

107TH CONGRESS  
1ST SESSION

# H. R. 2946

To provide assistance to employees who suffer loss of employment in the airline industry as a result of the terrorist attacks of September 11, 2001.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2001

Mr. HASTINGS of Florida (for himself, Ms. HART, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. PASCRELL, Mr. LANTOS, Mr. MENENDEZ, Mr. HINCHEY, Mr. RUSH, Mr. ABERCROMBIE, Mr. LANGEVIN, Mr. INSLEE, Mr. LARSEN of Washington, and Ms. JACKSON-LEE of Texas) 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 to employees who suffer loss of employment in the airline industry as a result of the terrorist attacks of September 11, 2001.

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 Re-  
5 lief Act of 2001”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

17 (4) **ELIGIBLE EMPLOYEE.**—The term “eligible  
18 employee” means an individual who has become to-  
19 tally or partially separated, or is threatened to be-  
20 come totally or partially separated, from employment  
21 with an air carrier, employment to or from a facility  
22 at an airport, employment that involves the provision  
23 of transportation to or from an airport, or employ-  
24 ment with an upstream producer or supplier for an  
25 air carrier, as a consequence of—

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

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.

7 (5) SECRETARY.—The term “Secretary” means  
8 the Secretary of Labor.

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

13 (7) TERRORIST ACTION OR SECURITY MEAS-  
14 URE.—The term “terrorist action or security meas-  
15 ure” means a terrorist attack on the United States  
16 on September 11, 2001, or a security measure taken  
17 in response to the attack.

18 (8) UPSTREAM PRODUCER.—The term “up-  
19 stream producer” means a firm that performs addi-  
20 tional, value-added, production processes, including  
21 firms that perform final assembly, finishing, or  
22 packaging of articles, for another firm.

23 (9) OTHER TERMS.—The terms defined in sec-  
24 tion 247 of the Trade Act of 1974 shall apply in this  
25 Act.

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 and hearing requirements of section 221 of the  
8 Trade Act of 1974 with respect to the petition.

9 (b) CERTIFICATION.—The Secretary shall certify a  
10 group of workers as eligible to apply for adjustment assist-  
11 ance under this Act if the Secretary determines that a sig-  
12 nificant number or proportion of the workers in such  
13 workers' firm or an appropriate subdivision of the firm  
14 are eligible employees.

15 (c) DETERMINATIONS.—As soon as possible after the  
16 date on which a petition is filed under subsection (a), but  
17 in any event not later than 60 days after that date, the  
18 Secretary shall determine whether the petitioning group  
19 meets the requirements of subsection (b) and shall issue  
20 a certification of eligibility to apply for adjustment assist-  
21 ance under this Act covering workers in any group that  
22 meets such requirements. The Secretary shall issue and  
23 terminate such certifications in accordance with section  
24 223 of the Trade Act of 1974.

25 (d) INFORMATION.—The Secretary shall provide the  
26 information, assistance, and notice described in section

1 225 of the Trade Act of 1974 with respect to certifications  
2 made under subsection (b), and agreements entered into  
3 and benefits available under this Act.

4 **SEC. 4. PROGRAM BENEFITS.**

5 (a) DETERMINATIONS.—The Secretary shall deter-  
6 mine, with respect to an eligible employee covered by a  
7 certification issued by the Secretary under section 3,  
8 whether—

9 (1) the employee is unlikely to return to the in-  
10 dustry involved;

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

14 (3) the employee is likely to return to that occu-  
15 pation.

16 (b) DIFFERENT INDUSTRY OR OCCUPATION.—If the  
17 Secretary determines that an eligible employee described  
18 in subsection (a) meets the requirements of paragraph (1)  
19 or (2) of subsection (a) and engages in appropriate job  
20 search activities, and that the employee and any training  
21 approved by the Secretary for the employee meet the re-  
22 quirements of paragraphs (1) and (3) of section 236(a)  
23 of the Trade Act of 1974, the employee shall be provided,  
24 in the same manner and to the same extent as an em-  
25 ployee covered under a certification under subchapter A

1 of chapter 2 of title II of the Trade Act of 1974, 1 or  
2 more of the following:

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

9 (2) Training that consists of—

10 (A) training (including supplemental as-  
11 sistance) described in section 236 of the Trade  
12 Act of 1974, notwithstanding the provisions of  
13 section 236(a)(2) of such Act;

14 (B) training for a position requiring dif-  
15 ferent technical skill than the original position;  
16 or

17 (C) in the case of an eligible employee in  
18 an affected area, training provided through pro-  
19 grams developed and conducted through part-  
20 nerships between public agencies, employers,  
21 and labor organizations.

22 (3) Readjustment allowances described in sec-  
23 tions 231 through 234 of the Trade Act of 1974, ex-  
24 cept that—

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

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

6 (C) no employee shall receive additional  
7 weeks of assistance under section 233(a)(3) of  
8 such Act.

9 (4) Job search allowances described in section  
10 237 of the Trade Act of 1974.

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

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

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

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

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

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

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

22           (e) COBRA CONTINUATION COVERAGE.—In the case  
23           of an individual who is eligible for benefits under sub-  
24           section (b) or (c), the Secretary shall provide for payment  
25           of premiums for COBRA continuation coverage with re-

1 spect to such individual. Such payment may be made  
2 through appropriate direct payment arrangements with  
3 the group health plan or health insurance issuer involved.  
4 The Secretary may require documentation of election of  
5 benefits or proof of premium payment.

6 (f) OPTIONAL TEMPORARY MEDICAID COVERAGE  
7 FOR UNINSURED ELIGIBLE EMPLOYEES.—

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

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

23 (A) the date the individual is no longer un-  
24 insured; or

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

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

6 (A) the Federal medical assistance percent-  
7 age under section 1905(b) of the Social Secu-  
8 rity Act shall be 100 percent;

9 (B) a State may elect to disregard any in-  
10 come, asset, or resource limitation imposed  
11 under the State medicaid plan or under title  
12 XIX of such Act;

13 (C) such medical assistance shall not be  
14 provided for periods before the date the indi-  
15 vidual is determined eligible for such assistance;

16 (D) a State may elect to make eligible for  
17 such assistance a dependent spouse or children  
18 of an individual eligible for medical assistance  
19 under paragraph (1), if such spouse or children  
20 are uninsured; and

21 (E) individuals eligible for medical assist-  
22 ance under this subsection shall be deemed to  
23 be described in the list of individuals described  
24 in the matter preceding paragraph (1) of sec-  
25 tion 1905(a) of such Act.

1 **SEC. 5. ADMINISTRATION.**

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

9           (1) the agreement between the Secretary and  
10 the States described in section 239 of the Trade Act  
11 of 1974 shall specify the procedures that will be  
12 used to carry out the certification process under sec-  
13 tion 3, the procedures for providing relevant data by  
14 the Secretary to assist the States in making prelimi-  
15 nary findings under section 3, and the adjustment  
16 assistance described in section 4;

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

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

23 **SEC. 6. REGULATIONS.**

24       The Secretary—

1           (1) may issue interim regulations to carry out  
2           this Act, notwithstanding chapters 5 and 7 of title  
3           5, United States Code; and

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

6 **SEC. 7. APPLICATION AND CONSTRUCTION.**

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

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

12           (2) to a benefit shall be considered to be ref-  
13           erences to the corresponding benefit provided under  
14           this subsection to an eligible employee; and

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

18           (b) CONSTRUCTION.—

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

22           (2) NO IMPACT ON EXISTING AGREEMENTS AND  
23           BENEFITS.—Nothing in this Act shall be construed  
24           to diminish the obligation of an employer to comply

1 with any collective bargaining agreement or any em-  
2 ployment benefit program or plan.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

7 (b) ADMINISTRATION.—There are authorized to be  
8 appropriated and there are appropriated such sums as  
9 may be necessary for the administration of this Act for  
10 fiscal years 2002 and 2003.

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

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