

107TH CONGRESS
1ST SESSION

S. 1454

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 SENATE OF THE UNITED STATES

SEPTEMBER 21, 2001

Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. ALLEN, Mr. WELLSTONE, Mr. DURBIN, Mr. ROCKEFELLER, Mr. CLELAND, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Finance

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.

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Displaced Workers Assistance Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

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

23 (9) OTHER TERMS.—Terms defined in section
24 247 of the Trade Act of 1974 shall have the mean-
25 ings given the terms in that section.

1 **SEC. 3. PETITIONS AND DETERMINATIONS.**

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

9 (b) CERTIFICATION.—

10 (1) IN GENERAL.—The Secretary shall certify a
11 group of workers as eligible to apply for adjustment
12 assistance under this Act if the Secretary determines
13 that a significant number or proportion of the work-
14 ers in such workers' firm or an appropriate subdivi-
15 sion of the firm are eligible employees.

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

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

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

23 (3) OTHER GROUPS.—A group described in
24 paragraph (2)(B) shall be deemed to have filed a pe-
25 tition under subsection (a) on the date of the certifi-

1 cation, for purposes of this Act (other than sub-
2 sections (a) and (c)).

3 (c) DETERMINATIONS.—

4 (1) PETITIONING GROUPS.—As soon as possible
5 after the date on which a petition is filed under sub-
6 section (a), but in any event not later than 60 days
7 after that date, the Secretary shall determine whether
8 the petitioning group meets the requirements of
9 subsection (b)(1) and shall issue a certification of
10 eligibility to apply for adjustment assistance under
11 this Act covering workers in any group that meets
12 such requirements.

13 (2) OTHER GROUPS.—Not later than 30 days
14 after the date of enactment of this Act, the Sec-
15 retary shall determine groups of workers (other than
16 petitioning groups) that meet 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. In issuing the certifications, not
21 later than 30 days after the date of enactment of
22 this Act, the Secretary shall issue certifications cov-
23 ering all employees of air carriers.

4 (d) INFORMATION.—The Secretary shall provide the
5 information, assistance, and notice described in section
6 225 of the Trade Act of 1974 with respect to certifications
7 made under subsection (b), and agreements entered into
8 and benefits available under this Act.

9 SEC. 4. PROGRAM BENEFITS.

10 (a) DETERMINATIONS.—The Secretary shall deter-
11 mine, with respect to an eligible employee covered by a
12 certification issued by the Secretary under section 3,
13 whether—

14 (1) the employee is unlikely to return to the in-
15 dustry involved;

21 (b) DIFFERENT INDUSTRY OR OCCUPATION.—If the
22 Secretary determines that an eligible employee described
23 in subsection (a) meets the requirements of paragraph (1)
24 or (2) of subsection (a) and engages in appropriate job
25 search activities, and that the employee and any training

1 approved by the Secretary for the employee meet the re-
2 quirements of paragraphs (1) and (3) of section 236(a)
3 of the Trade Act of 1974, the employee shall be provided,
4 in the same manner and to the same extent as an em-
5 ployee covered under a certification under subchapter A
6 of chapter 2 of title II of the Trade Act of 1974, 1 or
7 more of the following:

14 (2) Training that consists of—

15 (A) training (including supplemental as-
16 sistance) described in section 236 of the Trade
17 Act of 1974, notwithstanding the provisions of
18 section 236(a)(2) of such Act;

19 (B) training for a position requiring dif-
20 ferent technical skill than the original position;

21 or

22 (C) in the case of an eligible employee in
23 an affected area, training provided through pro-
24 grams developed and conducted through part-

1 nerships between public agencies, employers,
2 and labor organizations.

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

(B) the reference in section 233(a)(1) of the Trade Act of 1974 to “52” shall be considered to be a reference to “78”; and

11 (C) no employee shall receive additional
12 weeks of assistance under section 233(a)(3) of
13 such Act.

14 (4) Job search allowances described in section
15 237 of the Trade Act of 1974.

16 (c) SAME INDUSTRY AND OCCUPATION.—If the Sec-
17 retary determines that an eligible employee described in
18 subsection (a) meets the requirements of subsection
19 (a)(3), the employee shall be provided, in the same manner
20 and to the same extent as an employee covered under a
21 certification under subchapter A of chapter 2 of title II
22 of the Trade Act of 1974, 1 or more of the following:

1 ment services provided through programs developed
2 and conducted through partnerships between public
3 agencies, employers, and labor organizations).

4 (2) Readjustment allowances described in sec-
5 tions 231 through 234 of the Trade Act of 1974, ex-
6 cept that—

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

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

12 (C) no employee shall receive additional
13 weeks of assistance under section 233(a)(3) of
14 such Act.

15 (d) EMPLOYEES NOT ELIGIBLE FOR UNEMPLOY-
16 MENT INSURANCE.—An eligible employee who is totally
17 separated from employment in a State who does not meet
18 the requirements of paragraphs (2) through (4) of section
19 231(a) of the Trade Act of 1974 shall be provided, under
20 this Act, only an allowance, for a period of 26 weeks, in
21 the amount of the average weekly benefit received by an
22 individual in the State under the State unemployment in-
23 surance program during the most recent 52-week period
24 for which data are available.

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

10 (f) OPTIONAL TEMPORARY MEDICAID COVERAGE
11 FOR UNINSURED ELIGIBLE EMPLOYEES.—

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

4 (A) the date the individual is no longer un-
5 insured; or

(B) 18 months after the date the individual is first determined to be eligible for medical assistance under this subsection.

11 (A) the Federal medical assistance percent-
12 age under section 1905(b) of the Social Secu-
13 rity Act shall be 100 percent;

14 (B) a State may elect to disregard any in-
15 come, asset, or resource limitation imposed
16 under the State medicaid plan or under title
17 XIX of such Act:

18 (C) such medical assistance shall not be
19 provided for periods before the date the indi-
20 vidual is determined eligible for such assistance;

21 (D) a State may elect to make eligible for
22 such assistance a dependent spouse or children
23 of an individual eligible for medical assistance
24 under paragraph (1), if such spouse or children
25 are uninsured; and

6 SEC. 5. ADMINISTRATION.

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

4 SEC. 6. REGULATIONS.

5 The Secretary—

11 SEC. 7. APPLICATION AND CONSTRUCTION.

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

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

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

23 (b) CONSTRUCTION.—

9 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

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

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