

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3045

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2001

Mr. TIAHRT (for himself and Ms. DUNN of Washington) 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 aircraft manufacturing 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 Aircraft  
5 Manufacturers Workers Relief Act of 2001”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

12           (3) ELIGIBLE EMPLOYEE.—The term “eligible  
13 employee” means an individual who has become to-  
14 tally or partially separated, or is threatened to be-  
15 come totally or partially separated, from employment  
16 with an aircraft manufacturer as a consequence of—

17                   (A) reductions in production as a result of  
18 a terrorist action or security measure, as deter-  
19 mined by the Secretary; or

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

23           (4) SECRETARY.—The term “Secretary” means  
24 the Secretary of Labor.

1           (5) **TERRORIST ACTION OR SECURITY MEAS-**  
2           **URE.**—The term “terrorist action or security meas-  
3           ure” means a terrorist attack on the United States  
4           on September 11, 2001, or a security measure taken  
5           in response to the attack.

6           (6) **OTHER TERMS.**—The terms defined in sec-  
7           tion 247 of the Trade Act of 1974 shall apply in this  
8           Act.

9           **SEC. 3. PETITIONS AND DETERMINATIONS.**

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

17          (b) **CERTIFICATION.**—The Secretary shall certify a  
18          group of workers as eligible to apply for adjustment assist-  
19          ance under this Act if the Secretary determines that a sig-  
20          nificant number or proportion of the workers in such  
21          workers’ firm or an appropriate subdivision of the firm  
22          are eligible employees.

23          (c) **DETERMINATIONS.**—As soon as possible after the  
24          date on which a petition is filed under subsection (a), but  
25          in any event not later than 60 days after that date, the

1 Secretary shall determine whether the petitioning group  
2 meets the requirements of subsection (b) and shall issue  
3 a certification of eligibility to apply for adjustment assist-  
4 ance under this Act covering workers in any group that  
5 meets such requirements. The Secretary shall issue and  
6 terminate such certifications in accordance with section  
7 223 of the Trade Act of 1974.

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

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

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

18 (1) the employee is unlikely to return to the in-  
19 dustry involved;

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

23 (3) the employee is likely to return to that occu-  
24 pation.

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

13           (1) Employment services described in section  
14 235 of the Trade Act of 1974 (including, in the case  
15 of an eligible employee in an affected area, employ-  
16 ment services provided through programs developed  
17 and conducted through partnerships between public  
18 agencies, employers, and labor organizations).

19           (2) Training that consists of—

20           (A) training (including supplemental as-  
21 sistance) described in section 236 of the Trade  
22 Act of 1974, notwithstanding the provisions of  
23 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 only

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

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