

85TH CONGRESS
2D SESSION

H. R. 11254

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1958

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for the temporary supplementation of State unemployment insurance benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Labor (hereinafter in this Act referred
4 to as the "Secretary") is authorized on behalf of the United
5 States to enter into agreements with any State, or with the
6 unemployment compensation agency of any State, under
7 which such State agency will make, as agent of the United
8 States, payments of compensation on the basis provided in
9 section 2 with respect to unemployment.

10 SEC. 2. Any agreement entered into under this Act
11 shall provide—

1 (1) that the State unemployment compensation
2 agency shall pay every unemployed individual, eligible
3 for compensation under the State unemployment com-
4 pensation law or under this section, adjusted weekly
5 benefit amounts equal to (A) two-thirds of the average
6 weekly wage earned by employees within such State
7 during the last full year for which necessary figures are
8 available, or (B) an amount (exclusive of any com-
9 pensation payable with respect to dependents) equal to
10 not less than one-half of such individual's average weekly
11 wage as determined by the State unemployment com-
12 pensation agency, whichever is the lesser; and

13 (2) that such State agency shall continue to pay
14 adjusted weekly benefit amounts to any eligible indi-
15 vidual during his benefit year, notwithstanding the ex-
16 haustion of his benefit right under State law, or reduc-
17 tion of his benefit rights or cancellation of his wage
18 credits until he has been paid an amount equal to com-
19 pensation for forty weeks of total unemployment within
20 a benefit year.

21 SEC. 3. (a) No agreement under this Act shall be effec-
22 tive before thirty days after the date of enactment of this
23 Act, or after July 1, 1959.

24 (b) Any agreement under this Act shall provide that
25 compensation otherwise payable to any individual under the

1 State's unemployment compensation law will not be denied
2 or reduced for any week by reason of any payment made
3 pursuant to such agreement.

4 SEC. 4. (a) Each State entering into an agreement un-
5 der this Act shall be entitled to be paid by the United States
6 an amount equal to the additional cost to the State of pay-
7 ments of compensation made under and in accordance with
8 such agreement which would not have been incurred by the
9 State except for the agreement.

10 (b) In making payments pursuant to this section, there
11 shall be paid to the State, either in advance or by way of
12 reimbursement, as may be determined by the Secretary,
13 such sum as the Secretary estimates the State will be
14 entitled to receive under this Act for each calendar quarter;
15 reduced or increased, as the case may be, by any sum by
16 which the Secretary finds that his estimates for any prior
17 calendar quarter were greater or less than the amounts which
18 should have been paid to the State. The amount of such
19 payments may be determined by such statistical, sampling,
20 or other method as may be agreed upon by the Secretary
21 and the State agency.

22 (c) The Secretary shall from time to time certify to
23 the Secretary of the Treasury for payment to each State
24 the sums payable to such State under this Act. The Secre-
25 tary of the Treasury, prior to audit or settlement by the

1 General Accounting Office, shall make payment, at the time
2 or times fixed by the Secretary, in accordance with such
3 certification from funds appropriated to carry out the pur-
4 poses of this Act.

5 (d) All money paid to a State under this section shall
6 be used solely for the purposes for which it is paid; and
7 any money so paid which is not used for such purposes
8 shall be returned to the Treasury, upon termination of the
9 period for which the agreement is effective.

10 (e) An agreement under this Act may require any
11 officer or employee of the State certifying payments of dis-
12 bursing funds pursuant to the agreement, or otherwise par-
13 ticipating in its performance, to give a surety bond to the
14 United States in such amount as the Secretary may deem
15 necessary, and may provide for the payment of the cost of
16 such bond from funds for carrying out the purposes of this
17 Act.

18 (f) No person designated by the Secretary, or desig-
19 nated pursuant to an agreement under this Act, as a certify-
20 ing officer shall, in the absence of gross negligence or intent
21 to defraud the United States, be liable with respect to the
22 payment of any compensation certified by him under this
23 Act.

24 (g) No disbursing officer shall, in the absence of gross
25 negligence or intent to defraud the United States, be liable

1 with respect to any payment by him under this section if it
2 was based upon a voucher signed by a certifying officer
3 designated as provided in subsection (f) of this section.

4 SEC. 5. Determination of entitlement to supplementary
5 payments of compensation made by a State unemployment
6 compensation agency under an agreement under this Act
7 shall be subject to review in the same manner and to the
8 same extent as determinations under the State unemploy-
9 ment compensation law, and only in such manner and to
10 such extent.

11 SEC. 6. The agency administering the unemployment
12 compensation law of any State shall furnish to the Secretary
13 such information as the Secretary may find necessary or
14 appropriate in carrying out the provisions of this Act, and
15 such information shall be deemed reports required by the
16 Secretary for the purposes of paragraph (6) of subsection
17 (a) of section 303 of the Social Security Act.

18 SEC. 7. For purposes of this Act—

19 (1) The term "State" includes the District of Columbia,
20 Alaska, and Hawaii.

21 (2) The term "compensation" means cash benefits pay-
22 able to individuals with respect to their unemployment, ex-
23 clusive of any payments with respect to dependents.

24 (3) The term "State weekly benefit amount" means
25 the amount of compensation to which an individual is entitled

1 (exclusive of any portion thereof payable with respect to
2 dependents) with respect to a week of total unemployment,
3 under the provisions of a State unemployment compensation
4 law.

5 (4) The term "adjusted weekly benefit amount" means
6 the sum of (A) the State weekly benefit amount of an in-
7 dividual, and (B) any supplementary compensation pay-
8 able with respect to a week of total unemployment under
9 an agreement or regulation pursuant to this section.

10 (5) The term "benefit year" means the period pre-
11 scribed by State law, but not in excess of fifty-two consecu-
12 tive weeks, for which an eligible individual may receive
13 weekly unemployment compensation benefits.

14 (6) The term "base period" means the first four of the
15 last five full calendar quarters immediately preceding the
16 beginning of the benefit year.

17 (7) The term "high quarter wages" means, in the case
18 of any individual, the amount of wages (as defined by State
19 law) paid to such individual in the calendar quarter of the
20 base period for which his total wages were highest.

21 (8) The term "average weekly wage" means, in the
22 case of any individual, the amount of wages (as defined by
23 State law) paid to such individual during the period used
24 for determining his compensation for a week of total unem-
25 ployment (A) in case the period used is the calendar quarter

1 in which such individual was paid his high quarter wages,
2 divided by 13; or (B) if some other period is used, divided
3 by the number of weeks, during the period used, in which
4 he performed services in employment (as defined by State
5 law).

6 SEC. 8. There are hereby authorized to be appropriated,
7 out of any money in the Treasury not otherwise appropri-
8 ated, such sums as may be necessary to carry out the pro-
9 visions of this Act.

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