

107TH CONGRESS
1ST SESSION

H. R. 3359

To amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2001

Mr. BENTSEN (for himself and Ms. ESHOO) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trade Adjustment Assistance for Workers, Farmers,
6 Communities, and Firms Act of 2001”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 101. Adjustment assistance for workers.

Sec. 102. 50 percent refundable tax credit toward premiums for COBRA continuation coverage.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Reauthorization of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.

Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 501. Conforming amendments.

TITLE VI—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 601. Savings provisions.

Sec. 602. Effective date.

1 **TITLE I—TRADE ADJUSTMENT**
 2 **ASSISTANCE FOR WORKERS**

3 **SEC. 101. ADJUSTMENT ASSISTANCE FOR WORKERS.**

4 Chapter 2 of title II of the Trade Act of 1974 (19
 5 U.S.C. 2271 et seq.) is amended to read as follows:

6 **“CHAPTER 2—ADJUSTMENT ASSISTANCE**
 7 **FOR WORKERS**

8 **“Subchapter A—General Provisions**

9 **“SEC. 221. DEFINITIONS.**

10 “In this chapter:

11 “(1) **ADDITIONAL COMPENSATION.**—The term
 12 ‘additional compensation’ has the meaning given
 13 that term in section 205(3) of the Federal-State Ex-

1 tended Unemployment Compensation Act of 1970
2 (26 U.S.C. 3304 note).

3 “(2) ADVERSELY AFFECTED EMPLOYMENT.—

4 The term ‘adversely affected employment’ means
5 employment in a firm or appropriate subdivision of
6 a firm, if workers of that firm or subdivision are eli-
7 gible to apply for adjustment assistance under this
8 chapter.

9 “(3) ADVERSELY AFFECTED WORKER.—

10 “(A) IN GENERAL.—The term ‘adversely
11 affected worker’ means a worker who is a mem-
12 ber of a group of workers certified by the Sec-
13 retary under section 231(a)(1) as eligible for
14 trade adjustment assistance.

15 “(B) ADVERSELY AFFECTED SECONDARY
16 WORKER.—The term ‘adversely affected worker’
17 includes an adversely affected secondary worker
18 who is a member of a group of workers em-
19 ployed at a downstream producer or a supplier,
20 that is certified by the Secretary under section
21 231(a)(2) as eligible for trade adjustment as-
22 sistance.

23 “(4) AVERAGE WEEKLY HOURS.—The term ‘av-
24 erage weekly hours’ means the average hours worked
25 by a worker (excluding overtime) in the employment

1 from which the worker has been or claims to have
2 been separated in the 52 weeks (excluding weeks
3 during which the worker was on leave for purposes
4 of vacation, sickness, maternity, military service, or
5 any other employer-authorized leave) preceding the
6 week specified in paragraph (5)(B)(ii).

7 “(5) AVERAGE WEEKLY WAGE.—

8 “(A) IN GENERAL.—The term ‘average
9 weekly wage’ means $\frac{1}{13}$ of the total wages paid
10 to an individual in the high quarter.

11 “(B) DEFINITIONS.—For purposes of com-
12 puting the average weekly wage—

13 “(i) the term ‘high quarter’ means the
14 quarter in which the individual’s total
15 wages were highest among the first 4 of
16 the last 5 completed calendar quarters im-
17 mediately before the quarter in which oc-
18 curs the week with respect to which the
19 computation is made; and

20 “(ii) the term ‘week’ means the week
21 in which total separation occurred, or, in
22 cases where partial separation is claimed,
23 an appropriate week, as defined in regula-
24 tions prescribed by the Secretary.

1 “(6) BENEFIT PERIOD.—The term ‘benefit pe-
2 riod’ means, with respect to an individual, the fol-
3 lowing:

4 “(A) STATE LAW.—The benefit year and
5 any ensuing period, as determined under appli-
6 cable State law, during which the individual is
7 eligible for regular compensation, additional
8 compensation, or extended compensation.

9 “(B) FEDERAL LAW.—The equivalent to
10 the benefit year or ensuing period provided for
11 under the applicable Federal unemployment in-
12 surance law.

13 “(7) BENEFIT YEAR.—The term ‘benefit year’
14 has the same meaning given that term in the Fed-
15 eral-State Extended Unemployment Compensation
16 Act of 1970 (26 U.S.C. 3304 note).

17 “(8) CONTRIBUTED IMPORTANTLY.—The term
18 ‘contributed importantly’ means a cause that is im-
19 portant but not necessarily more important than any
20 other cause.

21 “(9) COOPERATING STATE.—The term ‘cooper-
22 ating State’ means any State that has entered into
23 an agreement with the Secretary under section 222.

24 “(10) DOWNSTREAM PRODUCER.—The term
25 ‘downstream producer’ means a firm that performs

1 additional, value-added production processes, includ-
2 ing a firm that performs final assembly, finishing,
3 or packaging of articles produced by another firm.

4 “(11) EXTENDED COMPENSATION.—The term
5 ‘extended compensation’ has the meaning given that
6 term in section 205(4) of the Federal-State Ex-
7 tended Unemployment Compensation Act of 1970
8 (26 U.S.C. 3304 note).

9 “(12) JOB FINDING CLUB.—The term ‘job find-
10 ing club’ means a job search workshop which in-
11 cludes a period of structured, supervised activity in
12 which participants attempt to obtain jobs.

13 “(13) JOB SEARCH PROGRAM.—The term ‘job
14 search program’ means a job search workshop or job
15 finding club.

16 “(14) JOB SEARCH WORKSHOP.—The term ‘job
17 search workshop’ means a short (1- to 3-day) sem-
18 inar, covering subjects such as labor market infor-
19 mation, résumé writing, interviewing techniques, and
20 techniques for finding job openings, that is designed
21 to provide participants with knowledge that will en-
22 able the participants to find jobs.

23 “(15) ON-THE-JOB TRAINING.—The term ‘on-
24 the-job training’ has the same meaning as that term

1 has in section 101(31) of the Workforce Investment
2 Act.

3 “(16) PARTIAL SEPARATION.—A partial separa-
4 tion shall be considered to exist with respect to an
5 individual if—

6 “(A) the individual has had a 20-percent
7 or greater reduction in the average weekly
8 hours worked by that individual in adversely af-
9 fected employment; and

10 “(B) the individual has had a 20-percent
11 or greater reduction in the average weekly wage
12 of the individual with respect to adversely af-
13 fected employment.

14 “(17) REGULAR COMPENSATION.—The term
15 ‘regular compensation’ has the meaning given that
16 term in section 205(2) of the Federal-State Ex-
17 tended Unemployment Compensation Act of 1970
18 (26 U.S.C. 3304 note).

19 “(18) SECRETARY.—The term ‘Secretary’
20 means the Secretary of Labor.

21 “(19) STATE.—The term ‘State’ includes each
22 State of the United States, the District of Columbia,
23 and the Commonwealth of Puerto Rico.

1 “(20) STATE AGENCY.—The term ‘State agen-
2 cy’ means the agency of the State that administers
3 the State law.

4 “(21) STATE LAW.—The term ‘State law’
5 means the unemployment insurance law of the State
6 approved by the Secretary under section 3304 of the
7 Internal Revenue Code of 1986.

8 “(22) SUPPLIER.—The term ‘supplier’ means a
9 firm that produces component parts for, or articles
10 considered to be a part of, the production process
11 for articles produced by a firm or subdivision cov-
12 ered by a certification of eligibility under section
13 231. The term ‘supplier’ also includes a firm that
14 provides services under contract to a firm or subdivi-
15 sion covered by such certification.

16 “(23) TOTAL SEPARATION.—The term ‘total
17 separation’ means the layoff or severance of an indi-
18 vidual from employment with a firm in which or in
19 a subdivision of which, adversely affected employ-
20 ment exists.

21 “(24) UNEMPLOYMENT INSURANCE.—The term
22 ‘unemployment insurance’ means the unemployment
23 compensation payable to an individual under any
24 State law or Federal unemployment compensation
25 law, including chapter 85 of title 5, United States

1 Code, and the Railroad Unemployment Insurance
2 Act (45 U.S.C. 351 et seq.).

3 “(25) WEEK.—Except as provided in paragraph
4 5(B)(ii), the term ‘week’ means a week as defined
5 in the applicable State law.

6 “(26) WEEK OF UNEMPLOYMENT.—The term
7 ‘week of unemployment’ means a week of total, part-
8 total, or partial unemployment as determined under
9 the applicable State law or Federal unemployment
10 insurance law.

11 **“SEC. 222. AGREEMENTS WITH STATES.**

12 “(a) IN GENERAL.—The Secretary is authorized on
13 behalf of the United States to enter into an agreement
14 with any State to facilitate the provision of services under
15 this chapter.

16 “(b) TERMS OF AGREEMENTS.—

17 “(1) IN GENERAL.—Any agreement entered
18 into under subsection (a) shall require that the deliv-
19 ery of services under this chapter take place under
20 terms and conditions as are established by the Sec-
21 retary in consultation with the State and set forth
22 in the agreement.

23 “(2) PROVISIONS OF AGREEMENTS.—Under an
24 agreement entered into under subsection (a), and as
25 an agent of the United States, the State shall—

1 “(A) facilitate the early filing of petitions
2 under section 231(b) for any group of workers
3 that the State considers are likely to be eligible
4 for benefits under this chapter;

5 “(B) assist the Secretary in the review of
6 any petition submitted from that State by
7 verifying the information and providing other
8 assistance as the Secretary may request;

9 “(C) provide to adversely affected workers
10 statewide rapid response activities under section
11 134(a)(2)(A) of the Workforce Investment Act
12 of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same
13 manner and to the same extent as any other
14 worker eligible for those activities;

15 “(D) arrange for the provision of services
16 through the one-stop delivery system estab-
17 lished in section 134(c) of the Workforce In-
18 vestment Act of 1998 (29 U.S.C. 2864(c));

19 “(E) advise each worker who applies for
20 unemployment insurance of the available bene-
21 fits under this chapter and the procedures and
22 deadlines for applying for those benefits;

23 “(F) receive applications for services under
24 this chapter;

1 “(G) provide payments on the basis pro-
2 vided in this chapter;

3 “(H) afford adversely affected workers the
4 services provided under section 134(d) of the
5 Workforce Investment Act of 1998 (29 U.S.C.
6 2864(d)) in the same manner and to the same
7 extent as any other worker eligible for those
8 services;

9 “(I) advise each adversely affected worker
10 to apply for training under section 240, and of
11 the deadlines for benefits related to enrollment
12 in training under this chapter;

13 “(J) ensure that the State employees with
14 responsibility for carrying out an agreement en-
15 tered into under subsection (a)—

16 “(i) inform adversely affected workers
17 covered by a certification issued under sec-
18 tion 231(c) of the workers’ (and individual
19 member’s of the worker’s family) potential
20 eligibility for—

21 “(I) medical assistance under the
22 medicaid program established under
23 title XIX of the Social Security Act
24 (42 U.S.C. 1396a et seq.);

1 “(II) child health assistance
2 under the State children’s health in-
3 surance program established under
4 title XXI of that Act (42 U.S.C.
5 1397aa et seq.);

6 “(III) child care services for
7 which assistance is provided under the
8 Child Care and Development Block
9 Grant Act of 1990 (42 U.S.C. 9858 et
10 seq.); and

11 “(IV) other Federal and State
12 funded health care, child care, trans-
13 portation, and assistance programs
14 that the workers may be eligible for;
15 and

16 “(ii) provide such workers with infor-
17 mation regarding how to apply for such as-
18 sistance, services, and programs;

19 “(K) provide adversely affected workers re-
20 ferral to training approved under title I of the
21 Workforce Investment Act of 1998 (29 U.S.C.
22 2801 et seq.), or any other available Federal or
23 State program designed to assist dislocated
24 workers or unemployed individuals;

1 “(L) provide training services under this
2 chapter using organizations approved by the
3 Secretary to effectively assist workers eligible
4 for assistance under this chapter;

5 “(M) collect and transmit to the Secretary
6 any data as the Secretary shall reasonably re-
7 quire to assist the Secretary in assuring the ef-
8 fective and efficient performance of the pro-
9 grams carried out under this chapter; and

10 “(N) otherwise actively cooperate with the
11 Secretary and with other Federal and State
12 agencies in providing payments and services
13 under this chapter, including participation in
14 the performance measurement system estab-
15 lished by the Secretary under section 224.

16 “(c) OTHER PROVISIONS.—

17 “(1) APPROVAL OF TRAINING PROVIDERS.—The
18 Secretary shall ensure that the training services pro-
19 vided by cooperating States are provided by organi-
20 zations approved by the Secretary to effectively as-
21 sist workers eligible for assistance under this chap-
22 ter.

23 “(2) AMENDMENT, SUSPENSION, OR TERMI-
24 NATION OF AGREEMENTS.—Each agreement entered
25 into under this section shall provide the terms and

1 conditions upon which the agreement may be amend-
2 ed, suspended, or terminated.

3 “(3) EFFECT ON UNEMPLOYMENT INSUR-
4 ANCE.—Each agreement entered into under this sec-
5 tion shall provide that unemployment insurance oth-
6 erwise payable to any adversely affected worker will
7 not be denied or reduced for any week by reason of
8 any right to payments under this chapter.

9 “(4) COORDINATION OF WORKFORCE INVEST-
10 MENT ACTIVITIES.—In order to promote the coordi-
11 nation of Workforce Investment Act activities in
12 each State with activities carried out under this
13 chapter, each agreement entered into under this sec-
14 tion shall provide that the State shall submit to the
15 Secretary, in a form as the Secretary may require,
16 the description and information described in para-
17 graphs (8) and (14) of section 112(b) of the Work-
18 force Investment Act of 1998 (29 U.S.C. 2822(b)
19 (8) and (14)).

20 “(d) REVIEW OF STATE DETERMINATIONS.—

21 “(1) IN GENERAL.—A determination by a co-
22 operating State regarding entitlement to program
23 benefits under this chapter is subject to review in
24 the same manner and to the same extent as deter-
25 minations under the applicable State law.

1 “(2) APPEAL.—A review undertaken by a co-
2 operating State under paragraph (1) may be ap-
3 pealed to the Secretary pursuant to such regulations
4 as the Secretary may prescribe.

5 **“SEC. 223. ADMINISTRATION ABSENT STATE AGREEMENT.**

6 “(a) IN GENERAL.—In any State in which there is
7 no agreement in force under section 222, the Secretary
8 shall arrange, under regulations prescribed by the Sec-
9 retary, for the performance of all necessary functions
10 under this chapter, including providing a hearing for any
11 worker whose application for payment is denied.

12 “(b) FINALITY OF DETERMINATION.—A final deter-
13 mination under subsection (a) regarding entitlement to
14 program benefits under this chapter is subject to review
15 by the courts in the same manner and to the same extent
16 as is provided by section 205(g) of the Social Security Act
17 (42 U.S.C. 405(g)).

18 **“SEC. 224. DATA COLLECTION; EVALUATIONS; REPORTS.**

19 “(a) DATA COLLECTION.—The Secretary shall, pur-
20 suant to regulations prescribed by the Secretary, collect
21 any data necessary to meet the requirements of this chap-
22 ter.

23 “(b) PERFORMANCE EVALUATIONS.—The Secretary
24 shall establish an effective performance measuring system
25 to evaluate the following:

- 1 “(1) PROGRAM PERFORMANCE.—
- 2 “(A) speed of petition processing;
- 3 “(B) quality of petition processing;
- 4 “(C) cost of training programs;
- 5 “(D) coordination of programs under this
- 6 title with programs under the Workforce Invest-
- 7 ment Act (29 U.S.C. 2801 et seq.);
- 8 “(E) length of time participants take to
- 9 enter and complete training programs;
- 10 “(F) the effectiveness of individual con-
- 11 tractors in providing appropriate retraining in-
- 12 formation;
- 13 “(G) the effectiveness of individual ap-
- 14 proved training programs in helping workers
- 15 obtain employment;
- 16 “(H) best practices related to the provision
- 17 of benefits and retraining; and
- 18 “(I) other data to evaluate how individual
- 19 States are implementing the requirements of
- 20 this title.
- 21 “(2) PARTICIPANT OUTCOMES.—
- 22 “(A) reemployment rates;
- 23 “(B) types of jobs in which displaced work-
- 24 ers have been placed;
- 25 “(C) wage and benefit maintenance results;

1 “(D) training completion rates; and

2 “(E) other data to evaluate how effective
3 programs under this chapter are for partici-
4 pants.

5 “(3) PROGRAM PARTICIPATION DATA.—

6 “(A) the number of workers receiving ben-
7 efits and the type of benefits being received;

8 “(B) the number of workers enrolled in,
9 and the duration of, training by major types of
10 training;

11 “(C) earnings history of workers that re-
12 flects wages before separation and wages in any
13 job obtained after receiving benefits under this
14 Act;

15 “(D) the cause of dislocation identified in
16 each certified petition; and

17 “(E) the number of petitions filed and
18 workers certified in each United States congres-
19 sional district.

20 “(c) STATE PARTICIPATION.—The Secretary shall
21 ensure, to the extent practicable, through oversight and
22 effective internal control measures the following:

23 “(1) STATE PARTICIPATION.—Participation by
24 each State in the performance measurement system
25 established under subsection (b).

1 “(2) MONITORING.—Monitoring by each State
2 of internal control measures with respect to perform-
3 ance measurement data collected by each State.

4 “(3) RESPONSE.—The quality and speed of the
5 rapid response provided by each State under section
6 134(a)(2)(A) of the Workforce Investment Act of
7 1998 (29 U.S.C. 2864(a)(2)(A)).

8 “(d) REPORTS.—

9 “(1) REPORTS BY THE SECRETARY.—

10 “(A) INITIAL REPORT.—Not later than 6
11 months after the date of enactment of this Act,
12 the Secretary shall submit to the Committee on
13 Finance of the Senate and the Committee on
14 Ways and Means of the House of Representa-
15 tives a report that—

16 “(i) describes the performance meas-
17 urement system established under sub-
18 section (b);

19 “(ii) includes analysis of data col-
20 lected through the system established
21 under subsection (b);

22 “(iii) includes information identifying
23 the number of workers who received waiv-
24 ers under section 235(c) and the average

1 duration of those during the preceding
2 year;

3 “(iv) describes and analyzes State
4 participation in the system;

5 “(v) analyzes the quality and speed of
6 the rapid response provided by each State
7 under section 134(a)(2)(A) of the Work-
8 force Investment Act of 1998 (29 U.S.C.
9 2864(a)(2)(A)); and

10 “(vi) provides recommendations for
11 program improvements.

12 “(B) ANNUAL REPORT.—Not later than 1
13 year after the date the report is submitted
14 under subparagraph (A), and annually there-
15 after, the Secretary shall submit to the Com-
16 mittee on Finance of the Senate and the Com-
17 mittee on Ways and Means of the House of
18 Representatives a report that includes the infor-
19 mation collected under clauses (ii) through (iv)
20 of subparagraph (A).

21 “(2) STATE REPORTS.—Pursuant to regulations
22 prescribed by the Secretary, each State shall submit
23 to the Secretary a report that details its partici-
24 pation in the programs established under this chapter,
25 and that contains the data necessary to allow the

1 Secretary to submit the report required under para-
2 graph (1).

3 “(3) PUBLICATION.—The Secretary shall make
4 available to each State, and other public and private
5 organizations as determined by the Secretary, the
6 data gathered and evaluated through the perform-
7 ance measurement system established under para-
8 graph (1).

9 **“SEC. 225. STUDY BY SECRETARY OF LABOR WHEN INTER-**
10 **NATIONAL TRADE COMMISSION BEGINS IN-**
11 **VESTIGATION.**

12 “(a) NOTIFICATION OF INVESTIGATION.—Whenever
13 the International Trade Commission begins an investiga-
14 tion under section 202 with respect to an industry, the
15 Commission shall immediately notify the Secretary of that
16 investigation, and the Secretary shall immediately begin
17 a study of—

18 “(1) the number of workers in the domestic in-
19 dustry producing the like or directly competitive ar-
20 ticle who have been or are likely to be certified as
21 eligible for adjustment assistance under this chapter;
22 and

23 “(2) the extent to which the adjustment of
24 those workers to the import competition may be fa-
25 cilitated through the use of existing programs.

1 “(b) REPORT.—

2 “(1) IN GENERAL.—The Secretary shall provide
3 a report based on the study conducted under sub-
4 section (a) to the President not later than 15 days
5 after the day on which the Commission makes its re-
6 port under section 202(f).

7 “(2) PUBLICATION.—The Secretary shall
8 promptly make public the report provided to the
9 President under paragraph (1) (with the exception
10 of information which the Secretary determines to be
11 confidential) and shall have a summary of the report
12 published in the Federal Register.

13 **“Subchapter B—Certifications**

14 **“SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED**
15 **WORKERS.**

16 “(a) ELIGIBILITY FOR CERTIFICATION.—

17 “(1) GENERAL RULE.—A group of workers (in-
18 cluding workers in any agricultural firm or subdivi-
19 sion of an agricultural firm) shall be certified by the
20 Secretary as adversely affected workers and eligible
21 for trade adjustment assistance benefits under this
22 chapter pursuant to a petition filed under subsection
23 (b) if the Secretary determines that—

24 “(A) a significant number or proportion of
25 the workers in the workers’ firm or an appro-

1 appropriate subdivision of the firm have become to-
2 tally or partially separated, or are threatened to
3 become totally or partially separated; and

4 “(B)(i)(I) the value or volume of imports
5 of articles like or directly competitive with arti-
6 cles produced by that firm or subdivision have
7 increased; and

8 “(II) the increase in the value or volume of
9 imports described in subclause (I) contributed
10 importantly to the workers’ separation or threat
11 of separation; or

12 “(ii)(I) there has been a shift in produc-
13 tion by the workers’ firm or subdivision to a
14 foreign country of articles like or directly com-
15 petitive with articles which are produced by
16 that firm or subdivision; and

17 “(II) the shift in production described in
18 subclause (I) contributed importantly to the
19 workers’ separation or threat of separation.

20 “(2) ADVERSELY AFFECTED SECONDARY WORK-
21 ER.—A group of workers (including workers in any
22 agricultural firm or subdivision of an agricultural
23 firm) shall be certified by the Secretary as adversely
24 affected and eligible for trade adjustment assistance
25 benefits under this chapter pursuant to a petition

1 filed under subsection (b) if the Secretary deter-
2 mines that—

3 “(A) a significant number or proportion of
4 the workers in the workers’ firm or an appro-
5 priate subdivision of the firm have become to-
6 tally or partially separated, or are threatened to
7 become totally or partially separated;

8 “(B) the workers’ firm (or subdivision) is
9 a supplier to a firm (or subdivision) or down-
10 stream producer to a firm (or subdivision) de-
11 scribed in paragraph (1)(B) (i) or (ii); and

12 “(C) a loss of business with a firm (or sub-
13 division) described in paragraph (1)(B) (i) or
14 (ii) contributed importantly to the workers’ sep-
15 aration or threat of separation determined
16 under subparagraph (A).

17 “(3) SPECIAL PROVISIONS.—For purposes of
18 this section—

19 “(A) OIL AND NATURAL GAS PRO-
20 DUCERS.—Any firm, or appropriate subdivision
21 of a firm, that engages in exploration or drilling
22 for oil or natural gas shall be considered to be
23 a firm producing oil or natural gas.

24 “(B) OIL AND NATURAL GAS IMPORTS.—
25 Any firm, or appropriate subdivision of a firm,

1 that engages in exploration or drilling for oil or
2 natural gas, or otherwise produces oil or nat-
3 ural gas, shall be considered to be producing ar-
4 ticles directly competitive with imports of oil
5 and with imports of natural gas.

6 “(C) TACONITE.—For purposes of this
7 Act, taconite pellets produced in the United
8 States shall be considered to be an article that
9 is like or directly competitive with imports of
10 semifinished steel slab.

11 “(D) SERVICE WORKERS.—

12 “(i) IN GENERAL.—Not later than 6
13 months after the date of enactment of the
14 Trade Adjustment Assistance for Workers,
15 Farmers, Communities, and Firms Act of
16 2001, the Secretary shall establish a pro-
17 gram to provide assistance under this
18 chapter to domestic operators of motor
19 carriers who are adversely affected by com-
20 petition from foreign owned and operated
21 motor carriers.

22 “(ii) DATA COLLECTION SYSTEM.—
23 Not later than 6 months after the date of
24 enactment of the Trade Adjustment Assist-
25 ance for Workers, Farmers, Communities,

1 and Firms Act of 2001, the Secretary shall
2 put in place a system to collect data on ad-
3 versely affected service workers that in-
4 cludes the number of workers by State, in-
5 dustry and cause of dislocation for each
6 worker.

7 “(iii) REPORT.—Not later than 2
8 years after the date of enactment of the
9 Trade Adjustment Assistance for Workers,
10 Farmers, Communities, and Firms Act of
11 2001, the Secretary shall report to Con-
12 gress the results of a study on means for
13 extending the programs in this chapter to
14 adversely affected service workers including
15 legislative recommendations.

16 “(b) PETITIONS.—

17 “(1) IN GENERAL.—A petition for certification
18 of eligibility for trade adjustment assistance under
19 this chapter for a group of adversely affected work-
20 ers shall be filed with the Secretary and with the
21 Governor of the State in which the firm or subdivi-
22 sion of the firm employing the workers is located.

23 “(2) PERSONS WHO MAY FILE A PETITION.—A
24 petition under paragraph (1) may be filed by any of
25 the following:

1 “(A) WORKERS.—The group of workers
2 (including workers in an agricultural firm or
3 subdivision or any agricultural firm).

4 “(B) WORKER REPRESENTATIVES.—The
5 certified or recognized union or other duly ap-
6 pointed representative of the workers.

7 “(C) WORKER ADJUSTMENT AND RE-
8 TRAINING NOTIFICATION.—Any entity to which
9 notice of a plant closing or mass layoff must be
10 given under section 3 of the Worker Adjust-
11 ment and Retraining Notification Act (29
12 U.S.C. 2102).

13 “(D) OTHER.—Employers of workers de-
14 scribed in subparagraph (A), one-stop operators
15 or one-stop partners (as defined in section 101
16 of the Workforce Investment Act of 1998 (29
17 U.S.C. 2801)), or State employment agencies,
18 on behalf of the workers.

19 “(E) REQUEST TO INITIATE CERTIFI-
20 CATION.—The President, or the Committee on
21 Finance of the Senate or the Committee on
22 Ways and Means of the House of Representa-
23 tives (by resolution), may direct the Secretary
24 to initiate a certification process under this

1 chapter to determine the eligibility for trade ad-
2 justment assistance of a group of workers.

3 “(3) ACTIONS BY GOVERNOR.—

4 “(A) COOPERATING STATE.—Upon receipt
5 of a petition, the Governor of a cooperating
6 State shall ensure that the requirements of the
7 agreement entered into under section 222 are
8 met.

9 “(B) OTHER STATES.—Upon receipt of a
10 petition, the Governor of a State that has not
11 entered into an agreement under section 222
12 shall coordinate closely with the Secretary to
13 ensure that workers covered by a petition are—

14 “(i) provided with all available serv-
15 ices, including rapid response activities
16 under section 134 of the Workforce Invest-
17 ment Act (29 U.S.C. 2864);

18 “(ii) informed of the workers’ (and in-
19 dividual member’s of the worker’s family)
20 potential eligibility for—

21 “(I) medical assistance under the
22 medicaid program established under
23 title XIX of the Social Security Act
24 (42 U.S.C. 1396a et seq.);

1 “(II) child health assistance
2 under the State children’s health in-
3 surance program established under
4 title XXI of that Act (42 U.S.C.
5 1397aa et seq.);

6 “(III) child care services for
7 which assistance is provided under the
8 Child Care and Development Block
9 Grant Act of 1990 (42 U.S.C. 9858 et
10 seq.); and

11 “(IV) other Federal and State
12 funded health care, child care, trans-
13 portation, and assistance programs
14 that the workers may be eligible for;
15 and

16 “(iii) provided with information re-
17 garding how to apply for the assistance,
18 services, and programs described in clause
19 (ii).

20 “(c) ACTIONS BY SECRETARY.—

21 “(1) IN GENERAL.—As soon as possible after
22 the date on which a petition is filed under subsection
23 (b), but not later than 45 days after that date, the
24 Secretary shall determine whether the petitioning
25 group meets the requirements of subsection (a) and

1 if warranted, shall issue a certification of eligibility
2 for trade adjustment assistance under this sub-
3 chapter. In making the determination, the Secretary
4 shall consult with all petitioning entities.

5 “(2) PUBLICATION OF DETERMINATION.—Upon
6 making a determination under paragraph (1), the
7 Secretary shall promptly publish a summary of the
8 determination in the Federal Register together with
9 the reasons for making that determination.

10 “(3) DATE SPECIFIED IN CERTIFICATION.—
11 Each certification made under this subsection shall
12 specify the date on which the total or partial separa-
13 tion began or threatened to begin with respect to a
14 group of certified workers.

15 “(4) PROJECTED TRAINING NEEDS.—The Sec-
16 retary shall inform the State Workforce Investment
17 Board or equivalent agency, and other public or pri-
18 vate agencies, institutions, employers, and labor or-
19 ganizations, as appropriate, of each certification
20 issued under section 231 and of projections, if avail-
21 able, of the needs for training under section 240 as
22 a result of that certification.

23 “(d) SCOPE OF CERTIFICATION.—

24 “(1) IN GENERAL.—A certification issued under
25 subsection (c) shall cover adversely affected workers

1 in any group that meets the requirements of sub-
2 section (a), whose total or partial separation oc-
3 curred on or after the date on which the petition
4 was filed under subsection (b).

5 “(2) WORKERS SEPARATED PRIOR TO CERTIFI-
6 CATION.—A certification issued under subsection (c)
7 shall cover adversely affected workers whose total or
8 partial separation occurred not more than 1 year
9 prior to the date on which the petition was filed
10 under subsection (b).

11 “(e) TERMINATION OF CERTIFICATION.—

12 “(1) IN GENERAL.—If the Secretary deter-
13 mines, with respect to any certification of eligibility,
14 that workers separated from a firm or subdivision
15 covered by a certification of eligibility are no longer
16 adversely affected workers, the Secretary shall ter-
17minate the certification.

18 “(2) PUBLICATION OF TERMINATION.—The
19 Secretary shall promptly publish notice of any termi-
20 nation made under paragraph (1) in the Federal
21 Register together with the reasons for making that
22 determination.

23 “(3) APPLICATION.—Any determination made
24 under paragraph (1) shall apply only to total or par-

1 tial separations occurring after the termination date
2 specified by the Secretary.

3 **“SEC. 232. BENEFIT INFORMATION TO WORKERS.**

4 “(a) IN GENERAL.—The Secretary shall, in accord-
5 ance with the provisions of section 222 or 223, as appro-
6 priate, provide prompt and full information to adversely
7 affected workers covered by a certification issued under
8 section 231(c), including information regarding—

9 “(1) benefit allowances, training, and other em-
10 ployment services available under this chapter;

11 “(2) petition and application procedures under
12 this chapter;

13 “(3) appropriate filing dates for the allowances,
14 training, and services available under this chapter;
15 and

16 “(4) procedures for applying for and receiving
17 all other Federal benefits and services available to
18 separated workers during a period of unemployment.

19 “(b) ASSISTANCE TO GROUPS OF WORKERS.—

20 “(1) IN GENERAL.—The Secretary shall provide
21 any necessary assistance to enable groups of workers
22 to prepare petitions or applications for program ben-
23 efits.

24 “(2) ASSISTANCE FROM STATES.—The Sec-
25 retary shall ensure that cooperating States fully

1 comply with the agreements entered into under sec-
2 tion 222 and shall periodically review that compli-
3 ance.

4 “(c) NOTICE.—

5 “(1) IN GENERAL.—Not later than 15 days
6 after a certification is issued under section 231 (or
7 as soon as practicable after separation), the Sec-
8 retary shall provide written notice of the benefits
9 available under this chapter to each worker whom
10 the Secretary has reason to believe is covered by the
11 certification.

12 “(2) PUBLICATION OF NOTICE.—The Secretary
13 shall publish notice of the benefits available under
14 this chapter to workers covered by each certification
15 made under section 231 in newspapers of general
16 circulation in the areas in which those workers re-
17 side.

18 **“Subchapter C—Program Benefits**

19 **“PART I—GENERAL PROVISIONS**

20 **“SEC. 234. COMPREHENSIVE ASSISTANCE.**

21 “Workers covered by a certification issued by the Sec-
22 retary under section 231 shall be eligible for the following:

23 “(1) Trade adjustment allowances as described
24 in sections 235 through 238.

1 “(2) Employment services as described in sec-
2 tion 239.

3 “(3) Training as described in section 240.

4 “(4) Job search allowances as described in sec-
5 tion 241.

6 “(5) Relocation allowances as described in sec-
7 tion 242.

8 “(6) Supportive services and wage insurance as
9 described in section 243.

10 **“PART II—TRADE ADJUSTMENT ALLOWANCES**

11 **“SEC. 235. QUALIFYING REQUIREMENTS FOR WORKERS.**

12 “(a) IN GENERAL.—Payment of a trade adjustment
13 allowance shall be made to an adversely affected worker
14 covered by a certification under section 231 who files an
15 application for the allowance for any week of unemploy-
16 ment that begins more than 60 days after the date on
17 which the petition that resulted in the certification was
18 filed under section 231, if the following conditions are met:

19 “(1) TIME OF TOTAL OR PARTIAL SEPARATION
20 FROM EMPLOYMENT.—The adversely affected work-
21 er’s total or partial separation before the worker’s
22 application under this chapter occurred—

23 “(A) on or after the date, as specified in
24 the certification under which the worker is cov-
25 ered, on which total or partial separation from

1 adversely affected employment began or threat-
2 ened to begin in the adversely affected employ-
3 ment;

4 “(B) before the expiration of the 2-year
5 period beginning on the date on which the cer-
6 tification under section 231 was issued; and

7 “(C) before the termination date (if any)
8 determined pursuant to section 231(e).

9 “(2) EMPLOYMENT REQUIRED.—

10 “(A) IN GENERAL.—The adversely affected
11 worker had, in the 52-week period ending with
12 the week in which the total or partial separa-
13 tion occurred, at least 26 weeks of employment
14 at wages of \$30 or more a week with a single
15 firm or subdivision of a firm.

16 “(B) UNAVAILABILITY OF DATA.—If data
17 with respect to weeks of employment with a
18 firm are not available, the worker had equiva-
19 lent amounts of employment computed under
20 regulations prescribed by the Secretary.

21 “(C) WEEK OF EMPLOYMENT.—For the
22 purposes of this paragraph any week shall be
23 treated as a week of employment at wages of
24 \$30 or more, if an adversely affected worker—

1 “(i) is on employer-authorized leave
2 for purposes of vacation, sickness, injury,
3 maternity, or inactive duty or active duty
4 military service for training;

5 “(ii) does not work because of a dis-
6 ability that is compensable under a work-
7 men’s compensation law or plan of a State
8 or the United States;

9 “(iii) had employment interrupted in
10 order to serve as a full-time representative
11 of a labor organization in that firm or sub-
12 division; or

13 “(iv) is on call-up for purposes of ac-
14 tive duty in a reserve status in the Armed
15 Forces of the United States, provided that
16 active duty is ‘Federal service’ as defined
17 in section 8521(a)(1) of title 5, United
18 States Code.

19 “(D) EXCEPTIONS.—

20 “(i) In the case of weeks described in
21 clause (i) or (iii) of subparagraph (C), or
22 both, not more than 7 weeks may be treat-
23 ed as weeks of employment under subpara-
24 graph (C).

1 “(ii) In the case of weeks described in
2 clause (ii) or (iv) of subparagraph (C), not
3 more than 26 weeks may be treated as
4 weeks of employment under subparagraph
5 (C).

6 “(3) UNEMPLOYMENT COMPENSATION.—The
7 adversely affected worker meets all of the following
8 requirements:

9 “(A) ENTITLEMENT TO UNEMPLOYMENT
10 INSURANCE.—The worker was entitled to (or
11 would be entitled to if the worker applied for)
12 unemployment insurance for a week within the
13 benefit period—

14 “(i) in which total or partial separa-
15 tion took place; or

16 “(ii) which began (or would have
17 begun) by reason of the filing of a claim
18 for unemployment insurance by the worker
19 after total or partial separation.

20 “(B) EXHAUSTION OF UNEMPLOYMENT IN-
21 SURANCE.—The worker has exhausted all rights
22 to any unemployment insurance to which the
23 worker was entitled (or would be entitled if the
24 worker had applied for any unemployment in-
25 surance).

1 “(C) NO UNEXPIRED WAITING PERIOD.—

2 The worker does not have an unexpired waiting
3 period applicable to the worker for any unem-
4 ployment insurance.

5 “(4) EXTENDED UNEMPLOYMENT COMPENSA-

6 TION.—The adversely affected worker, with respect
7 to a week of unemployment, would not be disquali-
8 fied for extended compensation payable under the
9 Federal-State Extended Unemployment Compensa-
10 tion Act of 1970 (26 U.S.C. 3304 note) by reason
11 of the work acceptance and job search requirements
12 in section 202(a)(3) of that Act.

13 “(5) TRAINING.—The adversely affected worker

14 is enrolled in a training program approved by the
15 Secretary under section 240(a), and the enrollment
16 occurred not later than the latest of the periods de-
17 scribed in subparagraph (A), (B), or (C).

18 “(A) 16 WEEKS.—The worker enrolled not

19 later than the last day of the 16th week after
20 the worker’s most recent total separation that
21 meets the requirements of paragraphs (1) and
22 (2).

23 “(B) 8 WEEKS.—The worker enrolled not

24 later than the last day of the 8th week after the

1 week in which the Secretary issues a certifi-
2 cation covering the worker.

3 “(C) EXTENUATING CIRCUMSTANCES.—
4 Notwithstanding subparagraphs (A) and (B),
5 the adversely affected worker is eligible for
6 trade adjustment assistance if the worker en-
7 rolled not later than 45 days after the later of
8 the dates specified in subparagraph (A) or (B),
9 and the Secretary determines there are extenu-
10 ating circumstances that justify an extension in
11 the enrollment period.

12 “(b) FAILURE TO PARTICIPATE IN TRAINING.—

13 “(1) IN GENERAL.—Until the adversely affected
14 worker begins or resumes participation in a training
15 program approved under section 240(a), no trade
16 adjustment allowance may be paid under subsection
17 (a) to an adversely affected worker for any week or
18 any succeeding week in which—

19 “(A) the Secretary determines that—

20 “(i) the adversely affected worker—

21 “(I) has failed to begin participa-
22 tion in a training program the enroll-
23 ment in which meets the requirement
24 of subsection (a)(5); or

1 “(II) has ceased to participate in
2 such a training program before com-
3 pleting the training program; and

4 “(ii) there is no justifiable cause for
5 the failure or cessation; or

6 “(B) the waiver issued to that worker
7 under subsection (c)(1) is revoked under sub-
8 section (c)(2).

9 “(2) EXCEPTION.—The provisions of subsection
10 (a)(5) and paragraph (1) shall not apply with re-
11 spect to any week of unemployment that begins be-
12 fore the first week following the week in which the
13 certification is issued under section 231.

14 “(c) WAIVERS OF TRAINING REQUIREMENTS.—

15 “(1) ISSUANCE OF WAIVERS.—The Secretary
16 may issue a written statement to an adversely af-
17 fected worker waiving the requirement to be enrolled
18 in training described in subsection (a) if the Sec-
19 retary determines that the training requirement is
20 not feasible or appropriate for the worker, as indi-
21 cated by 1 or more of the following:

22 “(A) RECALL.—The worker has been noti-
23 fied that the worker will be recalled by the firm
24 from which the separation occurred.

1 “(B) MARKETABLE SKILLS.—The worker
2 has marketable skills as determined pursuant to
3 an assessment of the worker, which may include
4 the profiling system under section 303(j) of the
5 Social Security Act (42 U.S.C. 503(j)), carried
6 out in accordance with guidelines issued by the
7 Secretary.

8 “(C) RETIREMENT.—The worker is within
9 2 years of meeting all requirements for entitle-
10 ment to either—

11 “(i) old-age insurance benefits under
12 title II of the Social Security Act (42
13 U.S.C. 401 et seq.) (except for application
14 therefore); or

15 “(ii) a private pension sponsored by
16 an employer or labor organization.

17 “(D) HEALTH.—The worker is unable to
18 participate in training due to the health of the
19 worker, except that a waiver under this sub-
20 paragraph shall not be construed to exempt a
21 worker from requirements relating to the avail-
22 ability for work, active search for work, or re-
23 fusal to accept work under Federal or State un-
24 employment compensation laws.

1 “(E) ENROLLMENT UNAVAILABLE.—The
2 first available enrollment date for the approved
3 training of the worker is within 60 days after
4 the date of the determination made under this
5 paragraph, or, if later, there are extenuating
6 circumstances for the delay in enrollment, as
7 determined pursuant to guidelines issued by the
8 Secretary.

9 “(F) DURATION.—The duration of train-
10 ing appropriate for the individual to obtain suit-
11 able employment exceeds the individual’s max-
12 imum entitlement to basic and additional trade
13 adjustment allowances and, in addition, finan-
14 cial support available through other Federal or
15 State programs, including chapter 5 of subtitle
16 B of title I of the Workforce Investment Act of
17 1998 (29 U.S.C. 2861 et seq.), that would en-
18 able the individual to complete a suitable train-
19 ing program cannot be assured.

20 “(G) EMPLOYMENT AVAILABLE.—There is
21 employment (which may include technical and
22 professional employment) available for an ad-
23 versely affected worker that offers equivalent
24 wages to those that the adversely affected work-
25 er earned prior to separation.

1 “(H) NO BENEFIT.—The worker would
2 not benefit from any training, or no training
3 that is suitable for the worker is available at a
4 reasonable cost.

5 “(I) NO REASONABLE EXPECTATION OF
6 EMPLOYMENT.—There is no reasonable expecta-
7 tion of employment following completion of the
8 training.

9 “(J) TRAINING NOT AVAILABLE.—Training
10 approved by the Secretary is not reasonably
11 available to the worker from either govern-
12 mental agencies or private sources (which may
13 include area vocational education schools, as de-
14 fined in section 3 of the Carl D. Perkins Voca-
15 tional and Technical Education Act of 1998 (20
16 U.S.C. 2302), and employers).

17 “(K) WORKER NOT QUALIFIED.—The
18 worker is not qualified to undertake and com-
19 plete any training.

20 “(2) DURATION OF WAIVERS.—

21 “(A) IN GENERAL.—A waiver issued under
22 paragraph (1) shall be effective for not more
23 than 6 months after the date on which the
24 waiver is issued, unless the Secretary deter-
25 mines otherwise.

1 “(B) REVOCATION.—The Secretary shall
2 revoke a waiver issued under paragraph (1) if
3 the Secretary determines that the basis of a
4 waiver is no longer applicable to the worker.

5 “(3) AMENDMENTS UNDER SECTION 222.—

6 “(A) ISSUANCE BY COOPERATING
7 STATES.—Pursuant to an agreement under sec-
8 tion 222, the Secretary may authorize a cooper-
9 ating State to issue waivers as described in
10 paragraph (1) (except for the determination
11 under subparagraphs (F) and (G) of paragraph
12 (1)).

13 “(B) SUBMISSION OF STATEMENTS.—An
14 agreement under section 222 shall include a re-
15 quirement that the cooperating State submit to
16 the Secretary the written statements provided
17 pursuant to paragraph (1) and a statement of
18 the reasons for the waiver.

19 “(4) REASONABLE EXPECTATION OF EMPLOY-
20 MENT.—For purposes of applying subsection
21 (c)(1)(I), a reasonable expectation of employment
22 does not require that employment opportunities for
23 a worker be available, or offered, immediately upon
24 the completion of training approved under this sec-
25 tion.

1 **“SEC. 236. WEEKLY AMOUNTS.**

2 “(a) IN GENERAL.—Subject to subsections (b) and
3 (c), the trade adjustment allowance payable to an ad-
4 versely affected worker for a week of total unemployment
5 shall be an amount equal to the most recent weekly benefit
6 amount of the unemployment insurance payable to the
7 worker for a week of total unemployment preceding the
8 worker’s first exhaustion of unemployment insurance (as
9 determined for purposes of section 235(a)(3)(B)) reduced
10 (but not below zero) by—

11 “(1) any training allowance deductible under
12 subsection (c); and

13 “(2) any income that is deductible from unem-
14 ployment insurance under the disqualifying income
15 provisions of the applicable State law or Federal un-
16 employment insurance law.

17 “(b) ADJUSTMENT FOR WORKERS RECEIVING
18 TRAINING.—

19 “(1) IN GENERAL.—Any adversely affected
20 worker who is entitled to a trade adjustment allow-
21 ance and who is receiving training approved by the
22 Secretary, shall receive for each week in which the
23 worker is undergoing that training, a trade adjust-
24 ment allowance in an amount (computed for such
25 week) equal to the greater of—

1 “(A) the amount computed under sub-
2 section (a); or

3 “(B) the amount of any weekly allowance
4 for that training to which the worker would be
5 entitled under any other Federal law for the
6 training of workers, if the worker applied for
7 that allowance.

8 “(2) ALLOWANCE PAID IN LIEU OF.—Any trade
9 adjustment allowance calculated under paragraph
10 (1) shall be paid in lieu of any training allowance to
11 which the worker would be entitled under any other
12 Federal law.

13 “(3) COORDINATION WITH UNEMPLOYMENT IN-
14 SURANCE.—Any week in which a worker undergoing
15 training approved by the Secretary receives pay-
16 ments from unemployment insurance shall be sub-
17 tracted from the total number of weeks for which a
18 worker may receive trade adjustment allowance
19 under this chapter.

20 “(c) ADJUSTMENT FOR WORKERS RECEIVING AL-
21 LOWANCES UNDER OTHER FEDERAL LAW.—

22 “(1) REDUCTION IN WEEKS FOR WHICH AL-
23 LOWANCE WILL BE PAID.—If a training allowance
24 under any Federal law (other than this Act) is paid
25 to an adversely affected worker for any week of un-

1 employment with respect to which the worker would
2 be entitled (determined without regard to any dis-
3 qualification under section 235(b)) to a trade adjust-
4 ment allowance if the worker applied for that allow-
5 ance, each week of unemployment shall be deducted
6 from the total number of weeks of trade adjustment
7 allowance otherwise payable to that worker under
8 section 235(a) when the worker applies for a trade
9 adjustment allowance and is determined to be enti-
10 tled to the allowance.

11 “(2) PAYMENT OF DIFFERENCE.—If the train-
12 ing allowance paid to a worker for any week of un-
13 employment is less than the amount of the trade ad-
14 justment allowance to which the worker would be en-
15 titled if the worker applied for the trade adjustment
16 allowance, the worker shall receive, when the worker
17 applies for a trade adjustment allowance and is de-
18 termined to be entitled to the allowance, a trade ad-
19 justment allowance for that week equal to the dif-
20 ference between the training allowance and the trade
21 adjustment allowance computed under subsection
22 (b).

1 **“SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOW-**
2 **ANCES.**

3 “(a) AMOUNT PAYABLE.—The maximum amount of
4 trade adjustment allowance payable to an adversely af-
5 fected worker, with respect to the period covered by any
6 certification, shall be the amount that is the product of
7 104 multiplied by the trade adjustment allowance payable
8 to the worker for a week of total unemployment (as deter-
9 mined under section 236) reduced by the total sum of the
10 unemployment insurance to which the worker was entitled
11 (or would have been entitled if the worker had applied for
12 unemployment insurance) in the worker’s first benefit pe-
13 riod described in section 235(a)(3)(A).

14 “(b) DURATION OF PAYMENTS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), a trade adjustment allowance shall not be
17 paid for any week occurring after the close of the
18 104-week period that begins with the first week fol-
19 lowing the week in which the adversely affected
20 worker was most recently totally separated—

21 “(A) within the period that is described in
22 section 235(a)(1); and

23 “(B) with respect to which the worker
24 meets the requirements of section 235(a)(2).

25 “(2) SPECIAL RULES.—

1 “(A) BREAK IN TRAINING.—For purposes
2 of this chapter, a worker shall be treated as
3 participating in a training program approved by
4 the Secretary under section 240(a) during any
5 week that is part of a break in a training that
6 does not exceed 30 days if—

7 “(i) the worker was participating in a
8 training program approved under section
9 240(a) before the beginning of the break in
10 training; and

11 “(ii) the break is provided under the
12 training program.

13 “(B) ON-THE-JOB TRAINING.—No trade
14 adjustment allowance shall be paid to a worker
15 under this chapter for any week during which
16 the worker is receiving on-the-job training.

17 “(c) ADJUSTMENT OF AMOUNTS PAYABLE.—
18 Amounts payable to an adversely affected worker under
19 this chapter shall be subject to adjustment on a week-to-
20 week basis as may be required by section 236.

21 “(d) YEAR-END ADJUSTMENT.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of this Act or any other provision of law,
24 if the benefit year of a worker ends within an ex-
25 tended benefit period, the number of weeks of ex-

1 tended benefits that the worker would, but for this
2 subsection, be entitled to in that extended benefit
3 period shall not be reduced by the number of weeks
4 for which the worker was entitled, during that ben-
5 efit year, to trade adjustment allowances under this
6 part.

7 “(2) EXTENDED BENEFITS PERIOD.—For the
8 purpose of this section the term ‘extended benefit
9 period’ has the same meaning given that term in the
10 Federal-State Extended Unemployment Compensa-
11 tion Act of 1970 (26 U.S.C. 3304 note).

12 **“SEC. 238. APPLICATION OF STATE LAWS.**

13 “(a) IN GENERAL.—Except where inconsistent with
14 the provisions of this chapter and subject to such regula-
15 tions as the Secretary may prescribe, the availability and
16 disqualification provisions of the State law under which
17 an adversely affected worker is entitled to unemployment
18 insurance (whether or not the worker has filed a claim
19 for such insurance), or, if the worker is not so entitled
20 to unemployment insurance, of the State in which the
21 worker was totally or partially separated, shall apply to
22 a worker that files an application for trade adjustment as-
23 sistance.

24 “(b) DURATION OF APPLICABILITY.—The State law
25 determined to be applicable with respect to a separation

1 of an adversely affected worker shall remain applicable for
2 purposes of subsection (a), with respect to a separation
3 until the worker becomes entitled to unemployment insur-
4 ance under another State law (whether or not the worker
5 has filed a claim for that insurance).

6 **“PART III—EMPLOYMENT SERVICES, TRAINING,**
7 **AND OTHER ALLOWANCES**

8 **“SEC. 239. EMPLOYMENT SERVICES.**

9 “The Secretary shall, in accordance with section 222
10 or 223, as applicable, make every reasonable effort to se-
11 cure for adversely affected workers covered by a certifi-
12 cation under section 231, counseling, testing, placement,
13 and other services provided for under any other Federal
14 law.

15 **“SEC. 240. TRAINING.**

16 “(a) APPROVED TRAINING PROGRAMS.—

17 “(1) IN GENERAL.—The Secretary shall ap-
18 prove training programs that include—

19 “(A) on-the-job training;

20 “(B) any employment or training activity
21 provided through a one-stop delivery system
22 under chapter 5 of subtitle B of title I of the
23 Workforce Investment Act of 1998 (29 U.S.C.
24 2861 et seq.);

25 “(C) any program of adult education;

1 “(D) any training program (other than a
2 training program described in paragraph (3) for
3 which all, or any portion, of the costs of train-
4 ing the worker are paid—

5 “(i) under any Federal or State pro-
6 gram other than this chapter; or

7 “(ii) from any source other than this
8 section; and

9 “(E) any other training program that the
10 Secretary determines is acceptable to meet the
11 needs of an adversely affected worker.

12 In making the determination under subparagraph
13 (E), the Secretary shall consult with interested par-
14 ties.

15 “(2) TRAINING AGREEMENTS.—Before approv-
16 ing any training to which subsection (f)(1)(C) may
17 apply, the Secretary may require that the adversely
18 affected worker enter into an agreement with the
19 Secretary under which the Secretary will not be re-
20 quired to pay under subsection (b) the portion of the
21 costs of the training that the worker has reason to
22 believe will be paid under the program, or by the
23 source, described in clause (i) or (ii) of subsection
24 (f)(1)(C).

1 “(3) LIMITATION ON APPROVALS.—The Sec-
2 retary shall not approve a training program if all of
3 the following apply:

4 “(A) PAYMENT BY PLAN.—Any portion of
5 the costs of the training program are paid
6 under any nongovernmental plan or program.

7 “(B) RIGHT TO OBTAIN.—The adversely
8 affected worker has a right to obtain training
9 or funds for training under that plan or pro-
10 gram.

11 “(C) REIMBURSEMENT.—The plan or pro-
12 gram requires the worker to reimburse the plan
13 or program from funds provided under this
14 chapter, or from wages paid under the training
15 program, for any portion of the costs of that
16 training program paid under the plan or pro-
17 gram.

18 “(b) PAYMENT OF TRAINING COSTS.—

19 “(1) IN GENERAL.—Upon approval of a train-
20 ing program under subsection (a), and subject to the
21 limitations imposed by this section, an adversely af-
22 fected worker covered by a certification issued under
23 section 231 may be eligible to have payment of the
24 costs of that training, including any costs of an ap-
25 proved training program incurred by a worker before

1 a certification was issued under section 231, made
2 on behalf of the worker by the Secretary directly or
3 through a voucher system.

4 “(2) ON-THE-JOB TRAINING.—

5 “(A) PROVISION OF TRAINING ON THE
6 JOB.—If the Secretary approves training under
7 subsection (a), the Secretary shall, insofar as
8 possible, provide or assure the provision of that
9 training on the job, and any training on the job
10 that is approved by the Secretary under sub-
11 section (a) shall include related education nec-
12 essary for the acquisition of skills needed for a
13 position within a particular occupation.

14 “(B) MONTHLY INSTALLMENTS.—If the
15 Secretary approves payment of any on-the-job
16 training under subsection (a), the Secretary
17 shall pay the costs of that training in equal
18 monthly installments.

19 “(C) LIMITATIONS.—The Secretary may
20 pay the costs of on-the-job training only if—

21 “(i) no employed worker is displaced
22 by the adversely affected worker (including
23 partial displacement such as a reduction in
24 the hours of nonovertime work, wages, or
25 employment benefits);

1 “(ii) the training does not impair con-
2 tracts for services or collective bargaining
3 agreements;

4 “(iii) in the case of training that
5 would affect a collective bargaining agree-
6 ment, the written concurrence of the labor
7 organization concerned has been obtained;

8 “(iv) no other individual is on layoff
9 from the same, or any substantially equiva-
10 lent, job for which the adversely affected
11 worker is being trained;

12 “(v) the employer has not terminated
13 the employment of any regular employee or
14 otherwise reduced the workforce of the em-
15 ployer with the intention of filling the va-
16 cancy so created by hiring the adversely af-
17 fected worker;

18 “(vi) the job for which the adversely
19 affected worker is being trained is not
20 being created in a promotional line that
21 will infringe in any way upon the pro-
22 motional opportunities of employed individ-
23 uals;

24 “(vii) the training is not for the same
25 occupation from which the worker was sep-

1 arated and with respect to which the work-
2 er's group was certified pursuant to section
3 231;

4 “(viii) the employer certifies to the
5 Secretary that the employer will continue
6 to employ the worker for at least 26 weeks
7 after completion of the training if the
8 worker desires to continue the employment
9 and the employer does not have due cause
10 to terminate the employment;

11 “(ix) the employer has not received
12 payment under subsection (b)(1) with re-
13 spect to any other on-the-job training pro-
14 vided by the employer that failed to meet
15 the requirements of clauses (i) through
16 (vi); and

17 “(x) the employer has not taken, at
18 any time, any action that violated the
19 terms of any certification described in
20 clause (viii) made by that employer with
21 respect to any other on-the-job training
22 provided by the employer for which the
23 Secretary has made a payment under para-
24 graph (1).

1 “(c) CERTAIN WORKERS ELIGIBLE FOR TRAINING
2 BENEFITS.—An adversely affected worker covered by a
3 certification issued under section 231, who is not qualified
4 to receive a trade adjustment allowance under section 235,
5 may be eligible to have payment of the costs of training
6 made under this section, if the worker enters a training
7 program approved by the Secretary not later than 6
8 months after the date on which the certification that cov-
9 ers the worker is issued or the Secretary determines that
10 one of the following applied:

11 “(1) Funding was not available at the time at
12 which the adversely affected worker was required to
13 enter training under paragraph (1).

14 “(2) The adversely affected worker was covered
15 by a waiver issued under section 235(c).

16 “(d) EXHAUSTION OF UNEMPLOYMENT INSURANCE
17 NOT REQUIRED.—The Secretary may approve training,
18 and pay the costs thereof, for any adversely affected work-
19 er who is a member of a group certified under section 231
20 at any time after the date on which the group is certified,
21 without regard to whether the worker has exhausted all
22 rights to any unemployment insurance to which the worker
23 is entitled.

24 “(e) SUPPLEMENTAL ASSISTANCE.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), when training is provided under a training
3 program approved by the Secretary under subsection
4 (a) in facilities that are not within commuting dis-
5 tance of a worker’s regular place of residence, the
6 Secretary may authorize supplemental assistance to
7 defray reasonable transportation and subsistence ex-
8 penses for separate maintenance.

9 “(2) TRANSPORTATION EXPENSES.—The Sec-
10 retary may not authorize payments for travel ex-
11 penses exceeding the prevailing mileage rate author-
12 ized under the Federal travel regulations.

13 “(3) SUBSISTENCE EXPENSES.—The Secretary
14 may not authorize payments for subsistence that ex-
15 ceed the lesser of—

16 “(A) the actual per diem expenses for sub-
17 sistence of the worker; or

18 “(B) an amount equal to 50 percent of the
19 prevailing per diem allowance rate authorized
20 under Federal travel regulations.

21 “(f) SPECIAL PROVISIONS; LIMITATIONS.—

22 “(1) LIMITATION ON MAKING PAYMENTS.—

23 “(A) DISALLOWANCE OF OTHER PAY-
24 MENT.—If the costs of training an adversely af-
25 fected worker are paid by the Secretary under

1 subsection (b), no other payment for those
2 training costs may be made under any other
3 provision of Federal law.

4 “(B) NO PAYMENT OF REIMBURSABLE
5 COSTS.—No payment for the cost of approved
6 training may be made under subsection (b) if
7 those costs—

8 “(i) have already been paid under any
9 other provision of Federal law; or

10 “(ii) are reimbursable under any other
11 provision of Federal law and a portion of
12 those costs have already been paid under
13 that other provision of Federal law.

14 “(C) NO PAYMENT OF COSTS PAID ELSE-
15 WHERE.—The Secretary is not required to pay
16 the costs of any training approved under sub-
17 section (a) to the extent that those costs are
18 paid under any Federal or State program other
19 than this chapter.

20 “(D) EXCEPTION.—The provisions of this
21 paragraph shall not apply to, or take into ac-
22 count, any funds provided under any other pro-
23 vision of Federal law that are used for any pur-
24 pose other than the direct payment of the costs
25 incurred in training a particular adversely af-

1 fected worker, even if the use of those funds
2 has the effect of indirectly paying for or reduc-
3 ing any portion of the costs involved in training
4 the adversely affected worker.

5 “(2) UNEMPLOYMENT ELIGIBILITY.—A worker
6 may not be determined to be ineligible or disquali-
7 fied for unemployment insurance or program bene-
8 fits under this subchapter because the individual is
9 in training approved under subsection (a), because
10 of leaving work which is not suitable employment to
11 enter the training, or because of the application to
12 any week in training of provisions of State law or
13 Federal unemployment insurance law relating to
14 availability for work, active search for work, or re-
15 fusal to accept work.

16 “(3) DEFINITION.—For purposes of this section
17 the term ‘suitable employment’ means, with respect
18 to a worker, work of a substantially equal or higher
19 skill level than the worker’s past adversely affected
20 employment, and wages for such work at not less
21 than 80 percent of the worker’s average weekly
22 wage.

23 “(4) PAYMENTS AFTER REEMPLOYMENT.—

24 “(A) IN GENERAL.—In the case of an ad-
25 versely affected worker who secures reemploy-

1 ment, the Secretary may approve and pay the
2 costs of training (or shall continue to pay the
3 costs of training previously approved) for that
4 adversely affected worker, for the completion of
5 their training program or up to 26 weeks,
6 whichever is less, after the date the adversely
7 affected worker becomes reemployed.

8 “(B) TRADE ADJUSTMENT ALLOWANCE.—

9 An adversely affected worker who is reemployed
10 and is undergoing training approved by the Sec-
11 retary pursuant to subparagraph (A) may con-
12 tinue to receive trade adjustment allowance,
13 subject to the income offsets provided for in the
14 worker’s State unemployment compensation law
15 in accordance with the provisions of section
16 237.

17 “(5) FUNDING.—The total amount of payments
18 that may be made under this section for any fiscal
19 year shall not exceed \$300,000,000.

20 **“SEC. 241. JOB SEARCH ALLOWANCES.**

21 “(a) JOB SEARCH ALLOWANCE AUTHORIZED.—

22 “(1) IN GENERAL.—An adversely affected work-
23 er covered by a certification issued under section
24 231 may file an application with the Secretary for
25 payment of a job search allowance.

1 “(2) APPROVAL OF APPLICATIONS.—The Sec-
2 retary may grant an allowance pursuant to an appli-
3 cation filed under paragraph (1) when all of the fol-
4 lowing apply:

5 “(A) ASSIST ADVERSELY AFFECTED WORK-
6 ER.—The allowance is paid to assist an ad-
7 versely affected worker who has been totally
8 separated in securing a job within the United
9 States.

10 “(B) LOCAL EMPLOYMENT NOT AVAIL-
11 ABLE.—The Secretary determines that the
12 worker cannot reasonably be expected to secure
13 suitable employment in the commuting area in
14 which the worker resides.

15 “(C) APPLICATION.—The worker has filed
16 an application for the allowance with the Sec-
17 retary before—

18 “(i) the later of—

19 “(I) the 365th day after the date
20 of the certification under which the
21 worker is certified as eligible; or

22 “(II) the 365th day after the
23 date of the worker’s last total separa-
24 tion; or

1 “(ii) the date that is the 182d day
2 after the date on which the worker con-
3 cluded training, unless the worker received
4 a waiver under section 235(c).

5 “(b) AMOUNT OF ALLOWANCE.—

6 “(1) IN GENERAL.—An allowance granted
7 under subsection (a) shall provide reimbursement to
8 the worker of 90 percent of the cost of necessary job
9 search expenses as prescribed by the Secretary in
10 regulations.

11 “(A) MAXIMUM ALLOWANCE.—Reimburse-
12 ment may not exceed \$1,200 for any worker.

13 “(B) ALLOWANCE FOR SUBSISTENCE AND
14 TRANSPORTATION.—Reimbursement may not be
15 made for subsistence and transportation ex-
16 penses at levels exceeding those allowable under
17 section 240(e).

18 “(c) EXCEPTION.—Notwithstanding subsection (b),
19 the Secretary shall reimburse any adversely affected work-
20 er for necessary expenses incurred by the worker in par-
21 ticipating in a job search program approved by the Sec-
22 retary.

23 **“SEC. 242. RELOCATION ALLOWANCES.**

24 “(a) RELOCATION ALLOWANCE AUTHORIZED.—

1 “(1) IN GENERAL.—Any adversely affected
2 worker covered by a certification issued under sec-
3 tion 231 may file an application for a relocation al-
4 lowance with the Secretary, and the Secretary may
5 grant the relocation allowance, subject to the terms
6 and conditions of this section.

7 “(2) CONDITIONS FOR GRANTING ALLOW-
8 ANCE.—A relocation allowance may be granted if all
9 of the following terms and conditions are met:

10 “(A) ASSIST AN ADVERSELY AFFECTED
11 WORKER.—The relocation allowance will assist
12 an adversely affected worker in relocating with-
13 in the United States.

14 “(B) LOCAL EMPLOYMENT NOT AVAIL-
15 ABLE.—The Secretary determines that the
16 worker cannot reasonably be expected to secure
17 suitable employment in the commuting area in
18 which the worker resides.

19 “(C) TOTAL SEPARATION.—The worker is
20 totally separated from employment at the time
21 relocation commences.

22 “(D) SUITABLE EMPLOYMENT OB-
23 TAINED.—The worker—

24 “(i) has obtained suitable employment
25 affording a reasonable expectation of long-

1 term duration in the area in which the
2 worker wishes to relocate; or

3 “(ii) has obtained a bona fide offer of
4 such employment.

5 “(E) APPLICATION.—The worker filed an
6 application with the Secretary before—

7 “(i) the later of—

8 “(I) the 425th day after the date
9 of the certification under section 231;
10 or

11 “(II) the 425th day after the
12 date of the worker’s last total separa-
13 tion; or

14 “(ii) the date that is the 182d day
15 after the date on which the worker con-
16 cluded training, unless the worker received
17 a waiver under section 235(c).

18 “(b) AMOUNT OF ALLOWANCE.—The relocation al-
19 lowance granted to a worker under subsection (a)
20 includes—

21 “(1) 90 percent of the reasonable and necessary
22 expenses (including, but not limited to, subsistence
23 and transportation expenses at levels not exceeding
24 those allowable under section 240(e)) specified in
25 regulations prescribed by the Secretary, incurred in

1 transporting the worker, the worker's family, and
2 household effects; and

3 “(2) a lump sum equivalent to 3 times the
4 worker's average weekly wage, up to a maximum
5 payment of \$1,500.

6 “(c) LIMITATIONS.—A relocation allowance may not
7 be granted to a worker unless—

8 “(1) the relocation occurs within 182 days after
9 the filing of the application for relocation assistance;
10 or

11 “(2) the relocation occurs within 182 days after
12 the conclusion of training, if the worker entered a
13 training program approved by the Secretary under
14 section 240(a).

15 **“SEC. 243. SUPPORTIVE SERVICES; WAGE INSURANCE.**

16 “(a) SUPPORTIVE SERVICES.—

17 “(1) APPLICATION.—

18 “(A) IN GENERAL.—The State may, on be-
19 half of any adversely affected worker or group
20 of workers covered by a certification issued
21 under section 231—

22 “(i) file an application with the Sec-
23 retary for services under section 173 of the
24 Workforce Investment Act of 1998 (relat-
25 ing to National Emergency Grants); and

1 “(ii) provide other services under title
2 I of the Workforce Investment Act of
3 1998.

4 “(B) SERVICES.—The services available
5 under this paragraph include transportation,
6 child care, and dependent care that are nec-
7 essary to enable a worker to participate in ac-
8 tivities authorized under this chapter.

9 “(2) CONDITIONS.—The Secretary may approve
10 an application filed under paragraph (1)(A)(i) and
11 provide supportive services to an adversely affected
12 worker only if the Secretary determines that all of
13 the following apply:

14 “(A) NECESSITY.—Providing services is
15 necessary to enable the worker to participate in
16 or complete training.

17 “(B) CONSISTENT WITH WORKFORCE IN-
18 VESTMENT ACT.—The services are consistent
19 with the supportive services provided to partici-
20 pants under the provisions relating to dislocated
21 worker employment and training activities set
22 forth in chapter 5 of subtitle B of title I of the
23 Workforce Investment Act of 1998 (29 U.S.C.
24 2861 et seq.).

25 “(b) WAGE INSURANCE PROGRAM.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall establish a Wage Insurance Program under
4 which a State shall use the funds provided to the
5 State for trade adjustment allowances to pay to an
6 adversely affected worker certified under section 231
7 a wage subsidy of up to 50 percent of the difference
8 between the wages received by the adversely affected
9 worker from reemployment and the wages received
10 by the adversely affected worker at the time of sepa-
11 ration for a period not to exceed 2 years.

12 “(2) AMOUNT OF PAYMENT.—

13 “(A) WAGES UNDER \$40,000.—If the wages
14 the worker receives from reemployment are less
15 than \$40,000 a year, the wage subsidy shall be
16 50 percent of the difference between the
17 amount of the wages received by the worker
18 from reemployment and the amount of the
19 wages received by the worker at the time of
20 separation.

21 “(B) WAGES BETWEEN \$40,000 AND
22 \$50,000.—If the wages received by the worker
23 from reemployment are greater than \$40,000 a
24 year but less than \$50,000 a year, the wage
25 subsidy shall be 25 percent of the difference be-

1 tween the amount of the wages received by the
2 worker from reemployment and the amount of
3 the wages received by the worker at the time of
4 separation.

5 “(3) ELIGIBILITY.—An adversely affected work-
6 er may be eligible to receive a wage subsidy under
7 this subsection if the worker—

8 “(A) enrolls in the Wage Insurance Pro-
9 gram;

10 “(B) obtains reemployment not more than
11 26 weeks after the date of separation from the
12 adversely affected employment;

13 “(C) is at least 50 years of age;

14 “(D) earns not more than \$50,000 a year
15 in wages from reemployment;

16 “(E) is employed at least 30 hours a week
17 in the reemployment; and

18 “(F) does not return to the employment
19 from which the worker was separated.

20 “(4) AMOUNT OF PAYMENTS.—The payments
21 made under paragraph (1) to an adversely affected
22 worker may not exceed \$10,000 over the 2-year pe-
23 riod.

24 “(5) LIMITATION ON OTHER BENEFITS.—At
25 the time a worker begins to receive a wage subsidy

1 under this subsection the worker shall not be eligible
2 to receive any benefits under this Act other than the
3 wage subsidy unless the Secretary determines, pur-
4 suant to standards established by the Secretary, that
5 the worker has shown circumstances that warrant
6 eligibility for training benefits under section 240.

7 “(c) STUDIES OF ASSISTANCE AVAILABLE TO ECO-
8 NOMICALLY DISTRESSED WORKERS.—

9 “(1) STUDY BY THE GENERAL ACCOUNTING OF-
10 FICE.—

11 “(A) IN GENERAL.—The Comptroller Gen-
12 eral of the United States shall conduct a study
13 of all assistance provided by the Federal Gov-
14 ernment for workers facing job loss and eco-
15 nomic distress.

16 “(B) REPORT.—Not later than 1 year
17 after the date of enactment of this Act, the
18 Comptroller General shall submit to the Com-
19 mittee on Finance of the Senate and the Com-
20 mittee on Ways and Means of the House of
21 Representatives a report on the study con-
22 ducted under subparagraph (A). The report
23 shall include a description of—

1 “(i) all Federal programs designed to
2 assist workers facing job loss and economic
3 distress, including all benefits and services;

4 “(ii) eligibility requirements for each
5 of the programs; and

6 “(iii) procedures for applying for and
7 receiving benefits and services under each
8 of the programs.

9 “(C) DISTRIBUTION OF GAO REPORT.—

10 The report described in subparagraph (B) shall
11 be distributed to all one-stop partners author-
12 ized under the Workforce Investment Act of
13 1998.

14 “(2) STUDIES BY THE STATES.—

15 “(A) IN GENERAL.—Each State may con-
16 duct a study of its assistance programs for
17 workers facing job loss and economic distress.

18 “(B) GRANTS.—The Secretary may award
19 to each State a grant, not to exceed \$100,000,
20 to enable the State to conduct the study de-
21 scribed in subparagraph (A). Each study shall
22 be undertaken in consultation with affected par-
23 ties.

24 “(C) REPORT.—Not later than 1 year
25 after the date of enactment of this Act, each

1 State that receives a grant under subparagraph
 2 (B) shall submit to the Committee on Finance
 3 of the Senate and the Committee on Ways and
 4 Means of the House of Representatives the re-
 5 port described in subparagraph (A).

6 “(D) DISTRIBUTION OF STATE RE-
 7 PORTS.—A report prepared by a State under
 8 this paragraph shall be distributed to the one-
 9 stop partners in the State.

10 **“Subchapter D—Payment and Enforcement**
 11 **Provisions**

12 **“SEC. 244. PAYMENTS TO STATES.**

13 “(a) IN GENERAL.—The Secretary, from time to
 14 time, shall certify to the Secretary of the Treasury for pay-
 15 ment to each cooperating State, the sums necessary to en-
 16 able that State as agent of the United States to make pay-
 17 ments provided for by this chapter.

18 “(b) LIMITATION ON USE OF FUNDS.—

19 “(1) IN GENERAL.—All money paid to a cooper-
 20 ating State under this section shall be used solely
 21 for the purposes for which it is paid.

22 “(2) RETURN OF FUNDS NOT SO USED.—
 23 Money paid that is not used for the purpose under
 24 subsection (a) shall be returned, at the time speci-

1 fied in the agreement entered into under section
2 222, to the Secretary of the Treasury.

3 “(c) SURETY BOND.—Any agreement under section
4 222 may require any officer or employee of the cooper-
5 ating State certifying payments or disbursing funds under
6 the agreement or otherwise participating in the perform-
7 ance of the agreement, to give a surety bond to the United
8 States in an amount the Secretary deems necessary, and
9 may provide for the payment of the cost of that bond from
10 funds for carrying out the purposes of this chapter.

11 **“SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING**
12 **OFFICERS.**

13 “(a) LIABILITY OF CERTIFYING OFFICIALS.—No
14 person designated by the Secretary, or designated pursu-
15 ant to an agreement entered into under section 222, as
16 a certifying officer, in the absence of gross negligence or
17 intent to defraud the United States, shall be liable with
18 respect to any payment certified by that person under this
19 chapter.

20 “(b) LIABILITY OF DISBURSING OFFICERS.—No dis-
21 bursing officer, in the absence of gross negligence or intent
22 to defraud the United States, shall be liable with respect
23 to any payment by that officer under this chapter if the
24 payment was based on a voucher signed by a certifying
25 officer designated according to subsection (a).

1 **“SEC. 246. FRAUD AND RECOVERY OF OVERPAYMENTS.**

2 “(a) IN GENERAL.—

3 “(1) OVERPAYMENT.—If a cooperating State,
4 the Secretary, or a court of competent jurisdiction
5 determines that any person has received any pay-
6 ment under this chapter to which the person was not
7 entitled, including a payment referred to in sub-
8 section (b), that person shall be liable to repay that
9 amount to the cooperating State or the Secretary, as
10 the case may be.

11 “(2) EXCEPTION.—The cooperating State or
12 the Secretary may waive repayment if the cooper-
13 ating State or the Secretary determines, in accord-
14 ance with guidelines prescribed by the Secretary,
15 that all of the following apply:

16 “(A) NO FAULT.—The payment was made
17 without fault on the part of the person.

18 “(B) REPAYMENT CONTRARY TO EQ-
19 UITY.—Requiring repayment would be contrary
20 to equity and good conscience.

21 “(3) PROCEDURE FOR RECOVERY.—

22 “(A) RECOVERY FROM OTHER ALLOW-
23 ANCES AUTHORIZED.—Unless an overpayment
24 is otherwise recovered or waived under para-
25 graph (2), the cooperating State or the Sec-
26 retary shall recover the overpayment by deduc-

1 tions from any sums payable to that person
2 under this chapter, under any Federal unem-
3 ployment compensation law administered by the
4 cooperating State or the Secretary, or under
5 any other Federal law administered by the co-
6 operating State or the Secretary that provides
7 for the payment of assistance or an allowance
8 with respect to unemployment.

9 “(B) RECOVERY FROM STATE ALLOW-
10 ANCES AUTHORIZED.—Notwithstanding any
11 other provision of Federal or State law, the
12 Secretary may require a cooperating State to
13 recover any overpayment under this chapter by
14 deduction from any unemployment insurance
15 payable to that person under State law, except
16 that no single deduction under this paragraph
17 shall exceed 50 percent of the amount otherwise
18 payable.

19 “(b) INELIGIBILITY FOR FURTHER PAYMENTS.—Any
20 person, in addition to any other penalty provided by law,
21 shall be ineligible for any further payments under this
22 chapter if a cooperating State, the Secretary, or a court
23 of competent jurisdiction determines that one of the fol-
24 lowing applies:

1 “(1) FALSE STATEMENT.—The person know-
2 ingly made, or caused another to make, a false state-
3 ment or representation of a material fact, and as a
4 result of the false statement or representation, the
5 person received any payment under this chapter to
6 which the person was not entitled.

7 “(2) FAILURE TO DISCLOSE.—The person
8 knowingly failed, or caused another to fail, to dis-
9 close a material fact, and as a result of the non-
10 disclosure, the person received any payment under
11 this chapter to which the person was not entitled.

12 “(c) HEARING.—Except for overpayments deter-
13 mined by a court of competent jurisdiction, no repayment
14 may be required, and no deduction may be made, under
15 this section until a determination under subsection (a) by
16 the cooperating State or the Secretary, as the case may
17 be, has been made, notice of the determination and an
18 opportunity for a fair hearing has been given to the person
19 concerned, and the determination has become final.

20 “(d) RECOVERED FUNDS.—Any amount recovered
21 under this section shall be returned to the Treasury of
22 the United States.

23 **“SEC. 247. CRIMINAL PENALTIES.**

24 “Whoever makes a false statement of a material fact
25 knowing it to be false, or knowingly fails to disclose a ma-

1 terial fact, for the purpose of obtaining or increasing for
2 that person or for any other person any payment author-
3 ized to be furnished under this chapter or pursuant to an
4 agreement under section 222 shall be fined not more than
5 \$1,000, imprisoned for not more than 1 year, or both.

6 **“SEC. 248. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to the De-
8 partment of Labor, for the period beginning October 1,
9 2001, and ending September 30, 2006, such sums as may
10 be necessary to carry out the purposes of this chapter.
11 Amounts appropriated under this section shall remain
12 available until expended.

13 **“SEC. 249. REGULATIONS.**

14 “The Secretary shall prescribe such regulations as
15 may be necessary to carry out the provisions of this chap-
16 ter.

17 **“SEC. 250. SUBPOENA POWER.**

18 “(a) IN GENERAL.—The Secretary may require by
19 subpoena the attendance of witnesses and the production
20 of evidence necessary to make a determination under the
21 provisions of this chapter.

22 “(b) COURT ORDER.—If a person refuses to obey a
23 subpoena issued under subsection (a), a competent United
24 States district court, upon petition by the Secretary, may
25 issue an order requiring compliance with such subpoena.”.

1 **SEC. 102. 50 PERCENT REFUNDABLE TAX CREDIT TOWARD**
2 **PREMIUMS FOR COBRA CONTINUATION COV-**
3 **ERAGE.**

4 (a) IN GENERAL.—Subpart C of part IV of sub-
5 chapter A of chapter 1 of the Internal Revenue Code of
6 1986 (relating to refundable credits) is amended by redес-
7 ignating section 35 as section 36 and by inserting after
8 section 34 the following new section:

9 **“SEC. 35. COBRA CONTINUATION COVERAGE PREMIUMS.**

10 “(a) IN GENERAL.—In the case of an eligible indi-
11 vidual, there shall be allowed as a refundable credit
12 against the tax imposed by this subtitle for the taxable
13 year an amount equal to 50 percent of the amount paid
14 by the taxpayer during such year as continuation health
15 coverage premiums.

16 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
17 section, the term ‘eligible individual’ means any individual
18 who is a member of a group of workers certified as eligible
19 to apply for adjustment assistance under chapter 2 of title
20 II of the Trade Act of 1974 (19 U.S.C. 221, et seq.).

21 “(c) CONTINUATION HEALTH COVERAGE PREMIUMS
22 DEFINED.—For purposes of this section, the term ‘con-
23 tinuation health coverage premiums’ means, for any period
24 during which a taxpayer is an eligible individual, pre-
25 miums paid for continuation coverage (as defined in sec-
26 tion 4980B(f)) under a group health plan for such period

1 but only if failure to offer such coverage to the taxpayer
2 for such period would constitute a failure by such health
3 plan to meet the requirements of section 4980B(f).

4 “(d) COORDINATION WITH MEDICAL EXPENSE DE-
5 DUCTION.—The amount which would (but for this sub-
6 section) be taken into account by the taxpayer under sec-
7 tion 213 for the taxable year shall be reduced by the credit
8 (if any) allowed by this section to the taxpayer for such
9 year.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Paragraph (2) of section 1324(b) of title
12 31, United States Code, is amended by inserting be-
13 fore the period “, or from section 35 of such Code”.

14 (2) The table of sections for subpart C of part
15 IV of subchapter A of chapter 1 of the Internal Rev-
16 enue Code of 1986 is amended by striking the last
17 item and inserting the following new items:

“Sec. 35. COBRA continuation coverage premiums.

“Sec. 36. Overpayments of tax.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2001, for premiums for months beginning
21 with January 2002.

1 **TITLE II—TRADE ADJUSTMENT**
2 **ASSISTANCE FOR FIRMS**

3 **SEC. 201. REAUTHORIZATION OF PROGRAM.**

4 (a) IN GENERAL.—Section 256(b) of chapter 3 of
5 title II of the Trade Act of 1974 (19 U.S.C. 2346(b)) is
6 amended to read as follows:

7 “(b) There are authorized to be appropriated to the
8 Secretary \$16,000,000 for each of fiscal years 2002
9 through 2006, to carry out the Secretary’s functions under
10 this chapter in connection with furnishing adjustment as-
11 sistance to firms. Amounts appropriated under this sub-
12 section shall remain available until expended.”.

13 (b) ELIGIBILITY CRITERIA.—Section 251(c) of Chap-
14 ter 3 of title II of the Trade Act of 1974 (19 U.S.C.
15 2341(c)(1)) is amended—

16 (1) in paragraph (1), by striking subparagraphs
17 (B) and (C) and inserting the following:

18 “(B) increases in value or volume of imports of
19 articles like or directly competitive with articles
20 which are produced by such firm contributed impor-
21 tantly to such total or partial separation, or threat
22 thereof, or

23 “(C) a shift in production by the workers’ firm
24 or subdivision to a foreign country of articles like or
25 directly competitive with articles which are produced

1 by that firm or subdivision contributed importantly
2 to the workers' separation or threat of separation.”;
3 and

4 (2) in paragraph (2), by striking “paragraph
5 (1)(C)” and inserting “subparagraphs (B) and (C)
6 of paragraph (1)”.

7 **TITLE III—TRADE ADJUSTMENT**
8 **ASSISTANCE FOR COMMUNITIES**

9 **SEC. 301. PURPOSE.**

10 The purpose of this title is to assist communities with
11 economic adjustment through the integration of political
12 and economic organizations, the coordination of Federal,
13 State, and local resources, the creation of community-
14 based development strategies, and the provision of eco-
15 nomic transition assistance.

16 **SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
17 **NITIES.**

18 Chapter 4 of title II of the Trade Act of 1974 (19
19 U.S.C. 2371 et seq.) is amended to read as follows:

20 **“CHAPTER 4—COMMUNITY ECONOMIC**
21 **ADJUSTMENT**

22 **“SEC. 271. DEFINITIONS.**

23 “In this chapter:

1 “(1) CIVILIAN LABOR FORCE.—The term ‘civil-
2 ian labor force’ has the meaning given that term in
3 regulations prescribed by the Secretary of Labor.

4 “(2) COMMUNITY.—The term ‘community’
5 means a county or equivalent political subdivision of
6 a State.

7 “(A) RURAL COMMUNITY.—The term
8 ‘rural community’ means a community that has
9 a rural-urban continuum code of 4 through 9.

10 “(B) URBAN COMMUNITY.—The term
11 ‘urban community’ means a community that
12 has a rural-urban continuum code of 0 through
13 3.

14 “(3) COMMUNITY ECONOMIC DEVELOPMENT CO-
15 ORDINATING COMMITTEE.—The term ‘Community
16 Economic Development Coordinating Committee’ or
17 ‘Committee’ means a community group established
18 under section 274 that consists of major groups sig-
19 nificantly affected by an increase in imports or a
20 shift in production, including local, regional, tribal,
21 and State governments, regional councils of govern-
22 ments and economic development, and business,
23 labor, education, health, religious, and other commu-
24 nity-based organizations.

1 “(4) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Community Economic
3 Adjustment.

4 “(5) ELIGIBLE COMMUNITY.—The term ‘eligible
5 community’ means a community certified under sec-
6 tion 273 as eligible for assistance under this chap-
7 ter.

8 “(6) JOB LOSS.—The term ‘job loss’ means the
9 total or partial separation of an individual, as those
10 terms are defined in section 221.

11 “(7) OFFICE.—The term ‘Office’ means the Of-
12 fice of Community Economic Adjustment established
13 under section 272.

14 “(8) RURAL-URBAN CONTINUUM CODE.—The
15 term ‘rural-urban continuum code’ means a code as-
16 signed to a community according to the rural-urban
17 continuum code system, as defined by the Economic
18 Research Service of the Department of Agriculture.

19 “(9) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Commerce.

21 **“SEC. 272. OFFICE OF COMMUNITY ECONOMIC ADJUST-**
22 **MENT.**

23 “(a) ESTABLISHMENT.—Within 6 months of the date
24 of enactment of the Trade Adjustment Assistance for
25 Workers, Farmers, Communities, and Firms Act of 2001,

1 there shall be established an Office of Community Eco-
2 nomic Adjustment in the Office of the Secretary of Com-
3 merce.

4 “(b) PERSONNEL.—The Office shall be headed by a
5 Director, and such staff as may be necessary to carry out
6 the responsibilities described in this chapter.

7 “(c) COORDINATION OF FEDERAL RESPONSE.—The
8 Office shall—

9 “(1) provide leadership, support, and coordina-
10 tion for a comprehensive management program to
11 address economic dislocation in eligible communities;

12 “(2) establish an easily accessible, one-stop
13 clearinghouse for States and eligible communities to
14 obtain information regarding economic development
15 assistance available under Federal law;

16 “(3) coordinate the Federal response to an eli-
17 gible community—

18 “(A) by identifying all Federal, State, and
19 local resources that are available to assist the
20 eligible community in recovering from economic
21 distress;

22 “(B) by ensuring that all Federal agencies
23 offering assistance to an eligible community do
24 so in a targeted, integrated manner that en-

1 sures that an eligible community has access to
2 all available Federal assistance;

3 “(C) by assuring timely consultation and
4 cooperation between Federal, State, and re-
5 gional officials concerning community economic
6 adjustment;

7 “(D) by identifying and strengthening ex-
8 isting agency mechanisms designed to assist
9 communities in economic adjustment and work-
10 force reemployment;

11 “(E) by applying consistent policies, prac-
12 tices, and procedures in the administration of
13 Federal programs that are used to assist com-
14 munities adversely impacted by an increase in
15 imports or a shift in production;

16 “(F) by creating, maintaining, and using a
17 uniform economic database to analyze commu-
18 nity adjustment activities; and

19 “(G) by assigning a community economic
20 adjustment advisor to work with each eligible
21 community;

22 “(4) provide comprehensive technical assistance
23 to any eligible community in the efforts of that com-
24 munity to—

1 “(A) identify serious economic problems in
2 the community that result from an increase in
3 imports or shift in production;

4 “(B) integrate the major groups and orga-
5 nizations significantly affected by the economic
6 adjustment;

7 “(C) organize a Community Economic De-
8 velopment Coordinating Committee;

9 “(D) access Federal, State, and local re-
10 sources designed to assist in economic develop-
11 ment and trade adjustment assistance;

12 “(E) diversify and strengthen the commu-
13 nity economy; and

14 “(F) develop a community-based strategic
15 plan to address workforce dislocation and eco-
16 nomic development;

17 “(5) establish specific criteria for submission
18 and evaluation of a strategic plan submitted under
19 section 276(d);

20 “(6) administer the grant programs established
21 under sections 276 and 277; and

22 “(7) establish an interagency Trade Adjustment
23 Assistance Working Group, consisting of the rep-
24 resentatives of any Federal department or agency
25 with responsibility for economic adjustment assist-

1 ance, including the Department of Agriculture, the
2 Department of Defense, the Department of Edu-
3 cation, the Department of Labor, the Department of
4 Housing and Urban Development, the Department
5 of Health and Human Services, the Small Business
6 Administration, the Department of the Treasury, the
7 Department of Commerce, the Office of the United
8 States Trade Representative, and the National Eco-
9 nomic Council.

10 **“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELI-**
11 **GIBLE COMMUNITY.**

12 “(a) NOTIFICATION.—The Secretary of Labor, not
13 later than 15 days after making a determination that a
14 group of workers is eligible for trade adjustment assist-
15 ance under section 231, shall notify the Governor of the
16 State in which the community in which the worker’s firm
17 is located and the Director, of the Secretary’s determina-
18 tion.

19 “(b) CERTIFICATION.—Not later than 30 days after
20 notification by the Secretary of Labor described in sub-
21 section (a), the Director shall certify as eligible for assist-
22 ance under this chapter a community in which 1 of the
23 following conditions apply:

1 “(1) NUMBER OF JOB LOSSES.—The Director
2 shall certify that a community is eligible for assist-
3 ance under this chapter if—

4 “(A) in an urban community, at least 500
5 workers have been certified for assistance under
6 section 231 in the most recent 36-month period
7 preceding the date of certification under this
8 section for which data are available; or

9 “(B) in a rural community, at least 300
10 workers have been certified for assistance under
11 section 231 in the most recent 36-month period
12 preceding the date of certification under this
13 section for which data are available.

14 “(2) PERCENT OF WORKFORCE UNEM-
15 PLOYED.—The Director shall certify that a commu-
16 nity is eligible for assistance under this chapter if
17 the unemployment rate for the community is at least
18 1 percent greater than the national unemployment
19 rate for the most recent 12-month period for which
20 data are available.

21 “(c) NOTIFICATION TO ELIGIBLE COMMUNITIES.—
22 Not later than 15 days after the Director certifies a com-
23 munity as eligible under subsection (b), the Director shall
24 notify the community—

25 “(1) of its determination under subsection (b);

1 “(2) of the provisions of this chapter;

2 “(3) how to access the clearinghouse established
3 under section 272(c)(2); and

4 “(4) how to obtain technical assistance provided
5 under section 272(c)(4).

6 **“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDI-**
7 **NATING COMMITTEE.**

8 “(a) **ESTABLISHMENT.**—In order to receive benefits
9 under this chapter, an eligible community shall establish
10 a Community Economic Development Coordinating Com-
11 mittee.

12 “(b) **COMPOSITION OF THE COMMITTEE.**—

13 “(1) **LOCAL PARTICIPATION.**—The Community
14 Economic Development Coordinating Committee es-
15 tablished by an eligible community under subsection
16 (a) shall include representatives of those groups sig-
17 nificantly affected by economic dislocation, such as
18 local, regional, tribal, and State governments, re-
19 gional councils of governments and economic devel-
20 opment, business, labor, education, health organiza-
21 tions, religious, and other community-based groups
22 providing assistance to workers, their families, and
23 communities.

24 “(2) **FEDERAL PARTICIPATION.**—Pursuant to
25 section 275(b)(3), the community economic adjust-

1 ment advisor, assigned by the Director to assist an
2 eligible community, shall serve as an ex officio mem-
3 ber of the Community Economic Development Co-
4 ordinating Committee, and shall arrange for partici-
5 pation by representatives of other Federal agencies
6 on that Committee as necessary.

7 “(3) EXISTING ORGANIZATION.—An eligible
8 community may designate an existing organization
9 in that community as the Community Economic De-
10 velopment Coordinating Committee if that organiza-
11 tion meets the requirements of paragraph (1) for the
12 purposes of this chapter.

13 “(c) DUTIES.—The Community Economic Develop-
14 ment Coordinating Committee shall—

15 “(1) ascertain the severity of the community
16 economic adjustment required as a result of the in-
17 crease in imports or shift in production;

18 “(2) assess the capacity of the community to
19 respond to the required economic adjustment and
20 the needs of the community as it undertakes eco-
21 nomic adjustment, taking into consideration such
22 factors as the number of jobs lost, the size of the
23 community, the diversity of industries, the skills of
24 the labor force, the condition of the current labor
25 market, the availability of financial resources, the

1 quality and availability of educational facilities, the
2 adequacy and availability of public services, and the
3 existence of a basic and advanced infrastructure in
4 the community;

5 “(3) facilitate a dialogue between concerned in-
6 terests in the community, represent the impacted
7 community, and ensure all interests in the commu-
8 nity work collaboratively toward collective goals
9 without duplication of effort or resources;

10 “(4) oversee the development of a strategic plan
11 for community economic development, taking into
12 consideration the factors mentioned under para-
13 graph (2), and consistent with the criteria estab-
14 lished by the Secretary for the strategic plan devel-
15 oped under section 276;

16 “(5) create an executive council of members of
17 the Community Economic Development Coordinating
18 Committee to promote the strategic plan within the
19 community and ensure coordination and cooperation
20 among all stakeholders; and

21 “(6) apply for any grant, loan, or loan guar-
22 antee available under Federal law to develop or im-
23 plement the strategic plan, and be an eligible recipi-
24 ent for funding for economic adjustment for that
25 community.

1 **“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVI-**
2 **SORS.**

3 “(a) IN GENERAL.—Pursuant to section
4 272(e)(3)(G), the Director shall assign a community eco-
5 nomic adjustment advisor to each eligible community.

6 “(b) DUTIES.—The community economic adjustment
7 advisor shall—

8 “(1) provide technical assistance to the eligible
9 community, assist in the development and implemen-
10 tation of a strategic plan, including applying for any
11 grant available under this or any other Federal law
12 to develop or implement that plan;

13 “(2) at the local and regional level, coordinate
14 the response of all Federal agencies offering assist-
15 ance to the eligible community;

16 “(3) serve as an ex officio member of the Com-
17 munity Economic Development Coordinating Com-
18 mittee established by an eligible community under
19 section 274;

20 “(4) act as liaison between the Community Eco-
21 nomic Development Coordinating Committee estab-
22 lished by the eligible community and all other Fed-
23 eral agencies that offer assistance to eligible commu-
24 nities, including the Department of Agriculture, the
25 Department of Defense, the Department of Edu-
26 cation, the Department of Labor, the Department of

1 Housing and Urban Development, the Department
2 of Health and Human Services, the Small Business
3 Administration, the Department of the Treasury, the
4 National Economic Council, and other offices or
5 agencies of the Department of Commerce;

6 “(5) report regularly to the Director regarding
7 the progress of development activities in the commu-
8 nity to which the community economic adjustment
9 advisor is assigned; and

10 “(6) perform other duties as directed by the
11 Secretary or the Director.

12 **“SEC. 276. STRATEGIC PLANS.**

13 “(a) IN GENERAL.—With the assistance of the com-
14 munity economic adjustment advisor, an eligible commu-
15 nity may develop a strategic plan for community economic
16 adjustment and diversification.

17 “(b) REQUIREMENTS FOR STRATEGIC PLAN.—A
18 strategic plan shall contain, at a minimum, the following:

19 “(1) A description and justification of the ca-
20 pacity for economic adjustment, including the meth-
21 od of financing to be used, the anticipated manage-
22 ment structure of the Community Economic Devel-
23 opment Coordinating Committee, and the commit-
24 ment of the community to the strategic plan over the
25 long term.

1 “(2) A description of, and a plan to accomplish,
2 the projects to be undertaken by the eligible commu-
3 nity.

4 “(3) A description of how the plan and the
5 projects to be undertaken by the eligible community
6 will lead to job creation and job retention in the
7 community.

8 “(4) A description of any alternative develop-
9 ment plans that were considered, particularly less
10 costly alternatives, and why those plans were re-
11 jected in favor of the proposed plan.

12 “(5) A description of any additional steps the
13 eligible community will take to achieve economic ad-
14 justment and diversification, including how the plan
15 and the projects will contribute to establishing or
16 maintaining a level of public services necessary to
17 attract and retain economic investment.

18 “(6) A description and justification for the cost
19 and timing of proposed basic and advanced infra-
20 structure improvements in the eligible community.

21 “(7) A description of the occupational and
22 workforce conditions in the eligible community, in-
23 cluding but not limited to existing levels of work-
24 force skills and competencies, and educational pro-

1 grams available for workforce training and future
2 employment needs.

3 “(8) A description of how the plan will adapt to
4 changing markets, business cycles, and other vari-
5 ables.

6 “(9) A graduation strategy through which the
7 eligible community demonstrates that the community
8 will terminate the need for Federal assistance.

9 “(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

10 “(1) IN GENERAL.—The Director, upon receipt
11 of an application from a Community Economic De-
12 velopment Coordinating Committee on behalf of an
13 eligible community, shall award a grant to that com-
14 munity to be used to develop the strategic plan.

15 “(2) AMOUNT.—The amount of a grant made
16 under paragraph (1) shall be determined by the Sec-
17 retary, but may not exceed \$50,000.

18 “(3) LIMIT.—Each community can only receive
19 1 grant for the purpose of developing a strategic
20 plan in any 5-year period.

21 “(d) SUBMISSION OF PLAN.—The strategic plan cre-
22 ated under subsection (a) shall be submitted to the Direc-
23 tor for evaluation and approval.

1 **“SEC. 277. GRANTS FOR ECONOMIC DEVELOPMENT.**

2 “The Director, upon receipt of an application from
3 the Community Economic Development Coordinating
4 Committee on behalf of an eligible community, may award
5 a grant to that community to carry out any project or
6 program included in the strategic plan approved under
7 section 276(d) that—

8 “(1) will be located in, or will create or preserve
9 high-wage jobs, in that eligible community; and

10 “(2) implements the strategy of that eligible
11 community to create high-wage jobs in sectors that
12 are expected to expand, including projects that—

13 “(A) encourage industries to locate in that
14 eligible community, if such funds are not used
15 to encourage the relocation of any employer in
16 a manner that causes the dislocation of employ-
17 ees of that employer at another facility in the
18 United States;

19 “(B) leverage resources to create or im-
20 prove Internet or telecommunications capabili-
21 ties to make the community more attractive for
22 business;

23 “(C) establish a funding pool for job cre-
24 ation through entrepreneurial activities;

25 “(D) assist existing firms in that commu-
26 nity to restructure or retool to become more

1 competitive in world markets and prevent job
2 loss; or

3 “(E) assist the community in acquiring the
4 resources and providing the level of public serv-
5 ices necessary to meet the objectives set out in
6 the strategic plan.

7 **“SEC. 278. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to the De-
9 partment of Commerce, for the period beginning October
10 1, 2001, and ending September 30, 2006, such sums as
11 may be necessary to carry out the purposes of this chap-
12 ter.

13 **“SEC. 279. GENERAL PROVISIONS.**

14 “(a) REPORT BY THE DIRECTOR.—Not later than 6
15 months after the date of enactment of this Act and annu-
16 ally thereafter, the Director shall submit to the Committee
17 on Finance of the Senate and the Committee on Ways and
18 Means of the House of Representatives a report regarding
19 the programs established under this title.

20 “(b) REGULATIONS.—The Secretary shall prescribe
21 such regulations as are necessary to carry out the provi-
22 sions of this chapter.

23 “(c) SUPPLEMENT NOT SUPPLANT.—Funds appro-
24 priated under this chapter shall be used to supplement and
25 not supplant other Federal, State, and local public funds

1 expended to provide economic development assistance for
2 communities.”.

3 **TITLE IV—TRADE ADJUSTMENT**
4 **ASSISTANCE FOR FARMERS**

5 **SEC. 401. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.**

6 Title II of the Trade Act of 1974 (19 U.S.C. 2251
7 et seq.) is amended by adding at the end the following
8 new chapter:

9 **“CHAPTER 6—ADJUSTMENT ASSISTANCE**
10 **FOR FARMERS**

11 **“SEC. 291. DEFINITIONS.**

12 “In this chapter:

13 “(1) **AGRICULTURAL COMMODITY.**—The term
14 ‘agricultural commodity’ means any agricultural
15 commodity (including livestock, fish, or harvested
16 seafood) in its raw or natural state.

17 “(2) **AGRICULTURAL COMMODITY PRODUCER.**—
18 The term ‘agricultural commodity producer’ means
19 any person who is engaged in the production and
20 sale of an agricultural commodity in the United
21 States and who owns or shares the ownership and
22 risk of loss of the agricultural commodity.

23 “(3) **CONTRIBUTED IMPORTANTLY.**—

24 “(A) **IN GENERAL.**—The term ‘contributed
25 importantly’ means a cause which is important

1 but not necessarily more important than any
2 other cause.

3 “(B) DETERMINATION OF CONTRIBUTED
4 IMPORTANTLY.—The determination of whether
5 imports of articles like or directly competitive
6 with an agricultural commodity with respect to
7 which the petition under this chapter was filed
8 contributed importantly to a decline in the price
9 of the agricultural commodity shall be made by
10 the Secretary of Agriculture.

11 “(4) DULY AUTHORIZED REPRESENTATIVE.—
12 The term ‘duly authorized representative’ means an
13 association of agricultural commodity producers.

14 “(5) NATIONAL AVERAGE PRICE.—The term
15 ‘national average price’ means the national average
16 price paid to an agricultural commodity producer for
17 an agricultural commodity in a marketing year as
18 determined by the Secretary of Agriculture.

19 “(6) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Agriculture.

21 **“SEC. 292. PETITIONS; GROUP ELIGIBILITY.**

22 “(a) IN GENERAL.—A petition for a certification of
23 eligibility to apply for adjustment assistance under this
24 chapter may be filed with the Secretary by a group of agri-
25 cultural commodity producers or by their duly authorized

1 representative. Upon receipt of the petition, the Secretary
2 shall promptly publish notice in the Federal Register that
3 the Secretary has received the petition and initiated an
4 investigation.

5 “(b) HEARINGS.—If the petitioner, or any other per-
6 son found by the Secretary to have a substantial interest
7 in the proceedings, submits not later than 10 days after
8 the date of the Secretary’s publication under subsection
9 (a) a request for a hearing, the Secretary shall provide
10 for a public hearing and afford such interested persons
11 an opportunity to be present, to produce evidence, and to
12 be heard.

13 “(c) GROUP ELIGIBILITY REQUIREMENTS.—The
14 Secretary shall certify a group of agricultural commodity
15 producers as eligible to apply for adjustment assistance
16 under this chapter if the Secretary determines—

17 “(1) that the national average price for the ag-
18 ricultural commodity, or a class of goods within the
19 agricultural commodity, produced by the group for
20 the most recent marketing year for which the na-
21 tional average price is available is less than 80 per-
22 cent of the average of the national average price for
23 such agricultural commodity, or such class of goods,
24 for the 5 marketing years preceding the most recent
25 marketing year; and

1 “(2) that increases in imports of articles like or
2 directly competitive with the agricultural commodity,
3 or class of goods within the agricultural commodity,
4 produced by the group contributed importantly to
5 the decline in price described in paragraph (1).

6 “(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT
7 YEARS.—A group of agricultural commodity producers
8 certified as eligible under section 293 shall be eligible to
9 apply for assistance under this chapter in any qualified
10 year after the year the group is first certified, if the Sec-
11 retary determines that—

12 “(1) the national average price for the agricul-
13 tural commodity, or class of goods within the agri-
14 cultural commodity, produced by the group for the
15 most recent marketing year for which the national
16 average price is available is equal to or less than the
17 price determined under subsection (c)(1); and

18 “(2) the requirements of subsection (c)(2) are
19 met.

20 “(e) DETERMINATION OF QUALIFIED YEAR AND
21 COMMODITY.—In this chapter:

22 “(1) QUALIFIED YEAR.—The term ‘qualified
23 year’, with respect to a group of agricultural com-
24 modity producers certified as eligible under section
25 293, means each consecutive year after the year in

1 which the group is certified that the Secretary
2 makes the determination under subsection (c) or (d),
3 as the case may be.

4 “(2) CLASSES OF GOODS WITHIN A COM-
5 MODITY.—In any case in which there are separate
6 classes of goods within an agricultural commodity,
7 the Secretary shall treat each class as a separate
8 commodity in determining group eligibility, the na-
9 tional average price, and level of imports under this
10 section and section 296.

11 **“SEC. 293. DETERMINATIONS BY SECRETARY OF AGRICULTURE.**
12 **CULTURE.**

13 “(a) IN GENERAL.—As soon as practicable after the
14 date on which a petition is filed under section 292, but
15 in any event not later than 60 days after that date, the
16 Secretary shall determine whether the petitioning group
17 meets the requirements of section 292 (c) or (d), as the
18 case may be and shall, if the group meets the require-
19 ments, issue a certification of eligibility to apply for assist-
20 ance under this chapter covering agricultural commodity
21 producers in any group that meet the requirements. Each
22 certification shall specify the date on which eligibility
23 under this chapter begins.

24 “(b) NOTICE.—Upon making a determination on a
25 petition, the Secretary shall promptly publish a summary

1 of the determination in the Federal Register, together with
2 the Secretary's reasons for making the determination.

3 “(c) **TERMINATION OF CERTIFICATION.**—Whenever
4 the Secretary determines, with respect to any certification
5 of eligibility under this chapter, that the decline in price
6 for the agricultural commodity covered by the certification
7 is no longer attributable to the conditions described in sec-
8 tion 292, the Secretary shall terminate such certification
9 and promptly cause notice of such termination to be pub-
10 lished in the Federal Register, together with the Sec-
11 retary's reasons for making such determination.

12 **“SEC. 294. STUDY BY SECRETARY OF AGRICULTURE WHEN**
13 **INTERNATIONAL TRADE COMMISSION BE-**
14 **GINS INVESTIGATION.**

15 “(a) **IN GENERAL.**—Whenever the International
16 Trade Commission (in this chapter referred to as the
17 ‘Commission’) begins an investigation under section 202
18 with respect to an agricultural commodity, the Commis-
19 sion shall immediately notify the Secretary of the inves-
20 tigation. Upon receipt of the notification, the Secretary
21 shall immediately conduct a study of—

22 “(1) the number of agricultural commodity pro-
23 ducers producing a like or directly competitive agri-
24 cultural commodity who have been or are likely to be

1 certified as eligible for adjustment assistance under
2 this chapter, and

3 “(2) the extent to which the adjustment of such
4 producers to the import competition may be facili-
5 tated through the use of existing programs.

6 “(b) REPORT.—Not later than 15 days after the day
7 on which the Commission makes its report under section
8 202(f), the Secretary shall submit a report to the Presi-
9 dent setting forth the findings of the study under sub-
10 section (a). Upon making his report to the President, the
11 Secretary shall also promptly make it public (with the ex-
12 ception of information which the Secretary determines to
13 be confidential) and shall have a summary of it published
14 in the Federal Register.

15 **“SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL**
16 **COMMODITY PRODUCERS.**

17 “(a) IN GENERAL.—The Secretary shall provide full
18 information to producers about the benefit allowances,
19 training, and other employment services available under
20 this title and about the petition and application proce-
21 dures, and the appropriate filing dates, for such allow-
22 ances, training, and services. The Secretary shall provide
23 whatever assistance is necessary to enable groups to pre-
24 pare petitions or applications for program benefits under
25 this title.

1 “(b) NOTICE OF BENEFITS.—

2 “(1) IN GENERAL.—The Secretary shall mail
3 written notice of the benefits available under this
4 chapter to each agricultural commodity producer
5 that the Secretary has reason to believe is covered
6 by a certification made under this chapter.

7 “(2) OTHER NOTICE.—The Secretary shall pub-
8 lish notice of the benefits available under this chap-
9 ter to agricultural commodity producers that are
10 covered by each certification made under this chap-
11 ter in newspapers of general circulation in the areas
12 in which such producers reside.

13 “(3) OTHER FEDERAL ASSISTANCE.—The Sec-
14 retary shall also provide information concerning pro-
15 cedures for applying for and receiving all other Fed-
16 eral assistance and services available to workers fac-
17 ing economic distress.

18 **“SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICUL-**
19 **TURAL COMMODITY PRODUCERS.**

20 “(a) IN GENERAL.—Payment of a trade adjustment
21 allowance shall be made to an adversely affected agricul-
22 tural commodity producer covered by a certification under
23 this chapter who files an application for such allowance
24 within 90 days after the date on which the Secretary
25 makes a determination and issues a certification of eligi-

1 bility under section 293, if the following conditions are
2 met:

3 “(1) The producer submits to the Secretary suf-
4 ficient information to establish the amount of agri-
5 cultural commodity covered by the application filed
6 under subsection (a) that was produced by the pro-
7 ducer in the most recent year.

8 “(2) The producer certifies that the producer
9 has not received cash benefits under any provision of
10 this title other than this chapter.

11 “(3) The producer’s net farm income (as deter-
12 mined by the Secretary) for the most recent year is
13 less than the producer’s net farm income for the lat-
14 est year in which no adjustment assistance was re-
15 ceived by the producer under this chapter.

16 “(4) The producer certifies that the producer
17 has met with an Extension Service employee or
18 agent to obtain, at no cost to the producer, informa-
19 tion and technical assistance that will assist the pro-
20 ducer in adjusting to import competition with re-
21 spect to the adversely affected agricultural com-
22 modity, including—

23 “(A) information regarding the feasibility
24 and desirability of substituting 1 or more alter-

1 native commodities for the adversely affected
2 agricultural commodity; and

3 “(B) technical assistance that will improve
4 the competitiveness of the production and mar-
5 keting of the adversely affected agricultural
6 commodity by the producer, including yield and
7 marketing improvements.

8 “(b) AMOUNT OF CASH BENEFITS.—

9 “(1) IN GENERAL.—Subject to the provisions of
10 section 298, an adversely affected agricultural com-
11 modity producer described in subsection (a) shall be
12 entitled to adjustment assistance under this chapter
13 in an amount equal to the product of—

14 “(A) one-half of the difference between—

15 “(i) an amount equal to 80 percent of
16 the average of the national average price of
17 the agricultural commodity covered by the
18 application described in subsection (a) for
19 the 5 marketing years preceding the most
20 recent marketing year, and

21 “(ii) the national average price of the
22 agricultural commodity for the most recent
23 marketing year, and

1 “(B) the amount of the agricultural com-
2 modity produced by the agricultural commodity
3 producer in the most recent marketing year.

4 “(2) SPECIAL RULE FOR SUBSEQUENT QUALI-
5 FIED YEARS.—The amount of cash benefits for a
6 qualified year shall be determined in the same man-
7 ner as cash benefits are determined under paragraph
8 (1) except that the average national price of the ag-
9 ricultural commodity shall be determined under
10 paragraph (1)(A)(i) by using the 5-marketing-year
11 period used to determine the amount of cash bene-
12 fits for the first certification.

13 “(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—
14 The maximum amount of cash benefits an agricultural
15 commodity producer may receive in any 12-month period
16 shall not exceed \$10,000.

17 “(d) LIMITATIONS ON OTHER ASSISTANCE.—An ag-
18 ricultural commodity producer entitled to receive a cash
19 benefit under this chapter—

20 “(1) shall not be eligible for any other cash
21 benefit under this title, and

22 “(2) shall be entitled to employment services
23 and training benefits under part III of subchapter C
24 of chapter 2.

1 **“SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.**

2 “(a) IN GENERAL.—

3 “(1) REPAYMENT.—If the Secretary, or a court
4 of competent jurisdiction, determines that any per-
5 son has received any payment under this chapter to
6 which the person was not entitled, such person shall
7 be liable to repay such amount to the Secretary, ex-
8 cept that the Secretary may waive such repayment
9 if the Secretary determines, in accordance with
10 guidelines prescribed by the Secretary, that—

11 “(A) the payment was made without fault
12 on the part of such person; and

13 “(B) requiring such repayment would be
14 contrary to equity and good conscience.

15 “(2) RECOVERY OF OVERPAYMENT.—Unless an
16 overpayment is otherwise recovered, or waived under
17 paragraph (1), the Secretary shall recover the over-
18 payment by deductions from any sums payable to
19 such person under this chapter.

20 “(b) FALSE STATEMENTS.—If the Secretary, or a
21 court of competent jurisdiction, determines that a
22 person—

23 “(1) knowingly has made, or caused another to
24 make, a false statement or representation of a mate-
25 rial fact, or

1 “(2) knowingly has failed, or caused another to
2 fail, to disclose a material fact,
3 and, as a result of such false statement or representation,
4 or of such nondisclosure, such person has received any
5 payment under this chapter to which the person was not
6 entitled, such person shall, in addition to any other pen-
7 alty provided by law, be ineligible for any further pay-
8 ments under this chapter.

9 “(c) NOTICE AND DETERMINATION.—Except for
10 overpayments determined by a court of competent jurisdic-
11 tion, no repayment may be required, and no deduction
12 may be made, under this section until a determination
13 under subsection (a)(1) by the Secretary has been made,
14 notice of the determination and an opportunity for a fair
15 hearing thereon has been given to the person concerned,
16 and the determination has become final.

17 “(d) PAYMENT TO TREASURY.—Any amount recov-
18 ered under this section shall be returned to the Treasury
19 of the United States.

20 “(e) PENALTIES.—Whoever makes a false statement
21 of a material fact knowing it to be false, or knowingly fails
22 to disclose a material fact, for the purpose of obtaining
23 or increasing for himself or for any other person any pay-
24 ment authorized to be furnished under this chapter shall

1 be fined not more than \$10,000 or imprisoned for not
2 more than 1 year, or both.

3 **“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There are authorized to be ap-
5 propriated and there are appropriated to the Department
6 of Agriculture not to exceed \$100,000,000 for each of the
7 fiscal years 2002 through 2006 to carry out the purposes
8 of this chapter.

9 “(b) PROPORTIONATE REDUCTION.—If in any year,
10 the amount appropriated under this chapter is insufficient
11 to meet the requirements for adjustment assistance pay-
12 able under this chapter, the amount of assistance payable
13 under this chapter shall be reduced proportionately.”.

14 **TITLE V—CONFORMING AMEND-**
15 **MENTS AND EFFECTIVE DATE**

16 **SEC. 501. CONFORMING AMENDMENTS.**

17 (a) AMENDMENTS TO THE TRADE ACT OF 1974.—

18 (1) ASSISTANCE TO INDUSTRIES.—Section 265
19 of the Trade Act of 1974 (19 U.S.C. 2355) is
20 amended by striking “certified as eligible to apply
21 for adjustment assistance under sections 231 or
22 251”, and inserting “certified as eligible for trade
23 adjustment assistance benefits under section 231, or
24 as eligible to apply for adjustment assistance under
25 section 251”.

1 (2) GENERAL ACCOUNTING OFFICE REPORT.—
2 Section 280(a) of the Trade Act of 1974 is amended
3 by striking “January 31, 1980” and inserting “Jan-
4 uary 31, 2004”.

5 (3) JUDICIAL REVIEW.—Section 284(a) of the
6 Trade Act of 1974 (19 U.S.C. 2395(a)) is amended
7 by striking “under section 223 or section 250(c)”
8 and all that follows through “the Secretary of Com-
9 merce under section 271” and inserting “under sec-
10 tion 231, a firm or its representative, or any other
11 interested domestic party aggrieved by a final deter-
12 mination of the Secretary of Commerce under sec-
13 tion 251 or a farmer aggrieved by a determination
14 of the Secretary of Agriculture under section 292, or
15 a community or any other interested domestic party
16 aggrieved by a final determination of the Director of
17 the Office of Community Economic Adjustment
18 under section 273”.

19 (4) TERMINATION.—Section 285 of the Trade
20 Act of 1974 is amended to read as follows:

21 **“SEC. 285. TERMINATION.**

22 “(a) ASSISTANCE FOR WORKERS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), trade adjustment assistance, vouchers, al-

1 lowances, and other payments or benefits may not be
2 provided under chapter 2 after September 30, 2006.

3 “(2) EXCEPTION.—Notwithstanding subsection
4 (a)(1), a worker shall continue to receive trade ad-
5 justment assistance benefits and other benefits
6 under chapter 2 for any week for which the worker
7 meets the eligibility requirements of that chapter, if
8 on or before September 30, 2006, the worker is—

9 “(A) certified as eligible for trade adjust-
10 ment assistance benefits under section 231; and

11 “(B) is otherwise eligible to receive trade
12 adjustment assistance benefits under chapter 2.

13 “(b) OTHER ASSISTANCE.—

14 “(1) ASSISTANCE FOR FIRMS.—Technical as-
15 sistance may not be provided under chapter 3 after
16 September 30, 2006.

17 “(2) ASSISTANCE FOR COMMUNITIES.—Tech-
18 nical assistance and other payments may not be pro-
19 vided under chapter 4 after September 30, 2006.”.

20 (5) TABLE OF CONTENTS.—

21 (A) IN GENERAL.—The table of contents
22 for chapters 2, 3, and 4 of title II of the Trade
23 Act of 1974 is amended to read as follows:

“CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

“SUBCHAPTER A—GENERAL PROVISIONS

“Sec. 221. Definitions.

“Sec. 222. Agreements with States.

- “Sec. 223. Administration absent State agreement.
- “Sec. 224. Data collection; evaluations; reports.
- “Sec. 225. Study by Secretary of Labor when International Trade Commission begins investigation.

“SUBCHAPTER B—CERTIFICATIONS

- “Sec. 231. Certification as adversely affected workers.
- “Sec. 232. Benefit information to workers.

“SUBCHAPTER C—PROGRAM BENEFITS

“PART I—GENERAL PROVISIONS

- “Sec. 234. Comprehensive assistance.

“PART II—TRADE ADJUSTMENT ALLOWANCES

- “Sec. 235. Qualifying requirements for workers.
- “Sec. 236. Weekly amounts.
- “Sec. 237. Limitations on trade adjustment allowances.
- “Sec. 238. Application of State laws.

“PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

- “Sec. 239. Employment services.
- “Sec. 240. Training.
- “Sec. 241. Job search allowances.
- “Sec. 242. Relocation allowances.
- “Sec. 243. Supportive services.

“SUBCHAPTER D—PAYMENT AND ENFORCEMENT PROVISIONS

- “Sec. 244. Payments to States.
- “Sec. 245. Liabilities of certifying and disbursing officers.
- “Sec. 246. Fraud and recovery of overpayments.
- “Sec. 247. Criminal penalties.
- “Sec. 248. Authorization of appropriations.
- “Sec. 249. Regulations.
- “Sec. 250. Subpoena power.

“CHAPTER 3—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

- “Sec. 251. Petitions and determinations.
- “Sec. 252. Approval of adjustment proposals.
- “Sec. 253. Technical assistance.
- “Sec. 254. Financial assistance.
- “Sec. 255. Conditions for financial assistance.
- “Sec. 256. Delegation of functions to Small Business Administration; authorization of appropriations.
- “Sec. 257. Administration of financial assistance.
- “Sec. 258. Protective provisions.
- “Sec. 259. Penalties.
- “Sec. 260. Suits.
- “Sec. 261. Definition of firm.
- “Sec. 262. Regulations.
- “Sec. 264. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.

“Sec. 265. Assistance to industries.

“CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

“Sec. 271. Definitions.

“Sec. 272. Office of Community Economic Adjustment.

“Sec. 273. Notification and certification as an eligible community.

“Sec. 274. Community Economic Development Coordinating Committee.

“Sec. 275. Community economic adjustment advisors.

“Sec. 276. Strategic plans.

“Sec. 277. Grants for economic development.

“Sec. 278. Authorization of appropriations.

“Sec. 279. General Provisions.”.

1 (B) CHAPTER 6.—The table of contents for
2 title II of the Trade Act of 1974, as amended
3 by subparagraph (A), is amended by inserting
4 after the items relating to chapter 5 the fol-
5 lowing:

“CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

“Sec. 291. Definitions.

“Sec. 292. Petitions; group eligibility.

“Sec. 293. Determinations by Secretary.

“Sec. 294. Study by Secretary when International Trade Commission begins in-
investigation.

“Sec. 295. Benefit information to agricultural commodity producers.

“Sec. 296. Qualifying requirements for agricultural commodity producers.

“Sec. 297. Fraud and recovery of overpayments.

“Sec. 298. Authorization of appropriations.”.

6 (b) INTERNAL REVENUE CODE.—

7 (1) ADJUSTED GROSS INCOME.—Section
8 62(a)(12) of the Internal Revenue Code of 1986 (re-
9 lating to the definition of adjusted gross income) is
10 amended by striking “trade readjustment allowances
11 under section 231 or 232” and inserting “trade ad-
12 justment allowances under section 235 or 236”.

13 (2) FEDERAL UNEMPLOYMENT.—

1 (A) IN GENERAL.—Section 3304(a)(8) of
2 the Internal Revenue Code of 1986 (relating to
3 the approval of State unemployment insurance
4 laws) is amended to read as follows:

5 “(8) compensation shall not be denied to an in-
6 dividual for any week because the individual is in
7 training with the approval of the State agency, or in
8 training approved by the Secretary of Labor pursu-
9 ant to chapter 2 of title II of the Trade Act of 1974
10 (or because of the application, to any such week in
11 training, of State law provisions relating to avail-
12 ability for work, active search for work, or refusal to
13 accept work);”.

14 (B) EFFECTIVE DATE.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), the amendments made by
17 this paragraph shall apply in the case of
18 compensation paid for weeks beginning on
19 or after October 1, 2001.

20 (ii) MEETING OF STATE LEGISLA-
21 TURE.—

22 (I) IN GENERAL.—If the Sec-
23 retary of Labor identifies a State as
24 requiring a change to its statutes or
25 regulations in order to comply with

1 the amendments made by subpara-
2 graph (A), the amendments made by
3 subparagraph (A) shall apply in the
4 case of compensation paid for weeks
5 beginning after the earlier of—

6 (aa) the date the State
7 changes its statutes or regula-
8 tions in order to comply with the
9 amendments made by this sec-
10 tion; or

11 (bb) the end of the first ses-
12 sion of the State legislature
13 which begins after the date of en-
14 actment of this Act or which
15 began prior to such date and re-
16 mained in session for at least 25
17 calendar days after such date;

18 except that in no case shall the
19 amendments made by this Act apply
20 before October 1, 2001.

21 (II) SESSION DEFINED.—In this
22 clause, the term “session” means a
23 regular, special, budget, or other ses-
24 sion of a State legislature.

25 (c) AMENDMENTS TO TITLE 28.—

1 (1) CIVIL ACTIONS AGAINST THE UNITED
2 STATES.—Section 1581(d) of title 28, United States
3 Code, is amended—

4 (A) in paragraph (1), by striking “section
5 223” and inserting “section 231”; and

6 (B) in paragraph (3), by striking “section
7 271” and inserting “section 273”.

8 (2) PERSONS ENTITLED TO COMMENCE A CIVIL
9 ACTION.—Section 2631 of title 28, United States
10 Code, is amended—

11 (A) by amending subsection (d)(1) to read
12 as follows:

13 “(d)(1) A civil action to review any final determina-
14 tion of the Secretary of Labor under section 231 of the
15 Trade Act of 1974 with respect to the certification of
16 workers as adversely affected and eligible for trade adjust-
17 ment assistance under that Act may be commenced by a
18 worker, a group of workers, a certified or recognized
19 union, or an authorized representative of such worker or
20 group, that petitions for certification under that Act and
21 is aggrieved by the final determination.”; and

22 (B) in subsection (d)(3), by striking “Sec-
23 retary of Commerce under section 271” and in-
24 serting “Director of the Office of Community
25 Economic Adjustment under section 273”.

1 (3) TIME FOR COMMENCEMENT OF ACTION.—
2 Section 2636(d) of title 28, United States Code, is
3 amended by striking “under section 223 of the
4 Trade Act of 1974 or a final determination of the
5 Secretary of Commerce under section 251 or section
6 271 of such Act” and inserting “under section 231
7 of the Trade Act of 1974, a final determination of
8 the Secretary of Commerce under section 251 of
9 that Act, or a final determination of the Director of
10 the Office of Community Economic Adjustment
11 under section 273 of that Act”.

12 (4) SCOPE AND STANDARD OF REVIEW.—Sec-
13 tion 2640(c) of title 28, United States Code, is
14 amended by striking “under section 223 of the
15 Trade Act of 1974 or any final determination of the
16 Secretary of Commerce under section 251 or section
17 271 of such Act” and inserting “under section 231
18 of the Trade Act of 1974, a final determination of
19 the Secretary of Commerce under section 251 of
20 that Act, or a final determination of the Director of
21 the Office of Community Economic Adjustment
22 under section 273 of that Act”.

23 (5) RELIEF.—Section 2643(c)(2) of title 28,
24 United States Code, is amended by striking “under
25 section 223 of the Trade Act of 1974 or any final

1 determination of the Secretary of Commerce under
2 section 251 or section 271 of such Act” and insert-
3 ing “under section 231 of the Trade Act of 1974,
4 a final determination of the Secretary of Commerce
5 under section 251 of that Act, or a final determina-
6 tion of the Director of the Office of Community Eco-
7 nomic Adjustment under section 273 of that Act”.

8 (d) AMENDMENT TO THE FOOD STAMP ACT OF
9 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977
10 (7 U.S.C. 2015(o)(1)(B)) is amended by striking “section
11 236” and inserting “section 240”.

12 **TITLE VI—SAVINGS PROVISIONS** 13 **AND EFFECTIVE DATE**

14 **SEC. 601. SAVINGS PROVISIONS.**

15 (a) PROCEEDINGS NOT AFFECTED.—

16 (1) IN GENERAL.—The provisions of this Act
17 shall not affect any petition for certification for ben-
18 efits under chapter 2 of title II of the Trade Act of
19 1974 that is in effect on September 30, 2001. De-
20 terminations shall be issued, appeals shall be taken
21 therefrom, and payments shall be made under those
22 determinations, as if this Act had not been enacted,
23 and orders issued in any proceeding shall continue
24 in effect until modified, terminated, superseded, or

1 revoked by a duly authorized official, by a court of
2 competent jurisdiction, or by operation of law.

3 (2) MODIFICATION OR DISCONTINUANCE.—

4 Nothing in this subsection shall be deemed to pro-
5 hibit the discontinuance or modification of any pro-
6 ceeding under the same terms and conditions and to
7 the same extent that the proceeding could have been
8 discontinued or modified if this Act had not been en-
9 acted.

10 (b) SUITS NOT AFFECTED.—The provisions of this
11 Act shall not affect any suit commenced before October
12 1, 2001, and in all those suits, proceedings shall be had,
13 appeals taken, and judgments rendered in the same man-
14 ner and with the same effect as if this Act had not been
15 enacted.

16 (c) NONABATEMENT OF ACTIONS.—No suit, action,
17 or other proceeding commenced by or against the Federal
18 Government, or by or against any individual in the official
19 capacity of that individual as an officer of the Federal
20 Government, shall abate by reason of enactment of this
21 Act.

22 **SEC. 602. EFFECTIVE DATE.**

23 (a) IN GENERAL.—Except as otherwise provided in
24 section 102, section 501(b)(2)(B), and subsection (b) of

1 this section, the amendments made by this Act shall apply
2 to—

3 (1) petitions for certification filed under chapter
4 2 or 3 of title II of the Trade Act of 1974 on or
5 after October 1, 2001;

6 (2) petitions for certification filed under chapter
7 2 or 3 of title II of the Trade Act of 1974 before
8 October 1, 2001, that are pending on such date; and

9 (3) certifications for assistance under chapter 4
10 of title II of the Trade Act of 1974 issued on or
11 after October 1, 2001.

12 (b) WORKERS CERTIFIED AS ELIGIBLE BEFORE OC-
13 TOBER 1, 2001.—Notwithstanding subsection (a), a work-
14 er shall continue to receive (or be eligible to receive) trade
15 adjustment assistance and other benefits under chapter 2
16 of title II of the Trade Act of 1974, as in effect on Sep-
17 tember 30, 2001, for any week for which the worker meets
18 the eligibility requirements of such chapter II as in effect
19 on such date, if on or before September 30, 2001, the
20 worker—

21 (1) was certified as eligible for trade adjust-
22 ment assistance benefits under such chapter as in
23 effect on such date; and

1 (2) would otherwise be eligible to receive trade
2 adjustment assistance benefits under such chapter
3 as in effect on such date.

○