

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.

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. DELAURO, Mr. DOYLE, Mr. FARR of California, Mr. GONZALEZ, Mr. HILLIARD, Mr. HINCHEY, 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

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—

1 (A) a group that files a petition under sub-
2 section (a) and meets the requirements of para-
3 graph (1); and

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

6 (3) OTHER GROUPS.—A group described in
7 paragraph (2)(B) shall be deemed to have filed a pe-
8 tition under subsection (a) on the date of the certifi-
9 cation, for purposes of this Act (other than sub-
10 sections (a) and (c)).

11 (c) DETERMINATIONS.—

12 (1) PETITIONING GROUPS.—As soon as possible
13 after the date on which a petition is filed under sub-
14 section (a), but in any event not later than 60 days
15 after that date, the Secretary shall determine wheth-
16 er the petitioning group meets the requirements of
17 subsection (b)(1) and shall issue a certification of
18 eligibility to apply for adjustment assistance under
19 this Act covering workers in any group that meets
20 such requirements.

21 (2) OTHER GROUPS.—Not later than 30 days
22 after the date of enactment of this Act, the Sec-
23 retary shall determine groups of workers (other than
24 petitioning groups) that meet the requirements of
25 subsection (b)(1) and shall issue a certification of

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.

7 (3) PROCEDURES.—The Secretary shall issue
8 and terminate such certifications in accordance with
9 section 223 of the Trade Act of 1974.

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

1 (3) the employee is likely to return to that occu-
2 pation.

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:

15 (1) Employment services described in section
16 235 of the Trade Act of 1974 (including, in the case
17 of an eligible employee in an affected area, employ-
18 ment services provided through programs developed
19 and conducted through partnerships between public
20 agencies, employers, and labor organizations).

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;

1 (B) training for a position requiring dif-
2 ferent technical skill than the original position;
3 or

4 (C) in the case of an eligible employee in
5 an affected area, training provided through pro-
6 grams developed and conducted through part-
7 nerships between public agencies, employers,
8 and labor organizations.

9 (3) Readjustment allowances described in sec-
10 tions 231 through 234 of the Trade Act of 1974, ex-
11 cept that—

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:

4 (1) Employment services described in section
5 235 of the Trade Act of 1974 (including, in the case
6 of an eligible employee in an affected area, employ-
7 ment services provided through programs developed
8 and conducted through partnerships between public
9 agencies, employers, and labor organizations).

10 (2) Readjustment allowances described in sec-
11 tions 231 through 234 of the Trade Act of 1974, ex-
12 cept that—

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;

1 (2) the provisions of such subchapter C relating
2 to training shall not be applicable under this Act;
3 and

4 (3) the provisions of such subchapter shall
5 apply to COBRA continuation coverage under sec-
6 tion 4(e) to the extent specified by the Secretary.

7 **SEC. 6. REGULATIONS.**

8 The Secretary—

9 (1) may issue interim regulations to carry out
10 this Act, notwithstanding chapters 5 and 7 of title
11 5, United States Code; and

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.—

2 (1) NO IMPACT ON TRADE ADJUSTMENT AS-
3 SISTANCE.—Nothing in this Act shall be construed
4 to modify or affect title II of the Trade Act of 1974.

5 (2) NO IMPACT ON EXISTING AGREEMENTS AND
6 BENEFITS.—Nothing in this Act shall be construed
7 to diminish the obligation of an employer to comply
8 with any collective bargaining agreement or any em-
9 ployment benefit program or plan.

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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