

115TH CONGRESS
2D SESSION

H. R. 6819

To establish a worker adjustment assistance program to provide assistance and job retraining for workers who have lost their jobs due to unplanned closures of coal and coal dependent industries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2018

Mr. MCKINLEY (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a worker adjustment assistance program to provide assistance and job retraining for workers who have lost their jobs due to unplanned closures of coal and coal dependent industries, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Healthy Employee Loss Prevention Act of 2018” or the
6 “HELP Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—PETITIONS AND DETERMINATIONS

Sec. 101. Petitions.
 Sec. 102. Group eligibility requirements.
 Sec. 103. Determinations and certifications.
 Sec. 104. Benefit information to workers.

TITLE II—PROGRAM BENEFITS

Subtitle A—Readjustment Allowances

Sec. 201. Qualifying requirements for workers.
 Sec. 202. Weekly amounts.

Subtitle B—Training, Other Employment Services, and Allowances

Sec. 221. Employment and case management services.
 Sec. 222. Training.
 Sec. 223. Job search allowances.
 Sec. 224. Relocation allowances.

TITLE III—GENERAL PROVISIONS

Sec. 301. Establishment of Commission.
 Sec. 302. Agreements with States.
 Sec. 303. Administration absent State agreement.
 Sec. 304. Liability of certifying and disbursing officers.
 Sec. 305. Fraud and recovery of overpayments.
 Sec. 306. Penalties.
 Sec. 307. Agency funding limitations and authorization of appropriations.
 Sec. 308. Agency reports of wasteful and excessive spending required.
 Sec. 309. Regulations.
 Sec. 310. Subpoena power.

3 **SEC. 2. DEFINITIONS.**

4 As used in this Act, the following definitions apply:

5 (1) The term “adversely affected employment”
 6 means employment in a company or appropriate
 7 subdivision of a company, if workers of such com-
 8 pany or subdivision are eligible to apply for adjust-
 9 ment assistance under this Act.

1 (2) The term “adversely affected worker”
2 means an individual who, because of lack of work in
3 adversely affected employment—

4 (A) has been totally or partially separated
5 from such employment; or

6 (B) has been totally separated from em-
7 ployment with the company in a subdivision of
8 which such adversely affected employment ex-
9 ists.

10 (3) The term “average weekly wage” means
11 one-thirteenth of the total wages paid to an indi-
12 vidual in the high quarter. For purposes of this com-
13 putation, the high quarter shall be that quarter in
14 which the individual’s total wages were highest
15 among the first 4 of the last 5 completed calendar
16 quarters immediately before the quarter in which oc-
17 curs the week with respect to which the computation
18 is made. Such week shall be the week in which total
19 separation occurred, or, in cases where partial sepa-
20 ration is claimed, an appropriate week, as defined in
21 regulations prescribed by the Secretary.

22 (4) The term “average weekly hours” means
23 the average hours worked by the individual (exclud-
24 ing overtime) in the employment from which he has
25 been or claims to have been separated in the 52

1 weeks (excluding weeks during which the individual
2 was sick or on vacation) preceding the week speci-
3 fied in the last sentence of paragraph (3).

4 (5) The term “benefit period” means, with re-
5 spect to an individual—

6 (A) the benefit year and any ensuing pe-
7 riod, as determined under applicable State law,
8 during which the individual is eligible for reg-
9 ular compensation, additional compensation, or
10 extended compensation; or

11 (B) the equivalent to such a benefit year
12 or ensuing period provided for under the appli-
13 cable Federal unemployment insurance law.

14 (6) The term “Commission” means the Critical
15 Employment Advisory Commission established under
16 section 301.

17 (7)(A) The term “job search program” means
18 a job search workshop or job finding club.

19 (B) The term “job search workshop” means a
20 short (1 to 3 days) seminar designed to provide par-
21 ticipants with knowledge that will enable the partici-
22 pants to find jobs. Subjects are not limited to, but
23 should include, labor market information, resume
24 writing, interviewing techniques, and techniques for
25 finding job openings.

1 (C) The term “job finding club” means a job
2 search workshop which includes a period (1 and 2
3 weeks) of structured, supervised activity in which
4 participants attempt to obtain jobs.

5 (8) The term “on-the-job training” means
6 training provided by an employer to an individual
7 who is employed by the employer.

8 (9) The term “partial separation” means, with
9 respect to an individual who has not been totally
10 separated, that he or she has had—

11 (A) his or her hours of work reduced to 80
12 percent or less of his or her average weekly
13 hours in adversely affected employment; and

14 (B) his or her wages reduced to 80 percent
15 or less of his or her average weekly wage in
16 such adversely affected employment.

17 (10) The term “State agency” means the agen-
18 cy of the State which administers the State law.

19 (11) The term “State law” means the unem-
20 ployment insurance law of the State approved by the
21 Secretary of Labor under section 3304 of the Inter-
22 nal Revenue Code of 1986.

23 (12) The term “total separation” means the
24 layoff or severance of an individual from employ-

1 ment with a company in which, or in a subdivision
2 of which, adversely affected employment exists.

3 (13) The term “unemployment insurance”
4 means the unemployment compensation payable to
5 an individual under any State law or Federal unem-
6 ployment compensation law, including chapter 85 of
7 title 5, United States Code, and the Railroad Unem-
8 ployment Insurance Act. The terms “regular com-
9 pensation”, “additional compensation”, and “ex-
10 tended compensation” have the same respective
11 meanings that are given them in section 205 of the
12 Federal-State Extended Unemployment Compensa-
13 tion Act of 1970 (26 U.S.C. 3304 note).

14 (14) The term “week” means a week as defined
15 in the applicable State law.

16 (15) The term “week of unemployment” means
17 a week of total, part-total, or partial unemployment
18 as determined under the applicable State law or
19 Federal unemployment insurance law.

20 **TITLE I—PETITIONS AND** 21 **DETERMINATIONS**

22 **SEC. 101. PETITIONS.**

23 (a) IN GENERAL.—A petition for certification of eligi-
24 bility to apply for adjustment assistance for a group of
25 workers under this Act may be filed simultaneously with

1 the Commission and with the Governor of the State in
2 which such workers' company is located by any of the fol-
3 lowing:

4 (1) The group of workers.

5 (2) The certified or recognized union or other
6 duly authorized representative of such workers.

7 (3) Employers of such workers, one-stop opera-
8 tors or one-stop partners (as defined in section 101
9 of the Workforce Investment Act of 1998 (29 U.S.C.
10 2801)), including State employment security agen-
11 cies, or the State dislocated worker unit established
12 under title I of such Act, on behalf of such workers.

13 (b) ACTIONS BY A GOVERNOR.—Upon receipt of a pe-
14 tition filed under subsection (a), the Governor shall—

15 (1) ensure that rapid response activities and ap-
16 propriate core and intensive services (as described in
17 section 134 of the Workforce Investment Act of
18 1998 (29 U.S.C. 2864)) authorized under other
19 Federal laws are made available to the workers cov-
20 ered by the petition to the extent authorized under
21 such laws; and

22 (2) assist the Commission in the review of the
23 petition by verifying such information and providing
24 such other assistance as the Commission may re-
25 quest.

1 (c) ACTIONS BY THE COMMISSION.—Upon receipt of
2 the petition, the Commission shall promptly publish notice
3 in the Federal Register and on the website of the Commis-
4 sion that the Commission has received the petition and
5 initiated an investigation.

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

14 **SEC. 102. GROUP ELIGIBILITY REQUIREMENTS.**

15 (a) CRITERIA.—A group of workers shall be certified
16 by the Commission as eligible to apply for adjustment as-
17 sistance under this Act pursuant to a petition filed under
18 section 101 if the Commission determines that—

19 (1) such workers were coal miners, coal utility
20 workers, or other workers in the coal industry or a
21 coal-dependent industry, as determined by the Com-
22 mission;

23 (2) a significant number or proportion of the
24 workers in such workers’ company have become to-
25 tally or partially separated, or are threatened to be-

1 come totally or partially separated or have experi-
2 enced or are threatened to experience a significant
3 reduction in wages;

4 (3)(A) sales or production, or both, of such
5 company have decreased absolutely;

6 (B) there has been a shift by such workers'
7 company to other types of sales or products;

8 (C) such workers' company has been closed or
9 relocated or acquired from another entity or foreign
10 country; or

11 (D) the sales or production or both have caused
12 a shift that contributed to such worker's separation
13 or threat of separation; and

14 (4) the separation or partial separation or re-
15 duction in wages described in paragraph (1) any of
16 the actions described in paragraph (2) the Commis-
17 sion determines to have occurred are directly attrib-
18 utable to—

19 (A) actions by the Federal Government;

20 (B) the low-cost of other forms of energy;

21 (C) the existence of State-to-State elec-
22 tricity market competition; or

23 (D) other reasons as determined by the
24 Commission.

25 (b) BASIS FOR COMMISSION DETERMINATIONS.—

1 (1) IN GENERAL.—The Commission shall, in
2 determining whether to certify a group of workers
3 under section 103, obtain from the workers’ com-
4 pany, or a customer of the workers’ company, infor-
5 mation the Commission determines to be necessary
6 to make the certification, through questionnaires
7 and in such other manner as the Commission deter-
8 mines appropriate. The Commission shall establish
9 standards, including data requirements, for inves-
10 tigation of petitions filed under section 101 and cri-
11 teria for making determinations under section 103.

12 (2) ADDITIONAL INFORMATION.—The Commis-
13 sion may seek additional information to determine
14 whether to certify a group of workers—

15 (A) by contacting—

16 (i) officials or employees of the work-
17 ers’ company;

18 (ii) officials of certified or recognized
19 unions or other duly authorized representa-
20 tives of the group of workers; or

21 (iii) the Administrator of the Environ-
22 mental Protection Agency, the Secretary of
23 Energy, the Secretary of Labor, the Fed-
24 eral Energy Regulatory Commission, the
25 United States Army Corps of Engineers,

1 the Secretary of the Interior, the United
2 States Geological Survey, the Secretary of
3 Agriculture, the Secretary of Commerce, or
4 the Secretary of the Treasury, as applica-
5 ble; and

6 (B) by using other available sources of in-
7 formation.

8 (3) VERIFICATION OF INFORMATION.—

9 (A) CERTIFICATION.—The Commission
10 shall require a company or customer to cer-
11 tify—

12 (i) all information obtained under
13 paragraph (1) from the company through
14 questionnaires; and

15 (ii) all other information obtained
16 under paragraph (1) from the company on
17 which the Commission relies in making a
18 determination under section 103, unless
19 the Commission has a reasonable basis for
20 determining that such information is accu-
21 rate and complete without being certified.

22 (B) USE OF SUBPOENAS.—The Commis-
23 sion shall require the workers' company to pro-
24 vide information requested by the Commission
25 under paragraph (1) by subpoena pursuant to

1 section 310 if the company fails to provide the
2 information within 20 days after the date of the
3 Commission's request, unless the company dem-
4 onstrates to the satisfaction of the Commission
5 that the company will provide the information
6 within a reasonable period of time.

7 (C) PROTECTION OF CONFIDENTIAL IN-
8 FORMATION.—The Commission may not release
9 information obtained under paragraph (1) that
10 the Commission considers to be confidential
11 business information unless the company sub-
12 mitting the confidential business information
13 had notice, at the time of submission, that the
14 information would be released by the Commis-
15 sion, or the company subsequently consents to
16 the release of the information. Nothing in this
17 subparagraph shall be construed to prohibit the
18 Commission from providing such confidential
19 business information to a court in camera or to
20 another party under a protective order issued
21 by a court.

22 **SEC. 103. DETERMINATIONS AND CERTIFICATIONS.**

23 (a) IN GENERAL.—As soon as possible after the date
24 on which a petition is filed under section 101, but in any
25 event not later than 40 days after that date, the Commis-

1 sion shall determine whether the petitioning group meets
2 the requirements of section 102 and shall issue a certifi-
3 cation of eligibility to apply for assistance under this Act
4 covering workers in any group which meets such require-
5 ments. Each certification shall specify the date on which
6 the total or partial separation began or threatened to
7 begin.

8 (b) PUBLICATION.—Not later than 5 days after
9 reaching a determination on a petition, the Commission
10 shall publish a summary of the determination in the Fed-
11 eral Register and on the website of the Commission, to-
12 gether with the Commission’s reasons for making such de-
13 termination.

14 (c) TERMINATION OF CERTIFICATION.—Whenever
15 the Commission determines, with respect to any certifi-
16 cation of eligibility of the workers of a company, that total
17 or partial separations from such company are no longer
18 attributable to the factors described in section 102(a), the
19 Commission shall terminate such certification and prompt-
20 ly have notice of such termination published in the Federal
21 Register and on the website of the Commission, together
22 with the Commission’s reasons for making such deter-
23 mination. Such termination shall apply only with respect
24 to total or partial separations occurring after the termi-
25 nation date specified by the Commission.

1 **SEC. 104. BENEFIT INFORMATION TO WORKERS.**

2 (a) GENERAL INFORMATION.—The Commission shall
3 provide full information to workers about the benefit al-
4 lowances, training, and other employment services avail-
5 able under this Act and about the petition and application
6 procedures, and the appropriate filing dates, for such al-
7 lowances, training and services. The Commission shall
8 provide whatever assistance is necessary to enable groups
9 of workers to prepare petitions or applications for program
10 benefits. The Commission shall make every effort to insure
11 that cooperating State agencies fully comply with the
12 agreements entered into under section 302 and shall peri-
13 odically review such compliance. The Commission shall in-
14 form the State Board for Vocational Education or equiva-
15 lent agency and other public or private agencies, institu-
16 tions, and employers, as appropriate, of each certification
17 issued under section 103 and of projections, if available,
18 of the needs for training under section 222 as a result
19 of such certification.

20 (b) WRITTEN NOTICE TO INDIVIDUALS.—(1) The
21 Commission shall provide written notice through the mail
22 of the benefits available under this Act to each worker
23 whom the Commission has reason to believe is covered by
24 a certification made under this title—

25 (A) at the time such certification is made, if the
26 worker was partially or totally separated from the

1 adversely affected employment before such certifi-
2 cation; or

3 (B) at the time of the total or partial separa-
4 tion of the worker from the adversely affected em-
5 ployment, if subparagraph (A) does not apply.

6 (c) PUBLISHED NOTICE.—The Commission shall
7 publish notice of the benefits available under this Act to
8 workers covered by each certification made under this title
9 in newspapers of general circulation in the areas in which
10 such workers reside.

11 (d) NOTIFICATION TO DEPARTMENT OF COM-
12 MERCE.—Upon issuing a certification under section 103,
13 the Commission shall notify the Secretary of Commerce
14 of the identity of each company covered by the certifi-
15 cation.

16 **TITLE II—PROGRAM BENEFITS**
17 **Subtitle A—Readjustment**
18 **Allowances**

19 **SEC. 201. QUALIFYING REQUIREMENTS FOR WORKERS.**

20 (a) GENERAL QUALIFICATIONS.—Payment of a read-
21 justment allowance shall be made to an adversely affected
22 worker covered by a certification under title I who files
23 an application for such allowance for any week of unem-
24 ployment which begins on or after the date of such certifi-
25 cation, if the following conditions are met:

1 (1) Such worker's total or partial separation be-
2 fore the worker's application under this subtitle oc-
3 curred—

4 (A) on or after the date, as specified in the
5 certification under which the worker is covered,
6 on which total or partial separation began or
7 threatened to begin in the adversely affected
8 employment;

9 (B) before the expiration of the 2-year pe-
10 riod beginning on the date on which the deter-
11 mination under section 103 was made; and

12 (C) before the termination date (if any) de-
13 termined pursuant to section 101.

14 (2) Such worker had, in the 52-week period
15 ending with the week in which such total or partial
16 separation occurred, at least 26 weeks of employ-
17 ment at wages of \$30 or more a week in adversely
18 affected employment with a single company, or, if
19 data with respect to weeks of employment with a
20 company are not available, equivalent amounts of
21 employment computed under regulations prescribed
22 by the Commission. For the purposes of this para-
23 graph, any week in which such worker—

24 (A) is on employer-authorized leave for
25 purposes of vacation, sickness, injury, mater-

1 nity, or inactive duty or active duty military
2 service for training;

3 (B) does not work because of a disability
4 that is compensable under a workmen's com-
5 pensation law or plan of a State or the United
6 States;

7 (C) had his or her employment interrupted
8 in order to serve as a full-time representative of
9 a labor organization in such company; or

10 (D) is on call-up for purposes of active
11 duty in a reserve status in the Armed Forces of
12 the United States,

13 shall be treated as a week of employment at wages
14 of \$30 or more, but not more than 7 weeks, in case
15 of weeks described in subparagraph (A) or (C), or
16 both (and not more than 26 weeks, in the case of
17 weeks described in subparagraph (B) or (D)), may
18 be treated as weeks of employment under this sen-
19 tence.

20 (3) Such worker—

21 (A) was entitled to (or would be entitled to
22 if the worker applied therefor) unemployment
23 insurance for a week within the benefit period
24 (i) in which such total or partial separation
25 took place, or (ii) which began (or would have

1 begun) by reason of the filing of a claim for un-
2 employment insurance by such worker after
3 such total or partial separation;

4 (B) has exhausted all rights to any unem-
5 ployment insurance, except additional com-
6 pensation that is funded by a State and is not
7 reimbursed from any Federal funds, to which
8 the worker was entitled (or would be entitled if
9 the worker applied therefor); and

10 (C) does not have an unexpired waiting pe-
11 riod applicable to the worker for any such un-
12 employment insurance.

13 (4) Such worker, with respect to such week of
14 unemployment, would not be disqualified for ex-
15 tended compensation payable under the Federal-
16 State Extended Unemployment Compensation Act of
17 1970 by reason of the work acceptance and job
18 search requirements in section 202(a)(3) of such
19 Act.

20 (5) Such worker—

21 (A)(i) is enrolled in a training program ap-
22 proved by the Commission under section 222;
23 and

24 (ii) the enrollment required under clause

25 (i) occurs no later than the latest of—

1 (I) in the case of a worker whose most
2 recent total separation from adversely af-
3 fected employment that meets the require-
4 ments of paragraphs (1) and (2) occurs
5 after the date on which the Commission
6 issues a certification covering the worker,
7 the last day of the 26th week after such
8 total separation;

9 (II) in the case of a worker whose
10 most recent total separation from adversely
11 affected employment that meets the re-
12 quirements of paragraphs (1) and (2) oc-
13 curs before the date on which the Commis-
14 sion issues a certification covering the
15 worker, the last day of the 26th week after
16 the date of such certification;

17 (III) 45 days after the date specified
18 in subclause (I) or (II), as the case may
19 be, if the Commission determines there are
20 extenuating circumstances that justify an
21 extension in the enrollment period;

22 (IV) in the case of a worker who fails
23 to enroll by the date required by subclause
24 (I), (II), or (III), as the case may be, due
25 to the failure to provide the worker with

1 timely information regarding the date spec-
2 ified in such subclause, the last day of a
3 period determined by the Commission; or

4 (V) the last day of a period deter-
5 mined by the Commission to be approved
6 for enrollment after the termination of a
7 waiver issued pursuant to subsection (c);

8 (B) has, after the date on which the work-
9 er became totally separated, or partially sepa-
10 rated, from the adversely affected employment,
11 completed a training program approved by the
12 Commission under section 222(a); or

13 (C) has received a written statement under
14 subsection (c)(1) after the date described in
15 subparagraph (B).

16 (b) DISQUALIFICATION.—If—

17 (1) the Commission determines that—

18 (A) the adversely affected worker—

19 (i) has failed to begin participation in
20 the training program the enrollment in
21 which meets the requirement of subsection
22 (a)(5); or

23 (ii) has ceased to participate in such
24 training program before completing such
25 training program; and

1 (B) there is no justifiable cause for such
2 failure or cessation; or

3 (2) the certification made with respect to such
4 worker under subsection (c)(1) is revoked under sub-
5 section (c)(2),

6 no readjustment allowance may be paid to the adversely
7 affected worker under this part for the week in which such
8 failure, cessation, or revocation occurred, or any suc-
9 ceeding week, until the adversely affected worker begins
10 or resumes participation in a training program approved
11 under section 222.

12 (c) WAIVERS OF TRAINING REQUIREMENTS.—

13 (1) ISSUANCE OF WAIVERS.—The Commission
14 may issue a written statement to an adversely af-
15 fected worker waiving the requirement to be enrolled
16 in training described in subsection (a)(5)(A) if the
17 Commission determines that it is not feasible or ap-
18 propriate for the worker, because of 1 or more of the
19 following reasons:

20 (A) HEALTH.—The worker is unable to
21 participate in training due to the health of the
22 worker, except that a waiver under this sub-
23 paragraph shall not be construed to exempt a
24 worker from requirements relating to the avail-
25 ability for work, active search for work, or re-

1 fusal to accept work under Federal or State un-
2 employment compensation laws.

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

11 (C) TRAINING NOT AVAILABLE.—Training
12 approved by the Commission is not reasonably
13 available to the worker from either govern-
14 mental agencies or private sources (which may
15 include area career and technical education
16 schools, as defined in section 3 of the Carl D.
17 Perkins Career and Technical Education Act of
18 2006 (20 U.S.C. 2302), and employers), no
19 training that is suitable for the worker is avail-
20 able at a reasonable cost, or no training funds
21 are available.

22 (D) NEARING RETIREMENT.—The worker
23 is within 3 years of the age of retirement.

24 (2) DURATION OF WAIVERS.—

1 (A) IN GENERAL.—Except as provided in
2 paragraph (1)(B), a waiver issued under para-
3 graph (1) shall be effective for not more than
4 6 months after the date on which the waiver is
5 issued, unless the Commission determines oth-
6 erwise.

7 (B) REVOCATION.—The Commission shall
8 revoke a waiver issued under paragraph (1) if
9 the Commission determines that the basis of a
10 waiver is no longer applicable to the worker and
11 shall notify the worker in writing of the revoca-
12 tion.

13 **SEC. 202. WEEKLY AMOUNTS.**

14 (a) IN GENERAL.—Subject to subsections (b), (c),
15 and (d), the readjustment allowance payable to an ad-
16 versely affected worker for a week of unemployment shall
17 be an amount equal to the most recent weekly benefit
18 amount of the unemployment insurance payable to the
19 worker for a week of total unemployment preceding the
20 worker's first exhaustion of unemployment insurance (as
21 determined for purposes of section 201(a)(3)(B)) reduced
22 (but not below zero) by—

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

1 (2) income that is deductible from unemploy-
2 ment insurance under the disqualifying income pro-
3 visions of the applicable State law or Federal unem-
4 ployment insurance law, except that in the case of
5 an adversely affected worker who is participating in
6 training under this Act, such income shall not in-
7 clude earnings from work for such week that are
8 equal to or less than the most recent weekly benefit
9 amount of the unemployment insurance payable to
10 the worker for a week of total unemployment pre-
11 ceding the worker's first exhaustion of unemploy-
12 ment insurance (as determined for purposes of sec-
13 tion 201(a)(3)(B)).

14 (b) GREATER OF TRANSITION ADJUSTMENT ALLOW-
15 ANCE OR OTHER JOB TRAINING ALLOWANCE.—Any ad-
16 versely affected worker who is entitled to readjustment al-
17 lowances and who is undergoing training approved by the
18 Commission shall receive, for each week in which he or
19 she is undergoing any such training, a readjustment allow-
20 ance in an amount (computed for such week) equal to the
21 amount computed under subsection (a) or (if greater) the
22 amount of any weekly allowance for such training to which
23 he would be entitled under any other Federal law for the
24 training of workers if he applied for such allowance. Such
25 readjustment allowance shall be paid in lieu of any train-

1 ing allowance to which the worker would be entitled under
2 such other Federal law.

3 (c) NO DOUBLE-DIPPING.—If a training allowance
4 under any Federal law other than this Act is paid to an
5 adversely affected worker for any week of unemployment
6 with respect to which he would be entitled (determined
7 without regard to any disqualification under section
8 201(b)) to a readjustment allowance if he applied for such
9 allowance each such week shall be deducted from the total
10 number of weeks of readjustment allowance otherwise pay-
11 able to him or her under this section when he applies for
12 a readjustment allowance and is determined to be entitled
13 to such allowance. If such training allowance paid to such
14 worker for any week of unemployment is less than the
15 amount of the readjustment allowance to which he would
16 be entitled if he applied for such allowance, he shall re-
17 ceive, when he applies for a readjustment allowance and
18 is determined to be entitled to such allowance, a readjust-
19 ment allowance for such week equal to such difference.

20 (d) ELECTION OF TRANSITION ADJUSTMENT AL-
21 LOWANCE OR UNEMPLOYMENT INSURANCE.—Notwith-
22 standing section 201(a)(3)(B), an adversely affected work-
23 er may elect to receive a readjustment allowance instead
24 of unemployment insurance during any week with respect
25 to which the worker—

1 (1) is entitled to receive unemployment insur-
2 ance as a result of the establishment by the worker
3 of a new benefit year under State law, based in
4 whole or in part upon part-time or short-term em-
5 ployment in which the worker engaged after the
6 worker's most recent total separation from adversely
7 affected employment; and

8 (2) is otherwise entitled to a readjustment al-
9 lowance.

10 (e) **MAXIMUM ALLOWANCE.**—The maximum amount
11 of readjustment allowances payable with respect to the pe-
12 riod covered by any certification to an adversely affected
13 worker shall be the amount which is the product of 52
14 multiplied by the readjustment allowance payable to the
15 worker for a week of total unemployment (as determined
16 under subsection (a)), but such product shall be reduced
17 by the total sum of the unemployment insurance to which
18 the worker was entitled (or would have been entitled if
19 he had applied therefor) in the worker's first benefit pe-
20 riod described in section 201(a)(3)(A).

1 **Subtitle B—Training, Other Em-**
2 **ployment Services, and Allow-**
3 **ances**

4 **SEC. 221. EMPLOYMENT AND CASE MANAGEMENT SERV-**
5 **ICES.**

6 The Commission shall make available, directly or
7 through agreements with States under section 302, to ad-
8 versely affected workers and adversely affected incumbent
9 workers covered by a certification under title I of this Act
10 the following employment and case management services:

11 (1) Comprehensive and specialized assessment
12 of skill levels and service needs, including through—

13 (A) diagnostic testing and use of other as-
14 sessment tools; and

15 (B) in-depth interviewing and evaluation to
16 identify employment barriers and appropriate
17 employment goals.

18 (2) Development of an individual employment
19 plan to identify employment goals and objectives and
20 appropriate training to achieve those goals and ob-
21 jectives.

22 (3) Information on training available in local
23 and regional areas, information on individual coun-
24 seling to determine which training is suitable train-

1 ing, and information on how to apply for such train-
2 ing.

3 (4) Information on how to apply for financial
4 aid, including referring workers to educational op-
5 portunity centers described in section 402F of the
6 Higher Education Act of 1965 (20 U.S.C. 1070a-
7 16), where applicable, and notifying workers that the
8 workers may request financial aid administrators at
9 institutions of higher education (as defined in sec-
10 tion 102 of such Act (20 U.S.C. 1002)) to use the
11 administrators' discretion under section 479A of
12 such Act (20 U.S.C. 1087tt) to use current year in-
13 come data, rather than preceding year income data,
14 for determining the amount of need of the workers
15 for Federal financial assistance under title IV of
16 such Act (20 U.S.C. 1070 et seq.).

17 (5) Short-term prevocational services, including
18 development of learning skills, communications
19 skills, interviewing skills, punctuality, personal main-
20 tenance skills, and professional conduct to prepare
21 individuals for employment or training.

22 (6) Individual career counseling, including job
23 search and placement counseling, during the period
24 in which the individual is receiving an adjustment al-

1 lowance or training under this Act, and after receiv-
2 ing such training for purposes of job placement.

3 (7) Provision of employment statistics informa-
4 tion, including the provision of accurate information
5 relating to local, regional, and national labor market
6 areas, including—

7 (A) job vacancy listings in such labor mar-
8 ket areas;

9 (B) information on jobs skills necessary to
10 obtain jobs identified in job vacancy listings de-
11 scribed in subparagraph (A);

12 (C) information relating to local occupa-
13 tions that are in demand and earnings potential
14 of such occupations; and

15 (D) skills requirements for local occupa-
16 tions described in subparagraph (C).

17 (8) Information relating to the availability of
18 supportive services, including services relating to
19 child care, transportation, dependent care, housing
20 assistance, and need-related payments that are nec-
21 essary to enable an individual to participate in train-
22 ing.

23 **SEC. 222. TRAINING.**

24 (a) APPROVAL FOR TRAINING.—

1 (1) APPROVAL.—If the Commission determines,
2 with respect to an adversely affected worker or an
3 adversely affected incumbent worker, that—

4 (A) there is no suitable employment (which
5 may include technical and professional employ-
6 ment) available for an adversely affected work-
7 er;

8 (B) the worker would benefit from appro-
9 priate training;

10 (C) there is a reasonable expectation of
11 employment following completion of such train-
12 ing;

13 (D) training approved by the Commission
14 is reasonably available to the worker from ei-
15 ther governmental agencies or private sources
16 (which may include area career and technical
17 education schools, as defined in section 3 of the
18 Carl D. Perkins Career and Technical Edu-
19 cation Act of 2006, and employers);

20 (E) the worker is qualified to undertake
21 and complete such training; and

22 (F) such training is suitable for the worker
23 and available at a reasonable cost,

24 the Commission shall approve such training for the
25 worker. Upon such approval, the worker shall be en-

1 titled to have payment of the costs of such training
2 (subject to the limitations imposed by this section)
3 paid on the worker's behalf by the Commission di-
4 rectly or through a voucher system. Insofar as pos-
5 sible, the Secretary shall provide or assure the provi-
6 sion of such training on the job, which shall include
7 related education necessary for the acquisition of
8 skills needed for a position within a particular occu-
9 pation.

10 (2) FUNDING AND LIMITATION ON TOTAL DIS-
11 TRIBUTION OF FUNDS.—(A) The total amount of
12 payments that may be made under paragraph (1)
13 for any fiscal year shall not exceed \$250,000,000.

14 (B) If, during any fiscal year, the Secretary es-
15 timates that the amount of funds necessary to pay
16 the costs of training approved under this section will
17 exceed the amount of the limitation imposed under
18 subparagraph (A), the Secretary shall decide how
19 the portion of such limitation that has not been ex-
20 pended at the time of such estimate is to be appor-
21 tioned among the States for the remainder of such
22 fiscal year.

23 (3) REASONABLE EXPECTATION OF EMPLOY-
24 MENT.—For purposes of applying paragraph (1)(C),
25 a reasonable expectation of employment does not re-

1 quire that employment opportunities for a worker be
2 available, or offered, immediately upon the comple-
3 tion of training approved under paragraph (1).

4 (4) NO DOUBLE-DIPPING.—If the costs of train-
5 ing an adversely affected worker or an adversely af-
6 fected incumbent worker are paid by the Commis-
7 sion under paragraph (1), no other payment for
8 such costs may be made under any other provision
9 of Federal law. No payment may be made under
10 paragraph (1) of the costs of training an adversely
11 affected worker or an adversely affected incumbent
12 worker if such costs—

13 (A) have already been paid under any
14 other provision of Federal law; or

15 (B) are reimbursable under any other pro-
16 vision of Federal law and a portion of such
17 costs have already been paid under such other
18 provision of Federal law.

19 (b) QUALIFYING TRAINING PROGRAMS.—

20 (1) IN GENERAL.—The training programs that
21 may be approved under subsection (a)(1) include—

22 (A) employer-based training, including—

23 (i) on-the-job training;

24 (ii) customized training; and

25 (iii) apprenticeship programs;

1 (B) any training program provided by a
2 State pursuant to title I of the Workforce In-
3 vestment Act of 1998;

4 (C) any training program approved by a
5 private industry council established under sec-
6 tion 102 of such Act;

7 (D) any program of remedial education;

8 (E) any program of prerequisite education
9 or coursework required to enroll in training that
10 may be approved under this section;

11 (F) any training program for which all, or
12 any portion, of the costs of training the worker
13 are paid—

14 (i) under any Federal or State pro-
15 gram other than this Act; or

16 (ii) from any source other than this
17 section;

18 (G) any other training program approved
19 by the Commission; and

20 (H) any training program or coursework at
21 an accredited institution of higher education
22 (described in section 102 of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1002)), including
24 a training program or coursework for the pur-
25 pose of—

- 1 (i) obtaining a degree or certification;
2 or
3 (ii) completing a degree or certifi-
4 cation that the worker had previously
5 begun at an accredited institution of high-
6 er education.

7 (2) LIMITATION.—The Commission may not
8 limit approval of a training program under para-
9 graph (1) to a program provided pursuant to title I
10 of the Workforce Investment Act of 1998 (29 U.S.C.
11 2801 et seq.). The Commission is not required under
12 paragraph (1) to pay the costs of any training ap-
13 proved under paragraph (1) to the extent that such
14 costs are paid—

15 (A) under any Federal or State program
16 other than this Act; or

17 (B) from any source other than this sec-
18 tion.

19 (3) REASONS FOR NOT APPROVING TRAINING
20 PROGRAMS.—The Commission shall not approve a
21 training program if—

22 (A) all or a portion of the costs of such
23 training program are paid under any non-
24 governmental plan or program;

1 (B) the adversely affected worker or ad-
2 versely affected incumbent worker has a right
3 to obtain training or funds for training under
4 such plan or program; and

5 (C) such plan or program requires the
6 worker to reimburse the plan or program from
7 funds provided under this Act, or from wages
8 paid under such training program, for any por-
9 tion of the costs of such training program paid
10 under the plan or program.

11 (c) SUPPLEMENTAL ASSISTANCE.—The Commission
12 may, where appropriate, authorize supplemental assist-
13 ance necessary to defray reasonable transportation and
14 subsistence expenses for separate maintenance when train-
15 ing is provided in facilities which are not within com-
16 muting distance of a worker's regular place of residence.
17 The Commission may not authorize—

18 (1) payments for subsistence that exceed which-
19 ever is the lesser of (A) the actual per diem expenses
20 for subsistence, or (B) payments at 50 percent of
21 the prevailing per diem allowance rate authorized
22 under the Federal travel regulations; or

23 (2) payments for travel expenses exceeding the
24 prevailing mileage rate authorized under the Federal
25 travel regulations.

1 (d) ON-THE-JOB TRAINING REQUIREMENTS.—

2 (1) IN GENERAL.—The Commission may ap-
3 prove on-the-job training for any adversely affected
4 worker if—

5 (A) the worker meets the requirements for
6 training to be approved under subsection (a)(1);

7 (B) the Commission determines that on-
8 the-job training—

9 (i) can reasonably be expected to lead
10 to suitable employment with the employer
11 offering the on-the-job training;

12 (ii) is compatible with the skills of the
13 worker;

14 (iii) includes a curriculum through
15 which the worker will gain the knowledge
16 or skills to become proficient in the job for
17 which the worker is being trained; and

18 (iv) can be measured by benchmarks
19 that indicate that the worker is gaining
20 such knowledge or skills; and

21 (C) the State determines that the on-the-
22 job training program meets the requirements of
23 clauses (iii) and (iv) of subparagraph (B).

1 (2) MONTHLY PAYMENTS.—The Commission
2 shall pay the costs of on-the-job training approved
3 under paragraph (1) in monthly installments.

4 (3) CONTRACTS FOR ON-THE-JOB TRAINING.—
5 The Commission shall ensure, in entering into a con-
6 tract with an employer to provide on-the-job training
7 to a worker under this subsection, that the skill re-
8 quirements of the job for which the worker is being
9 trained, the academic and occupational skill level of
10 the worker, and the work experience of the worker
11 are taken into consideration. Training under any
12 such contract shall be limited to the period of time
13 required for the worker receiving on-the-job training
14 to become proficient in the job for which the worker
15 is being trained, but may not exceed 104 weeks in
16 any case.

17 (4) EXCLUSION OF CERTAIN EMPLOYERS.—The
18 Commission shall not enter into a contract for on-
19 the-job training with an employer that exhibits a
20 pattern of failing to provide workers receiving on-
21 the-job training from the employer with—

22 (A) continued, long-term employment as
23 regular employees; and

24 (B) wages, benefits, and working condi-
25 tions that are equivalent to the wages, benefits,

1 and working conditions provided to regular em-
2 ployees who have worked a similar period of
3 time and are doing the same type of work as
4 workers receiving on-the-job training from the
5 employer.

6 (5) LABOR STANDARDS.—The Commission may
7 pay the costs of on-the-job training, notwithstanding
8 any other provision of this section, only if—

9 (A) no currently employed worker is dis-
10 placed by such adversely affected worker (in-
11 cluding partial displacement such as a reduction
12 in the hours of non-overtime work, wages, or
13 employment benefits);

14 (B) such training does not impair existing
15 contracts for services or collective bargaining
16 agreements;

17 (C) in the case of training which would be
18 inconsistent with the terms of a collective bar-
19 gaining agreement, the written concurrence of
20 the labor organization concerned has been ob-
21 tained;

22 (D) no other individual is on layoff from
23 the same, or any substantially equivalent, job
24 for which such adversely affected worker is
25 being trained;

1 (E) the employer has not terminated the
2 employment of any regular employee or other-
3 wise reduced the workforce of the employer with
4 the intention of filling the vacancy so created by
5 hiring such adversely affected worker;

6 (F) the job for which such adversely af-
7 fected worker is being trained is not being cre-
8 ated in a promotional line that will infringe in
9 any way upon the promotional opportunities of
10 currently employed individuals;

11 (G) such training is not for the same occu-
12 pation from which the worker was separated
13 and with respect to which such worker's group
14 was certified pursuant to section 103;

15 (H) the employer is provided reimburse-
16 ment of not more than 50 percent of the wage
17 rate of the participant for the cost of providing
18 the training and additional supervision related
19 to the training;

20 (I) the employer has not received payment
21 under subsection (a)(1) with respect to any
22 other on-the-job training provided by such em-
23 ployer which failed to meet the requirements of
24 subparagraphs (A), (B), (C), (D), (E), and (F);
25 and

1 (J) the employer has not taken, at any
2 time, any action which violated the terms of any
3 certification described in subparagraph (G)
4 made by such employer with respect to any
5 other on-the-job training provided by such em-
6 ployer for which the Commission has made a
7 payment under subsection (a)(1).

8 (e) ELIGIBILITY.—An adversely affected worker may
9 not be determined to be ineligible or disqualified for unem-
10 ployment insurance or program benefits under this sub-
11 title—

12 (1) because the worker—

13 (A) is enrolled in training approved under
14 subsection (a);

15 (B) left work—

16 (i) that was not suitable employment
17 in order to enroll in such training; or

18 (ii) that the worker engaged in on a
19 temporary basis during a break in such
20 training or a delay in the commencement
21 of such training; or

22 (iii) left on-the-job training not later
23 than 30 days after commencing such train-
24 ing because the training did not meet the
25 requirements of subsection (e)(1)(B); or

1 (2) because of the application to any such week
2 in training of the provisions of State law or Federal
3 unemployment insurance law relating to availability
4 for work, active search for work, or refusal to accept
5 work.

6 (f) DEFINITIONS.—For purposes of this section—

7 (1) the term “suitable employment” means,
8 with respect to a worker, work of a substantially
9 equal or higher skill level than the worker’s past ad-
10 versely affected employment, and wages for such
11 work at not less than 80 percent of the worker’s av-
12 erage weekly wage; and

13 (2) the term “customized training” means
14 training that is—

15 (A) designed to meet the special require-
16 ments of an employer or group of employers;

17 (B) conducted with a commitment by the
18 employer or group of employers to employ an
19 individual upon successful completion of the
20 training; and

21 (C) for which the employer pays for a sig-
22 nificant portion (but in no case less than 50
23 percent) of the cost of such training, as deter-
24 mined by the Commission.

1 **SEC. 223. JOB SEARCH ALLOWANCES.**

2 (a) **JOB SEARCH ALLOWANCE AUTHORIZED.**—

3 (1) **IN GENERAL.**—Each State may use funds
4 made available to the State to carry out sections 221
5 through 224 to allow an adversely affected worker
6 covered by a certification issued under section 103
7 to file an application with the Commission for pay-
8 ment of a job search allowance.

9 (2) **APPROVAL OF APPLICATIONS.**—The Com-
10 mission may grant an allowance pursuant to an ap-
11 plication filed under paragraph (1) when all of the
12 following apply:

13 (A) The allowance is paid to assist an ad-
14 versely affected worker who has been totally
15 separated in securing a job within the United
16 States.

17 (B) The Commission determines that the
18 worker cannot reasonably be expected to secure
19 suitable employment in the commuting area in
20 which the worker resides.

21 (C) The worker has filed an application for
22 the allowance with the Commission at such time
23 and containing such information as the Com-
24 mission may determine.

25 (b) **AMOUNT OF ALLOWANCE.**—

1 (1) IN GENERAL.—Any allowance granted
2 under subsection (a) shall provide reimbursement to
3 the worker of not more than 90 percent of the nec-
4 essary job search expenses of the worker as pre-
5 scribed by the Commission in regulations.

6 (2) MAXIMUM ALLOWANCE.—Reimbursement
7 under this subsection may not exceed \$1,250 for any
8 worker.

9 (3) EXCEPTION.—Notwithstanding subsection
10 (b), a State may reimburse any adversely affected
11 worker for necessary expenses incurred by the work-
12 er in participating in a job search program approved
13 by the Commission.

14 **SEC. 224. RELOCATION ALLOWANCES.**

15 (a) RELOCATION ALLOWANCE AUTHORIZED.—

16 (1) IN GENERAL.—Each State may use funds
17 made available to the State to carry out sections 221
18 through 224 to allow an adversely affected worker
19 covered by a certification issued under section 103
20 to file an application for a relocation allowance with
21 the Commission, and the Commission may grant the
22 relocation allowance, subject to the terms and condi-
23 tions of this section.

1 (2) CONDITIONS FOR GRANTING ALLOWANCE.—

2 A relocation allowance may be granted if all of the
3 following terms and conditions are met:

4 (A) The relocation allowance will assist an
5 adversely affected worker in relocating within
6 the United States.

7 (B) The Commission determines that the
8 worker cannot reasonably be expected to secure
9 suitable employment in the commuting area in
10 which the worker resides.

11 (C) The worker is totally separated from
12 employment at the time relocation commences.

13 (D) The worker—

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

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

20 (E) The worker filed an application with
21 the Commission before—

22 (i) the later of—

23 (I) the 425th day after the date
24 of the certification under title I of this
25 Act; or

1 (II) the 425th day after the date
2 of the worker's last total separation;
3 or
4 (ii) the date that is the 182nd day
5 after the date on which the worker con-
6 cluded training.

7 (b) AMOUNT OF ALLOWANCE.—Any relocation allow-
8 ance granted to a worker under subsection (a) shall in-
9 clude—

10 (1) not more than 90 percent of the reasonable
11 and necessary expenses (including, but not limited
12 to, subsistence and transportation expenses at levels
13 not exceeding those allowable under section 222(b)
14 (1) and (2) specified in regulations prescribed by the
15 Commission) incurred in transporting the worker,
16 the worker's family, and household effects; and

17 (2) a lump sum equivalent to 3 times the work-
18 er's average weekly wage, up to a maximum pay-
19 ment of \$1,250.

20 (c) LIMITATIONS.—A relocation allowance may not be
21 granted to a worker unless—

22 (1) the relocation occurs within 182 days after
23 the filing of the application for relocation assistance;
24 or

1 (2) the relocation occurs within 182 days after
2 the conclusion of training, if the worker entered a
3 training program approved by the Commission under
4 section 222(b) (1) and (2).

5 **TITLE III—GENERAL** 6 **PROVISIONS**

7 **SEC. 301. ESTABLISHMENT OF COMMISSION.**

8 (a) **ESTABLISHMENT.**—There is established the Crit-
9 ical Employment Advisory Commission to administer and
10 carry out all of the functions assigned to the Commission
11 under this Act.

12 (b) **MEMBERSHIP AND APPOINTMENT.**—

13 (1) **IN GENERAL.**—The Commission shall be
14 composed of 23 members who, not later than 120
15 days after the date of enactment shall be appointed
16 in accordance with the following:

17 (A) Twenty members appointed by the
18 President based on five individuals rec-
19 ommended by each of Majority and Minority
20 Leaders of the Senate and the Speaker and Mi-
21 nority Leader of the House of Representatives;

22 (B) The Secretary of Commerce or the
23 Secretary's designee;

24 (C) The Secretary of Labor or the Sec-
25 retary's designee; and

1 (D) The Secretary of the Treasury or the
2 Secretary's designee.

3 (2) QUALIFICATIONS.—The members appointed
4 shall be appointed from among United States citi-
5 zens who are not officers or employees of any gov-
6 ernment. To the extent practicable, members shall
7 have diverse experiences, expertise, and historical
8 perspectives on manufacturing, industry, agriculture,
9 trade, infrastructure, resources, development, labor,
10 government and corporate policies, homeland secu-
11 rity, defense, contracting, energy, building and con-
12 struction, and small business.

13 (c) TERMS.—As designated by the President at the
14 time of appointment, of the members first appointed, 5
15 members shall be appointed for a term of 1 year, 5 mem-
16 bers for a term of 2 years, 5 members for a term of 3
17 years, and 5 members for a term of 4 years.

18 (d) VACANCIES.—A vacancy in the Commission shall
19 be filled in the manner in which the original appointment
20 was made. A member appointed to fill a vacancy occurring
21 before the expiration of the term for which the member's
22 predecessor was appointed shall be appointed only for the
23 remainder of that term. A member may serve after the
24 expiration of that member's term until a successor has
25 taken office.

1 (e) RATES OF PAY FOR MEMBERS.—Members shall
2 each be paid at a rate not to exceed level GS–15 of the
3 General Schedule.

4 (f) DIRECTOR.—The Commission shall have a Direc-
5 tor who shall be appointed by the Commission from among
6 nominations made by the Chairperson. The director shall
7 be paid at a rate equal to the rate of basic pay for GS–
8 15 of the General Schedule.

9 (g) FEDERAL EMPLOYEE DETAILEES.—Upon re-
10 quest of the Director, the head of any Federal department
11 or agency may detail, on a reimbursable basis, any of the
12 personnel of that department or agency to the Commission
13 to assist it in carrying out its duties under this section.

14 (h) POWERS OF THE COMMISSION.—

15 (1) IN GENERAL.—The Commission may, for
16 the purpose of carrying out this Act, hold hearings,
17 sit and act at times and places, take testimony, and
18 receive evidence as the Commission considers appro-
19 priate. The Commission may secure directly from
20 any department or agency of the United States in-
21 formation necessary to enable it to carry out this
22 section. Upon request of the Chairperson of the
23 Commission, the head of that department or agency
24 shall furnish that information to the Commission.

1 (2) AGENCY INFORMATION DEADLINES.—If in-
2 formation is requested of any of the agencies de-
3 scribed in section 102(b)(2)(A)(iii) and not received
4 within 60 days, the Commission shall deem the cer-
5 tification as approved. The applicable agency may
6 ask for an additional 30-day extension to be ap-
7 proved or disapproved by the Committee within 10
8 days of the 60-day deadline.

9 (3) JOB IMPACT ANALYSES.—The Commission
10 is authorized to analyze and issue reports assessing
11 the impact of any government action or of market
12 conditions on jobs in any region of the United
13 States, including the impact on specific occupations
14 and an assessment of the net gain or loss of jobs as
15 a result of the government action or of market con-
16 ditions. Such an analysis and report may also be re-
17 quested by a Federal agency or by a group of work-
18 ers petitioning for assistance under title I. Any re-
19 port issued by the Commission under this paragraph
20 shall be transmitted to Congress and made available
21 to the public on an Internet website.

22 (4) MAILS.—The Commission may use the
23 United States mail system in the same manner and
24 under the same conditions as other departments and
25 agencies of the United States.

1 (5) ADMINISTRATIVE SUPPORT.—Upon request
2 of the Commission, the Administrator of General
3 Services shall provide to the Commission, on a reim-
4 bursable basis, the administrative support services
5 necessary for the Commission to carry out its re-
6 sponsibilities under this Act.

7 (i) REVIEW AND AUDIT.—The Commission shall be
8 subject to review and audit by the Comptroller General.
9 Not later than 180 days after which all of the members
10 are appointed to the Commission, and annually thereafter,
11 the Commission shall transmit a report to Congress, to
12 the President, and to the agencies described in section
13 102(b)(2)(A)(iii). The report shall contain a detailed
14 statement of the findings, conclusions of the Commission’s
15 duties.

16 **SEC. 302. AGREEMENTS WITH STATES.**

17 (a) IN GENERAL.—The Commission is authorized on
18 behalf of the United States to enter into an agreement
19 with any State, or with any State agency (referred to in
20 this title as “cooperating States” and “cooperating States
21 agencies” respectively). Under such an agreement, the co-
22 operating State agency shall—

23 (1) as agent of the United States, receive appli-
24 cations for and provide payments on the basis pro-
25 vided in this Act;

1 (2) in accordance with subsection (f), make
2 available to adversely affected workers covered by a
3 certification under section 203 the employment and
4 case management services described in section 221;
5 and

6 (3) make any certifications required under sec-
7 tion 201(c) (2) and (4) and shall otherwise cooper-
8 ate with the Commission and with other State and
9 Federal agencies in providing payments and services
10 under this Act.

11 (b) TERMS AND CONDITIONS.—Each agreement
12 under this section shall provide the terms and conditions
13 upon which the agreement may be amended, suspended,
14 or terminated.

15 (c) FORM AND MANNER OF DATA.—Each agreement
16 under this section shall—

17 (1) provide the Commission with the authority
18 to collect any data the Commission determines nec-
19 essary to meet the requirements of this Act; and

20 (2) specify the form and manner in which any
21 such data requested by the Commission shall be re-
22 ported.

23 (d) REVIEW.—A determination by a cooperating
24 State agency with respect to entitlement to program bene-
25 fits under an agreement is subject to review in the same

1 manner and to the same extent as determinations under
2 the applicable State law and only in that manner and to
3 that extent.

4 (e) COORDINATION AND ADMINISTRATION.—Any
5 agreement entered into under this section shall provide for
6 the coordination of the administration of the provisions
7 for employment services, training, and supplemental as-
8 sistance under sections 221 and 222 of this Act and under
9 title I of the Workforce Investment Act of 1998 upon such
10 terms and conditions as are established by the Commission
11 in consultation with the States and set forth in such agree-
12 ment. Any agency of the State jointly administering such
13 provisions under such agreement shall be considered to be
14 a cooperating State agency for purposes of this Act.

15 (f) ADDITIONAL RESPONSIBILITIES.—Each cooper-
16 ating State agency shall, in carrying out subsection
17 (a)(2)—

18 (1) advise each worker who applies for unem-
19 ployment insurance of the benefits under this Act
20 and the procedures and deadlines for applying for
21 such benefits;

22 (2) facilitate the early filing of petitions under
23 section 101 for any workers that the agency con-
24 siders are likely to be eligible for benefits under this
25 Act;

1 (3) advise each adversely affected worker to
2 apply for training under section 222(a) before, or at
3 the same time, the worker applies for readjustment
4 allowances under subtitle A of title II;

5 (4) perform outreach to, intake of, and orienta-
6 tion for adversely affected workers and adversely af-
7 fected incumbent workers covered by a certification
8 under title I with respect to assistance and benefits
9 available under this Act; and

10 (5) make employment and case management
11 services described in section 221 available to ad-
12 versely affected workers and adversely affected in-
13 cumbent workers covered by a certification under
14 title I and, if funds provided to carry out this title
15 are insufficient to make such services available,
16 make arrangements to make such services available
17 through other Federal programs.

18 (g) CONTROL MEASURES.—

19 (1) IN GENERAL.—The Commission shall re-
20 quire each cooperating State and cooperating State
21 agency to implement effective control measures and
22 to effectively oversee the operation and administra-
23 tion of the adjustment assistance program under
24 this Act, including by means of monitoring the oper-
25 ation of control measures to improve the accuracy

1 and timeliness of the data being collected and re-
2 ported.

3 (2) DEFINITION.—For purposes of paragraph
4 (1), the term “control measures” means measures
5 that—

6 (A) are internal to a system used by a
7 State to collect data; and

8 (B) are designed to ensure the accuracy
9 and verifiability of such data.

10 (h) DATA REPORTING.—

11 (1) IN GENERAL.—Any agreement entered into
12 under this section shall require the cooperating State
13 or cooperating State agency to report to the Com-
14 mission on a quarterly basis comprehensive perform-
15 ance accountability data, to consist of—

16 (A) the core indicators of performance de-
17 scribed in paragraph (2)(A);

18 (B) the additional indicators of perform-
19 ance described in paragraph (2)(B), if any; and

20 (C) a description of efforts made to im-
21 prove outcomes for workers under the adjust-
22 ment assistance program.

23 (2) CORE INDICATORS DESCRIBED.—

24 (A) IN GENERAL.—The core indicators of
25 performance described in this paragraph are—

1 (i) the percentage of workers receiving
2 benefits under this Act who are employed
3 during the first or second calendar quarter
4 following the calendar quarter in which the
5 workers cease receiving such benefits;

6 (ii) the percentage of such workers
7 who are employed during the 2 calendar
8 quarters following the earliest calendar
9 quarter during which the worker was em-
10 ployed as described in clause (i);

11 (iii) the average earnings of such
12 workers who are employed during the 2
13 calendar quarters described in clause (ii);
14 and

15 (iv) the percentage of such workers
16 who obtain a recognized postsecondary cre-
17 dential, including an industry-recognized
18 credential, or a secondary school diploma
19 or its recognized equivalent if combined
20 with employment under clause (i), while re-
21 ceiving benefits under this Act or during
22 the 1-year period after such workers cease
23 receiving such benefits.

24 (B) ADDITIONAL INDICATORS.—The Com-
25 mission and a cooperating State or cooperating

1 State agency may agree upon additional indica-
2 tors of performance for the adjustment assist-
3 ance program under this Act, as appropriate.

4 (3) STANDARDS WITH RESPECT TO RELI-
5 ABILITY OF DATA.—In preparing the quarterly re-
6 port required by paragraph (1), each cooperating
7 State or cooperating State agency shall establish
8 procedures that are consistent with guidelines to be
9 issued by the Commission to ensure that the data
10 reported are valid and reliable.

11 (i) VERIFICATION OF ELIGIBILITY FOR PROGRAM
12 BENEFITS.—

13 (1) IN GENERAL.—An agreement under this
14 section shall provide that the State shall periodically
15 redetermine that a worker receiving benefits under
16 this section who is not a citizen or national of the
17 United States remains in a satisfactory immigration
18 status. Once satisfactory immigration status has
19 been initially verified through the immigration status
20 verification system described in section 1137(d) of
21 the Social Security Act (42 U.S.C. 1320b–7(d)) for
22 purposes of establishing a worker’s eligibility for un-
23 employment compensation, the State shall reverify
24 the worker’s immigration status if the documenta-
25 tion provided during initial verification will expire

1 during the period in which that worker is potentially
2 eligible to receive benefits under this section. The
3 State shall conduct such redetermination in a timely
4 manner, utilizing the immigration status verification
5 system described in section 1137(d) of the Social Se-
6 curity Act (42 U.S.C. 1320b-7(d)).

7 (2) PROCEDURES.—The Commission shall es-
8 tablish procedures to ensure the uniform application
9 by the States of the requirements of this subsection.

10 **SEC. 303. ADMINISTRATION ABSENT STATE AGREEMENT.**

11 (a) IN GENERAL.—In any State where there is no
12 agreement in force between a State or its agency under
13 section 302, the Commission shall, through regulations,
14 arrange under regulations prescribed by him or her for
15 performance of all necessary functions under title II, in-
16 cluding provision for a fair hearing for any worker whose
17 application for payments is denied.

18 (b) FINAL DETERMINATION.—A final determination
19 under subsection (a) with respect to entitlement to pro-
20 gram benefits under title II is subject to review by the
21 courts in the same manner and to the same extent as is
22 provided by section 205(g) of the Social Security Act (42
23 U.S.C. 405(g)).

1 **SEC. 304. LIABILITY OF CERTIFYING AND DISBURSING OF-**
2 **FICERS.**

3 (a) No person designated by the Commission, or des-
4 ignated pursuant to an agreement under section 302, as
5 a certifying officer, shall, in the absence of gross neg-
6 ligence or intent to defraud the United States, be liable
7 with respect to any payment certified by him or her under
8 this chapter.

9 (b) No disbursing officer shall, in the absence of gross
10 negligence or intent to defraud the United States, be liable
11 with respect to any payment by him or her under this Act
12 if it was based upon a voucher signed by a certifying offi-
13 cer designated as provided in subsection (a).

14 **SEC. 305. FRAUD AND RECOVERY OF OVERPAYMENTS.**

15 (a) OVERPAYMENTS.—

16 (1) LIABILITY FOR OVERPAYMENT.—If a co-
17 operating State agency, the Commission, or a court
18 of competent jurisdiction determines that any person
19 has received any payment under this Act to which
20 the person was not entitled, including a payment re-
21 ferred to in subsection (b), such person shall be lia-
22 ble to repay such amount to the State agency or the
23 Commission, as the case may be, except that the
24 State agency or the Commission shall waive such re-
25 payment if such agency or the Commission deter-
26 mines that—

1 (A) the payment was made without fault
2 on the part of such individual, and

3 (B) requiring such repayment would cause
4 a financial hardship for the individual (or the
5 individual's household, if applicable) when tak-
6 ing into consideration the income and resources
7 reasonably available to the individual (or house-
8 hold) and other ordinary living expenses of the
9 individual (or household).

10 (2) RECOVERY.—Unless an overpayment is oth-
11 erwise recovered, or waived under paragraph (1), the
12 State agency or the Commission shall recover the
13 overpayment by deductions from any sums payable
14 to such person under this Act, under any Federal
15 unemployment compensation law administered by
16 the State agency or the Commission, or under any
17 other Federal law administered by the State agency
18 or the Commission which provides for the payment
19 of assistance or an allowance with respect to unem-
20 ployment, and, notwithstanding any other provision
21 of State law or Federal law to the contrary, the
22 Commission may require the State agency to recover
23 any overpayment under this Act by deduction from
24 any unemployment insurance payable to such person
25 under the State law, except that no single deduction

1 under this paragraph shall exceed 50 percent of the
2 amount otherwise payable.

3 (b) FRAUD.—If a cooperating State agency, the Com-
4 mission, or a court of competent jurisdiction determines
5 that an individual—

6 (1) knowingly has made, or caused another to
7 make, a false statement or representation of a mate-
8 rial fact; or

9 (2) knowingly has failed, or caused another to
10 fail, to disclose a material fact, and as a result of
11 such false statement or representation, or of such
12 nondisclosure, such individual has received any pay-
13 ment under this Act to which the individual was not
14 entitled,

15 such individual shall, in addition to any other penalty pro-
16 vided by law, be ineligible for any further payments under
17 this Act.

18 (c) REVERSION TO TREASURY.—Any amount recov-
19 ered under this section shall be returned to the Treasury
20 of the United States.

21 **SEC. 306. PENALTIES.**

22 Any person who—

23 (1) makes a false statement of a material fact
24 knowing it to be false, or knowingly fails to disclose
25 a material fact, for the purpose of obtaining or in-

1 creasing for that person or for any other person any
2 payment authorized to be furnished under this Act
3 or pursuant to an agreement under section 302; or

4 (2) makes a false statement of a material fact
5 knowing it to be false, or knowingly fails to disclose
6 a material fact, when providing information to the
7 Commission during an investigation of a petition
8 under section 221,

9 shall be imprisoned for not more than one year, or fined
10 under title 18, United States Code, or both.

11 **SEC. 307. AGENCY FUNDING LIMITATIONS AND AUTHORIZA-**
12 **TION OF APPROPRIATIONS.**

13 (a) ESTABLISHMENT OF FUND.—

14 (1) IN GENERAL.—There is established in the
15 Treasury of the United States a separate account to
16 be known as the Transition Adjustment Assistance
17 Fund.

18 (2) USE.—Amounts in the Fund shall be avail-
19 able to the Commission for making expenditures to
20 meet the obligations of the United States to carry
21 out this Act.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) INITIAL AUTHORIZATION.—There are au-
24 thorized to be appropriated to the Transition Adjust-
25 ment Assistance Fund established under subsection

1 (a) for fiscal year 2019, \$500,000,000 to carry out
2 this Act.

3 (2) SUBSEQUENT AUTHORIZATIONS.—

4 (A) IN GENERAL.—There are authorized to
5 be appropriated to the Transition Adjustment
6 Assistance Fund established under subsection
7 (a) for fiscal years 2020 through 2025, such
8 sums as may be necessary to carry out this Act.

9 (B) SENSE OF CONGRESS.—It is the sense
10 of Congress that in determining appropriations
11 under subparagraph (A), the Committees on
12 Appropriations of the House of Representatives
13 and the Senate shall take into consideration—

14 (i) any amounts that remained unobli-
15 gated from amounts appropriated pursuant
16 to paragraph (1); and

17 (ii) where available, the report re-
18 quired under section 308(d) regarding any
19 savings created from the completion of im-
20 plementing recommendations of the Inspec-
21 tor General of the agencies described in
22 section 102(b)(2)(A)(iii) to eliminate
23 wasteful and excessive spending at each
24 such Agency.

1 (c) PERIOD OF EXPENDITURE.—Funds obligated for
2 any fiscal year to carry out activities under sections 221
3 through 224 may be expended by each State receiving
4 such funds during that fiscal year and the succeeding two
5 fiscal years.

6 (d) REALLOTMENT OF FUNDS.—

7 (1) IN GENERAL.—The Commission may—

8 (A) reallocate funds that were allotted to any
9 State to carry out sections 221 through 224
10 and that remain unobligated by the State dur-
11 ing the second or third fiscal year after the fis-
12 cal year in which the funds were provided to the
13 State; and

14 (B) provide such reallocated funds to States
15 to carry out sections 221 through 224 in ac-
16 cordance with procedures established by the
17 Commission.

18 (2) REQUESTS BY STATES.—In establishing
19 procedures under paragraph (1)(B), the Commission
20 shall include procedures that provide for the dis-
21 tribution of reallocated funds under that paragraph
22 pursuant to requests submitted by States in need of
23 such funds.

24 (3) AVAILABILITY OF AMOUNTS.—The reallo-
25 tment of funds under paragraph (1) shall not extend

1 the period for which such funds are available for ex-
2 penditure.

3 **SEC. 308. AGENCY REPORTS OF WASTEFUL AND EXCESSIVE**
4 **SPENDING REQUIRED.**

5 (a) REPORT ON WASTEFUL AND EXCESSIVE SPEND-
6 ING.—With respect to each of fiscal years 2019 through
7 2024 the inspector general of the Agencies described in
8 section 102(b)(2)(A)(iii) shall submit to the Administrator
9 of each such Agency and to Congress a report (in this
10 section referred to as the “IG report”) regarding wasteful
11 and excessive spending, or duplicative programs causing
12 wasteful and excessive spending at such Agency, including
13 recommendations for how to eliminate such wasteful and
14 excessive spending.

15 (b) IMPLEMENTATION REQUIRED.—Not later than 2
16 years after the submission of the report required under
17 subsection (a), and except as provided in subsection (c),
18 the head of each Agency described in section
19 102(b)(2)(A)(iii) shall implement all of the reasonable and
20 cost-effective recommendations in such reports.

21 (c) EXCEPTION.—The implementation requirement
22 in subsection (b) shall not apply to a recommendation by
23 an inspector general that would violate an existing law.
24 With regard to any such recommendation, the head of
25 each Agency described in section 102(b)(2)(A)(iii) shall

1 submit to Congress a description of the necessary change
2 to the law to legally implement the recommendation.

3 (d) REPORT ON IMPLEMENTATION.—Not later than
4 6 months after the end of the implementation period de-
5 scribed in subsection (b), the head of each Agency de-
6 scribed in section 102(b)(2)(A)(iii) shall submit to Con-
7 gress a report on—

8 (1) the progress of the implementation of each
9 recommendation in the IG report;

10 (2) the time period required to complete each
11 such implementation;

12 (3) the wasteful and excessive spending, and
13 duplicative programs causing wasteful and excessive
14 spending within each agency described in the IG re-
15 port;

16 (4) the savings created from the completion of
17 implementing each recommendation; and

18 (5) the reason each recommendation was not
19 implemented before the submission of the IG report.

20 **SEC. 309. REGULATIONS.**

21 The Commission shall prescribe such regulations as
22 may be necessary to carry out the provisions of this Act.

23 **SEC. 310. SUBPOENA POWER.**

24 (a) IN GENERAL.—The Commission may require by
25 subpoena the attendance of witnesses and the production

1 of evidence necessary for the Commission to make a deter-
2 mination under the provisions of this chapter.

3 (b) CONTUMACY.—If a person refuses to obey a sub-
4 poena issued under subsection (a), a United States district
5 court within the jurisdiction of which the relevant pro-
6 ceeding under this Act is conducted may, upon petition
7 by the Commission, issue an order requiring compliance
8 with such subpoena.

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