

107TH CONGRESS  
1ST SESSION

# H. R. 2955

To provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2001

Mr. GEPHARDT (for himself, Mr. HASTINGS of Florida, Mr. BONIOR, Mr. LARSEN of Washington, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. BACA, Mr. BAIRD, Mr. BARCIA, Mr. BARRETT of Wisconsin, Ms. BERKLEY, Mr. BISHOP, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. CLEMENT, Mr. COYNE, Mr. CROWLEY, Mr. DELAHUNT, Ms. DELAUBO, Mr. DOYLE, Mr. FARR of California, Mr. GONZALEZ, Mr. HILLIARD, Mr. HINCHY, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mrs. MALONEY of New York, Mr. MARKEY, Mrs. McCARTHY of New York, Ms. McCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OBEY, Mr. PAYNE, Mr. RAHALL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SANDERS, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. UNDERWOOD, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide assistance for employees who are separated from employment as a result of reductions in service by air

carriers, and closures of airports, caused by terrorist actions or security measures.

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 “Displaced Workers As-  
5 sistance Act”.

6 **SEC. 2. DEFINITIONS.**

7       In this Act:

8           (1) **AFFECTED AREA.**—The term “affected  
9 area” means an area that the Secretary determines  
10 has a substantial number of eligible employees.

11          (2) **AIR CARRIER.**—The term “air carrier”  
12 means an air carrier that holds a certificate issued  
13 under chapter 411 of title 49, United States Code.

14          (3) **COBRA CONTINUATION COVERAGE.**—The  
15 term “COBRA continuation coverage” means cov-  
16 erage under a group health plan provided by an em-  
17 ployer pursuant to title XXII of the Public Health  
18 Service Act, section 4980B of the Internal Revenue  
19 Code of 1986, part 6 of subtitle B of title I of the  
20 Employee Retirement Income Security Act of 1974,  
21 or section 8905a of title 5, United States Code.

22          (4) **ELIGIBLE EMPLOYEE.**—The term “eligible  
23 employee” means an individual who has become to-  
24 tally or partially separated, or is threatened to be-

1 come totally or partially separated, from employment  
2 with an air carrier, employment at a facility at an  
3 airport, employment that involves the provision of  
4 transportation to or from an airport, or employment  
5 with an upstream producer or supplier for an air  
6 carrier, as a consequence of—

7 (A) reductions in service by an air carrier  
8 as a result of a terrorist action or security  
9 measure, as determined by the Secretary; or

10 (B) a closure of an airport in the United  
11 States as a result of a terrorist action or secu-  
12 rity measure, as determined by the Secretary.

13 (5) SECRETARY.—The term “Secretary” means  
14 the Secretary of Labor.

15 (6) SUPPLIER.—The term “supplier” means a  
16 firm that produces component parts for, or articles  
17 and contract services considered to be a part of the  
18 production process or services for, another firm.

19 (7) TERRORIST ACTION OR SECURITY MEAS-  
20 URE.—The term “terrorist action or security meas-  
21 ure” means a terrorist attack on the United States  
22 on September 11, 2001, or a security measure taken  
23 in response to the attack.

24 (8) UPSTREAM PRODUCER.—The term “up-  
25 stream producer” means a firm that performs addi-

1       tional, value-added, production processes, including  
2       firms that perform final assembly, finishing, or  
3       packaging of articles, for another firm.

4                   (9) OTHER TERMS.—Terms defined in section  
5       247 of the Trade Act of 1974 shall have the mean-  
6       ings given the terms in that section.

7   **SEC. 3. PETITIONS AND DETERMINATIONS.**

8                   (a) PETITIONS.—A petition for a certification of eligi-  
9       bility to apply for adjustment assistance under this Act  
10      may be filed with the Secretary by a group of workers  
11      or by their certified or recognized union or other duly au-  
12      thorized representative. The Secretary shall comply with  
13      the notice requirements of section 221 of the Trade Act  
14      of 1974 with respect to the petition.

15                   (b) CERTIFICATION.—

16                   (1) IN GENERAL.—The Secretary shall certify a  
17       group of workers as eligible to apply for adjustment  
18       assistance under this Act if the Secretary determines  
19       that a significant number or proportion of the work-  
20       ers in such workers' firm or an appropriate subdivi-  
21       sion of the firm are eligible employees.

22                   (2) CERTIFICATIONS WITH AND WITHOUT PETI-  
23       TIONS.—The Secretary shall certify—

4 (B) any other group that the Secretary de-  
5 termines meets such requirements.

### 11 (c) DETERMINATIONS.—

1       eligibility to apply for adjustment assistance under  
2       this Act covering workers in any group that meets  
3       such requirements. In issuing the certifications, not  
4       later than 30 days after the date of enactment of  
5       this Act, the Secretary shall issue certifications cov-  
6       ering all employees of air carriers.

10 (d) INFORMATION.—The Secretary shall provide the  
11 information, assistance, and notice described in section  
12 225 of the Trade Act of 1974 with respect to certifications  
13 made under subsection (b), and agreements entered into  
14 and benefits available under this Act.

## 15 SEC. 4. PROGRAM BENEFITS.

16 (a) DETERMINATIONS.—The Secretary shall deter-  
17 mine, with respect to an eligible employee covered by a  
18 certification issued by the Secretary under section 3,  
19 whether—

20 (1) the employee is unlikely to return to the in-  
21 dustry involved;

22 (2) the employee is likely to return to that in-  
23 dustry, but unlikely to return to the employee's pre-  
24 vious occupation in the industry; or

3 (b) DIFFERENT INDUSTRY OR OCCUPATION.—If the  
4 Secretary determines that an eligible employee described  
5 in subsection (a) meets the requirements of paragraph (1)  
6 or (2) of subsection (a) and engages in appropriate job  
7 search activities, and that the employee and any training  
8 approved by the Secretary for the employee meet the re-  
9 quirements of paragraphs (1) and (3) of section 236(a)  
10 of the Trade Act of 1974, the employee shall be provided,  
11 in the same manner and to the same extent as an em-  
12 ployee covered under a certification under subchapter A  
13 of chapter 2 of title II of the Trade Act of 1974, 1 or  
14 more of the following:

21 (2) Training that consists of—

22 (A) training (including supplemental as-  
23 sistance) described in section 236 of the Trade  
24 Act of 1974, notwithstanding the provisions of  
25 section 236(a)(2) of such Act;

12 (A) an eligible employee is not required to  
13 enroll in training to receive such an allowance;

14 (B) the reference in section 233(a)(1) of  
15 the Trade Act of 1974 to “52” shall be consid-  
16 ered to be a reference to “78”; and

17 (C) no employee shall receive additional  
18 weeks of assistance under section 233(a)(3) of  
19 such Act

20 (4) Job search allowances described in section  
21 237 of the Trade Act of 1974

22 (c) SAME INDUSTRY AND OCCUPATION.—If the Sec-  
23 retary determines that an eligible employee described in  
24 subsection (a) meets the requirements of subsection  
25 (a)(3), the employee shall be provided, in the same manner

1 and to the same extent as an employee covered under a  
2 certification under subchapter A of chapter 2 of title II  
3 of the Trade Act of 1974, 1 or more of the following:

13 (A) an eligible employee is not required to  
14 enroll in training to receive such an allowance;

15 (B) the reference in section 233(a)(1) of  
16 the Trade Act of 1974 to “52” shall be consid-  
17 ered to be a reference to “78”; and

18 (C) no employee shall receive additional  
19 weeks of assistance under section 233(a)(3) of  
20 such Act

21 (d) EMPLOYEES NOT ELIGIBLE FOR UNEMPLOY-  
22 MENT INSURANCE.—An eligible employee who is totally  
23 separated from employment in a State who does not meet  
24 the requirements of paragraphs (2) through (4) of section  
25 231(a) of the Trade Act of 1974 shall be provided, under

1 this Act, only an allowance, for a period of 26 weeks, in  
2 the amount of the average weekly benefit received by an  
3 individual in the State under the State unemployment in-  
4 surance program during the most recent 52-week period  
5 for which data are available.

6 (e) COBRA CONTINUATION COVERAGE.—In the case  
7 of an individual who is eligible for benefits under sub-  
8 section (b) or (c), the Secretary shall provide for payment  
9 of premiums for COBRA continuation coverage with re-  
10 spect to such individual. Such payment may be made  
11 through appropriate direct payment arrangements with  
12 the group health plan or health insurance issuer involved.  
13 The Secretary may require documentation of election of  
14 benefits or proof of premium payment.

15 (f) OPTIONAL TEMPORARY MEDICAID COVERAGE  
16 FOR UNINSURED ELIGIBLE EMPLOYEES.—

17 (1) IN GENERAL.—Notwithstanding any other  
18 provision of law, a State may elect to provide, under  
19 its medicaid program under title XIX of the Social  
20 Security Act, medical assistance in the case of an in-  
21 dividual who is eligible for benefits under subsection  
22 (b) or (c), who is not eligible for COBRA continu-  
23 ation coverage, and who is uninsured. For purposes  
24 of this subsection, an individual is considered to be  
25 uninsured if the individual is not covered under a

1 group health plan, health insurance coverage, or  
2 under such program or a program under title XVIII  
3 or XXI of such Act.

4 (2) LIMITATION TO 18 MONTHS OF COV-  
5 ERAGE.—Assistance under this subsection shall end  
6 with respect to an individual on the earlier of—

7 (A) the date the individual is no longer un-  
8 insured; or

9 (B) 18 months after the date the indi-  
10 vidual is first determined to be eligible for med-  
11 ical assistance under this subsection.

12 (3) SPECIAL RULES.—In the case of medical as-  
13 sistance provided under this subsection—

14 (A) the Federal medical assistance percent-  
15 age under section 1905(b) of the Social Secu-  
16 rity Act shall be 100 percent;

17 (B) a State may elect to disregard any in-  
18 come, asset, or resource limitation imposed  
19 under the State medicaid plan or under title  
20 XIX of such Act;

21 (C) such medical assistance shall not be  
22 provided for periods before the date the indi-  
23 vidual is determined eligible for such assistance;

24 (D) a State may elect to make eligible for  
25 such assistance a dependent spouse or children

1           of an individual eligible for medical assistance  
2           under paragraph (1), if such spouse or children  
3           are uninsured; and

4           (E) individuals eligible for medical assist-  
5           ance under this subsection shall be deemed to  
6           be described in the list of individuals described  
7           in the matter preceding paragraph (1) of sec-  
8           tion 1905(a) of such Act.

9 **SEC. 5. ADMINISTRATION.**

10          The provisions of subchapter C of chapter 2 of title  
11 II of the Trade Act of 1974 shall apply to the administra-  
12 tion of the program under this Act in the same manner  
13 and to the same extent as such provisions apply to the  
14 administration of the program under subchapters A and  
15 B of chapter 2 of title II of the Trade Act of 1974, except  
16 that—

17          (1) the agreement between the Secretary and  
18 the States described in section 239 of the Trade Act  
19 of 1974 shall specify the procedures that will be  
20 used to carry out the certification process under sec-  
21 tion 3, the procedures for providing relevant data by  
22 the Secretary to assist the States in making prelimi-  
23 nary findings under section 3, and the adjustment  
24 assistance described in section 4;

## 7 SEC. 6. REGULATIONS.

8 The Secretary—

12 (2) shall issue final regulations to carry out this  
13 Act in accordance with such chapters.

## 14 SEC. 7. APPLICATION AND CONSTRUCTION.

15 (a) APPLICATION.—For purposes of applying provi-  
16 sions of chapter 2 of title II of the Trade Act of 1974  
17 under this Act, references in such chapter—

18 (1) to a worker shall be considered to be ref-  
19 erences to an eligible employee;

20 (2) to a benefit shall be considered to be ref-  
21 erences to the corresponding benefit provided under  
22 this subsection to an eligible employee; and

23 (3) to a provision of chapter 2 of title II of the  
24 Trade Act of 1974 shall be considered to be ref-  
25 erences to the corresponding provision of this Act.

## 1 (b) CONSTRUCTION.—

(1) NO IMPACT ON TRADE ADJUSTMENT ASSISTANCE.—Nothing in this Act shall be construed to modify or affect title II of the Trade Act of 1974.

## 10 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

11 (a) IN GENERAL.—There is authorized to be appro-  
12 priated and there is appropriated to carry out this Act  
13 a total of \$3,750,000,000 for fiscal years 2002 and 2003.

14 (b) ADMINISTRATION.—There are authorized to be  
15 appropriated and there are appropriated such sums as  
16 may be necessary for the administration of this Act for  
17 fiscal years 2002 and 2003 (but not more than  
18 \$37,500,000).

19 (c) DESIGNATION.—Congress designates the entire  
20 amounts described in subsections (a) and (b) as emer-  
21 gency requirements pursuant to section 252(e) of the Bal-  
22 anced Budget and Emergency Deficit Control Act of 1985.

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