislation to this point. I also want to thank my colleagues on the Budget Committee for assisting our efforts in bringing this legislation forward.

I urge my colleagues to vote "yes" on H.R. 2594.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BE-REUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2594, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AVIATION DISASTER FAMILY ASSISTANCE ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3923) to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents, as amended.

The Clerk read as follows:

H.R. 3923

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Disaster Family Assistance Act of 1996".

#### SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 1136. Assistance to families of passengers involved in aircraft accidents

"(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

"(5) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).