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 SENATE OF THE UNITED STATES

JULY 17, 2002

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Finance

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.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Trade Adjustment Assistance Improvement Act of 2002”.

(b) Table of Contents.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 101. Adjustment assistance for workers.
Sec. 102. Displaced worker self-employment training pilot program.
Sec. 103. Coordination with other trade provisions.

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.
Sec. 303. Community workforce partnerships.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Sec. 601. Trade adjustment assistance health insurance credit.
Sec. 602. Advance payment of trade adjustment assistance health insurance credit.
Sec. 603. Health insurance coverage for eligible individuals.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Conforming amendments.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 801. Savings provisions.
Sec. 802. Effective date.

TITLE IX—REVENUE PROVISIONS

Sec. 901. Custom user fees.

1 TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

2 SEC. 101. ADJUSTMENT ASSISTANCE FOR WORKERS.

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

•S 2737 IS
“CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

“Subchapter A—General Provisions

“SEC. 221. DEFINITIONS.

“In this chapter:

“(1) ADDITIONAL COMPENSATION.—The term ‘additional compensation’ has the meaning given that term in section 205(3) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(2) ADVERSELY AFFECTED EMPLOYMENT.— The term ‘adversely affected employment’ means employment in a firm or appropriate subdivision of a firm, if workers of that firm or subdivision are eligible to apply for adjustment assistance under this chapter.

“(3) ADVERSELY AFFECTED WORKER.—

“(A) IN GENERAL.—The term ‘adversely affected worker’ means a worker who is a member of a group of workers certified by the Secretary under section 231(a)(1) as eligible for trade adjustment assistance.

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

“(4) AVERAGE WEEKLY HOURS.—The term ‘av-
erage weekly hours’ means the average hours worked
by a worker (excluding overtime) in the employment
from which the worker has been or claims to have
been separated in the 52 weeks (excluding weeks
during which the worker was on leave for purposes
of vacation, sickness, maternity, military service, or
any other employer-authorized leave) preceding the
week specified in paragraph (5)(B)(ii).

“(5) AVERAGE WEEKLY WAGE.—

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

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

“(i) the term ‘high quarter’ means the
quarter in which the individual’s total
wages were highest among the first 4 of
the last 5 completed calendar quarters im-
mediately preceding the quarter in which
occurs the week with respect to which the
computation is made; and

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

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

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

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

“(7) BENEFIT YEAR.—The term ‘benefit year’
has the same meaning given that term in the Fed-
eral-State Extended Unemployment Compensation

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

“(9) COOPERATING STATE.—The term ‘cooperating State’ means any State that has entered into an agreement with the Secretary under section 222.

“(10) CUSTOMIZED TRAINING.—The term ‘customized training’ means training that is designed to meet the special requirements of an employer (including a group of employers) and that is conducted with a commitment by the employer to employ an individual on successful completion of the training.

“(11) DOWNSTREAM PRODUCER.—The term ‘downstream producer’ means a firm that performs additional, value-added production processes for a firm or subdivision covered by a certification of eligibility under section 231(a)(1), including a firm that performs final assembly, finishing, or packaging of articles.

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

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

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

“(15) JOB SEARCH WORKSHOP.—The term ‘job search workshop’ means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques, and techniques for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

“(16) ON-THE-JOB TRAINING.—The term ‘on-the-job training’ has the same meaning as that term has in section 101(31) of the Workforce Investment Act.

“(17) PARTIAL SEPARATION.—A partial separation shall be considered to exist with respect to an individual if—

“(A) the individual has had a 20-percent or greater reduction in the average weekly hours worked by that individual in adversely affected employment; and

“(B) the individual has had a 20-percent or greater reduction in the average weekly wage
of the individual with respect to adversely affected employment.

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

“(19) REGULAR STATE UNEMPLOYMENT.—The term ‘regular State unemployment’ means unemployment insurance benefits other than an extension of unemployment insurance by a State using its own funds beyond either the 26-week period mandated by Federal law or any additional period provided for under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

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

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

“(22) STATE AGENCY.—The term ‘State agency’ means the agency of the State that administers the State law.

“(23) STATE LAW.—The term ‘State law’ means the unemployment insurance law of the State
approved by the Secretary under section 3304 of the

“(24) SUPPLIER.—The term ‘supplier’ means a
firm that produces component parts for, or articles
considered to be a part of, the production process
for articles produced by a firm or subdivision cov-
ered by a certification of eligibility under section
231(a)(1). The term ‘supplier’ also includes a firm
that provides services under contract to a firm or
subdivision covered by such certification.

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

“(26) UNEMPLOYMENT INSURANCE.—The term
‘unemployment insurance’ means the unemployment
compensation payable to an individual under any
State law or Federal unemployment compensation
law, including chapter 85 of title 5, United States
Code, and the Railroad Unemployment Insurance
Act (45 U.S.C. 351 et seq.).

“(27) WEEK.—Except as provided in paragraph
5(B)(ii), the term ‘week’ means a week as defined
in the applicable State law.
“(28) WEEK OF UNEMPLOYMENT.—The term ‘week of unemployment’ means a week of total, part-
total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

“SEC. 222. AGREEMENTS WITH STATES.

“(a) IN GENERAL.—The Secretary is authorized on behalf of the United States to enter into an agreement with any State or with any State agency (referred to in this chapter as ‘cooperating State’ and ‘cooperating State agency’, respectively) to facilitate the provision of services under this chapter.

“(b) PROVISIONS OF AGREEMENTS.—Under an agreement entered into under subsection (a)—

“(1) the cooperating State agency as an agent of the United States shall—

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

“(B) assist the Secretary in the review of any petition submitted from that State by verifying the information and providing other assistance as the Secretary may request;
“(C) advise each worker who applies for unemployment insurance of the available benefits under this chapter and the procedures and deadlines for applying for those benefits;

“(D) receive applications for services under this chapter;

“(E) provide payments on the basis provided for in this chapter;

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

“(G) ensure that the State employees with responsibility for carrying out an agreement entered into under subsection (a)—

“(i) inform adversely affected workers covered by a certification issued under section 231(e) of the workers’ (and individual member’s of the worker’s family) potential eligibility for—

“(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);
“(II) child health assistance under the State children’s health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

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

“(IV) other Federal- and State-funded health care, child care, transportation, and assistance programs for which the workers may be eligible; and

“(ii) provide such workers with information regarding how to apply for such assistance, services, and programs;

“(H) provide adversely affected workers referral to training services approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and any other appropriate Federal or State program designed to assist dislocated workers or unemployed individuals,
consistent with the requirements of subsection (b)(2);

“(I) collect and transmit to the Secretary any data as the Secretary shall reasonably require to assist the Secretary in assuring the effective and efficient performance of the programs carried out under this chapter; and

“(J) otherwise actively cooperate with the Secretary and with other Federal and State agencies in providing payments and services under this chapter, including participation in the performance measurement system established by the Secretary under section 224.

“(2) the cooperating State shall—

“(A) arrange for the provision of services under this chapter through the one-stop delivery system established in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) where available;

“(B) provide to adversely affected workers statewide rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same manner and to the same extent as any other worker eligible for those activities;
“(C) afford adversely affected workers the services provided under section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 92864(d)) in the same manner and to the same extent as any other worker eligible for those services; and

“(D) provide training services under this chapter using training providers approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) which may include community colleges, and other effective providers of training services.

“(e) Other Provisions.—

“(1) Approval of Training Providers.—The Secretary shall ensure that the training services provided by cooperating States are provided by organizations approved by the Secretary to effectively assist workers eligible for assistance under this chapter.

“(2) Amendment, Suspension, or Termination of Agreements.—Each agreement entered into under this section shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.
“(3) Effect on Unemployment Insurance.—Each agreement entered into under this section shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this chapter.

“(4) Coordination of Workforce Investment Activities.—In order to promote the coordination of Workforce Investment Act activities in each State with activities carried out under this chapter, each agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b) (8) and (14)).

“(d) Review of State Determinations.—

“(1) In General.—A determination by a cooperating State regarding entitlement to program benefits under this chapter is subject to review in the same manner and to the same extent as determinations under the applicable State law.

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

“SEC. 223. ADMINISTRATION ABSENT STATE AGREEMENT.

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

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

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

“(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

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

“(1) PROGRAM PERFORMANCE.—

“(A) speed of petition processing;
“(B) quality of petition processing;
“(C) cost of training programs;
“(D) coordination of programs under this title with programs under the Workforce Investment Act (29 U.S.C. 2801 et seq.);
“(E) length of time participants take to enter and complete training programs;
“(F) the effectiveness of individual contractors in providing appropriate retraining information;
“(G) the effectiveness of individual approved training programs in helping workers obtain employment;
“(H) best practices related to the provision of benefits and retraining; and
“(I) other data to evaluate how individual States are implementing the requirements of this title.
“(2) PARTICIPANT OUTCOMES.—
“(A) reemployment rates;
“(B) types of jobs in which displaced workers have been placed;
“(C) wage and benefit maintenance results;
“(D) training completion rates; and
“(E) other data to evaluate how effective programs under this chapter are for participants, taking into consideration current economic conditions in the State.

“(3) PROGRAM PARTICIPATION DATA.—

“(A) the number of workers receiving benefits and the type of benefits being received;

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

“(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

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

“(E) the number of petitions filed and workers certified in each United States congressional district; and

“(F) the number of workers who received waivers under each category identified in section 235(c)(1) and the average duration of such waivers.
“(c) State Participation.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

“(1) State participation.—Participation by each State in the performance measurement system established under subsection (b).

“(2) Monitoring.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

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

“(d) Reports.—

“(1) Reports by the Secretary.—

“(A) Initial report.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

“(i) describes the performance measurement system established under subsection (b);
“(ii) includes analysis of data collected through the system established under subsection (b);

“(iii) includes information identifying the number of workers who received waivers under section 235(c) and the average duration of those during the preceding year;

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

“(v) analyzes the quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)); and

“(vi) provides recommendations for program improvements.

“(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the infor-
information collected under clauses (ii) through (v) of subparagraph (A).

“(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

“(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under paragraph (1).

“SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) Notification of Investigation.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

“(b) Notification of Affirmative Finding.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative find-
ING REGARDING SERIOUS INJURY, OR THE THREAT THEREOF, TO A
DOMESTIC INDUSTRY, THE COMMISSION SHALL IMMEDIATELY NO-
TIFY THE SECRETARY OF THAT FINDING.

“SEC. 226. REPORT BY SECRETARY OF LABOR ON LIKELY IMPACT OF TRADE AGREEMENTS.

“(a) IN GENERAL.—At least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002, the President shall provide the Secretary with details of the agreement as it exists at that time and direct the Secretary to prepare and submit the assessment described in subsection (b). Between the time the President instructs the Secretary to prepare the assessment under this section and the time the Secretary submits the assessment to Congress, the President shall keep the Secretary current with respect to the details of the agreement.

“(b) ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Secretary shall submit to the President, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, a report assessing the likely impact of the agreement on employment in the United States economy as a
whole and in specific industrial sectors, including the extent of worker dislocations likely to result from implementation of the agreement. The report shall include an estimate of the financial and administrative resources necessary to provide trade adjustment assistance to all potentially adversely affected workers.

“Subchapter B—Certifications

“SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED WORKERS.

“(a) Eligibility for Certification.—

“(1) General rule.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected workers and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in the workers’ firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

“(A)(i) the value or volume of imports of articles like or directly competitive with articles
produced by that firm or subdivision have increased; and

“(ii) the increase in the value or volume of imports described in clause (i) contributed importantly to the workers’ separation or threat of separation; or

“(B) there has been a shift in production by the workers’ firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision and the shift in production contributed importantly to the workers’ separation or threat of separation.

“(2) ADVERSELY AFFECTED SECONDARY WORKER.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that—

“(A) a significant number or proportion of the workers in the workers’ firm or an appropriate subdivision of the firm have become to-
tally or partially separated, or are threatened to
become totally or partially separated;

“(B) the workers’ firm (or subdivision) is
a supplier to a firm (or subdivision) or down-
stream producer to a firm (or subdivision) de-
scribed in paragraph (1) (A) or (B); and

“(C) a loss of business with a firm (or sub-
division) described in paragraph (1) (A) or (B)
contributed importantly to the workers’ separa-
tion or threat of separation determined under
subparagraph (A).

“(3) SPECIAL RULE FOR SECONDARY WORK-
ERS.—Notwithstanding paragraph (2), the Secretary
may, pursuant to standards established by the Sec-
retary and for good cause shown, certify as eligible
for trade adjustment assistance under this chapter a
group of workers who meet the requirements for cer-
tification as adversely affected secondary workers in
paragraph (2), except that the Secretary has not re-
ceived a petition under paragraph (1) on behalf of
workers at a firm to which the petitioning workers’
firm is a supplier or downstream producer as de-
finned in section 221 (11) and (24).

“(4) SPECIAL PROVISIONS.—
“(A) Oil and Natural Gas Producers.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

“(B) Oil and Natural Gas Imports.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

“(C) Taconite.—For purposes of this section, taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.

“(D) Service Workers.—

“(i) In General.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, the Secretary shall establish a program to provide assistance under this
chapter to domestic operators of motor

carriers who are adversely affected by com-
petition from foreign owned and operated
motor carriers.

“(ii) DATA COLLECTION SYSTEM.—

Not later than 6 months after the date of
enactment of the Trade Adjustment Assist-
ance Improvement Act of 2002, the Sec-
retary shall put in place a system to collect
data on adversely affected service workers
that includes the number of workers by
State, industry, and cause of dislocation
for each worker.

“(iii) REPORT.—Not later than 2
years after the date of enactment of the
Trade Adjustment Assistance Improvement
Act of 2002, the Secretary shall report to
Congress the results of a study on ways for
extending the programs in this chapter to
adversely affected service workers, includ-
ing recommendations for legislation.

“(E) ADDITIONAL RULE FOR TEXTILE AND
APPAREL WORKERS.—A group of workers at a
textile or apparel firm shall be certified by the
Secretary as adversely affected and eligible for
trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if—

“(i) a significant number or proportion of the workers in the workers’ firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

“(ii)(I) the sales or production of the workers’ firm has decreased; or

“(II) the workers’ plant or facility has closed or relocated; and

“(iii) the occurrence described in clause (ii) contributed importantly to the workers’ separation or threat of separation.

“(b) Petitions.—

“(1) In general.—A petition for certification of eligibility for trade adjustment assistance under this chapter for a group of adversely affected workers shall be filed simultaneously with the Secretary and with the Governor of the State in which the firm or subdivision of the firm employing the workers is located.
“(2) Persons who may file a petition.—A petition under paragraph (1) may be filed by any of the following:

“(A) Workers.—A group of workers (including workers in an agricultural firm or subdivision of any agricultural firm).

“(B) Worker representatives.—The certified or recognized union or other duly appointed representative of the workers.

“(C) Worker adjustment and retraining notification.—Any entity to which notice of a plant closing or mass layoff must be given under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102).

“(D) Other.—Employers of workers described in subparagraph (A), one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or State employment agencies, on behalf of the workers.

“(E) Request to initiate certification.—The President, or the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representa-
tives (by resolution), may petition the Secretary
to initiate a certification process under this
chapter to determine the eligibility for trade ad-
justment assistance of a group of workers.
“(3) ACTIONS BY GOVERNOR.—
“(A) COOPERATING STATE.—Upon receipt
of a petition, the Governor of a cooperating
State shall ensure that the requirements of the
agreement entered into under section 222 are
met.
“(B) OTHER STATES.—Upon receipt of a
petition, the Governor of a State that has not
entered into an agreement under section 222
shall coordinate closely with the Secretary to
ensure that workers covered by a petition are—
“(i) provided with all available serv-
ices, including rapid response activities
under section 134 of the Workforce Invest-
ment Act (29 U.S.C. 2864);
“(ii) informed of the workers’ (and in-
dividual member’s of the worker’s family)
potential eligibility for—
“(I) medical assistance under the
medicaid program established under
title XIX of the Social Security Act
(42 U.S.C. 1396a et seq.);

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

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

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

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

“(c) ACTIONS BY SECRETARY.—

“(1) IN GENERAL.—As soon as possible after
the date on which a petition is filed under subsection
(b), but not later than 40 days after that date, the
Secretary shall determine whether the petitioning group meets the requirements of subsection (a), and if warranted, shall issue a certification of eligibility for trade adjustment assistance pursuant to this subchapter. In making the determination, the Secretary shall consult with all petitioning entities.

“(2) Publication of determination.—Upon making a determination under paragraph (1), the Secretary shall promptly publish a summary of the determination in the Federal Register together with the reasons for making that determination.

“(3) Date specified in certification.—Each certification made under this subsection shall specify the date on which the total or partial separation began or threatened to begin with respect to a group of certified workers.

“(4) Projected training needs.—The Secretary shall inform the State Workforce Investment Board or equivalent agency, and other public or private agencies, institutions, employers, and labor organizations, as appropriate, of each certification issued under section 231 and of projections, if available, of the need for training under section 240 as a result of that certification.
“(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.

“(d) SCOPE OF CERTIFICATION.—

“(1) IN GENERAL.—A certification issued under subsection (c) shall cover adversely affected workers in any group that meets the requirements of subsection (a), whose total or partial separation occurred on or after the date on which the petition was filed under subsection (b).

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

“(e) TERMINATION OF CERTIFICATION.—
“(1) IN GENERAL.—If the Secretary determines, with respect to any certification of eligibility, that workers separated from a firm or subdivision covered by a certification of eligibility are no longer adversely affected workers, the Secretary shall terminate the certification.

“(2) PUBLICATION OF TERMINATION.—The Secretary shall promptly publish notice of any termination made under paragraph (1) in the Federal Register together with the reasons for making that determination.

“(3) APPLICATION.—Any determination made under paragraph (1) shall apply only to total or partial separations occurring after the termination date specified by the Secretary.

“SEC. 232. BENEFIT INFORMATION TO WORKERS.

“(a) IN GENERAL.—The Secretary shall, in accordance with the provisions of section 222 or 223, as appropriate, provide prompt and full information to adversely affected workers covered by a certification issued under section 231(c), including information regarding—

“(1) benefit allowances, training, and other employment services available under this chapter;

“(2) petition and application procedures under this chapter;
“(3) appropriate filing dates for the allowances, training, and services available under this chapter; and

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

“(b) ASSISTANCE TO GROUPS OF WORKERS.—

“(1) IN GENERAL.—The Secretary shall provide any necessary assistance to enable groups of workers to prepare petitions or applications for program benefits.

“(2) ASSISTANCE FROM STATES.—The Secretary shall ensure that cooperating States fully comply with the agreements entered into under section 222 and shall periodically review that compliance.

“(c) NOTICE.—

“(1) IN GENERAL.—Not later that 15 days after a certification is issued under section 231 (or as soon as practicable after separation), the Secretary shall provide written notice of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by the certification.
“(2) Publication of notice.—The Secretary shall publish notice of the benefits available under this chapter to workers covered by each certification made under section 231 in newspapers of general circulation in the areas in which those workers reside.

“Subchapter C—Program Benefits

“PART I—GENERAL PROVISIONS

“SEC. 234. COMPREHENSIVE ASSISTANCE.

“Workers covered by a certification issued by the Secretary under section 231 shall be eligible for the following:

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

“(2) Employment services as described in section 239.

“(3) Training as described in section 240.

“(4) Job search allowances as described in section 241.

“(5) Relocation allowances as described in section 242.

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

“(7) Health insurance coverage options as described in title VI of the Trade Adjustment Assistance Improvement Act of 2002.
PART II—TRADE ADJUSTMENT ALLOWANCES

SEC. 235. QUALIFYING REQUIREMENTS FOR WORKERS.

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

(1) Time of total or partial separation from employment.—The adversely affected worker’s total or partial separation before the worker’s application under this chapter occurred—

(A) within the period specified in either section 231(d) (1) or (2);

(B) before the expiration of the 2-year period beginning on the date on which the certification under section 231 was issued; and

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

(2) Employment required.—

(A) IN GENERAL.—The adversely affected worker had, in the 52-week period ending with the week in which the total or partial separation occurred, at least 26 weeks of employment
at wages of $30 or more a week with a single
firm or subdivision of a firm.

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

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

“(i) is on employer-authorized leave
for purposes of vacation, sickness, injury,
or maternity, or inactive duty training or
active duty for training in the Armed
Forces of the United States;

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

“(iii) had employment interrupted in
order to serve as a full-time representative
of a labor organization in that firm or sub-
division; or
“(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided that active duty is ‘Federal service’ as defined in section 8521(a)(1) of title 5, United States Code.

“(D) EXCEPTIONS.—

“(i) In the case of weeks described in clause (i) or (iii) of subparagraph (C), or both, not more than 7 weeks may be treated as weeks of employment under subparagraph (C).

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

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

“(A) ENTITLEMENT TO UNEMPLOYMENT INSURANCE.—The worker was entitled to (or would be entitled to if the worker applied for) unemployment insurance for a week within the benefit period—
“(i) in which total or partial separation took place; or

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

“(B) Exhausterion of unemployment insurance.—The worker has exhausted all rights to any regular State unemployment insurance to which the worker was entitled (or would be entitled if the worker had applied for any regular State unemployment insurance).

“(C) No unexpired waiting period.—The worker does not have an unexpired waiting period applicable to the worker for any unemployment insurance.

“(4) Extended unemployment compensation.—The adversely affected worker, with respect to a week of unemployment, would not be disqualified for extended compensation payable under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) by reason of the work acceptance and job search requirements in section 202(a)(3) of that Act.
“(5) TRAINING.—The adversely affected worker is enrolled in a training program approved by the Secretary under section 240(a), and the enrollment occurred not later than the latest of the periods described in subparagraph (A), (B), or (C).

“(A) 16 WEEKS.—The worker enrolled not later than the last day of the 16th week after the worker’s most recent total separation that meets the requirements of paragraphs (1) and (2).

“(B) 8 WEEKS.—The worker enrolled not later than the last day of the 8th week after the week in which the Secretary issues a certification covering the worker.

“(C) EXTENUATING CIRCUMSTANCES.—Notwithstanding subparagraphs (A) and (B), the adversely affected worker is eligible for trade adjustment assistance if the worker enrolled not later than 45 days after the later of the dates specified in subparagraph (A) or (B), and the Secretary determines there are extenuating circumstances that justify an extension in the enrollment period.

“(b) FAILURE TO PARTICIPATE IN TRAINING.—
“(1) IN GENERAL.—Until the adversely affected worker begins or resumes participation in a training program approved under section 240(a), no trade adjustment allowance may be paid under subsection (a) to an adversely affected worker for any week or any succeeding week in which—

“(A) the Secretary determines that—

“(i) the adversely affected worker—

“(I) has failed to begin participation in a training program the enrollment in which meets the requirement of subsection (a)(5); or

“(II) has ceased to participate in such a training program before completing the training program; and

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

“(B) the waiver issued to that worker under subsection (c)(1) is revoked under subsection (c)(2).

“(2) EXCEPTION.—The provisions of subsection (a)(5) and paragraph (1) shall not apply with respect to any week of unemployment that begins before the first week following the week in which the certification is issued under section 231.
“(c) Waivers of Training Requirements.—

“(1) Issuance of waivers.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a) if the Secretary determines that the training requirement is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

“(A) Recall.—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

“(B) Marketable skills.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.

“(C) Retirement.—The worker is within 2 years of meeting all requirements for entitlement to either—
“(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefore); or

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

“(D) HEALTH.—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

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

“(F) TRAINING NOT AVAILABLE.—Training approved by the Secretary is not reasonably available to the worker from either govern-
mental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

“(G) OTHER.—The Secretary may, at his discretion, issue a waiver if the Secretary determines that a worker has set forth in writing reasons other than those provided for in subparagraphs (A) through (F) justifying the grant of such waiver.

“(2) DURATION OF WAIVERS.—

“(A) IN GENERAL.—A waiver issued under paragraph (1) shall be effective for not more than 6 months after the date on which the waiver is issued, unless the Secretary determines otherwise.

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

“(3) AMENDMENTS UNDER SECTION 222.—
“(A) ISSUANCE BY COOPERATING STATES.—Pursuant to an agreement under section 222, the Secretary may authorize a cooperating State to issue waivers as described in paragraph (1).

“(B) SUBMISSION OF STATEMENTS.—An agreement under section 222 shall include a requirement that the cooperating State submit to the Secretary the written statements provided under paragraph (1) and a statement of the reasons for the waiver.

“SEC. 236. WEEKLY AMOUNTS.

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

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

“(2) any income that is deductible from unemployment insurance under the disqualifying income
provisions of the applicable State law or Federal unemployment insurance law.

“(b) Adjustment for Workers Receiving Training.—

“(1) In general.—Any adversely affected worker who is entitled to a trade adjustment allowance and who is receiving training approved by the Secretary, shall receive for each week in which the worker is undergoing that training, a trade adjustment allowance in an amount (computed for such week) equal to the greater of—

“(A) the amount computed under subsection (a); or

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

“(2) Allowance paid in lieu of.—Any trade adjustment allowance calculated under paragraph (1) shall be paid in lieu of any training allowance to which the worker would be entitled under any other Federal law.

“(3) Coordination with unemployment in-

surance.—Any week in which a worker undergoing
training approved by the Secretary receives pay-
ments from unemployment insurance shall be sub-
tracted from the total number of weeks for which a worker may receive trade adjustment allowance under this chapter.

“(c) Adjustment for Workers Receiving Al-
lowances Under Other Federal Law.—

“(1) Reduction in weeks for which al-
lowance will be paid.—If a training allowance under any Federal law (other than this Act) is paid to an adversely affected worker for any week of un-
employment with respect to which the worker would be entitled (determined without regard to any dis-
qualification under section 235(b)) to a trade adjust-
ment allowance if the worker applied for that allow-
ance, each week of unemployment shall be deducted from the total number of weeks of trade adjustment allowance otherwise payable to that worker under section 235(a) when the worker applies for a trade adjustment allowance and is determined to be enti-
tled to the allowance.

“(2) Payment of difference.—If the train-
ing allowance paid to a worker for any week of un-
employment is less than the amount of the trade ad-
justment allowance to which the worker would be en-
titled if the worker applied for the trade adjustment
allowance, the worker shall receive, when the worker
applies for a trade adjustment allowance and is de-
determined to be entitled to the allowance, a trade ad-
justment allowance for that week equal to the dif-
terence between the training allowance and the trade
adjustment allowance computed under subsection
(b).

“SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOW-
ANCES.

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

“(b) DURATION OF PAYMENTS.—

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

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

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

“(2) SPECIAL RULES.—

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

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

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

“(B) ON-THE-JOB TRAINING.—No trade adjustment allowance shall be paid to a worker under this chapter for any week during which the worker is receiving on-the-job training, except that a trade adjustment allowance shall be
paid if a worker is enrolled in a non-paid customized training program.

“(C) SMALL BUSINESS ADMINISTRATION PILOT PROGRAM.—An adversely affected worker who is participating in a self-employment training program established by the Director of the Small Business Administration pursuant to section 102 of the Trade Adjustment Assistance Improvement Act of 2002, shall not be ineligible to receive benefits under this chapter.

“(D) ADDITIONAL WEEKS FOR REMEDIAL EDUCATION.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 240, if the program is a program of remedial education in accordance with regulations prescribed by the Secretary, payments may be made as trade adjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade adjustment allowances otherwise payable under this chapter.

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

“(d) Year-End Adjustment.—

“(1) In General.—Notwithstanding any other provision of this Act or any other provision of law, if the benefit year of a worker ends within an extended benefit period, the number of weeks of extended benefits that the worker would, but for this subsection, be entitled to in that extended benefit period shall not be reduced by the number of weeks for which the worker was entitled, during that benefit year, to trade adjustment allowances under this part.

“(2) Extended Benefits Period.—For the purpose of this section the term ‘extended benefit period’ has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“SEC. 238. APPLICATION OF STATE LAWS.

“(a) In General.—Except where inconsistent with the provisions of this chapter and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law under which an adversely affected worker is entitled to unemployment insurance (whether or not the worker has filed a claim
for such insurance), or, if the worker is not so entitled to unemployment insurance, of the State in which the worker was totally or partially separated, shall apply to a worker that files an application for trade adjustment assistance.

“(b) DURATION OF APPLICABILITY.—The State law determined to be applicable with respect to a separation of an adversely affected worker shall remain applicable for purposes of subsection (a), with respect to a separation until the worker becomes entitled to unemployment insurance under another State law (whether or not the worker has filed a claim for that insurance).

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

“SEC. 239. EMPLOYMENT SERVICES.

“The Secretary shall, in accordance with section 222 or 223, as applicable, make every reasonable effort to secure for adversely affected workers covered by a certification under section 231, counseling, testing, placement, and other services provided for under any other Federal law.

“SEC. 240. TRAINING.

“(a) APPROVED TRAINING PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall approve training programs that include—
“(A) on-the-job training or customized training;

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

“(C) any program of adult education;

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

“(i) under any Federal or State program other than this chapter; or

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

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

In making the determination under subparagraph (E), the Secretary shall consult with interested parties.

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

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

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

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

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

“(b) PAYMENT OF TRAINING COSTS.—
“(1) IN GENERAL.—

“(A) ELIGIBILITY.—Upon approval of a training program under subsection (a), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 231 shall be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 231, made on behalf of the worker by the Secretary directly or through a voucher system.

“(B) AMOUNT PAYABLE.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, the Secretary shall develop and submit to Congress for approval a formula to provide grants to States for paying workers training costs. The formula shall provide workers with an entitlement for training costs and shall take into account—

“(i) the number of workers enrolled in trade adjustment assistance;

“(ii) the duration of the assistance;
“(iii) the anticipated training costs for
workers; and

“(iv) any other factors the Secretary
deems appropriate.

“(2) ON-THE-JOB TRAINING AND CUSTOMIZED
TRAINING.—

“(A) PROVISION OF TRAINING ON THE JOB
OR CUSTOMIZED TRAINING.—If the Secretary
approves training under subsection (a), the Secre-
tery shall, insofar as possible, provide or as-
sure the provision of that training on the job or
customized training, and any training on the
job or customized training that is approved by
the Secretary under subsection (a) shall include
related education necessary for the acquisition
of skills needed for a position within a par-
ticular occupation.

“(B) MONTHLY INSTALLMENTS.—If the
Secretary approves payment of any on-the-job
training or customized training under sub-
section (a), the Secretary shall pay the costs of
that training in equal monthly installments.

“(C) LIMITATIONS.—The Secretary may
pay the costs of on-the-job training or cus-
tomized training only if—
“(i) no employed worker is displaced by the adversely affected worker (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits);

“(ii) the training does not impair contracts for services or collective bargaining agreements;

“(iii) in the case of training that would affect a collective bargaining agreement, the written concurrence of the labor organization concerned has been obtained;

“(iv) no other individual is on layoff from the same, or any substantially equivalent, job for which the adversely affected worker is being trained;

“(v) the employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created by hiring the adversely affected worker;

“(vi) the job for which the adversely affected worker is being trained is not being created in a promotional line that
will infringe in any way upon the promotional opportunities of employed individuals;

“(vii) the training is not for the same occupation from which the worker was separated and with respect to which the worker’s group was certified pursuant to section 231;

“(viii) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training;

“(ix) the employer has not received payment under subsection (b)(1) with respect to any other on-the-job training provided by the employer or customized training that failed to meet the requirements of clauses (i) through (vi); and

“(x) the employer has not taken, at any time, any action that violated the terms of any certification described in clause (viii) made by that employer with respect to any other on-the-job training provided by the employer or customized
training for which the Secretary has made
a payment under paragraph (1).

“(c) Certain Workers Eligible for Training
Benefits.—An adversely affected worker covered by a
certification issued under section 231, who is not qualified
to receive a trade adjustment allowance under section 235,
may be eligible to have payment of the costs of training
made under this section, if the worker enters a training
program approved by the Secretary not later than 6
months after the date on which the certification that cov-
ers the worker is issued or the Secretary determines that
one of the following applied:

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

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

“(d) Exhaustion of Unemployment Insurance
Not Required.—The Secretary may approve training,
and pay the costs thereof, for any adversely affected work-
er who is a member of a group certified under section 231
at any time after the date on which the group is certified,
without regard to whether the worker has exhausted all
rights to any unemployment insurance to which the worker
is entitled.
“(e) SUPPLEMENTAL ASSISTANCE.—

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

“(2) TRANSPORTATION EXPENSES.—The Secretary may not authorize payments for travel expenses exceeding the prevailing mileage rate authorized under the Federal travel regulations.

“(3) SUBSISTENCE EXPENSES.—The Secretary may not authorize payments for subsistence that exceed the lesser of—

“(A) the actual per diem expenses for subsistence of the worker; or

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

“(f) SPECIAL PROVISIONS; LIMITATIONS.—

“(1) LIMITATION ON MAKING PAYMENTS.—

“(A) DISALLOWANCE OF OTHER PAYMENT.—If the costs of training an adversely af-
fected worker are paid by the Secretary under subsection (b), no other payment for those training costs may be made under any other provision of Federal law.

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

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

“(ii) are reimbursable under any other provision of Federal law and a portion of those costs has already been paid under that other provision of Federal law.

“(C) NO PAYMENT OF COSTS PAID ELSEWHERE.—The Secretary is not required to pay the costs of any training approved under subsection (a) to the extent that those costs are paid under any Federal or State program other than this chapter.

“(D) EXCEPTION.—The provisions of this paragraph shall not apply to, or take into account, any funds provided under any other provision of Federal law that are used for any purpose other than the direct payment of the costs
incurred in training a particular adversely af-
affected worker, even if the use of those funds
has the effect of indirectly paying for or reduc-
ing any portion of the costs involved in training
the adversely affected worker.

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

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

“(4) PAYMENTS AFTER REEMPLOYMENT.—
“(A) IN GENERAL.—In the case of an adversely affected worker who secures reemployment, the Secretary may approve and pay the costs of training (or shall continue to pay the costs of training previously approved) for that adversely affected worker, for the completion of the training program or up to 26 weeks, whichever is less, after the date the adversely affected worker becomes reemployed.

“(B) TRADE ADJUSTMENT ALLOWANCE.—An adversely affected worker who is reemployed and is undergoing training approved by the Secretary pursuant to subparagraph (A) may continue to receive a trade adjustment allowance, subject to the income offsets provided for in the worker’s State unemployment compensation law in accordance with the provisions of section 237.

“(5) FUNDING.—Until such time as Congress enacts the formula described in subsection (b)(1)(B), the total amount of payments that may be made under this section for any fiscal year shall not exceed $300,000,000.
“SEC. 240A. JOB TRAINING PROGRAMS.

“(a) GRANT PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to community colleges (as defined in section 202 of the Tech-Prep Education Act (20 U.S.C. 2371)) on a competitive basis to establish job training programs for adversely affected workers.

“(b) APPLICATION.—

“(1) SUBMISSION.—To receive a grant under this section, a community college shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

“(2) CONTENTS.—The application submitted under paragraph (1) shall provide a description of—

“(A) the population to be served with grant funds received under this section;

“(B) how grant funds received under this section will be expended; and

“(C) the job training programs that will be established with grant funds received under this section, including a description of how such programs relate to workforce needs in the area where the community college is located.

“(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a community college shall be located in an eligible community (as defined in section 271).
“(d) Decision on Applications.—Not later than 30 days after submission of an application under subsection (b), the Secretary shall approve or disapprove the application.

“(e) Use of Funds.—A community college that receives a grant under this section shall use the grant funds to establish job training programs for adversely affected workers.


“(a) Job Search Allowance Authorized.—

“(1) In General.—An adversely affected worker covered by a certification issued under section 231 may file an application with the Secretary for payment of a job search allowance.

“(2) Approval of Applications.—The Secretary may grant an allowance pursuant to an application filed under paragraph (1) when all of the following apply:

“(A) Assist Adversely Affected Worker.—The allowance is paid to assist an adversely affected worker who has been totally separated in securing a job within the United States.

“(B) Local Employment Not Available.—The Secretary determines that the
worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) APPLICATION.—The worker has filed an application for the allowance with the Secretary before—

“(i) the later of—

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

“(II) the 365th day after the date of the worker’s last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) AMOUNT OF ALLOWANCE.—

“(1) IN GENERAL.—An allowance granted under subsection (a) shall provide reimbursement to the worker of 90 percent of the cost of necessary job search expenses as prescribed by the Secretary in regulations.
“(2) MAXIMUM ALLOWANCE.—Reimbursement under this subsection may not exceed $1,250 for any worker.

“(3) ALLOWANCE FOR SUBSISTENCE AND TRANSPORTATION.—Reimbursement under this subsection may not be made for subsistence and transportation expenses at levels exceeding those allowable under section 240(e).

“(e) EXCEPTION.—Notwithstanding subsection (b), the Secretary shall reimburse any adversely affected worker for necessary expenses incurred by the worker in participating in a job search program approved by the Secretary.

“SEC. 242. RELOCATION ALLOWANCES.

“(a) RELOCATION ALLOWANCE AUTHORIZED.—

“(1) IN GENERAL.—Any adversely affected worker covered by a certification issued under section 231 may file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this section.

“(2) CONDITIONS FOR GRANTING ALLOWANCE.—A relocation allowance may be granted if all of the following terms and conditions are met:
“(A) Assist an adversely affected worker.—The relocation allowance will assist an adversely affected worker in relocating within the United States.

“(B) Local employment not available.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) Total separation.—The worker is totally separated from employment at the time relocation commences.

“(D) Suitable employment obtained.—The worker—

“(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

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

“(E) Application.—The worker filed an application with the Secretary before—

“(i) the later of—
“(I) the 425th day after the date of the certification under section 231; or

“(II) the 425th day after the date of the worker’s last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) AMOUNT OF ALLOWANCE.—The relocation allowance granted to a worker under subsection (a) includes—

“(1) 90 percent of the reasonable and necessary expenses (including, but not limited to, subsistence and transportation expenses at levels not exceeding those allowable under section 240(e)) specified in regulations prescribed by the Secretary, incurred in transporting the worker, the worker’s family, and household effects; and

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

“(c) LIMITATIONS.—A relocation allowance may not be granted to a worker unless—
“(1) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

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

SEC. 243. SUPPORTIVE SERVICES; WAGE INSURANCE.

“(a) SUPPORTIVE SERVICES.—

“(1) APPLICATION.—

“(A) IN GENERAL.—The State may, on behalf of any adversely affected worker or group of workers covered by a certification issued under section 231—

“(i) file an application with the Secretary for services under section 173 of the Workforce Investment Act of 1998 (relating to National Emergency Grants); and

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

“(B) SERVICES.—The services available under this paragraph include transportation, child care, and dependent care that are nec-
necessary to enable a worker to participate in activities authorized under this chapter.

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

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

“(B) CONSISTENT WITH WORKFORCE INVESTMENT ACT.—The services are consistent with the supportive services provided to participants under the provisions relating to dislocated worker employment and training activities set forth in chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.).

“(b) WAGE INSURANCE PROGRAM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, the Secretary shall establish a Wage Insurance Program under which a State shall use the funds provided to the State for trade adjustment allowances to pay to an
adversely affected worker certified under section 231
a wage subsidy of up to 50 percent of the difference
between the wages received by the adversely affected
worker from reemployment and the wages received
by the adversely affected worker at the time of sepa-
ration for a period not to exceed 2 years.

“(2) AMOUNT OF PAYMENT.—

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

“(B) WAGES BETWEEN $40,000 AND
$50,000.—If the wages received by the worker
from reemployment are greater than $40,000 a
year but less than $50,000 a year, the wage
subsidy shall be 25 percent of the difference be-
tween the amount of the wages received by the
worker from reemployment and the amount of
the wages received by the worker at the time of
separation.
“(3) **Eligibility.**—An adversely affected worker may be eligible to receive a wage subsidy under this subsection if the worker—

“(A) enrolls in the Wage Insurance Program;

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

“(C) is at least 50 years of age;

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

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

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

“(4) **Amount of Payments.**—The payments made under paragraph (1) to an adversely affected worker may not exceed $10,000 over the 2-year period.

“(5) **Limitation on Other Benefits.**—At the time a worker begins to receive a wage subsidy under this subsection the worker shall not be eligible to receive any benefits under this Act other than the wage subsidy unless the Secretary determines, pursuant to standards established by the Secretary, that
the worker has shown circumstances that warrant eligibility for training benefits under section 240.

“(6) **FUNDING.**—The total amount of payments that may be made under this subsection for any fiscal year shall not exceed $100,000,000.

“(c) **STUDIES OF ASSISTANCE AVAILABLE TO ECONOMICALLY DISTRESSED WORKERS.**—

“(1) **STUDY BY THE GENERAL ACCOUNTING OFFICE.**—

“(A) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of all assistance provided by the Federal Government for workers facing job loss and economic distress.

“(B) **REPORT.**—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, the Comptroller General shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under subparagraph (A). The report shall include a description of—
“(i) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

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

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

“(C) DISTRIBUTION OF GAO REPORT.—The report described in subparagraph (B) shall be distributed to all one-stop partners authorized under the Workforce Investment Act of 1998.

“(2) STUDIES BY THE STATES.—

“(A) IN GENERAL.—Each State may conduct a study of its assistance programs for workers facing job loss and economic distress.

“(B) GRANTS.—The Secretary may award to each State a grant, not to exceed $50,000, to enable the State to conduct the study described in subparagraph (A). Each study shall be undertaken in consultation with affected parties.

“(C) REPORT.—Not later than 1 year after the date of the grant, each State that re-
ceives a grant under subparagraph (B) shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the report described in subparagraph (A).

“(D) DISTRIBUTION OF STATE REPORTS.—A report prepared by a State under this paragraph shall be distributed to all the one-stop partners in the State.

“Subchapter D—Payment and Enforcement Provisions

“SEC. 244. PAYMENTS TO STATES.

“(a) IN GENERAL.—The Secretary, from time to time, shall certify to the Secretary of the Treasury for payment to each cooperating State, the sums necessary to enable that State as agent of the United States to make payments provided for by this chapter.

“(b) LIMITATION ON USE OF FUNDS.—

“(1) IN GENERAL.—All money paid to a cooperating State under this section shall be used solely for the purposes for which it is paid.

“(2) RETURN OF FUNDS NOT SO USED.—Money paid that is not used for the purpose for which it is paid under subsection (a) shall be returned to the Secretary of the Treasury at the time
specified in the agreement entered into under section 222.

“(c) Surety Bond.—Any agreement under section 222 may require any officer or employee of the cooperating State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in an amount the Secretary deems necessary, and may provide for the payment of the cost of that bond from funds for carrying out the purposes of this chapter.

“SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING OFFICERS.

“(a) Liability of Certifying Officials.—No person designated by the Secretary, or designated pursuant to an agreement entered into under section 222, as a certifying officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment certified by that person under this chapter.

“(b) Liability of Disbursing Officers.—No disbursing officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment by that officer under this chapter if the payment was based on a voucher signed by a certifying officer designated according to subsection (a).
"SEC. 246. FRAUD AND RECOVERY OF OVERPAYMENTS.

“(a) In General.—

“(1) OVERPAYMENT.—If a cooperating State, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter to which the person was not entitled, including a payment referred to in subsection (b), that person shall be liable to repay that amount to the cooperating State or the Secretary, as the case may be.

“(2) EXCEPTION.—The cooperating State or the Secretary may waive repayment if the cooperating State or the Secretary determines, in accordance with guidelines prescribed by the Secretary, that all of the following apply:

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

“(B) REPAYMENT CONTRARY TO EQ-

“(3) PROCEDURE FOR RECOVERY.—

“(A) RECOVERY FROM OTHER ALLOW-

tions from any sums payable to that person under this chapter, under any Federal unemploy-
ment compensation law administered by the cooperating State or the Secretary, or under any other Federal law administered by the co-
operating State or the Secretary that provides for the payment of assistance or an allowance with respect to unemployment.

“(B) Recovery from state allowances authorized.—Notwithstanding any other provision of Federal or State law, the Secretary may require a cooperating State to recover any overpayment under this chapter by deduction from any unemployment insurance payable to that person under State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

“(b) Ineligibility for further payments.—Any person, in addition to any other penalty provided by law, shall be ineligible for any further payments under this chapter if a cooperating State, the Secretary, or a court of competent jurisdiction determines that one of the fol-

lowing applies:
“(1) False statement.—The person knowingly made, or caused another to make, a false statement or representation of a material fact, and as a result of the false statement or representation, the person received any payment under this chapter to which the person was not entitled.

“(2) Failure to disclose.—The person knowingly failed, or caused another to fail, to disclose a material fact, and as a result of the non-disclosure, the person received any payment under this chapter to which the person was not entitled.

“(c) Hearing.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a) by the cooperating State or the Secretary, as the case may be, has been made, notice of the determination and an opportunity for a fair hearing has been given to the person concerned, and the determination has become final.

“(d) Recovered funds.—Any amount recovered under this section shall be returned to the Treasury of the United States.

“SEC. 247. CRIMINAL PENALTIES.

“Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a ma-
terial fact, for the purpose of obtaining or increasing for
that person or for any other person any payment author-
ized to be furnished under this chapter or pursuant to an
agreement under section 222 shall be fined not more than
$10,000, imprisoned for not more than 1 year, or both.

“SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the De-
partment of Labor, for the period beginning October 1,
2001, and ending September 30, 2007, such sums as may
be necessary to carry out the purposes of this chapter,
including such additional sums for administrative ex-
penses as may be necessary for the department to meet
the increased workload created by the Trade Adjustment
Assistance Improvement Act of 2002, provided that fund-
ing provided for training services shall not be used for ex-
penses of administering the trade adjustment assistance
for workers program. Amounts appropriated under this
section shall remain available until expended.

“SEC. 249. REGULATIONS.

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

“SEC. 250. SUBPOENA POWER.

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

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

SEC. 102. DISPLACED WORKER SELF-EMPLOYMENT TRAINING PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the “Administrator”) shall establish a self-employment training program (in this section referred to as the “Program”) for adversely affected workers (as defined in chapter 2 of title II of the Trade Act of 1974), to be administered by the Small Business Administration.

(b) ELIGIBILITY FOR ASSISTANCE.—If an adversely affected worker seeks or receives assistance through the Program, such action shall not affect the eligibility of that worker to receive benefits under chapter 2 of title II of the Trade Act of 1974.

(c) TRAINING ASSISTANCE.—The Program shall include, at a minimum, training in—

(1) pre-business startup planning;
(2) awareness of basic credit practices and credit requirements; and

(3) developing business plans, financial packages, and credit applications.

(d) OUTREACH.—The Program should include outreach to adversely affected workers and counseling and lending partners of the Small Business Administration.

(e) REPORTS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator shall submit quarterly reports to the Committee on Finance and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Ways and Means and the Committee on Small Business of the House of Representatives regarding the implementation of the Program, including Program delivery, staffing, and administrative expenses related to such implementation.

(f) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out the Program.

(g) EFFECTIVE DATE.—The Program shall terminate 3 years after the date of final publication of guidelines under subsection (f).
SEC. 103. COORDINATION WITH OTHER TRADE PROVISIONS.

(a) RECOMMENDATIONS BY ITC.—

(1) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(2) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(b) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

“(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

“(i) the President shall take all appropriate and feasible action within his power;

and

“(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, work-
ers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f)."

(c) Special Look-Back Rule.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect the domestic industry in which such worker, farmer, or fisherman was employed.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 201. REAUTHORIZATION OF PROGRAM.

(a) In General.—Section 256(b) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended to read as follows:
“(b) There are authorized to be appropriated to the Secretary $16,000,000 for each of fiscal years 2002 through 2007, to carry out the Secretary’s functions under this chapter in connection with furnishing adjustment assistance to firms. Amounts appropriated under this subsection shall remain available until expended.”.

(b) Eligibility Criteria.—Section 251(c) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

“(A) increases in the value or volume of imports of articles like or directly competitive with articles which are produced by such firm contributed importantly to such total or partial separation, or threat thereof; or

“(B) a shift in production by the workers’ firm or subdivision to a foreign country of arti-
cles like or directly competitive with articles
which are produced by that firm or subdivision
contributed importantly to the workers’ separa-
tion or threat of separation.”; and
(2) in paragraph (2), by striking “paragraph
(1)(C)” and inserting “paragraph (1)”.

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

**SEC. 301. PURPOSE.**

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

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

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

**“CHAPTER 4—COMMUNITY ECONOMIC
ADJUSTMENT**

**“SEC. 271. DEFINITIONS.**

“In this chapter:
“(1) CIVILIAN LABOR FORCE.—The term ‘civilian labor force’ has the meaning given that term in regulations prescribed by the Secretary of Labor.

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

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

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

“(3) COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.—The term ‘Community Economic Development Coordinating Committee’ means a community group established under section 274 that consists of major groups significantly affected by an increase in imports or a shift in production, including local, regional, tribal, and State governments, regional councils of governments and economic development, and business, labor, education, health, religious, and other community-based organizations.
“(4) DIRECTOR.—The term ‘Director’ means the Director of the Office of Community Trade Adjustment.

“(5) ELIGIBLE COMMUNITY.—The term ‘eligible community’ means a community certified under section 273 as eligible for assistance under this chapter.

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

“(7) OFFICE.—The term ‘Office’ means the Office of Community Trade Adjustment established under section 272.

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

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

“SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.

“(a) ESTABLISHMENT.—Within 6 months of the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, there shall be established in the Office of Economic Adjustment of the Economic Develop-
ment Administration of the Department of Commerce an
Office of Community Trade Adjustment.

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

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

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

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

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

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

“(B) by ensuring that all Federal agencies
offering assistance to an eligible community do
so in a targeted, integrated manner that en-
sures that an eligible community has access to
all available Federal assistance;
“(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning community economic adjustment;

“(D) by identifying and strengthening existing agency mechanisms designed to assist communities in economic adjustment and workforce reemployment;

“(E) by applying consistent policies, practices, and procedures in the administration of Federal programs that are used to assist communities adversely impacted by an increase in imports or a shift in production;

“(F) by creating, maintaining, and using a uniform economic database to analyze community adjustment activities; and

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

“(4) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

“(A) identify serious economic problems in the community that result from an increase in imports or shift in production;
“(B) integrate the major groups and organizations significantly affected by the economic adjustment;

“(C) organize a Community Economic Development Coordinating Committee;

“(D) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

“(E) diversify and strengthen the community economy; and

“(F) develop a community-based strategic plan to address workforce dislocation and economic development;

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

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

“(7) establish an interagency Trade Adjustment Assistance Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of
Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, the Office of the United States Trade Representative, and the National Economic Council.

“(d) WORKING GROUP.—The working group established under subsection (c)(7) shall examine other options for addressing trade impacts on communities, such as:

“(1) Seeking legislative language directing the Foreign Trade Zone (‘FTZ’) Board to expedite consideration of FTZ applications from communities or businesses that have been found eligible for trade adjustment assistance.

“(2) Seeking legislative language to make new markets tax credits available in communities impacted by trade.

“(3) Seeking legislative language to make work opportunity tax credits available for hiring unemployed workers who are certified eligible for trade adjustment assistance.

“(4) Examining ways to assist trade impacted rural communities and industries take advantage of the Department of Agriculture’s rural development program.
“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELIGIBLE COMMUNITY.

“(a) Notification.—The Secretary of Labor, not later than 15 days after making a determination that a group of workers is eligible for trade adjustment assistance under section 231, shall notify the Governor of the State in which the community in which the worker’s firm is located and the Director, of the Secretary’s determination.

“(b) Certification.—Not later than 30 days after notification by the Secretary of Labor described in subsection (a), the Director shall certify as eligible for assistance under this chapter a community in which both of the following conditions applies:

“(1) Number of Job Losses.—The Director finds that—

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

“(B) in a rural community, at least 300 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available.
‘‘(2) PERCENT OF WORKFORCE UNEMPLOYED.—The Director finds that the unemployment rate for the community is at least 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available.

‘‘(c) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Not later than 15 days after the Director certifies a community as eligible under subsection (b), the Director shall notify the community—

‘‘(1) of its determination under subsection (b);

‘‘(2) of the provisions of this chapter;

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

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

“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.

“(a) ESTABLISHMENT.—In order to apply for and receive benefits under this chapter, an eligible community shall establish a Community Economic Development Coordinating Committee certified by the Director as meeting the requirements of subsection (b)(1).

“(b) COMPOSITION OF THE COMMITTEE.—
“(1) LOCAL PARTICIPATION.—The Community Economic Development Coordinating Committee established by an eligible community under subsection (a) shall include representatives of those groups significantly affected by economic dislocation, such as local, regional, tribal, and State governments, regional councils of governments and economic development, business, labor, education, health organizations, religious, and other community-based groups providing assistance to workers, their families, and communities.

“(2) FEDERAL PARTICIPATION.—Pursuant to section 275(b)(3), the community economic adjustment advisor, assigned by the Director to assist an eligible community, shall serve as an ex officio member of the Community Economic Development Coordinating Committee, and shall arrange for participation by representatives of other Federal agencies on that Committee as necessary.

“(3) EXISTING ORGANIZATION.—An eligible community may designate an existing organization in that community as the Community Economic Development Coordinating Committee if that organization meets the requirements of paragraph (1) for the purposes of this chapter.
“(c) DUTIES.—The Community Economic Development Coordinating Committee shall—

“(1) ascertain the severity of the community economic adjustment required as a result of the increase in imports or shift in production;

“(2) assess the capacity of the community to respond to the required economic adjustment and the needs of the community as it undertakes economic adjustment, taking into consideration such factors as the number of jobs lost, the size of the community, the diversity of industries, the skills of the labor force, the condition of the current labor market, the availability of financial resources, the quality and availability of educational facilities, the adequacy and availability of public services, and the existence of a basic and advanced infrastructure in the community;

“(3) facilitate a dialogue between concerned interests in the community, represent the impacted community, and ensure all interests in the community work collaboratively toward collective goals without duplication of effort or resources;

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

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

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

“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVI-
SORS.

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

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

“(1) provide technical assistance to the eligible
community, assist in the development and implemen-
tation of a strategic plan, including applying for any
grant available under this or any other Federal law
to develop or implement that plan;
“(2) at the local and regional level, coordinate the response of all Federal agencies offering assistance to the eligible community;

“(3) serve as an ex officio member of the Community Economic Development Coordinating Committee established by an eligible community under section 274;

“(4) act as liaison between the Community Economic Development Coordinating Committee established by the eligible community and all other Federal agencies that offer assistance to eligible communities, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the National Economic Council, and other offices or agencies of the Department of Commerce;

“(5) report regularly to the Director regarding the progress of development activities in the community to which the community economic adjustment advisor is assigned; and

“(6) perform other duties as directed by the Secretary or the Director.
“SEC. 276. STRATEGIC PLANS.

“(a) IN GENERAL.—With the assistance of the commu-

nity economic adjustment advisor, an eligible commu-

nity may develop a strategic plan for community economic

adjustment and diversification.

“(b) REQUIREMENTS FOR STRATEGIC PLAN.—A

strategic plan shall contain, at a minimum, the following:

“(1) A description and justification of the ca-

pacity for economic adjustment, including the meth-

od of financing to be used, the anticipated manage-

ment structure of the Community Economic Devel-

opment Coordinating Committee, and the commit-

ment of the community to the strategic plan over the

long term.

“(2) A description of, and a plan to accomplish,

the projects to be undertaken by the eligible commu-

nity.

“(3) A description of how the plan and the

projects to be undertaken by the eligible community

will lead to job creation and job retention in the

community.

“(4) A description of any alternative develop-

ment plans that were considered, particularly less

costly alternatives, and why those plans were re-

jected in favor of the proposed plan.
“(5) A description of any additional steps the eligible community will take to achieve economic adjustment and diversification, including how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

“(6) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

“(7) A description of the occupational and workforce conditions in the eligible community, including but not limited to existing levels of workforce skills and competencies, and educational programs available for workforce training and future employment needs.

“(8) A description of how the plan will adapt to changing markets, business cycles, and other variables.

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

“(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

“(1) IN GENERAL.—The Director, upon receipt of an application from a Community Economic Development Coordinating Committee on behalf of an
eligible community, shall award a grant to that com-

munity to be used to develop the strategic plan.

“(2) AMOUNT.—The amount of a grant made

under paragraph (1) shall be determined by the Sec-

retary, but may not exceed $50,000 to each commu-

nity.

“(3) LIMIT.—Each community can only receive

1 grant under this subsection for the purpose of de-

veloping a strategic plan in any 5-year period.

“(d) SUBMISSION OF PLAN.—A strategic plan de-

veloped under subsection (a) shall be submitted to the Direc-

tor for evaluation and approval.

“SEC. 277. GRANTS FOR ECONOMIC DEVELOPMENT.

“The Director, upon receipt of an application from

the Community Economic Development Coordinating

Committee on behalf of an eligible community, may award

a grant to that community to carry out any project or

program included in the strategic plan approved under

section 276(d) that—

“(1) will be located in, or will create or preserve

high-wage jobs, in that eligible community; and

“(2) implements the strategy of that eligible

community to create high-wage jobs in sectors that

are expected to expand, including projects that—
“(A) encourage industries to locate in that eligible community, if such funds are not used to encourage the relocation of any employer in a manner that causes the dislocation of employees of that employer at another facility in the United States;

“(B) leverage resources to create or improve Internet or telecommunications capabilities to make the community more attractive for business;

“(C) establish a funding pool for job creation through entrepreneurial activities;

“(D) assist existing firms in that community to restructure or retool to become more competitive in world markets and prevent job loss; or

“(E) assist the community in acquiring the resources and providing the level of public services necessary to meet the objectives set out in the strategic plan.

“SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Department of Commerce, for each of fiscal years 2003 through 2007, $45,000,000 to carry out the purposes of this chapter.
SEC. 279. GENERAL PROVISIONS.

“(a) REPORT BY THE DIRECTOR.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002, and annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding the programs established under this title.

“(b) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter.

“(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.”.

SEC. 303. COMMUNITY WORKFORCE PARTNERSHIPS.

(a) SHORT TITLE.—This section may be cited as the “Community Workforce Development and Modernization Partnership Act”.

(b) GENERAL AUTHORITY.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) (as amended by sections 401 and 501) is further amended by inserting after chapter 7 the following:
“CHAPTER 8—COMMUNITY WORKFORCE PARTNERSHIPS

SEC. 299K. AUTHORIZATION.

“(a) IN GENERAL.—From amounts made available to carry out this chapter, the Secretary of Labor (referred to in this chapter as the ‘Secretary’), in consultation with the Secretary of Commerce and the Secretary of Education, shall award grants on a competitive basis to eligible entities described in subsection (b) to assist each entity to—

“(1) help workers improve those job skills that are necessary for employment by businesses in the industry with respect to which the entity was established;

“(2) help dislocated workers find employment; and

“(3) upgrade the operating and competitive capacities of businesses that are members of the entity.

“(b) ELIGIBLE ENTITIES.—An eligible entity described in this subsection is a consortium (either established prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act or established specifically to carry out programs under this chapter) that—
“(1) shall include—

“(A) 2 or more businesses (or nonprofit organizations representing businesses) that are facing similar workforce development or business modernization challenges;

“(B) labor organizations, if the businesses described in subparagraph (A) employ workers who are covered by collective bargaining agreements; and

“(C) 1 or more businesses (or nonprofit organizations that represent businesses) with resources or expertise that can be brought to bear on the workforce development and business modernization challenges referred to in subparagraph (A); and

“(2) may include—

“(A) State governments and units of local government;

“(B) educational institutions;

“(C) labor organizations; or

“(D) nonprofit organizations.

“(c) COMMON GEOGRAPHIC REGION.—To the maximum extent practicable, the organizations that are members of an eligible entity described in subsection (b) shall
be located within a single geographic region of the United States.

“(d) PRIORITY CONSIDERATION.—In awarding grants under subsection (a), the Secretary shall give priority consideration to—

“(1) eligible entities that serve dislocated workers or workers who are threatened with becoming totally or partially separated from employment;

“(2) eligible entities that include businesses with fewer than 250 employees; or

“(3) eligible entities from a geographic region in the United States that has been adversely impacted by the movement of manufacturing operations or businesses to other regions or countries, due to corporate restructuring, technological advances, Federal law, international trade, or another factor, as determined by the Secretary.

“(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“SEC. 299L. PARTNERSHIP ACTIVITIES.

“(a) USE OF GRANT AMOUNTS.—Each eligible entity that receives a grant under section 299K shall use the
amount made available through the grant to carry out a program that provides—

“(1) workforce development activities to improve the job skills of individuals who have, are seeking, or have been dislocated from, employment with a business that is a member of that eligible entity, or with a business that is in the industry of a business that is a member of that eligible entity;

“(2) business modernization activities; or

“(3) activities that are—

“(A) workforce investment activities (including such activities carried out through one-stop delivery systems) carried out under subtitle B of title I of the Workforce Investment Act of 1998 (42 U.S.C. 2811 et seq.); or

“(B) activities described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

“(b) ACTIVITIES INCLUDED.—

“(1) WORKFORCE DEVELOPMENT ACTIVITIES.—The workforce development activities referred to in subsection (a)(1) may include activities that—

“(A) develop skill standards and provide training, including—
“(i) assessing the training and job
skill needs of the industry involved;
“(ii) developing a sequence of skill
standards that are benchmarked to ad-
vanced industry practices;
“(iii) developing curricula and train-
ing methods;
“(iv) purchasing, leasing, or receiving
donations of training equipment;
“(v) identifying and developing the
skills of training providers;
“(vi) developing apprenticeship pro-
grams; and
“(vii) developing training programs
for dislocated workers;
“(B) assist workers in finding new employ-
ment; or
“(C) provide supportive services to workers
who—
“(i) are participating in a program
carried out by the entity under this chap-
ter; and
“(ii) are unable to obtain the sup-
portive services through another program
providing the services.
“(2) Business modernization activities.— The business modernization activities referred to in subsection (a)(2) may include activities that upgrade technical or organizational capabilities in conjunction with improving the job skills of workers in a business that is a member of that entity.

“SEC. 299M. SEED GRANTS AND OUTREACH ACTIVITIES.

“(a) Seed Grants.—The Secretary may provide technical assistance and award financial assistance (not to exceed $150,000 per award) on such terms and conditions as the Secretary determines to be appropriate—

“(1) to businesses, nonprofit organizations representing businesses, and labor organizations, for the purpose of establishing an eligible entity; and

“(2) to entities described in paragraph (1) and established eligible entities, for the purpose of preparing such application materials as may be required under section 299K(e).

“(b) Outreach and Promotional Activities.— The Secretary may undertake such outreach and promotional activities as the Secretary determines will best carry out the objectives of this chapter.

“(c) Limitations on Expenditures.—The Secretary may not use more than 10 percent of the amount
authorized to be appropriated under section 299P to carry out this section.

"SEC. 299N. LIMITATIONS ON FUNDING.

“(a) REQUIREMENT OF MATCHING FUNDS.—The Secretary may not award a grant under this chapter to an eligible entity unless such entity agrees that the entity will make available non-Federal contributions toward the costs of carrying out activities funded by that grant in an amount that is not less than $2 for each $1 of Federal funds made available through the grant.

“(b) IN-KIND CONTRIBUTIONS.—The Secretary—

“(1) shall, in awarding grants under this chapter, give priority consideration to those entities whose members offer in-kind contributions; and

“(2) may not consider any in-kind contribution in lieu of or as any part of the contributions required under subsection (a).

“(c) SENIOR MANAGEMENT TRAINING AND DEVELOPMENT.—An eligible entity may not use any amount made available through a grant awarded under this chapter for training and development activities for senior management, unless that entity certifies to the Secretary that expenditures for the activities are—

“(1) an integral part of a comprehensive modernization plan; or
“(2) dedicated to team building or employee involvement programs.

“(d) PERFORMANCE MEASURES.—Each eligible entity shall, in carrying out the activities referred to in section 299L, provide for development of, and tracking of performance according to, performance outcome measures.

“(e) ADMINISTRATIVE COSTS.—Each eligible entity may use not more than 20 percent of the amount made available to that entity through a grant awarded under this chapter to pay for administrative costs.

“(f) MAXIMUM AMOUNT OF GRANT.—No eligible entity may receive—

“(1) a grant under this chapter in an amount of more than $1,000,000 for any fiscal year; or

“(2) grants under this chapter in any amount for more than 3 fiscal years.

“(g) SUPPORT FOR EXISTING OPERATIONS.—

“(1) IN GENERAL.—In making grants under this chapter, the Secretary may use a portion equal to not more than 50 percent of the funds appropriated to carry out this chapter for a fiscal year, to support the existing training and modernization operations of existing eligible entities.

“(2) ENTITIES.—The Secretary may award a grant to an existing eligible entity for existing train-
ing and modernization operations only if the
entity—

“(A) currently offers (as of the date of the
award of the grant) a combination of training,
modernization, and business assistance services;
“(B) targets industries with jobs that tra-
ditionally have low wages;
“(C) targets industries that are faced with
chronic job loss; and
“(D) has demonstrated success in accom-
plishing the objectives of activities described in
section 299L.
“(3) APPLICATION.—Paragraph (1) shall not
apply to support for the expansion of training and
modernization operations of existing eligible entities.
“(4) DEFINITIONS.—In this subsection:
“(A) EXISTING TRAINING AND MOD-
ERNIZATION ACTIVITY.—The term ‘existing
training and modernization activity’ means a
training and modernization activity carried out
prior to the date of enactment of the Commu-
nity Workforce Development and Modernization
Partnership Act.
“(B) EXISTING ELIGIBLE ENTITY.—The
term ‘existing eligible entity’ means an eligible
entity that was established prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act.

SEC. 299O. EVALUATION.

Not later than 3 years after the date of enactment of the Community Workforce Development and Modernization Partnership Act, the Secretary shall prepare and submit to Congress a report on the effectiveness of the activities carried out under this chapter.

SEC. 299P. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this chapter—

“(1) $10,000,000 for fiscal year 2003;
“(2) $15,000,000 for fiscal year 2004;
“(3) $20,000,000 for fiscal year 2005;
“(4) $25,000,000 for fiscal year 2006; and
“(5) $30,000,000 for fiscal year 2007.”.

(c) Table of Contents.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) (as amended in section 701(a)) is further amended by inserting after the items relating to chapter 7 of title II the following:

“Chapter 8—Community Workforce Partnerships

“Sec. 299K. Authorization.
“Sec. 299L. Partnership activities.
“Sec. 299M. Seed grants and outreach activities.
“Sec. 299N. Limitations on funding.
“Sec. 299O. Evaluation.
“Sec. 299P. Authorization of appropriations.”.

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TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 401. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.
(a) In General.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following new chapter:

“CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

“SEC. 291. DEFINITIONS.
“In this chapter:

“(1) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ means any agricultural commodity (including livestock), except fish as defined in section 299(1) of this Act, in its raw or natural state.

“(2) AGRICULTURAL COMMODITY PRODUCER.—The term ‘agricultural commodity producer’ has the same meaning as the term ‘person’ as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)). The term does not include any person described in section 299(2) of this Act.

“(3) CONTRIBUTED IMPORTANTLY.—

“(A) IN GENERAL.—The term ‘contributed importantly’ means a cause which is important
but not necessarily more important than any other cause.

“(B) Determination of contributed importantly.—The determination of whether imports of articles like or directly competitive with an agricultural commodity with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the agricultural commodity shall be made by the Secretary.

“(4) Duly authorized representative.—The term ‘duly authorized representative’ means an association of agricultural commodity producers.

“(5) National average price.—The term ‘national average price’ means the national average price paid to an agricultural commodity producer for an agricultural commodity in a marketing year as determined by the Secretary.

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

“SEC. 292. PETITIONS; GROUP ELIGIBILITY.

“(a) In general.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of agricultural commodity producers or by their duly authorized
representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

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

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

“(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and
“(2) that increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price described in paragraph (1).

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

“(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

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

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

“(1) QUALIFIED YEAR.—The term ‘qualified year’, with respect to a group of agricultural commodity producers certified as eligible under section 293, means each consecutive year after the year in
which the group is certified that the Secretary
makes the determination under subsection (c) or (d),
as the case may be.

“(2) Classes of goods within a commodity.—In any case in which there are separate
classes of goods within an agricultural commodity,
the Secretary shall treat each class as a separate
commodity in determining group eligibility, the na-
tional average price, and level of imports under this
section and section 296.

“SEC. 293. DETERMINATIONS BY SECRETARY OF AGRICULTURE.

“(a) In general.—As soon as practicable after the
date on which a petition is filed under section 292, but
in any event not later than 40 days after that date, the
Secretary shall determine whether the petitioning group
meets the requirements of section 292 (c) or (d), as the
case may be, and shall, if the group meets the require-
ments, issue a certification of eligibility to apply for assist-
ance under this chapter covering agricultural commodity
producers in any group that meets the requirements. Each
certification shall specify the date on which eligibility
under this chapter begins.

“(b) Notice.—Upon making a determination on a
petition, the Secretary shall promptly publish a summary
of the determination in the Federal Register, together with
the Secretary’s reasons for making the determination.

“(c) Termination of Certification.—Whenever
the Secretary determines, with respect to any certification
of eligibility under this chapter, that the decline in price
for the agricultural commodity covered by the certification
is no longer attributable to the conditions described in sec-
tion 292, the Secretary shall terminate such certification
and promptly cause notice of such termination to be pub-
lished in the Federal Register, together with the Sec-
retary’s reasons for making such determination.

“Sec. 294. Notification by International Trade Com-
mission.

“(a) Notification of Investigation.—Whenever
the International Trade Commission (in this chapter re-
ferred to as the ‘Commission’) begins an investigation
under section 202 with respect to an agricultural com-
mody, the Commission shall immediately notify the Sec-
retary of the investigation.

“(b) Notification of Affirmative Determina-
tion.—Whenever the Commission makes a report under
section 202(f) containing an affirmative finding regarding
serious injury, or the threat thereof, to a domestic indus-
try producing an agricultural commodity, the Commission
shall immediately notify the Secretary of that finding.
“SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

“(a) In General.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

“(b) Notice of Benefits.—

“(1) In General.—The Secretary shall mail written notice of the benefits available under this chapter to each agricultural commodity producer that the Secretary has reason to believe is covered by a certification made under this chapter.

“(2) Other Notice.—The Secretary shall publish notice of the benefits available under this chapter to agricultural commodity producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

“(3) Other Federal Assistance.—The Secretary shall also provide information concerning procedures for applying for and receiving all other Fed-
eral assistance and services available to workers fac-
ing economic distress.

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

“(a) IN GENERAL.—

“(1) REQUIREMENTS.—Payment of a trade ad-
justment allowance shall be made to an adversely af-
fected agricultural commodity producer covered by a
certification under this chapter who files an applica-
tion for such allowance within 90 days after the date
on which the Secretary makes a determination and
issues a certification of eligibility under section 293,
if the following conditions are met:

“(A) The producer submits to the Sec-
retary sufficient information to establish the
amount of agricultural commodity covered by
the application filed under subsection (a) that
was produced by the producer in the most re-
cent year.

“(B) The producer certifies that the pro-
ducer has not received cash benefits under any
 provision of this title other than this chapter.

“(C) The producer’s net farm income (as
determined by the Secretary) for the most re-
cent year is less than the producer’s net farm
income for the latest year in which no adjust-
ment assistance was received by the producer
under this chapter.

“(D) The producer certifies that the pro-
ducer has met with an Extension Service em-
ployee or agent to obtain, at no cost to the pro-
ducer, information and technical assistance that
will assist the producer in adjusting to import
competition with respect to the adversely af-
fected agricultural commodity, including—

“(i) information regarding the feasi-
bility and desirability of substituting 1 or
more alternative commodities for the ad-
versely affected agricultural commodity;
and

“(ii) technical assistance that will im-
prove the competitiveness of the production
and marketing of the adversely affected
agricultural commodity by the producer,
including yield and marketing improve-
ments.

“(2) LIMITATION.—

“(A) IN GENERAL.—Notwithstanding any
other provision of this chapter, an agricultural
commodity producer shall not be eligible for as-
sistance under this chapter in any year in which
the average adjusted gross income of the pro-
ducer exceeds $2,500,000.

“(B) CERTIFICATION.—To comply with the
limitation under subparagraph (A), an indi-
vidual or entity shall provide to the Secretary—

“(i) a certification by a certified pub-
lic accountant or another third party that
is acceptable to the Secretary that the av-
erage adjusted gross income of the pro-
ducer does not exceed $2,500,000; or

“(ii) information and documentation
regarding the adjusted gross income of the
producer through other procedures estab-
lished by the Secretary.

“(C) DEFINITIONS.—In this subsection:

“(i) ADJUSTED GROSS INCOME.—The
term ‘adjusted gross income’ means ad-
justed gross income of an agricultural com-
modity producer—

“(I) as defined in section 62 of
the Internal Revenue Code of 1986
and implemented in accordance with
procedures established by the Sec-
retary; and
“(II) that is earned directly or indirectly from all agricultural and nonagricultural sources of an individual or entity for a fiscal or corresponding crop year.

“(ii) Average adjusted gross income.—

“(I) In general.—The term ‘average adjusted gross income’ means the average adjusted gross income of a producer for each of the 3 preceding taxable years.

“(II) Effective adjusted gross income.—In the case of a producer that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the producer with an effective adjusted gross income for the applicable year.

“(b) Amount of cash benefits.—

“(1) In general.—Subject to the provisions of section 298, an adversely affected agricultural commodity producer described in subsection (a) shall be
entitled to adjustment assistance under this chapter
in an amount equal to the product of—

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

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

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

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

“(2) SPECIAL RULE FOR SUBSEQUENT QUALI-
FIED YEARS.—The amount of cash benefits for a
qualified year shall be determined in the same man-
ner as cash benefits are determined under paragraph
(1) except that the average national price of the ag-
gricultural commodity shall be determined under
paragraph (1)(A)(i) by using the 5-marketing-year
period used to determine the amount of cash bene-
fits for the first certification.
“(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—The maximum amount of cash benefits an agricultural commodity producer may receive in any 12-month period shall not exceed $10,000.

“(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer entitled to receive a cash benefit under this chapter—

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

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

“SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.

“(a) IN GENERAL.—

“(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

“(A) the payment was made without fault on the part of such person; and
“(B) requiring such repayment would be contrary to equity and good conscience.

“(2) Recovery of overpayment.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

“(b) False statement.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

“(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

“(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

“(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

“(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

“(c) Notice and determination.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination

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under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

“(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

“(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to the Department of Agriculture not to exceed $90,000,000 for each of the fiscal years 2003 through 2007 to carry out the purposes of this chapter.

“(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.”.
(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN.

(a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), as amended by title IV of this Act, is amended by adding at the end the following new chapter:

“CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

“SEC. 299. DEFINITIONS.

“In this chapter:

“(1) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms ‘commercial fishing’, ‘fish’, ‘fishery’, ‘fishing’, ‘fishing vessel’, ‘person’, and ‘United States fish processor’ have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

“(2) PRODUCER.—The term ‘producer’ means any person who—
“(A) is engaged in commercial fishing; or

“(B) is a United States fish processor.

“(3) CONTRIBUTED IMPORTANTLY.—

“(A) IN GENERAL.—The term ‘contributed importantly’ means a cause which is important but not necessarily more important than any other cause.

“(B) DETERMINATION OF CONTRIBUTED IMPORTANTLY.—The determination of whether imports of articles like or directly competitive with a fish caught through commercial fishing or processed by a United States fish processor with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the fish shall be made by the Secretary.

“(4) DULY AUTHORIZED REPRESENTATIVE.—

The term ‘duly authorized representative’ means an association of producers.

“(5) NATIONAL AVERAGE PRICE.—The term ‘national average price’ means the national average price paid to a producer for fish in a marketing year as determined by the Secretary.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.
“(7) **Trade Adjustment Assistance Center.**—The term ‘Trade Adjustment Assistance Center’ shall have the same meaning as such term has in section 253.

**SEC. 299A. PETITIONS; GROUP ELIGIBILITY.**

“(a) **In General.**—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

“(b) **Hearings.**—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary’s publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

“(c) **Group Eligibility Requirements.**—The Secretary shall certify a group of producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—
“(1) that the national average price for the fish, or a class of fish, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such fish, or such class of fish, for the 5 marketing years preceding the most recent marketing year; and

“(2) that increases in imports of articles like or directly competitive with the fish, or class of fish, produced by the group contributed importantly to the decline in price described in paragraph (1).

“(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—A group of producers certified as eligible under section 299B shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

“(1) the national average price for the fish, or class of fish, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

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

“(e) DETERMINATION OF QUALIFIED YEAR AND COMMODITY.—In this chapter:
“(1) Qualified year.—The term ‘qualified year’, with respect to a group of producers certified as eligible under section 299B, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

“(2) Classes of goods within a commodity.—In any case in which there are separate classes of fish, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 299E.

“SEC. 299B. DETERMINATIONS BY SECRETARY.

“(a) In general.—As soon as practicable after the date on which a petition is filed under section 299A, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 299A (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.
“(b) Notice.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary’s reasons for making the determination.

“(c) Termination of Certification.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the fish covered by the certification is no longer attributable to the conditions described in section 299A, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary’s reasons for making such determination.


“(a) Notification of Investigation.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

“(b) Notification of Affirmative Determination.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic indus-
try producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.

SEC. 299D. BENEFIT INFORMATION TO PRODUCERS.

“(a) IN GENERAL.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

“(b) NOTICE OF BENEFITS.—

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

“(2) OTHER NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.
“SEC. 299E. QUALIFYING REQUIREMENTS FOR PRODUCERS.

“(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 299B, if the following conditions are met:

“(1) The producer submits to the Secretary sufficient information to establish the amount of fish covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

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

“(3) The producer’s net fishing or processing income (as determined by the Secretary) for the most recent year is less than the producer’s net fishing or processing income for the latest year in which no adjustment assistance was received by the producer under this chapter.

“(4) The producer certifies that—

“(A) the producer has met with an employee or agent from a Trade Adjustment Assistance Center to obtain, at no cost to the pro-
ducer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected fish, including—

“(i) information regarding the feasibility and desirability of substituting 1 or more alternative fish for the adversely affected fish; and

“(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected fish by the producer, including yield and marketing improvements; and

“(B) none of the benefits will be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise add to the overcapitalization of any fishery.

“(b) AMOUNT OF CASH BENEFITS.—

“(1) IN GENERAL.—Subject to the provisions of section 299G, an adversely affected producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

“(A) one-half of the difference between—
“(i) an amount equal to 80 percent of the average of the national average price of the fish covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year; and

“(ii) the national average price of the fish for the most recent marketing year; and

“(B) the amount of the fish produced by the producer in the most recent marketing year.

“(2) SPECIAL RULE FOR SUBSEQUENT QUALIFIED YEARS.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the fish shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification. A producer shall only be eligible for benefits for subsequent qualified years if the Secretary or his designee determines that sufficient progress has been made implementing the plans developed under section 299E(a)(4) of this title.
“(c) Maximum Amount of Cash Assistance.—

The maximum amount of cash benefits a producer may receive in any 12-month period shall not exceed $10,000.

“(d) Limitations on Other Assistance.—A producer entitled to receive a cash benefit under this chapter—

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

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

“SEC. 299F. FRAUD AND RECOVERY OF OVERPAYMENTS.

“(a) In General.—

“(1) Repayment.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

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

“(B) requiring such repayment would be contrary to equity and good conscience.
“(2) Recovery of overpayment.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

“(b) False statement.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

“(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

“(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

“(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

“(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

“(c) Notice and determination.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair
hearing thereon has been given to the person concerned, and the determination has become final.

“(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

“(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

“SEC. 299G. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to the Department of Commerce not to exceed $10,000,000 for each of the fiscal years 2003 through 2007 to carry out the purposes of this chapter.

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

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.
TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

“SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

“(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 75 percent of the amount paid by the taxpayer during the taxable year for coverage for the taxpayer, the taxpayer’s spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

“(b) Eligible Coverage Month.—For purposes of this section—

“(1) In General.—The term ‘eligible coverage month’ means any month if, as of the first day of such month—

“(A) the taxpayer is an eligible individual,
“(B) the taxpayer is covered by qualified health insurance,
“(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and
“(D) the taxpayer does not have other specified coverage.
“(2) Special rules.—
“(A) Joint returns.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.
“(B) Exclusion of months in which individual is imprisoned.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.
“(3) Other specified coverage.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—
“(A) Subsidized coverage.—
“(i) In general.—Such individual is covered under any qualified health insur-
ance (other than insurance described in subparagraph (A), (B), or (F) of subsection (d)(1)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4)) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer’s spouse.

“(ii) TREATMENT OF CAFETERIA PLANS.—For purposes of clause (i), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d)).

“(B) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

“(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

“(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

“(C) CERTAIN OTHER COVERAGE.—Such individual—
“(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code,
“(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code, or
“(iii) is entitled to receive benefits under chapter 17 of title 38, United States Code.

“(c) Eligible Individual.—For purposes of this section, the term ‘eligible individual’ means an individual who is participating in the trade adjustment allowance program under section 235 of the Trade Act of 1974, as amended by section 101 of the Trade Adjustment Assistance Improvement Act of 2002, or would be eligible to participate in such program if section 235 (as so amended) were applied without regard to subsection (a)(3)(B) thereof.

“(d) Qualified Health Insurance.—
“(1) In general.—For purposes of this section, subject to paragraph (2), the term ‘qualified health insurance’ means health insurance coverage or coverage under a group health plan through—
“(A) COBRA continuation coverage,
“(B) continuation coverage under a similar State program,

“(C) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative,

“(D) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in the health insurance program offered for State employees,

“(E) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees,

“(F) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 414(f)), an issuer of health insurance coverage, an administrator of health insurance coverage or a group health plan, or an employer, as appropriate, on behalf of the eligible
worker and the eligible worker’s spouse and dependents,

“(G) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a State-operated health plan that does not receive any Federal financial participation,

“(H) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool,

“(I) enrollment of the eligible worker and the eligible worker’s spouse and dependents in coverage under a group health plan that is available through the employment of the worker’s spouse and is not described in subsection (b)(3)(A)(i), or

(J) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a nationally offered health plan—

“(i) that is actuarially equivalent to the individual and self and family coverage offered under any service benefit plan described under section 8903(1) of title 5,
United States Code, and offered in all States and the District of Columbia;

“(ii) that is subject to the same terms and conditions as coverage made available under the program of health insurance coverage established under chapter 89 of title 5, United States Code; and

“(iii) that is made available under a program established by the Secretary that—

“(I) to the greatest extent practicable, is administered in the same manner as the program of health insurance established under chapter 89 of title 5, United States Code; and

“(II) requires that, with respect to any contract under chapter 89 of title 5, United States Code, with a carrier to offer a service benefit plan described in section 8903(1) of that title in all States and the District of Columbia, that takes effect with respect to calendar year 2003 and any subsequent calendar year in which temporary adjustment assistance is
administered under chapter 2 of title II of the Trade Act of 1974 (as amended by the Trade Adjustment Assistance Improvement Act of 2002), such contract includes a provision that requires the carrier to offer a plan under the program established under this subparagraph.

“(2) REQUIREMENTS.—Health insurance coverage or coverage under a group health plan shall not be treated as being described in any of subparagraphs (B) through (H) of paragraph (1) unless, with respect to such coverage provided to eligible workers and the eligible worker’s spouse or dependents—

“(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 and who pay the remainder of the premium for such enrollment,

“(B) no pre-existing condition limitations are imposed with respect to such eligible workers,

“(C) the worker is not required (as a condition of enrollment or continued enrollment
under the coverage) to pay a premium or contribution that is greater than the premium or contribution for an individual who is not an eligible worker who has comparable coverage,

“(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to individuals who are not eligible workers who have comparable coverage,

“(E) the standard loss ratio for the coverage is not less than 65 percent,

“(F) in the case of coverage provided under paragraph (1)(E), the premiums and benefits are comparable to the premiums and benefits applicable to State employees, and

“(G) such coverage otherwise meets requirements established by the Secretary.

“(3) DEFINITIONS.—For purposes of this section:

“(A) COBRA CONTINUATION COVERAGE.—The term ‘COBRA continuation coverage’ means coverage under a group health plan provided by an employer pursuant to section 4980B.
“(B) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given such term by section 5001(b)(1).

“(C) HEALTH INSURANCE COVERAGE.—Except to the extent provided by the Secretary, the term ‘health insurance coverage’ has the meaning given such term by section 9832(b)(1) (other than insurance if substantially all of its coverage is of excepted benefits described in section 9832(c) or provided under a flexible spending arrangement, as determined under section 106(c).

“(D) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term ‘individual health insurance coverage’ means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

“(E) QUALIFIED STATE HIGH RISK POOL.—The term ‘qualified State high risk pool’ has the meaning given that term in section 2744(e)(2) of the Public Health Service Act (42 U.S.C. 300gg–44(e)(2)).
“(F) Standard loss ratio.—The term ‘standard loss ratio’, with respect to the pool of insured individuals under coverage described in subparagraph (B) through (H) of paragraph (1) for a year, means—

“(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

“(ii) the premiums paid for enrollment in each such coverage for such year.

“(e) Coordination with advance payments of credit.—

“(1) Recapture of excess advance payments.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual’s last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

“(2) Reconciliation of payments advanced and credit allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining
the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

“(f) Special Rules.—

“(1) Coordination with other deductions.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

“(2) MSA distributions.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

“(3) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins.

“(4) Credit treated as refundable credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.
“(5) EXPENSES MUST BE SUBSTANTIATED.—A payment for qualified health insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.”.

(b) INFORMATION REPORTING.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT."

“(a) Requirement of Reporting.—Every person—

“(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

“(2) who claims a reimbursement for an advance credit amount,
shall, at such time as the Secretary may prescribe, make
the return described in subsection (b) with respect to each
individual from whom such payments were received or for
whom such a reimbursement is claimed.

“(b) Form and Manner of Returns.—A return
is described in this subsection if such return—
“(1) is in such form as the Secretary may pre-
scribe, and
“(2) contains—
“(A) the name, address, and TIN of each
individual referred to in subsection (a),
“(B) the aggregate of the advance credit
amounts provided to such individual and for
which reimbursement is claimed,
“(C) the number of months for which such
advance credit amounts are so provided, and
“(D) such other information as the Sec-
etary may prescribe.

“(c) Statements To Be Furnished to Individ-
uals With Respect to Whom Information Is Re-
quired.—Every person required to make a return under
subsection (a) shall furnish to each individual whose name
is required to be set forth in such return a written state-
ment showing—
“(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

“(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

“(d) ADVANCE CREDIT AMOUNT.—For purposes of this section, the term ‘advance credit amount’ means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.”.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

“(xi) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit),”.
(B) Paragraph (2) of section 6724(d) of such Code is amended by striking “or” at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting “, or”, and by adding after subparagraph (AA) the following new subparagraph:

“(BB) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit).”.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

“Sec. 6050T. Returns relating to trade adjustment assistance health insurance credit.”.

(c) CRIMINAL PENALTY FOR FRAUD.—

(1) IN GENERAL.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

“SEC. 7276. PENALTIES FOR OFFENSES RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

“Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey
the false impression of association with, or approval or en-
dorsement by, the Department of the Treasury of any in-
surance products or group health coverage in connection
with the credit for trade adjustment assistance health in-
surance under section 6429 shall on conviction thereof be
fined not more than $10,000, or imprisoned not more than
1 year, or both.”.

(2) The table of sections for subchapter B of
chapter 75 of such Code is amended by adding at the end the following:

“Sec. 7276. Penalties for offenses relating to trade adjustment assistance health insurance credit.”.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 6429 of such Code”.

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6429. Trade adjustment assistance health insurance credit.”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after Decem-
ber 31, 2001, without regard to whether final regu-
lations to carry out such amendments have been pro-
mulgated by such date.

(2) Penalties.—The amendments made by
subsection (c) shall take effect on the date of the en-
actment of this Act.

SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT AS-
SISTANCE HEALTH INSURANCE CREDIT.

(a) In General.—Chapter 77 of the Internal Rev-
enue Code of 1986 (relating to miscellaneous provisions)
is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT
ASSISTANCE HEALTH INSURANCE CREDIT.

“(a) General Rule.—The Secretary shall establish
a program for making payments on behalf of eligible indi-
viduals (as defined in section 6429(c)) to providers of
health insurance for such individuals for whom a qualified
health insurance credit eligibility certificate is in effect.

“(b) Qualified Health Insurance Credit Elig-
bility Certificate.—For purposes of this section, ex-
cept as provided by the Secretary, a qualified health insur-
ance credit eligibility certificate is a statement certified by
a designated local agency (as defined in section 51(d)(11))
(or by any other entity designated by the Secretary)
which—
“(1) certifies that the individual was an eligible individual (as defined in section 6429(e)) as of the first day of any month, and
“(2) provides such other information as the Secretary may require for purposes of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 7527. Advance payment of trade adjustment assistance health insurance credit.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 603. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) AUTHORITY TO AWARD GRANTS.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1134 the following:

“GRANTS TO PROVIDE HEALTH INSURANCE COVERAGE ASSISTANCE FOR ELIGIBLE WORKERS

“Sec. 1135. (a) AUTHORITY TO AWARD GRANTS.—The Secretary is authorized to award grants—
“(1) to States to provide the assistance described in subsection (b) to any eligible worker (as defined in subsection (b)(4)(B)); and

“(2) to a State to provide the assistance described in subsection (c) to any eligible worker (as defined in subsection (c)(5)).

“(b) Health Insurance Coverage Assistance for Eligible Workers.—

“(1) In general.—Funds made available to a State under paragraph (1) of subsection (a) may be used by the State for the following:

“(A) Health insurance coverage.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage or coverage under a group health plan through—

“(i) COBRA continuation coverage;

“(ii) continuation coverage under a similar State program;

“(iii) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-
based health insurance coverage alternative;

“(iv) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in the health insurance program offered for State employees;

“(v) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

“(vi) a direct payment arrangement entered into by the State and a group health plan (including a multi-employer plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37))), an issuer of health insurance coverage, an administrator of health insurance coverage or a group health plan, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker’s spouse and dependents;
“(vii) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a State-operated health plan that does not receive any Federal financial participation;

“(viii) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool;

“(ix) enrollment of the eligible worker and the eligible worker’s spouse and dependents in coverage under a group health plan that is available through the employment of the worker’s spouse and is not described in paragraph (4)(C)(i)(I); or

“(x) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a nationally offered health plan—

“(I) that is actuarially equivalent to the individual and self and family coverage offered under any service benefit plan described under section
8903(1) of title 5, United States Code, and offered in all States and the District of Columbia;

“(II) that is subject to the same terms and conditions as coverage made available under the program of health insurance coverage established under chapter 89 of title 5, United States Code; and

“(III) that is made available under a program established by the Secretary that—

“(aa) to the greatest extent practicable, is administered in the same manner as the program of health insurance established under chapter 89 of title 5, United States Code; and

“(bb) requires that, with respect to any contract under chapter 89 of title 5, United States Code, with a carrier to offer a service benefit plan described in section 8903(1) of that title in all States and the District of Colum-
bia, that takes effect with respect to calendar year 2003 and any subsequent calendar year in which temporary adjustment assistance is administered under chapter 2 of title II of the Trade Act of 1974 (as amended by the Trade Adjustment Assistance Improvement Act of 2002), such contract includes a provision that requires the carrier to offer a plan under the program established under this clause.

“(B) Establishment of Health Insurance Coverage Mechanisms.—To establish or administer—

“(i) a qualified State high risk pool for the purpose of providing health insurance coverage to an eligible worker and the eligible worker’s spouse and dependents;

“(ii) a State-based program for the purpose of providing health insurance coverage to an eligible worker and the eligible worker’s spouse and dependents that is
comparable to the State health insurance program for State employees; or

“(iii) a program under which the State enters into arrangements described in subparagraph (A)(vi).

“(C) Administrative expenses.—To pay the administrative expenses related to the enrollment of eligible workers and the eligible workers' spouses and dependents in health insurance coverage or coverage under a group health plan described in subparagraph (A), including—

“(i) eligibility verification activities;

“(ii) the notification of eligible workers of available health insurance coverage options;

“(iii) processing qualified health insurance credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

“(iv) providing assistance to eligible workers in enrolling in health insurance coverage;

“(v) the development or installation of necessary data management systems; and
“(vi) any other expenses determined appropriate by the Secretary.

“(2) REQUIREMENTS.—With respect to health insurance coverage or coverage under a group health plan provided to eligible workers under any of clauses (ii) through (viii) of paragraph (1)(A), the State shall ensure that—

“(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 of the Internal Revenue Code of 1986 and who pay the remainder of the premium for such enrollment;

“(B) no pre-existing condition limitations are imposed with respect to such eligible workers;

“(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for a individual who is not an eligible worker who has comparable coverage;

“(D) benefits under the coverage are the same as (or substantially similar to) the bene-
fits provided to individuals who are not eligible
workers who have comparable coverage;

“(E) the standard loss ratio for the cov-
erage is not less than 65 percent;

“(F) in the case of coverage provided
under paragraph (1)(A)(v), the premiums and
benefits are comparable to the premiums and
benefits applicable to State employees; and

“(G) such coverage otherwise meets re-
quirements established by the Secretary.

“(3) APPLICATIONS; AVAILABILITY OF
Funds.—

“(A) Applications.—A State desiring a
grant under subsection (a)(1) shall submit an
application to the Secretary at such time, in
such manner, and containing such information
as the Secretary may require.

“(B) Expedited Procedures.—With re-
spect to applications submitted by States for
grants under subsection (a)(1), the Secretary
shall—

“(i) not later than 15 days after the
date on which the Secretary receives a
completed application from a State, notify
the State of the determination of the Sec-
retary with respect to the approval or dis-
approval of such application;

“(ii) in the case of a State application
that is disapproved by the Secretary, pro-
vide technical assistance, at the request of
the State, in a timely manner to enable the
State to submit an approved application;
and

“(iii) develop procedures to expedite
the provision of funds to States with ap-
proved applications.

“(C) AVAILABILITY AND DISTRIBUTION OF
FUNDS.—The Secretary shall ensure that funds
made available under subsection (d)(1) to make
grants under subsection (a)(1) are available to
States throughout the period described in sub-
section (d)(2)(A).

“(4) DEFINITIONS.—For purposes of this sub-
section:

“(A) COBRA CONTINUATION COV-
ERAGE.—The term ‘COBRA continuation cov-
erage’ means coverage under a group health
plan provided by an employer pursuant to title
XXII of the Public Health Service Act, section
4980B of the Internal Revenue Code of 1986,

“(B) ELIGIBLE WORKER.—The term ‘eligible worker’ means an individual who—

“(i) is participating in the trade adjustment allowance program under section 235 of the Trade Act of 1974, as amended by section 101 of the Trade Adjustment Assistance Improvement Act of 2002, or would be eligible to participate in such program if section 235 (as so amended) were applied without regard to subsection (a)(3)(B) thereof;

“(ii) does not have other specified coverage; and

“(iii) is not imprisoned under Federal, State, or local authority.

“(C) OTHER SPECIFIED COVERAGE.—With respect to any individual, the term ‘other specified coverage’ means—

“(i) SUBSIDIZED COVERAGE.—

“(I) IN GENERAL.—Such individual is covered under any qualified health insurance (other than insur-
ance described in clause (i), (ii), or (vi) of paragraph (1)(A)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4) of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the individual or the individual’s spouse.

“(II) TREATMENT OF CAFETERIA PLANS.—For purposes of subclause (I), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d) of such Code).

“(ii) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

“(I) is entitled to benefits under part A of title XVIII or is enrolled under part B of such title; or
“(II) is enrolled in the program under title XIX or XXI (other than under section 1928).

“(iii) CERTAIN OTHER COVERAGE.—

Such individual—

“(I) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

“(II) is entitled to receive benefits under chapter 55 of title 10, United States Code; or

“(III) is entitled to receive benefits under chapter 17 of title 38, United States Code.

“(D) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)), section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)), and section 5001(b)(1) of the Internal Revenue Code of 1986.

“(E) HEALTH INSURANCE COVERAGE.—

Except to the extent provided by the Secretary, the term ‘health insurance coverage’ has the
meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg–91(c)) or provided under a flexible spending arrangement, as determined under section 106(c) of the Internal Revenue Code of 1986.

"(F) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term ‘individual health insurance coverage’ means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(G) QUALIFIED STATE HIGH RISK POOL.—The term ‘qualified State high risk pool’ has the meaning given that term in section 2744(e)(2) of the Public Health Service Act (42 U.S.C. 300gg–44(e)(2)).

"(H) STANDARD LOSS RATIO.—The term ‘standard loss ratio’, with respect to the pool of insured individuals under coverage described in
clauses (ii) through (viii) of subparagraph (A) for a year, means—

“(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

“(ii) the premiums paid for enrollment in each such coverage for such year.

“(e) INTERIM HEALTH INSURANCE COVERAGE AND OTHER ASSISTANCE.—

“(1) IN GENERAL.—Funds made available to a State under paragraph (2) of subsection (a) may be used by the State to provide assistance and support services to eligible workers, including health care coverage, transportation, child care, dependent care, and income assistance.

“(2) INCOME SUPPORT.—With respect to any income assistance provided to an eligible worker with such funds, such assistance shall supplement and not supplant other income support or assistance provided under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the effective date of the Trade Adjustment Assistance Improvement Act of 2002) or the
unemployment compensation laws of the State where
the eligible worker resides.

“(3) Health insurance coverage.—With
respect to any assistance provided to an eligible
worker with such funds in enrolling in health insur-
ance coverage or coverage under a group health
plan, the following rules shall apply:

“(A) The State may provide assistance in
obtaining such coverage to the eligible worker
and to the eligible worker’s spouse and depend-
ents.

“(B) Such assistance shall supplement and
may not supplant any other State or local funds
used to provide health care coverage and may
not be included in determining the amount of
non-Federal contributions required under any
program.

“(4) Applications; availability of
funds.—

“(A) Applications.—A State desiring a
grant under subsection (a)(2) shall submit an
application to the Secretary at such time, in
such manner, and containing such information
as the Secretary may require.
“(B) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under subsection (a)(2), the Secretary shall—

“(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

“(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

“(iii) develop procedures to expedite the provision of funds to States with approved applications.

“(C) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under subsection (d)(2) to make grants under subsection (a)(2) are available to States throughout the period described in subsection (d)(2)(B).
“(5) Definition of eligible worker.—In this subsection, the term ‘eligible worker’ means an individual who is a member of a group of workers certified after April 1, 2002, under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Improvement Act of 2002) and is participating in the trade adjustment allowance program under such chapter (as so in effect) or who would be determined to be participating in such program under such chapter (as so in effect) if such chapter were applied without regard to section 231(a)(3)(B) of the Trade Act of 1974 (as so in effect).

“(d) Appropriations.—

“(1) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

“(A) to make grants under subsection (a)(1)—

“(i) $10,000,000 for fiscal year 2002; and

“(ii) $60,000,000 for each of fiscal years 2003 through 2007; and

“(B) to make grants under subsection (a)(2)—
“(i) $50,000,000 for fiscal year 2002;
“(ii) $100,000,000 for fiscal year 2003; and
“(iii) $50,000,000 for fiscal year 2004.

“(2) AVAILABILITY OF FUNDS.—Funds appropriated under—

“(A) paragraph (1)(A) for each fiscal year shall remain available for obligation during the pendency of any outstanding claim under the Trade Act of 1974, as amended by the Trade Adjustment Assistance Improvement Act of 2002; and

“(B) paragraph (1)(B), for each fiscal year shall remain available during the period that begins on the date of enactment of the Trade Adjustment Assistance Improvement Act of 2002 and ends on September 30, 2004.”.

(b) TEMPORARY EXTENSION OF COBRA ELECTION PERIOD FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage (as defined in section 6429(d)(3)(A) of the Internal Revenue Code of 1986) with respect to any eligible individual (as de-
fined in section 6429(c) of such Code) for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual becomes such an eligible individual.

(2) PREEXISTING CONDITIONS.—If an individual becomes such an eligible individual, any period before the date of such eligibility shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)), section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)), and section 9801(c)(2) of the Internal Revenue Code of 1986.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 701. CONFORMING AMENDMENTS.

(a) Amendments to the Trade Act of 1974.—

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

(2) General accounting office report.—
Section 280 of the Trade Act of 1974 (19 U.S.C.
2391) is amended to read as follows:

“SEC. 280. GENERAL ACCOUNTING OFFICE REPORT.

“(a) Study and report.—The Comptroller General
of the United States shall conduct a study of the adjust-
ment assistance programs established under chapters 2,
3, 4, 6, and 7 of this title and shall report the results
of such study to the Congress no later than January 31,
2005. Such report shall include an evaluation of—

“(1) the effectiveness of such programs in aid-
ing workers, farmers, fishermen, firms, and commu-
nities to adjust to changed economic conditions re-
sulting from changes in the patterns of international
trade; and

“(2) the coordination of the administration of
such programs and other Government programs
which provide unemployment compensation and re-
lied to depressed areas.

“(b) Assistance of other departments and
agencies.—In carrying out his responsibilities under
this section, the Comptroller General shall, to the extent
practical, avail himself of the assistance of the Departments of Labor, Commerce, and Agriculture and the Small Business Administration. The Secretaries of Labor, Commerce, and Agriculture and the Administrator of the Small Business Administration shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this title.”.

(3) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking “Departments of Labor and Commerce” and inserting “Departments of Labor, Commerce, and Agriculture”.

(4) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking “The Secretary of Commerce and the Secretary of Labor” and inserting “The Secretaries of Commerce, Labor, and Agriculture”.

(5) JUDICIAL REVIEW.—

(A) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking “under section 223 or section 250(c)” and all that follows through “the Secretary of Commerce under section 271” and inserting “under section 231, a firm or its representative, or any
other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 251, an agricultural commodity producer (as defined in section 291(2)) aggrieved by a determination of the Secretary of Agriculture under section 293, or a producer (as defined in section 299(2)) aggrieved by a determination of the Secretary of Commerce under section 299B’’.

(B) Section 284 of such Trade Act of 1974 is amended in the second sentence of subsection (a) and in subsections (b) and (c), by inserting “or the Secretary of Agriculture” after “Secretary of Commerce” each place it appears.

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

“SEC. 285. TERMINATION.

“(a) ASSISTANCE FOR WORKERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), trade adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 2 after September 30, 2007.

“(2) EXCEPTION.—Notwithstanding paragraph (1), a worker shall continue to receive trade adjustment assistance benefits and other benefits under
chapter 2 for any week for which the worker meets
the eligibility requirements of that chapter, if on or
before September 30, 2007, the worker is—

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

“(B) otherwise eligible to receive trade ad-
justment assistance benefits under chapter 2.

“(b) Other Assistance.—

“(1) Assistance for Firms.—Technical as-
sistance may not be provided under chapter 3 after

“(2) Assistance for Communities.—Tech-
nical assistance and other payments may not be pro-

“(3) Assistance for Farmers and Fish-
ermen.—

“(A) In General.—Except as provided in
subparagraph (B), adjustment assistance,
vouchers, allowances, and other payments or
benefits may not be provided under chapter 6
or 7 after September 30, 2007.

“(B) Exception.—Notwithstanding sub-
paragraph (A), an agricultural commodity pro-
ducer (as defined in section 291(2)) or producer
(as defined in section 299(2)), shall continue to
receive adjustment assistance benefits and other
benefits under chapter 6 or 7, whichever ap-
plies, for any week for which the agricultural
commodity producer or producer meets the eli-
gibility requirements of chapter 6 or 7, which-
ever applies, if on or before September 30,
2007, the agricultural commodity producer or
producer is—

“(i) certified as eligible for adjustment
assistance benefits under chapter 6 or 7,
whichever applies; and

“(ii) is otherwise eligible to receive ad-
justment assistance benefits under such
chapter 6 or 7.”.

(7) TABLE OF CONTENTS.—

(A) IN GENERAL.—The table of contents
for chapters 2, 3, and 4 of title II of the Trade
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 Com-
mission begins investigation.
Sec. 226. Report by Secretary of Labor on likely impact of trade agree-
ments.

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; wage insurance.

"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 Trade Adjustment.
"Sec. 273. Notification and certification as an eligible community.
"Sec. 274. Community Economic Development Coordinating Committee.
"Sec. 275. Community economic adjustment advisors.
(B) CHAPTERS 6 AND 7.—The table of contents for title II of the Trade Act of 1974, as amended by subparagraph (A), is amended by inserting after the items relating to chapter 5 the following:

“CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

“Sec. 291. Definitions.
“Sec. 292. Petitions; group eligibility.
“Sec. 293. Determinations by Secretary of Agriculture.
“Sec. 294. Study by Secretary of Agriculture when International Trade Commission begins 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.

“CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

“Sec. 299. Definitions.
“Sec. 299A. Petitions; group eligibility.
“Sec. 299B. Determinations by Secretary.
“Sec. 299C. Study by Secretary when International Trade Commission begins investigation.
“Sec. 299D. Benefit information to producers.
“Sec. 299E. Qualifying requirements for producers.
“Sec. 299F. Fraud and recovery of overpayments.
“Sec. 299G. Authorization of appropriations.”.

(b) INTERNAL REVENUE CODE.—

(1) ADJUSTED GROSS INCOME.—Section 62(a)(12) of the Internal Revenue Code of 1986 (relating to the definition of adjusted gross income) is amended by striking “trade readjustment allowances under section 231 or 232” and inserting “trade adjustment allowances under section 235 or 236”.

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

“(8) compensation shall not be denied to an individual for any week because the individual is in training with the approval of the State agency, or in training approved by the Secretary of Labor pursuant to chapter 2 of title II of the Trade Act of 1974 (or because of the application, to any such week in training, of State law provisions relating to availability for work, active search for work, or refusal to accept work),”.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by this paragraph shall apply in the case of compensation paid for weeks beginning on or after the date that is 90 days after the date of enactment of this Act.

(ii) MEETING OF STATE LEGISLATURE.—

(I) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or
regulations in order to comply with the amendments made by subparagraph (A), the amendments made by subparagraph (A) shall apply in the case of compensation paid for weeks beginning after the earlier of—

(aa) the date the State changes its statutes or regulations in order to comply with the amendments made by this section; or

(bb) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date; except that in no case shall the amendments made by this Act apply before the date described in clause (i).

(II) SESSION DEFINED.—In this clause, the term “session” means a regular, special, budget, or other session of a State legislature.
(c) Amendments to Title 28.—

(1) Civil actions against the United States.—Section 1581(d) of title 28, United States Code, is amended—

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

(B) in paragraph (2), by striking “and”; and

(C) by striking paragraph (3), and inserting the following:

“(3) any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer (as defined in section 291(2)) for adjustment assistance under such Act; and

“(4) any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of a producer (as defined in section 299(2)) for adjustment assistance under such Act.”.

(2) Persons entitled to commence a civil action.—Section 2631(d) of title 28, United States Code, is amended—

(A) by amending paragraph (1) to read as follows:
“(d)(1) A civil action to review any final determination of the Secretary of Labor under section 231 of the Trade Act of 1974 with respect to the certification of workers as adversely affected and eligible for trade adjustment assistance under that Act may be commenced by a worker, a group of workers, a certified or recognized union, or an authorized representative of such worker or group, that petitions for certification under that Act or is aggrieved by the final determination.”;

(B) by striking paragraph (3), and inserting the following:

“(3) A civil action to review any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer for adjustment assistance may be commenced in the Court of International Trade by an agricultural commodity producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination.”; and

(C) by adding at the end the following new paragraph:

“(4) A civil action to review any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of an pro-
ducer (as defined in section 299(2)) for adjustment assistance may be commenced in the Court of International Trade by a producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination.”.

(3) **Time for Commencement of Action.**—Section 2636(d) of title 28, United States Code, is amended by striking “under section 223 of the Trade Act of 1974 or a final determination of the Secretary of Commerce under section 251 or section 271 of such Act” and inserting “under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act”.

(4) **Scope and Standard of Review.**—Section 2640(e) of title 28, United States Code, is amended by striking “under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act” and inserting “under section 231 of the Trade Act of 1974, a final determination of
the Secretary of Commerce under section 251 of
that Act, a final determination of the Secretary of
Agriculture under section 293 of that Act, or a final
determination of the Secretary of Commerce under
section 299B of that Act”.

(5) RELIEF.—Section 2643(c)(2) of title 28,
United States Code, is amended by striking “under
section 223 of the Trade Act of 1974 or any final
determination of the Secretary of Commerce under
section 251 or section 271 of such Act” and insert-
ing “under section 231 of the Trade Act of 1974,
a final determination of the Secretary of Commerce
under section 251 of that Act, a final determination
of the Secretary of Agriculture under section 293 of
that Act, or a final determination of the Secretary
of Commerce under section 299B of that Act”.

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

TITLE VIII—SAVINGS PROVI-
SIONS AND EFFECTIVE DATE

SEC. 801. SAVINGS PROVISIONS.

(a) PROCEEDINGS NOT AFFECTED.—
(1) **In General.**—The provisions of this Act shall not affect any petition for certification for benefits under chapter 2 of title II of the Trade Act of 1974 that was in effect on September 30, 2001. Determinations shall be issued, appeals shall be taken therefrom, and payments shall be made under those determinations, as if this Act had not been enacted, and orders issued in any proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) **Modification or Discontinuance.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this Act had not been enacted.

(b) **Suits Not Affected.**—The provisions of this Act shall not affect any suit commenced before October 1, 2001, and in all those suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.
(c) **Nonabatement of Actions.**—No suit, action, or other proceeding commenced by or against the Federal Government, or by or against any individual in the official capacity of that individual as an officer of the Federal Government, shall abate by reason of enactment of this Act.

**SEC. 802. EFFECTIVE DATE.**

(a) **In General.**—Except as otherwise provided in sections 401(b), 501(b), and 701(b)(2)(B), title IX, and subsections (b), (c), and (d) of this section, the amendments made by this Act shall apply to—

(1) petitions for certification filed under chapter 2 or 3 of title II of the Trade Act of 1974 on or after the date that is 90 days after the date of enactment of this Act; and

(2) certifications for assistance under chapter 4 of title II of the Trade Act of 1974 issued on or after the date that is 90 days after the date of enactment of this Act.

(b) **Workers Certified as Eligible Before Effective Date.**—Notwithstanding subsection (a), a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week for which the worker meets...
the eligibility requirements of such chapter 2 as in effect on such date, if on or before such date, the worker—

(1) was certified as eligible for trade adjustment assistance benefits under such chapter as in effect on such date; and

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

(e) Workers Who Became Eligible During Qualified Period.—

(1) In general.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, any worker who would have been eligible to receive trade adjustment assistance or other benefits under chapter 2 of title II of the Trade Act if 1974 during the qualified period if such chapter 2 had been in effect during such period, shall be eligible to receive trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the worker meets the eligibility requirements of such chapter 2 as in effect on September 30, 2001.
(2) QUALIFIED PERIOD.—For purposes of this subsection, the term “qualified period” means the period beginning on January 11, 2002 and ending on the date that is 90 days after the date of enactment of this Act.

(d) ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, and except as provided in paragraph (2) any firm that would have been eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act if 1974 during the qualified period if such chapter 3 had been in effect during such period, shall be eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the firm meets the eligibility requirements of such chapter 3 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection, the term “qualified period” means the period beginning on October 1, 2001 and ending on the date that is 90 days after the date of enactment of this Act.
TITLE IX—REVENUE

PROVISIONS

SEC. 901. CUSTOM USER FEES.


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