

107TH CONGRESS
2D SESSION

H. R. 3670

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2002

Mr. BENTSEN (for himself, Ms. ESHOO, Mr. JEFFERSON, Mr. GEPHARDT, Mr. LEVIN, Mr. MATSUI, Mr. RANGEL, Ms. LOFGREN, Mr. BARCIA, Mr. TURNER, Mr. POMEROY, Mr. MCINTYRE, Mr. GREEN of Texas, Mr. SHOWS, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. HASTINGS of Florida, Mr. BALDACCI, and Mr. FARR of California) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, 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 amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Trade Adjustment Assistance for Workers, Farmers,
 4 Fishermen, Communities, and Firms Act of 2002”.

5 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 101. Adjustment assistance for workers.

Sec. 102. Displaced worker self-employment training pilot program.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Reauthorization of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.

Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH INSURANCE COVERAGE OPTIONS FOR
INDIVIDUALS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Sec. 601. Premium assistance for COBRA continuation coverage for individuals
and their families.

Sec. 602. State option to provide temporary medicaid coverage for certain unin-
sured individuals.

Sec. 603. State option to provide temporary coverage under medicaid for the
unsubsidized portion of COBRA continuation premiums.

Sec. 604. Definitions.

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.

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

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

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

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

8 **“Subchapter A—General Provisions**

9 **“SEC. 221. DEFINITIONS.**

10 “In this chapter:

11 “(1) **ADDITIONAL COMPENSATION.**—The term
12 ‘additional compensation’ has the meaning given
13 that term in section 205(3) of the Federal-State Ex-
14 tended Unemployment Compensation Act of 1970
15 (26 U.S.C. 3304 note).

16 “(2) **ADVERSELY AFFECTED EMPLOYMENT.**—
17 The term ‘adversely affected employment’ means
18 employment in a firm or appropriate subdivision of
19 a firm, if workers of that firm or subdivision are eli-
20 gible to apply for adjustment assistance under this
21 chapter.

22 “(3) **ADVERSELY AFFECTED WORKER.**—

23 “(A) **IN GENERAL.**—The term ‘adversely
24 affected worker’ means a worker who is a mem-
25 ber of a group of workers certified by the Sec-

1 retary under section 231(a)(1) as eligible for
2 trade adjustment assistance.

3 “(B) ADVERSELY AFFECTED SECONDARY
4 WORKER.—The term ‘adversely affected worker’
5 includes an adversely affected secondary worker
6 who is a member of a group of workers em-
7 ployed at a downstream producer or a supplier,
8 that is certified by the Secretary under section
9 231(a)(2) as eligible for trade adjustment as-
10 sistance.

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

20 “(5) AVERAGE WEEKLY WAGE.—

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

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

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

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

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

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

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

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

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

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

12 “(10) CUSTOMIZED TRAINING.—The term ‘cus-
13 tomized training’ means training undertaken by an
14 individual to specifications provided by and in close
15 consultation with an employer in consideration of
16 the employer’s commitment to hire the individual
17 upon successful completion of the agreed training
18 program.

19 “(11) DOWNSTREAM PRODUCER.—The term
20 ‘downstream producer’ means a firm that performs
21 additional, value-added production processes, includ-
22 ing a firm that performs final assembly, finishing, or
23 packaging of articles produced by another firm.

24 “(12) EXTENDED COMPENSATION.—The term
25 ‘extended compensation’ has the meaning given that

1 term in section 205(4) of the Federal-State Ex-
2 tended Unemployment Compensation Act of 1970
3 (26 U.S.C. 3304 note).

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

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

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

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

22 “(17) PARTIAL SEPARATION.—A partial separa-
23 tion shall be considered to exist with respect to an
24 individual if—

1 “(A) the individual has had a 20-percent
2 or greater reduction in the average weekly
3 hours worked by that individual in adversely af-
4 fected employment; and

5 “(B) the individual has had a 20-percent
6 or greater reduction in the average weekly wage
7 of the individual with respect to adversely af-
8 fected employment.

9 “(18) REGULAR COMPENSATION.—The term
10 ‘regular compensation’ has the meaning given that
11 term in section 205(2) of the Federal-State Ex-
12 tended Unemployment Compensation Act of 1970
13 (26 U.S.C. 3304 note).

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

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

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

22 “(22) STATE LAW.—The term ‘State law’
23 means the unemployment insurance law of the State
24 approved by the Secretary under section 3304 of the
25 Internal Revenue Code of 1986.

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

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

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

21 “(26) WEEK.—Except as provided in paragraph
22 5(B)(ii), the term ‘week’ means a week as defined
23 in the applicable State law.

24 “(27) WEEK OF UNEMPLOYMENT.—The term
25 ‘week of unemployment’ means a week of total, part-

1 total, or partial unemployment as determined under
2 the applicable State law or Federal unemployment
3 insurance law.

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

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

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

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

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

19 “(B) assist the Secretary in the review of
20 any petition submitted from that State by
21 verifying the information and providing other
22 assistance as the Secretary may request;

23 “(C) advise each worker who applies for
24 unemployment insurance of the available bene-

1 fits under this chapter and the procedures and
2 deadlines for applying for those benefits;

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

5 “(E) provide payments on the basis pro-
6 vided for in this chapter;

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

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

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

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

23 “(II) child health assistance
24 under the State children’s health in-
25 surance program established under

1 title XXI of that Act (42 U.S.C.
2 1397aa et seq.);

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

8 “(IV) other Federal- and State-
9 funded health care, child care, trans-
10 portation, and assistance programs
11 for which the workers may be eligible;
12 and

13 “(ii) provide such workers with infor-
14 mation regarding how to apply for such as-
15 sistance, services, and programs;

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

24 “(I) collect and transmit to the Secretary
25 any data as the Secretary shall reasonably re-

1 quire to assist the Secretary in assuring the ef-
2 fective and efficient performance of the pro-
3 grams carried out under this chapter; and

4 “(J) otherwise actively cooperate with the
5 Secretary and with other Federal and State
6 agencies in providing payments and services
7 under this chapter, including participation in
8 the performance measurement system estab-
9 lished by the Secretary under section 224.

10 “(2) the cooperating State shall—

11 “(A) arrange for the provision of services
12 under this chapter through the one-stop deliv-
13 ery system established in section 134(c) of the
14 Workforce Investment Act of 1998 (29 U.S.C.
15 2864(c)) where available;

16 “(B) provide to adversely affected workers
17 statewide rapid response activities under section
18 134(a)(2)(A) of the Workforce Investment Act
19 of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same
20 manner and to the same extent as any other
21 worker eligible for those activities;

22 “(C) afford adversely affected workers the
23 services provided under section 134(d) of the
24 Workforce Investment Act of 1998 (29 U.S.C.
25 92864(d)) in the same manner and to the same

1 extent as any other worker eligible for those
2 services; and

3 “(D) provide training services under this
4 chapter using training providers approved
5 under title I of the Workforce Investment Act
6 of 1998 (29 U.S.C. 2801 et seq.) which may in-
7 clude community colleges, and other effective
8 providers of training services.

9 “(c) OTHER PROVISIONS.—

10 “(1) APPROVAL OF TRAINING PROVIDERS.—The
11 Secretary shall ensure that the training services pro-
12 vided by cooperating States are provided by organi-
13 zations approved by the Secretary to effectively as-
14 sist workers eligible for assistance under this chap-
15 ter.

16 “(2) AMENDMENT, SUSPENSION, OR TERMI-
17 NATION OF AGREEMENTS.—Each agreement entered
18 into under this section shall provide the terms and
19 conditions upon which the agreement may be amend-
20 ed, suspended, or terminated.

21 “(3) EFFECT ON UNEMPLOYMENT INSUR-
22 ANCE.—Each agreement entered into under this sec-
23 tion shall provide that unemployment insurance oth-
24 erwise payable to any adversely affected worker will

1 not be denied or reduced for any week by reason of
2 any right to payments under this chapter.

3 “(4) COORDINATION OF WORKFORCE INVEST-
4 MENT ACTIVITIES.—In order to promote the coordi-
5 nation of Workforce Investment Act activities in
6 each State with activities carried out under this
7 chapter, each agreement entered into under this sec-
8 tion shall provide that the State shall submit to the
9 Secretary, in such form as the Secretary may re-
10 quire, the description and information described in
11 paragraphs (8) and (14) of section 112(b) of the
12 Workforce Investment Act of 1998 (29 U.S.C.
13 2822(b) (8) and (14)).

14 “(d) REVIEW OF STATE DETERMINATIONS.—

15 “(1) IN GENERAL.—A determination by a co-
16 operating State regarding entitlement to program
17 benefits under this chapter is subject to review in
18 the same manner and to the same extent as deter-
19 minations under the applicable State law.

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

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

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

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

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

15 “(a) DATA COLLECTION.—The Secretary shall, pur-
16 suant to regulations prescribed by the Secretary, collect
17 any data necessary to meet the requirements of this chap-
18 ter.

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

22 “(1) PROGRAM PERFORMANCE.—

23 “(A) speed of petition processing;

24 “(B) quality of petition processing;

25 “(C) cost of training programs;

1 “(D) coordination of programs under this
2 title with programs under the Workforce Invest-
3 ment Act (29 U.S.C. 2801 et seq.);

4 “(E) length of time participants take to
5 enter and complete training programs;

6 “(F) the effectiveness of individual con-
7 tractors in providing appropriate retraining in-
8 formation;

9 “(G) the effectiveness of individual ap-
10 proved training programs in helping workers
11 obtain employment;

12 “(H) best practices related to the provision
13 of benefits and retraining; and

14 “(I) other data to evaluate how individual
15 States are implementing the requirements of
16 this title.

17 “(2) PARTICIPANT OUTCOMES.—

18 “(A) reemployment rates;

19 “(B) types of jobs in which displaced work-
20 ers have been placed;

21 “(C) wage and benefit maintenance results;

22 “(D) training completion rates; and

23 “(E) other data to evaluate how effective
24 programs under this chapter are for partici-

1 pants, taking into consideration current eco-
2 nomic conditions in the State.

3 “(3) PROGRAM PARTICIPATION DATA.—

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

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

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

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

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

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

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

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

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

8 “(d) REPORTS.—

9 “(1) REPORTS BY THE SECRETARY.—

10 “(A) INITIAL REPORT.—Not later than 6
11 months after the date of enactment of the
12 Trade Adjustment Assistance for Workers,
13 Farmers, Fishermen, Communities, and Firms
14 Act of 2002, the Secretary shall submit to the
15 Committee on Finance of the Senate and the
16 Committee on Ways and Means of the House of
17 Representatives a report that—

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

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

24 “(iii) includes information identifying
25 the number of workers who received waiv-

ers 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 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,

1 and that contains the data necessary to allow the
2 Secretary to submit the report required under para-
3 graph (1).

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

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

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

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

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

4 “(b) REPORT.—

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

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

16 **“Subchapter B—Certifications**

17 **“SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED** 18 **WORKERS.**

19 “(a) ELIGIBILITY FOR CERTIFICATION.—

20 “(1) GENERAL RULE.—A group of workers (in-
21 cluding workers in any agricultural firm or subdivi-
22 sion of an agricultural firm) shall be certified by the
23 Secretary as adversely affected workers and eligible
24 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 totally
or partially separated, or are threatened to
become totally or partially separated; and

“(B)(i)(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 subclause (I) contributed
importantly to the workers’ separation or threat
of separation; or

“(ii)(I) 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

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

“(2) ADVERSELY AFFECTED SECONDARY WORKER.—A group of workers (including workers in any

1 agricultural firm or subdivision of an agricultural
2 firm) shall be certified by the Secretary as adversely
3 affected and eligible for trade adjustment assistance
4 benefits under this chapter pursuant to a petition
5 filed under subsection (b) if the Secretary deter-
6 mines that—

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

12 “(B) the workers’ firm (or subdivision) is
13 a supplier to a firm (or subdivision) or down-
14 stream producer to a firm (or subdivision) de-
15 scribed in paragraph (1)(B) (i) or (ii); and

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

21 “(3) SPECIAL PROVISIONS.—

22 “(A) OIL AND NATURAL GAS PRO-
23 DUCERS.—For purposes of this section, any
24 firm, or appropriate subdivision of a firm, that
25 engages in exploration or drilling for oil or nat-

1 ural gas shall be considered to be a firm pro-
2 ducing oil or natural gas.

3 “(B) OIL AND NATURAL GAS IMPORTS.—
4 For purposes of this section, any firm, or ap-
5 propriate subdivision of a firm, that engages in
6 exploration or drilling for oil or natural gas, or
7 otherwise produces oil or natural gas, shall be
8 considered to be producing articles directly
9 competitive with imports of oil and with imports
10 of natural gas.

11 “(C) TACONITE.—For purposes of this sec-
12 tion, taconite pellets produced in the United
13 States shall be considered to be an article that
14 is like or directly competitive with imports of
15 semifinished steel slab.

16 “(D) SERVICE WORKERS.—

17 “(i) IN GENERAL.—Not later than 6
18 months after the date of enactment of the
19 Trade Adjustment Assistance for Workers,
20 Farmers, Fishermen, Communities, and
21 Firms Act of 2002, the Secretary shall es-
22 tablish a program to provide assistance
23 under this chapter to domestic operators of
24 motor carriers who are adversely affected

1 by competition from foreign owned and op-
2 erated motor carriers.

3 “(ii) DATA COLLECTION SYSTEM.—

4 Not later than 6 months after the date of
5 enactment of the Trade Adjustment Assist-
6 ance for Workers, Farmers, Fishermen,
7 Communities, and Firms Act of 2002, the
8 Secretary shall put in place a system to
9 collect data on adversely affected service
10 workers that includes the number of work-
11 ers by State, industry, and cause of dis-
12 location for each worker.

13 “(iii) REPORT.—Not later than 2

14 years after the date of enactment of the
15 Trade Adjustment Assistance for Workers,
16 Farmers, Fishermen, Communities, and
17 Firms Act of 2002, the Secretary shall re-
18 port to Congress the results of a study on
19 ways for extending the programs in this
20 chapter to adversely affected service work-
21 ers, including recommendations for legisla-
22 tion.

23 “(b) PETITIONS.—

24 “(1) IN GENERAL.—A petition for certification
25 of eligibility for trade adjustment assistance under

1 this chapter for a group of adversely affected work-
2 ers shall be filed simultaneously with the Secretary
3 and with the Governor of the State in which the
4 firm or subdivision of the firm employing the work-
5 ers is located.

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

9 “(A) WORKERS.—A group of workers (in-
10 cluding workers in an agricultural firm or sub-
11 division of any agricultural firm).

12 “(B) WORKER REPRESENTATIVES.—The
13 certified or recognized union or other duly ap-
14 pointed representative of the workers.

15 “(C) WORKER ADJUSTMENT AND RE-
16 TRAINING NOTIFICATION.—Any entity to which
17 notice of a plant closing or mass layoff must be
18 given under section 3 of the Worker Adjust-
19 ment and Retraining Notification Act (29
20 U.S.C. 2102).

21 “(D) OTHER.—Employers of workers de-
22 scribed in subparagraph (A), one-stop operators
23 or one-stop partners (as defined in section 101
24 of the Workforce Investment Act of 1998 (29

1 U.S.C. 2801)), or State employment agencies,
2 on behalf of the workers.

3 “(E) REQUEST TO INITIATE CERTIFI-
4 CATION.—The President, or the Committee on
5 Finance of the Senate or the Committee on
6 Ways and Means of the House of Representa-
7 tives (by resolution), may direct the Secretary
8 to initiate a certification process under this
9 chapter to determine the eligibility for trade ad-
10 justment assistance of a group of workers.

11 “(3) ACTIONS BY GOVERNOR.—

12 “(A) COOPERATING STATE.—Upon receipt
13 of a petition, the Governor of a cooperating
14 State shall ensure that the requirements of the
15 agreement entered into under section 222 are
16 met.

17 “(B) OTHER STATES.—Upon receipt of a
18 petition, the Governor of a State that has not
19 entered into an agreement under section 222
20 shall coordinate closely with the Secretary to
21 ensure that workers covered by a petition are—

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

1 “(ii) informed of the workers’ (and in-
2 dividual member’s of the worker’s family)
3 potential eligibility for—

4 “(I) medical assistance under the
5 medicaid program established under
6 title XIX of the Social Security Act
7 (42 U.S.C. 1396a et seq.);

8 “(II) child health assistance
9 under the State children’s health in-
10 surance program established under
11 title XXI of that Act (42 U.S.C.
12 1397aa et seq.);

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

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

23 “(iii) provided with information re-
24 garding how to apply for the assistance,

1 services, and programs described in clause
2 (ii).

3 “(c) ACTIONS BY SECRETARY.—

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

13 “(2) PUBLICATION OF DETERMINATION.—Upon
14 making a determination under paragraph (1), the
15 Secretary shall promptly publish a summary of the
16 determination in the Federal Register together with
17 the reasons for making that determination.

18 “(3) DATE SPECIFIED IN CERTIFICATION.—
19 Each certification made under this subsection shall
20 specify the date on which the total or partial separa-
21 tion began or threatened to begin with respect to a
22 group of certified workers.

23 “(4) PROJECTED TRAINING NEEDS.—The Sec-
24 retary shall inform the State Workforce Investment
25 Board or equivalent agency, and other public or pri-

1 vate agencies, institutions, employers, and labor or-
2 ganizations, as appropriate, of each certification
3 issued under section 231 and of projections, if avail-
4 able, of the need for training under section 240 as
5 a result of that certification.

6 “(d) SCOPE OF CERTIFICATION.—

7 “(1) IN GENERAL.—A certification issued under
8 subsection (c) shall cover adversely affected workers
9 in any group that meets the requirements of sub-
10 section (a), whose total or partial separation oc-
11 curred on or after the date on which the petition
12 was filed under subsection (b).

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

19 “(e) TERMINATION OF CERTIFICATION.—

20 “(1) IN GENERAL.—If the Secretary deter-
21 mines, with respect to any certification of eligibility,
22 that workers separated from a firm or subdivision
23 covered by a certification of eligibility are no longer
24 adversely affected workers, the Secretary shall ter-
25minate the certification.

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

6 “(3) APPLICATION.—Any determination made
7 under paragraph (1) shall apply only to total or par-
8 tial separations occurring after the termination date
9 specified by the Secretary.

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

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

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

18 “(2) petition and application procedures under
19 this chapter;

20 “(3) appropriate filing dates for the allowances,
21 training, and services available under this chapter;
22 and

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

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

2 “(1) IN GENERAL.—The Secretary shall provide
3 any necessary assistance to enable groups of workers
4 to prepare petitions or applications for program ben-
5 efits.

6 “(2) ASSISTANCE FROM STATES.—The Sec-
7 retary shall ensure that cooperating States fully
8 comply with the agreements entered into under sec-
9 tion 222 and shall periodically review that compli-
10 ance.

11 “(c) NOTICE.—

12 “(1) IN GENERAL.—Not later than 15 days
13 after a certification is issued under section 231 (or
14 as soon as practicable after separation), the Sec-
15 retary shall provide written notice of the benefits
16 available under this chapter to each worker whom
17 the Secretary has reason to believe is covered by the
18 certification.

19 “(2) PUBLICATION OF NOTICE.—The Secretary
20 shall publish notice of the benefits available under
21 this chapter to workers covered by each certification
22 made under section 231 in newspapers of general
23 circulation in the areas in which those workers re-
24 side.

1 **“Subchapter C—Program Benefits**

2 **“PART I—GENERAL PROVISIONS**

3 **“SEC. 234. COMPREHENSIVE ASSISTANCE.**

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

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

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

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

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

13 “(5) Relocation allowances as described in sec-
14 tion 242.

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

17 “(7) Health insurance coverage options as de-
18 scribed in title VI of the Trade Adjustment Assist-
19 ance for Workers, Farmers, Fishermen, Commu-
20 nities, and Firms Act of 2002.

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

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

23 “(a) IN GENERAL.—Payment of a trade adjustment
24 allowance shall be made to an adversely affected worker
25 covered by a certification under section 231 who files an

1 application for the allowance for any week of unemploy-
2 ment that begins more than 60 days after the date on
3 which the petition that resulted in the certification was
4 filed under section 231, if the following conditions are met:

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

9 “(A) on or after the date, as specified in
10 the certification under which the worker is cov-
11 ered, on which total or partial separation from
12 adversely affected employment began or threat-
13 ened to begin;

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

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

19 “(2) EMPLOYMENT REQUIRED.—

20 “(A) IN GENERAL.—The adversely affected
21 worker had, in the 52-week period ending with
22 the week in which the total or partial separa-
23 tion occurred, at least 26 weeks of employment
24 at wages of \$30 or more a week with a single
25 firm or subdivision of a firm.

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

6 “(C) WEEK OF EMPLOYMENT.—For the
7 purposes of this paragraph any week shall be
8 treated as a week of employment at wages of
9 \$30 or more, if an adversely affected worker—

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

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

19 “(iii) had employment interrupted in
20 order to serve as a full-time representative
21 of a labor organization in that firm or sub-
22 division; or

23 “(iv) is on call-up for purposes of ac-
24 tive duty in a reserve status in the Armed
25 Forces of the United States, provided that

1 active duty is ‘Federal service’ as defined
2 in section 8521(a)(1) of title 5, United
3 States Code.

4 “(D) EXCEPTIONS.—

5 “(i) In the case of weeks described in
6 clause (i) or (iii) of subparagraph (C), or
7 both, not more than 7 weeks may be treat-
8 ed as weeks of employment under subpara-
9 graph (C).

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

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

18 “(A) ENTITLEMENT TO UNEMPLOYMENT
19 INSURANCE.—The worker was entitled to (or
20 would be entitled to if the worker applied for)
21 unemployment insurance for a week within the
22 benefit period—

23 “(i) in which total or partial separa-
24 tion took place; or

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

5 “(B) EXHAUSTION OF UNEMPLOYMENT IN-
6 SURANCE.—The worker has exhausted all rights
7 to any regular State unemployment insurance
8 to which the worker was entitled (or would be
9 entitled if the worker had applied for any reg-
10 ular State unemployment insurance).

11 “(C) NO UNEXPIRED WAITING PERIOD.—
12 The worker does not have an unexpired waiting
13 period applicable to the worker for any unem-
14 ployment insurance.

15 “(4) EXTENDED UNEMPLOYMENT COMPENSA-
16 TION.—The adversely affected worker, with respect
17 to a week of unemployment, would not be disquali-
18 fied for extended compensation payable under the
19 Federal-State Extended Unemployment Compensa-
20 tion Act of 1970 (26 U.S.C. 3304 note) by reason
21 of the work acceptance and job search requirements
22 in section 202(a)(3) of that Act.

23 “(5) TRAINING.—The adversely affected worker
24 is enrolled in a training program approved by the
25 Secretary under section 240(a), and the enrollment

1 occurred not later than the latest of the periods de-
2 scribed in subparagraph (A), (B), or (C).

3 “(A) 16 WEEKS.—The worker enrolled not
4 later than the last day of the 16th week after
5 the worker’s most recent total separation that
6 meets the requirements of paragraphs (1) and
7 (2).

8 “(B) 8 WEEKS.—The worker enrolled not
9 later than the last day of the 8th week after the
10 week in which the Secretary issues a certifi-
11 cation covering the worker.

12 “(C) EXTENUATING CIRCUMSTANCES.—
13 Notwithstanding subparagraphs (A) and (B),
14 the adversely affected worker is eligible for
15 trade adjustment assistance if the worker en-
16 rolled not later than 45 days after the later of
17 the dates specified in subparagraph (A) or (B),
18 and the Secretary determines there are extenu-
19 ating circumstances that justify an extension in
20 the enrollment period.

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

22 “(1) IN GENERAL.—Until the adversely affected
23 worker begins or resumes participation in a training
24 program approved under section 240(a), no trade
25 adjustment allowance may be paid under subsection

1 (a) to an adversely affected worker for any week or
2 any succeeding week in which—

3 “(A) the Secretary determines that—

4 “(i) the adversely affected worker—

5 “(I) has failed to begin participa-
6 tion in a training program the enroll-
7 ment in which meets the requirement
8 of subsection (a)(5); or

9 “(II) has ceased to participate in
10 such a training program before com-
11 pleting the training program; and

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

14 “(B) the waiver issued to that worker
15 under subsection (c)(1) is revoked under sub-
16 section (c)(2).

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

22 “(c) WAIVERS OF TRAINING REQUIREMENTS.—

23 “(1) ISSUANCE OF WAIVERS.—The Secretary
24 may issue a written statement to an adversely af-
25 fected worker waiving the requirement to be enrolled

1 in training described in subsection (a) if the Sec-
2 retary determines that the training requirement is
3 not feasible or appropriate for the worker, because
4 of 1 or more of the following reasons:

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

8 “(B) MARKETABLE SKILLS.—The worker
9 has marketable skills as determined pursuant to
10 an assessment of the worker, which may include
11 the profiling system under section 303(j) of the
12 Social Security Act (42 U.S.C. 503(j)), carried
13 out in accordance with guidelines issued by the
14 Secretary.

15 “(C) RETIREMENT.—The worker is within
16 2 years of meeting all requirements for entitle-
17 ment to either—

18 “(i) old-age insurance benefits under
19 title II of the Social Security Act (42
20 U.S.C. 401 et seq.) (except for application
21 therefore); or

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

24 “(D) HEALTH.—The worker is unable to
25 participate in training due to the health of the

1 worker, except that a waiver under this sub-
2 paragraph shall not be construed to exempt a
3 worker from requirements relating to the avail-
4 ability for work, active search for work, or re-
5 fusals to accept work under Federal or State un-
6 employment compensation laws.

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

15 “(F) DURATION.—The duration of train-
16 ing appropriate for the worker to obtain suit-
17 able employment exceeds the worker’s max-
18 imum entitlement to basic and additional trade
19 adjustment allowances, and financial support
20 available through other Federal or State pro-
21 grams, including chapter 5 of subtitle B of title
22 I of the Workforce Investment Act of 1998 (29
23 U.S.C. 2861 et seq.), that would enable the
24 worker to complete a suitable training program
25 cannot be assured.

1 “(G) EMPLOYMENT AVAILABLE.—There is
2 employment (which may include technical and
3 professional employment) available for the
4 worker that offers equivalent wages to those
5 that the worker earned prior to separation.

6 “(H) NO BENEFIT.—The worker would
7 not benefit from any training, or no training
8 that is suitable for the worker is available at a
9 reasonable cost.

10 “(I) NO REASONABLE EXPECTATION OF
11 EMPLOYMENT.—There is no reasonable expecta-
12 tion of employment following completion of the
13 training.

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

22 “(K) WORKER NOT QUALIFIED.—The
23 worker is not qualified to undertake and com-
24 plete any training.

25 “(2) DURATION OF WAIVERS.—

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

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

10 “(3) AMENDMENTS UNDER SECTION 222.—

11 “(A) ISSUANCE BY COOPERATING
12 STATES.—Pursuant to an agreement under sec-
13 tion 222, the Secretary may authorize a cooper-
14 ating State to issue waivers as described in
15 paragraph (1) (except for the determination
16 under subparagraphs (F) and (G) of paragraph
17 (1)).

18 “(B) SUBMISSION OF STATEMENTS.—An
19 agreement under section 222 shall include a re-
20 quirement that the cooperating State submit to
21 the Secretary the written statements provided
22 under paragraph (1) and a statement of the
23 reasons for the waiver.

24 “(4) REASONABLE EXPECTATION OF EMPLOY-
25 MENT.—For purposes of applying subsection

1 (c)(1)(I), a reasonable expectation of employment
 2 does not require that employment opportunities for
 3 a worker be available, or offered, immediately upon
 4 the completion of training approved under this sec-
 5 tion.

6 **“SEC. 236. WEEKLY AMOUNTS.**

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

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

18 “(2) any income that is deductible from unem-
 19 ployment insurance under the disqualifying income
 20 provisions of the applicable State law or Federal un-
 21 employment insurance law.

22 “(b) ADJUSTMENT FOR WORKERS RECEIVING
 23 TRAINING.—

24 “(1) IN GENERAL.—Any adversely affected
 25 worker who is entitled to a trade adjustment allow-

1 ance and who is receiving training approved by the
2 Secretary, shall receive for each week in which the
3 worker is undergoing that training, a trade adjust-
4 ment allowance in an amount (computed for such
5 week) equal to the greater of—

6 “(A) the amount computed under sub-
7 section (a); or

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

13 “(2) ALLOWANCE PAID IN LIEU OF.—Any trade
14 adjustment allowance calculated under paragraph
15 (1) shall be paid in lieu of any training allowance to
16 which the worker would be entitled under any other
17 Federal law.

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

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

3 “(1) REDUCTION IN WEEKS FOR WHICH AL-
4 LOWANCE WILL BE PAID.—If a training allowance
5 under any Federal law (other than this Act) is paid
6 to an adversely affected worker for any week of un-
7 employment with respect to which the worker would
8 be entitled (determined without regard to any dis-
9 qualification under section 235(b)) to a trade adjust-
10 ment allowance if the worker applied for that allow-
11 ance, each week of unemployment shall be deducted
12 from the total number of weeks of trade adjustment
13 allowance otherwise payable to that worker under
14 section 235(a) when the worker applies for a trade
15 adjustment allowance and is determined to be enti-
16 tled to the allowance.

17 “(2) PAYMENT OF DIFFERENCE.—If the train-
18 ing allowance paid to a worker for any week of un-
19 employment is less than the amount of the trade ad-
20 justment allowance to which the worker would be en-
21 titled if the worker applied for the trade adjustment
22 allowance, the worker shall receive, when the worker
23 applies for a trade adjustment allowance and is de-
24 termined to be entitled to the allowance, a trade ad-
25 justment allowance for that week equal to the dif-

1 ference between the training allowance and the trade
 2 adjustment allowance computed under subsection
 3 (b).

4 **“SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOW-**
 5 **ANCES.**

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

17 “(b) DURATION OF PAYMENTS.—

18 “(1) IN GENERAL.—Except as provided in para-
 19 graph (2), a trade adjustment allowance shall not be
 20 paid for any week occurring after the close of the
 21 104-week period that begins with the first week fol-
 22 lowing the week in which the adversely affected
 23 worker was most recently totally separated—

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

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

3 “(2) SPECIAL RULES.—

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

10 “(i) the worker was participating in a
11 training program approved under section
12 240(a) before the beginning of the break in
13 training; and

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

16 “(B) ON-THE-JOB TRAINING.—No trade
17 adjustment allowance shall be paid to a worker
18 under this chapter for any week during which
19 the worker is receiving on-the-job training, ex-
20 cept that a trade adjustment allowance shall be
21 paid if a worker is enrolled in a non-paid cus-
22 tomized training program.

23 “(C) SMALL BUSINESS ADMINISTRATION
24 PILOT PROGRAM.—An adversely affected worker
25 who is participating in a self-employment train-

1 ing program established by the Director of the
2 Small Business Administration pursuant to sec-
3 tion 102 of the Trade Adjustment Assistance
4 for Workers, Farmers, Fishermen, Commu-
5 nities, and Firms Act of 2002, shall not be in-
6 eligible to receive benefits under this chapter.

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

11 “(d) YEAR-END ADJUSTMENT.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of this Act or any other provision of law,
14 if the benefit year of a worker ends within an ex-
15 tended benefit period, the number of weeks of ex-
16 tended benefits that the worker would, but for this
17 subsection, be entitled to in that extended benefit
18 period shall not be reduced by the number of weeks
19 for which the worker was entitled, during that ben-
20 efit year, to trade adjustment allowances under this
21 part.

22 “(2) EXTENDED BENEFITS PERIOD.—For the
23 purpose of this section the term ‘extended benefit
24 period’ has the same meaning given that term in the

1 Federal-State Extended Unemployment Compensa-
2 tion Act of 1970 (26 U.S.C. 3304 note).

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

4 “(a) IN GENERAL.—Except where inconsistent with
5 the provisions of this chapter and subject to such regula-
6 tions as the Secretary may prescribe, the availability and
7 disqualification provisions of the State law under which
8 an adversely affected worker is entitled to unemployment
9 insurance (whether or not the worker has filed a claim
10 for such insurance), or, if the worker is not so entitled
11 to unemployment insurance, of the State in which the
12 worker was totally or partially separated, shall apply to
13 a worker that files an application for trade adjustment as-
14 sistance.

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

1 **“PART III—EMPLOYMENT SERVICES, TRAINING,**
2 **AND OTHER ALLOWANCES**

3 **“SEC. 239. EMPLOYMENT SERVICES.**

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

10 **“SEC. 240. TRAINING.**

11 “(a) APPROVED TRAINING PROGRAMS.—

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

14 “(A) on-the-job training or customized
15 training;

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

21 “(C) any program of adult education;

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

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

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

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

8 In making the determination under subparagraph
9 (E), the Secretary shall consult with interested par-
10 ties.

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

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

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

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

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

15 “(b) PAYMENT OF TRAINING COSTS.—

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

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

3 “(A) PROVISION OF TRAINING ON THE JOB
4 OR CUSTOMIZED TRAINING.—If the Secretary
5 approves training under subsection (a), the Sec-
6 retary shall, insofar as possible, provide or as-
7 sure the provision of that training on the job or
8 customized training, and any training on the
9 job or customized training that is approved by
10 the Secretary under subsection (a) shall include
11 related education necessary for the acquisition
12 of skills needed for a position within a par-
13 ticular occupation.

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

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

22 “(i) no employed worker is displaced
23 by the adversely affected worker (including
24 partial displacement such as a reduction in

1 the hours of nonovertime work, wages, or
2 employment benefits);

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

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

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

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

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

1 “(vii) the training is not for the same
2 occupation from which the worker was sep-
3 arated and with respect to which the work-
4 er’s group was certified pursuant to section
5 231;

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

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

19 “(x) the employer has not taken, at
20 any time, any action that violated the
21 terms of any certification described in
22 clause (viii) made by that employer with
23 respect to any other on-the-job training
24 provided by the employer or customized

1 training for which the Secretary has made
2 a payment under paragraph (1).

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

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

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

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

1 “(e) SUPPLEMENTAL ASSISTANCE.—

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

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

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

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

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

22 “(f) SPECIAL PROVISIONS; LIMITATIONS.—

23 “(1) LIMITATION ON MAKING PAYMENTS.—

24 “(A) DISALLOWANCE OF OTHER PAY-
25 MENT.—If the costs of training an adversely af-

1 fected worker are paid by the Secretary under
2 subsection (b), no other payment for those
3 training costs may be made under any other
4 provision of Federal law.

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

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

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

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

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

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

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

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

24 “(4) PAYMENTS AFTER REEMPLOYMENT.—

1 “(A) IN GENERAL.—In the case of an ad-
2 versely affected worker who secures reemploy-
3 ment, the Secretary may approve and pay the
4 costs of training (or shall continue to pay the
5 costs of training previously approved) for that
6 adversely affected worker, for the completion of
7 the training program or up to 26 weeks, which-
8 ever is less, after the date the adversely affected
9 worker becomes reemployed.

10 “(B) TRADE ADJUSTMENT ALLOWANCE.—
11 An adversely affected worker who is reemployed
12 and is undergoing training approved by the Sec-
13 retary pursuant to subparagraph (A) may con-
14 tinue to receive a trade adjustment allowance,
15 subject to the income offsets provided for in the
16 worker’s State unemployment compensation law
17 in accordance with the provisions of section
18 237.

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

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

23 “(a) JOB SEARCH ALLOWANCE AUTHORIZED.—

24 “(1) IN GENERAL.—An adversely affected work-
25 er covered by a certification issued under section

1 231 may file an application with the Secretary for
2 payment of a job search allowance.

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

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

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

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

20 “(i) the later of—

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

1 “(II) the 365th day after the
2 date of the worker’s last total separa-
3 tion; or

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

8 “(b) AMOUNT OF ALLOWANCE.—

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

14 “(2) MAXIMUM ALLOWANCE.—Reimbursement
15 under this subsection may not exceed \$1,200 for any
16 worker.

17 “(3) ALLOWANCE FOR SUBSISTENCE AND
18 TRANSPORTATION.—Reimbursement under this sub-
19 section may not be made for subsistence and trans-
20 portation expenses at levels exceeding those allow-
21 able under section 240(e).

22 “(c) EXCEPTION.—Notwithstanding subsection (b),
23 the Secretary shall reimburse any adversely affected work-
24 er for necessary expenses incurred by the worker in par-

1 icipating in a job search program approved by the Sec-
2 retary.

3 **“SEC. 242. RELOCATION ALLOWANCES.**

4 “(a) RELOCATION ALLOWANCE AUTHORIZED.—

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

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

14 “(A) ASSIST AN ADVERSELY AFFECTED
15 WORKER.—The relocation allowance will assist
16 an adversely affected worker in relocating with-
17 in the United States.

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

23 “(C) TOTAL SEPARATION.—The worker is
24 totally separated from employment at the time
25 relocation commences.

1 “(D) SUITABLE EMPLOYMENT OB-
2 TAINED.—The worker—

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

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

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

11 “(i) the later of—

12 “(I) the 425th day after the date
13 of the certification under section 231;
14 or

15 “(II) the 425th day after the
16 date of the worker’s last total separa-
17 tion; or

18 “(ii) the date that is the 182d day
19 after the date on which the worker con-
20 cluded training, unless the worker received
21 a waiver under section 235(c).

22 “(b) AMOUNT OF ALLOWANCE.—The relocation al-
23 lowance granted to a worker under subsection (a)
24 includes—

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

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

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

13 “(1) the relocation occurs within 182 days after
 14 the filing of the application for relocation assistance;
 15 or

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

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

21 “(a) SUPPORTIVE SERVICES.—

22 “(1) APPLICATION.—

23 “(A) IN GENERAL.—The State may, on be-
 24 half of any adversely affected worker or group

1 of workers covered by a certification issued
2 under section 231—

3 “(i) file an application with the Sec-
4 retary for services under section 173 of the
5 Workforce Investment Act of 1998 (relat-
6 ing to National Emergency Grants); and

7 “(ii) provide other services under title
8 I of the Workforce Investment Act of
9 1998.

10 “(B) SERVICES.—The services available
11 under this paragraph include transportation,
12 child care, and dependent care that are nec-
13 essary to enable a worker to participate in ac-
14 tivities authorized under this chapter.

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

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

23 “(B) CONSISTENT WITH WORKFORCE IN-
24 VESTMENT ACT.—The services are consistent
25 with the supportive services provided to partici-

1 pants under the provisions relating to dislocated
2 worker employment and training activities set
3 forth in chapter 5 of subtitle B of title I of the
4 Workforce Investment Act of 1998 (29 U.S.C.
5 2861 et seq.).

6 “(b) WAGE INSURANCE PROGRAM.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the Trade Adjustment As-
9 sistance for Workers, Farmers, Fishermen, Commu-
10 nities, and Firms Act of 2002, the Secretary shall
11 establish a Wage Insurance Program under which a
12 State shall use the funds provided to the State for
13 trade adjustment allowances to pay to an adversely
14 affected worker certified under section 231 a wage
15 subsidy of up to 50 percent of the difference between
16 the wages received by the adversely affected worker
17 from reemployment and the wages received by the
18 adversely affected worker at the time of separation
19 for a period not to exceed 2 years.

20 “(2) AMOUNT OF PAYMENT.—

21 “(A) WAGES UNDER \$40,000.—If the wages
22 the worker receives from reemployment are less
23 than \$40,000 a year, the wage subsidy shall be
24 50 percent of the difference between the
25 amount of the wages received by the worker

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

4 “(B) WAGES BETWEEN \$40,000 AND
5 \$50,000.—If the wages received by the worker
6 from reemployment are greater than \$40,000 a
7 year but less than \$50,000 a year, the wage
8 subsidy shall be 25 percent of the difference be-
9 tween the amount of the wages received by the
10 worker from reemployment and the amount of
11 the wages received by the worker at the time of
12 separation.

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

16 “(A) enrolls in the Wage Insurance Pro-
17 gram;

18 “(B) obtains reemployment not more than
19 26 weeks after the date of separation from the
20 adversely affected employment;

21 “(C) is at least 50 years of age;

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

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

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

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

7 “(5) LIMITATION ON OTHER BENEFITS.—At
8 the time a worker begins to receive a wage subsidy
9 under this subsection the worker shall not be eligible
10 to receive any benefits under this Act other than the
11 wage subsidy unless the Secretary determines, pur-
12 suant to standards established by the Secretary, that
13 the worker has shown circumstances that warrant
14 eligibility for training benefits under section 240.

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

17 “(1) STUDY BY THE GENERAL ACCOUNTING OF-
18 FICE.—

19 “(A) IN GENERAL.—The Comptroller Gen-
20 eral of the United States shall conduct a study
21 of all assistance provided by the Federal Gov-
22 ernment for workers facing job loss and eco-
23 nomic distress.

24 “(B) REPORT.—Not later than 1 year
25 after the date of enactment of the Trade Ad-

1 justment Assistance for Workers, Farmers,
2 Fishermen, Communities, and Firms Act of
3 2002, the Comptroller General shall submit to
4 the Committee on Finance of the Senate and
5 the Committee on Ways and Means of the
6 House of Representatives a report on the study
7 conducted under subparagraph (A). The report
8 shall include a description of—

9 “(i) all Federal programs designed to
10 assist workers facing job loss and economic
11 distress, including all benefits and services;

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

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

17 “(C) DISTRIBUTION OF GAO REPORT.—

18 The report described in subparagraph (B) shall
19 be distributed to all one-stop partners author-
20 ized under the Workforce Investment Act of
21 1998.

22 “(2) STUDIES BY THE STATES.—

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

1 “(B) GRANTS.—The Secretary may award
 2 to each State a grant, not to exceed \$50,000,
 3 to enable the State to conduct the study de-
 4 scribed in subparagraph (A). Each study shall
 5 be undertaken in consultation with affected par-
 6 ties.

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

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

18 **“Subchapter D—Payment and Enforcement**
 19 **Provisions**

20 **“SEC. 244. PAYMENTS TO STATES.**

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

1 “(b) LIMITATION ON USE OF FUNDS.—

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

5 “(2) RETURN OF FUNDS NOT SO USED.—

6 Money paid that is not used for the purpose for
7 which it is paid under subsection (a) shall be re-
8 turned to the Secretary of the Treasury at the time
9 specified in the agreement entered into under section
10 222.

11 “(c) SURETY BOND.—Any agreement under section
12 222 may require any officer or employee of the cooper-
13 ating State certifying payments or disbursing funds under
14 the agreement or otherwise participating in the perform-
15 ance of the agreement, to give a surety bond to the United
16 States in an amount the Secretary deems necessary, and
17 may provide for the payment of the cost of that bond from
18 funds for carrying out the purposes of this chapter.

19 **“SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING**
20 **OFFICERS.**

21 “(a) LIABILITY OF CERTIFYING OFFICIALS.—No
22 person designated by the Secretary, or designated pursu-
23 ant to an agreement entered into under section 222, as
24 a certifying officer, in the absence of gross negligence or
25 intent to defraud the United States, shall be liable with

1 respect to any payment certified by that person under this
2 chapter.

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

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

10 “(a) IN GENERAL.—

11 “(1) OVERPAYMENT.—If a cooperating State,
12 the Secretary, or a court of competent jurisdiction
13 determines that any person has received any pay-
14 ment under this chapter to which the person was not
15 entitled, including a payment referred to in sub-
16 section (b), that person shall be liable to repay that
17 amount to the cooperating State or the Secretary, as
18 the case may be.

19 “(2) EXCEPTION.—The cooperating State or
20 the Secretary may waive repayment if the cooper-
21 ating State or the Secretary determines, in accord-
22 ance with guidelines prescribed by the Secretary,
23 that all of the following apply:

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

1 “(B) REPAYMENT CONTRARY TO EQ-
2 UNITY.—Requiring repayment would be contrary
3 to equity and good conscience.

4 “(3) PROCEDURE FOR RECOVERY.—

5 “(A) RECOVERY FROM OTHER ALLOW-
6 ANCES AUTHORIZED.—Unless an overpayment
7 is otherwise recovered or waived under para-
8 graph (2), the cooperating State or the Sec-
9 retary shall recover the overpayment by deduc-
10 tions from any sums payable to that person
11 under this chapter, under any Federal unem-
12 ployment compensation law administered by the
13 cooperating State or the Secretary, or under
14 any other Federal law administered by the co-
15 operating State or the Secretary that provides
16 for the payment of assistance or an allowance
17 with respect to unemployment.

18 “(B) RECOVERY FROM STATE ALLOW-
19 ANCES AUTHORIZED.—Notwithstanding any
20 other provision of Federal or State law, the
21 Secretary may require a cooperating State to
22 recover any overpayment under this chapter by
23 deduction from any unemployment insurance
24 payable to that person under State law, except
25 that no single deduction under this paragraph

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

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

9 “(1) FALSE STATEMENT.—The person know-
10 ingly made, or caused another to make, a false state-
11 ment or representation of a material fact, and as a
12 result of the false statement or representation, the
13 person received any payment under this chapter to
14 which the person was not entitled.

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

20 “(c) HEARING.—Except for overpayments deter-
21 mined by a court of competent jurisdiction, no repayment
22 may be required, and no deduction may be made, under
23 this section until a determination under subsection (a) by
24 the cooperating State or the Secretary, as the case may
25 be, has been made, notice of the determination and an

1 opportunity for a fair hearing has been given to the person
2 concerned, and the determination has become final.

3 “(d) RECOVERED FUNDS.—Any amount recovered
4 under this section shall be returned to the Treasury of
5 the United States.

6 **“SEC. 247. CRIMINAL PENALTIES.**

7 “Whoever makes a false statement of a material fact
8 knowing it to be false, or knowingly fails to disclose a ma-
9 terial fact, for the purpose of obtaining or increasing for
10 that person or for any other person any payment author-
11 ized to be furnished under this chapter or pursuant to an
12 agreement under section 222 shall be fined not more than
13 \$10,000, imprisoned for not more than 1 year, or both.

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

15 “There are authorized to be appropriated to the De-
16 partment of Labor, for the period beginning October 1,
17 2001, and ending September 30, 2006, such sums as may
18 be necessary to carry out the purposes of this chapter.
19 Amounts appropriated under this section shall remain
20 available until expended.

21 **“SEC. 249. REGULATIONS.**

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

1 **“SEC. 250. SUBPOENA POWER.**

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

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

10 **SEC. 102. DISPLACED WORKER SELF-EMPLOYMENT TRAIN-**
11 **ING PILOT PROGRAM.**

12 (a) ESTABLISHMENT.—Not later than 6 months after
13 the date of enactment of this Act, the Administrator of
14 the Small Business Administration (in this section re-
15 ferred to as the “Administrator”) shall establish a self-
16 employment training program (in this section referred to
17 as the “Program”) for adversely affected workers (as de-
18 fined in chapter 2 of title II of the Trade Act of 1974),
19 to be administered by the Small Business Administration.

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

25 (c) TRAINING ASSISTANCE.—The Program shall in-
26 clude, at a minimum, training in—

1 (1) pre-business startup planning;

2 (2) awareness of basic credit practices and
3 credit requirements; and

4 (3) developing business plans, financial pack-
5 ages, and credit applications.

6 (d) OUTREACH.—The Program should include out-
7 reach to adversely affected workers and counseling and
8 lending partners of the Small Business Administration.

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

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

21 (g) EFFECTIVE DATE.—The Program shall termi-
22 nate 3 years after the date of final publication of guide-
23 lines under subsection (f).

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

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

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

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

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

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

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

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

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

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

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

9 **SEC. 301. PURPOSE.**

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

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

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

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

22 **“SEC. 271. DEFINITIONS.**

23 “In this chapter:

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

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

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

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

14 “(3) COMMUNITY ECONOMIC DEVELOPMENT CO-
15 ORDINATING COMMITTEE.—The term ‘Community
16 Economic Development Coordinating Committee’
17 means a community group established under section
18 274 that consists of major groups significantly af-
19 fected by an increase in imports or a shift in produc-
20 tion, including local, regional, tribal, and State gov-
21 ernments, regional councils of governments and eco-
22 nomic development, and business, labor, education,
23 health, religious, and other community-based organi-
24 zations.

1 “(4) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Community Trade Ad-
3 justment.

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

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

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

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

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

21 **“SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.**

22 “(a) ESTABLISHMENT.—Within 6 months of the date
23 of enactment of the Trade Adjustment Assistance for
24 Workers, Farmers, Fishermen, Communities, and Firms
25 Act of 2002, there shall be established in the Economic

1 Development Administration of the Department of Com-
2 merce an Office of Community Trade Adjustment.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(A) identify serious economic problems in
24 the community that result from an increase in
25 imports or shift in production;

1 “(B) integrate the major groups and orga-
2 nizations significantly affected by the economic
3 adjustment;

4 “(C) organize a Community Economic De-
5 velopment Coordinating Committee;

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

9 “(E) diversify and strengthen the commu-
10 nity economy; and

11 “(F) develop a community-based strategic
12 plan to address workforce dislocation and eco-
13 nomic development;

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

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

19 “(7) establish an interagency Trade Adjustment
20 Assistance Working Group, consisting of the rep-
21 resentatives of any Federal department or agency
22 with responsibility for economic adjustment assist-
23 ance, including the Department of Agriculture, the
24 Department of Defense, the Department of Edu-
25 cation, the Department of Labor, the Department of

1 Housing and Urban Development, the Department
2 of Health and Human Services, the Small Business
3 Administration, the Department of the Treasury, the
4 Department of Commerce, the Office of the United
5 States Trade Representative, and the National Eco-
6 nomic Council.

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

10 “(1) Seeking legislative language directing the
11 Foreign Trade Zone (‘FTZ’) Board to expedite con-
12 sideration of FTZ applications from communities or
13 businesses that have been found eligible for trade
14 adjustment assistance.

15 “(2) Seeking legislative language to make new
16 markets tax credits available in communities im-
17 pacted by trade.

18 “(3) Seeking legislative language to make work
19 opportunity tax credits available for hiring unem-
20 ployed workers who are certified eligible for trade
21 adjustment assistance.

22 “(4) Examining ways to assist trade impacted
23 rural communities and industries take advantage of
24 the Department of Agriculture’s rural development
25 program.

1 **“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELI-**
2 **GIBLE COMMUNITY.**

3 “(a) NOTIFICATION.—The Secretary of Labor, not
4 later than 15 days after making a determination that a
5 group of workers is eligible for trade adjustment assist-
6 ance under section 231, shall notify the Governor of the
7 State in which the community in which the worker’s firm
8 is located and the Director, of the Secretary’s determina-
9 tion.

10 “(b) CERTIFICATION.—Not later than 30 days after
11 notification by the Secretary of Labor described in sub-
12 section (a), the Director shall certify as eligible for assist-
13 ance under this chapter a community in which 1 of the
14 following conditions applies:

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

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

23 “(B) in a rural community, at least 300
24 workers have been certified for assistance under
25 section 231 in the most recent 36-month period

1 preceding the date of certification under this
 2 section for which data are available.

3 “(2) PERCENT OF WORKFORCE UNEM-
 4 PLOYED.—The Director shall certify that a commu-
 5 nity is eligible for assistance under this chapter if
 6 the unemployment rate for the community is at least
 7 1 percent greater than the national unemployment
 8 rate for the most recent 12-month period for which
 9 data are available.

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

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

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

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

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

20 **“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDI-**
 21 **NATING COMMITTEE.**

22 “(a) ESTABLISHMENT.—In order to apply for and re-
 23 ceive benefits under this chapter, an eligible community
 24 shall establish a Community Economic Development Co-

1 ordinating Committee certified by the Director as meeting
2 the requirements of subsection (b)(1).

3 “(b) COMPOSITION OF THE COMMITTEE.—

4 “(1) LOCAL PARTICIPATION.—The Community
5 Economic Development Coordinating Committee es-
6 tablished by an eligible community under subsection
7 (a) shall include representatives of those groups sig-
8 nificantly affected by economic dislocation, such as
9 local, regional, tribal, and State governments, re-
10 gional councils of governments and economic devel-
11 opment, business, labor, education, health organiza-
12 tions, religious, and other community-based groups
13 providing assistance to workers, their families, and
14 communities.

15 “(2) FEDERAL PARTICIPATION.—Pursuant to
16 section 275(b)(3), the community economic adjust-
17 ment advisor, assigned by the Director to assist an
18 eligible community, shall serve as an ex officio mem-
19 ber of the Community Economic Development Co-
20 ordinating Committee, and shall arrange for partici-
21 pation by representatives of other Federal agencies
22 on that Committee as necessary.

23 “(3) EXISTING ORGANIZATION.—An eligible
24 community may designate an existing organization
25 in that community as the Community Economic De-

1 velopment Coordinating Committee if that organiza-
2 tion meets the requirements of paragraph (1) for the
3 purposes of this chapter.

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

6 “(1) ascertain the severity of the community
7 economic adjustment required as a result of the in-
8 crease in imports or shift in production;

9 “(2) assess the capacity of the community to
10 respond to the required economic adjustment and
11 the needs of the community as it undertakes eco-
12 nomic adjustment, taking into consideration such
13 factors as the number of jobs lost, the size of the
14 community, the diversity of industries, the skills of
15 the labor force, the condition of the current labor
16 market, the availability of financial resources, the
17 quality and availability of educational facilities, the
18 adequacy and availability of public services, and the
19 existence of a basic and advanced infrastructure in
20 the community;

21 “(3) facilitate a dialogue between concerned in-
22 terests in the community, represent the impacted
23 community, and ensure all interests in the commu-
24 nity work collaboratively toward collective goals
25 without duplication of effort or resources;

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

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

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

17 **“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVI-**
 18 **SORS.**

19 “(a) IN GENERAL.—Pursuant to section
 20 272(c)(3)(G), the Director shall assign a community eco-
 21 nomic adjustment advisor to each eligible community.

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

24 “(1) provide technical assistance to the eligible
 25 community, assist in the development and implemen-

1 tation of a strategic plan, including applying for any
2 grant available under this or any other Federal law
3 to develop or implement that plan;

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

7 “(3) serve as an ex officio member of the Com-
8 munity Economic Development Coordinating Com-
9 mittee established by an eligible community under
10 section 274;

11 “(4) act as liaison between the Community Eco-
12 nomic Development Coordinating Committee estab-
13 lished by the eligible community and all other Fed-
14 eral agencies that offer assistance to eligible commu-
15 nities, including the Department of Agriculture, the
16 Department of Defense, the Department of Edu-
17 cation, the Department of Labor, the Department of
18 Housing and Urban Development, the Department
19 of Health and Human Services, the Small Business
20 Administration, the Department of the Treasury, the
21 National Economic Council, and other offices or
22 agencies of the Department of Commerce;

23 “(5) report regularly to the Director regarding
24 the progress of development activities in the commu-

1 nity to which the community economic adjustment
2 advisor is assigned; and

3 “(6) perform other duties as directed by the
4 Secretary or the Director.

5 **“SEC. 276. STRATEGIC PLANS.**

6 “(a) IN GENERAL.—With the assistance of the com-
7 munity economic adjustment advisor, an eligible commu-
8 nity may develop a strategic plan for community economic
9 adjustment and diversification.

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

12 “(1) A description and justification of the ca-
13 pacity for economic adjustment, including the meth-
14 od of financing to be used, the anticipated manage-
15 ment structure of the Community Economic Devel-
16 opment Coordinating Committee, and the commit-
17 ment of the community to the strategic plan over the
18 long term.

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

22 “(3) A description of how the plan and the
23 projects to be undertaken by the eligible community
24 will lead to job creation and job retention in the
25 community.

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

5 “(5) A description of any additional steps the
6 eligible community will take to achieve economic ad-
7 justment and diversification, including how the plan
8 and the projects will contribute to establishing or
9 maintaining a level of public services necessary to
10 attract and retain economic investment.

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

14 “(7) A description of the occupational and
15 workforce conditions in the eligible community, in-
16 cluding but not limited to existing levels of work-
17 force skills and competencies, and educational pro-
18 grams available for workforce training and future
19 employment needs.

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

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

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

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

7 “(2) AMOUNT.—The amount of a grant made
8 under paragraph (1) shall be determined by the Sec-
9 retary, but may not exceed \$50,000 to each commu-
10 nity.

11 “(3) LIMIT.—Each community can only receive
12 1 grant under this subsection for the purpose of de-
13 veloping a strategic plan in any 5-year period.

14 “(d) SUBMISSION OF PLAN.—A strategic plan devel-
15 oped under subsection (a) shall be submitted to the Direc-
16 tor for evaluation and approval.

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

18 “The Director, upon receipt of an application from
19 the Community Economic Development Coordinating
20 Committee on behalf of an eligible community, may award
21 a grant to that community to carry out any project or
22 program included in the strategic plan approved under
23 section 276(d) that—

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

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

4 “(A) encourage industries to locate in that
5 eligible community, if such funds are not used
6 to encourage the relocation of any employer in
7 a manner that causes the dislocation of employ-
8 ees of that employer at another facility in the
9 United States;

10 “(B) leverage resources to create or im-
11 prove Internet or telecommunications capabili-
12 ties to make the community more attractive for
13 business;

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

16 “(D) assist existing firms in that commu-
17 nity to restructure or retool to become more
18 competitive in world markets and prevent job
19 loss; or

20 “(E) assist the community in acquiring the
21 resources and providing the level of public serv-
22 ices necessary to meet the objectives set out in
23 the strategic plan.

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

2 “There are authorized to be appropriated to the De-
3 partment of Commerce, for the period beginning October
4 1, 2001, and ending September 30, 2006, such sums as
5 may be necessary to carry out the purposes of this chap-
6 ter.

7 **“SEC. 279. GENERAL PROVISIONS.**

8 “(a) REPORT BY THE DIRECTOR.—Not later than 6
9 months after the date of enactment of the Trade Adjust-
10 ment Assistance for Workers, Farmers, Fishermen, Com-
11 munities, and Firms Act of 2002, and annually thereafter,
12 the Director shall submit to the Committee on Finance
13 of the Senate and the Committee on Ways and Means of
14 the House of Representatives a report regarding the pro-
15 grams established under this title.

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

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

1 **TITLE IV—TRADE ADJUSTMENT**
 2 **ASSISTANCE FOR FARMERS**

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

4 (a) IN GENERAL.—Title II of the Trade Act of 1974
 5 (19 U.S.C. 2251 et seq.) is amended by adding at the end
 6 the following new chapter:

7 **“CHAPTER 6—ADJUSTMENT ASSISTANCE**
 8 **FOR FARMERS**

9 **“SEC. 291. DEFINITIONS.**

10 “In this chapter:

11 “(1) AGRICULTURAL COMMODITY.—The term
 12 ‘agricultural commodity’ means any agricultural
 13 commodity (including livestock), except fish as de-
 14 fined in section 299(1) of this Act, in its raw or nat-
 15 ural state.

16 “(2) AGRICULTURAL COMMODITY PRODUCER.—
 17 The term ‘agricultural commodity producer’ means
 18 any person who is engaged in the production and
 19 sale of an agricultural commodity in the United
 20 States and who owns or shares the ownership and
 21 risk of loss of the agricultural commodity, except
 22 any person described in section 299(2) of this Act.

23 “(3) CONTRIBUTED IMPORTANTLY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(b) NOTICE OF BENEFITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(b) AMOUNT OF CASH BENEFITS.—

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

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

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

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

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

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

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

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

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

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

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

2 “(a) IN GENERAL.—

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

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

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

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

20 “(b) FALSE STATEMENT.—A person shall, in addi-
21 tion to any other penalty provided by law, be ineligible
22 for any further payments under this chapter—

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

1 “(A) knowingly has made, or caused an-
2 other to make, a false statement or representa-
3 tion of a material fact; or

4 “(B) knowingly has failed, or caused an-
5 other to fail, to disclose a material fact; and

6 “(2) as a result of such false statement or rep-
7 resentation, or of such nondisclosure, such person
8 has received any payment under this chapter to
9 which the person was not entitled.

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

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

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

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

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

4 “(a) IN GENERAL.—There are authorized to be ap-
 5 propriated and there are appropriated to the Department
 6 of Agriculture not to exceed \$90,000,000 for each of the
 7 fiscal years 2002 through 2006 to carry out the purposes
 8 of this chapter.

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

14 (b) EFFECTIVE DATE.—The amendments made by
 15 this title shall take effect on the date that is 180 days
 16 after the date of enactment of this Act.

17 **TITLE V—TRADE ADJUSTMENT**
 18 **ASSISTANCE FOR FISHERMEN**

19 **SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHER-**
 20 **MEN.**

21 (a) IN GENERAL.—Title II of the Trade Act of 1974
 22 (19 U.S.C. 2251 et seq.), as amended by title IV of this
 23 Act, is amended by adding at the end the following new
 24 chapter:

1 **“CHAPTER 7—ADJUSTMENT ASSISTANCE**
2 **FOR FISHERMEN**

3 **“SEC. 299. DEFINITIONS.**

4 “In this chapter:

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

13 “(2) PRODUCER.—The term ‘producer’ means
14 any person who—

15 “(A) is engaged in commercial fishing; or

16 “(B) is a United States fish processor.

17 “(3) CONTRIBUTED IMPORTANTLY.—

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

22 “(B) DETERMINATION OF CONTRIBUTED
23 IMPORTANTLY.—The determination of whether
24 imports of articles like or directly competitive
25 with a fish caught through commercial fishing

1 or processed by a United States fish processor
2 with respect to which a petition under this
3 chapter was filed contributed importantly to a
4 decline in the price of the fish shall be made by
5 the Secretary.

6 “(4) DULY AUTHORIZED REPRESENTATIVE.—
7 The term ‘duly authorized representative’ means an
8 association of producers.

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

13 “(6) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Commerce.

15 “(7) TRADE ADJUSTMENT ASSISTANCE CEN-
16 TER.—The term ‘Trade Adjustment Assistance Cen-
17 ter’ shall have the same meaning as such term has
18 in section 253.

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

20 “(a) IN GENERAL.—A petition for a certification of
21 eligibility to apply for adjustment assistance under this
22 chapter may be filed with the Secretary by a group of pro-
23 ducers or by their duly authorized representative. Upon
24 receipt of the petition, the Secretary shall promptly pub-

lish 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).

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

6 “(1) the national average price for the fish, or
 7 class of fish, produced by the group for the most re-
 8 cent marketing year for which the national average
 9 price is available is equal to or less than the price
 10 determined under subsection (c)(1); and

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

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

15 “(1) QUALIFIED YEAR.—The term ‘qualified
 16 year’, with respect to a group of producers certified
 17 as eligible under section 299B, means each consecu-
 18 tive year after the year in which the group is cer-
 19 tified that the Secretary makes the determination
 20 under subsection (c) or (d), as the case may be.

21 “(2) CLASSES OF GOODS WITHIN A COM-
 22 MODITY.—In any case in which there are separate
 23 classes of fish, the Secretary shall treat each class
 24 as a separate commodity in determining group eligi-

1 bility, the national average price, and level of im-
2 ports under this section and section 299E.

3 **“SEC. 299B. DETERMINATIONS BY SECRETARY.**

4 “(a) IN GENERAL.—As soon as practicable after the
5 date on which a petition is filed under section 299A, but
6 in any event not later than 60 days after that date, the
7 Secretary shall determine whether the petitioning group
8 meets the requirements of section 299A (c) or (d), as the
9 case may be, and shall, if the group meets the require-
10 ments, issue a certification of eligibility to apply for assist-
11 ance under this chapter covering producers in any group
12 that meets the requirements. Each certification shall
13 specify the date on which eligibility under this chapter be-
14 gins.

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

19 “(c) TERMINATION OF CERTIFICATION.—Whenever
20 the Secretary determines, with respect to any certification
21 of eligibility under this chapter, that the decline in price
22 for the fish covered by the certification is no longer attrib-
23 utable to the conditions described in section 299A, the
24 Secretary shall terminate such certification and promptly
25 cause notice of such termination to be published in the

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

3 **“SEC. 299C. STUDY BY SECRETARY WHEN INTERNATIONAL**
4 **TRADE COMMISSION BEGINS INVESTIGATION.**

5 “(a) IN GENERAL.—Whenever the International
6 Trade Commission (in this chapter referred to as the
7 ‘Commission’) begins an investigation under section 202
8 with respect to a fish, the Commission shall immediately
9 notify the Secretary of the investigation. Upon receipt of
10 the notification, the Secretary shall immediately conduct
11 a study of—

12 “(1) the number of producers producing a like
13 or directly competitive agricultural commodity who
14 have been or are likely to be certified as eligible for
15 adjustment assistance under this chapter, and

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

19 “(b) REPORT.—Not later than 15 days after the day
20 on which the Commission makes its report under section
21 202(f), the Secretary shall submit a report to the Presi-
22 dent setting forth the findings of the study under sub-
23 section (a). Upon making his report to the President, the
24 Secretary shall also promptly make the report public (with
25 the exception of information which the Secretary deter-

1 mines to be confidential) and shall have a summary of it
2 published in the Federal Register.

3 **“SEC. 299D. BENEFIT INFORMATION TO PRODUCERS.**

4 “(a) IN GENERAL.—The Secretary shall provide full
5 information to producers about the benefit allowances,
6 training, and other employment services available under
7 this title and about the petition and application proce-
8 dures, and the appropriate filing dates, for such allow-
9 ances, training, and services. The Secretary shall provide
10 whatever assistance is necessary to enable groups to pre-
11 pare petitions or applications for program benefits under
12 this title.

13 “(b) NOTICE OF BENEFITS.—

14 “(1) IN GENERAL.—The Secretary shall mail
15 written notice of the benefits available under this
16 chapter to each producer that the Secretary has rea-
17 son to believe is covered by a certification made
18 under this chapter.

19 “(2) OTHER NOTICE.—The Secretary shall pub-
20 lish notice of the benefits available under this chap-
21 ter to producers that are covered by each certifi-
22 cation made under this chapter in newspapers of
23 general circulation in the areas in which such pro-
24 ducers reside.

1 **“SEC. 299E. QUALIFYING REQUIREMENTS FOR PRODUCERS.**

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

9 “(1) The producer submits to the Secretary suf-
10 ficient information to establish the amount of fish
11 covered by the application filed under subsection (a)
12 that was produced by the producer in the most re-
13 cent year.

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

17 “(3) The producer’s net fishing or processing
18 income (as determined by the Secretary) for the
19 most recent year is less than the producer’s net fish-
20 ing or processing income for the latest year in which
21 no adjustment assistance was received by the pro-
22 ducer under this chapter.

23 “(4) The producer certifies that—

24 “(A) the producer has met with an em-
25 ployee or agent from a Trade Adjustment As-
26 sistance 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—

1 “(i) an amount equal to 80 percent of
2 the average of the national average price of
3 the fish covered by the application de-
4 scribed in subsection (a) for the 5 mar-
5 keting years preceding the most recent
6 marketing year; and

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

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

12 “(2) SPECIAL RULE FOR SUBSEQUENT QUALI-
13 FIED YEARS.—The amount of cash benefits for a
14 qualified year shall be determined in the same man-
15 ner as cash benefits are determined under paragraph
16 (1) except that the average national price of the fish
17 shall be determined under paragraph (1)(A)(i) by
18 using the 5-marketing-year period used to determine
19 the amount of cash benefits for the first certifi-
20 cation. A producer shall only be eligible for benefits
21 for subsequent qualified years if the Secretary or his
22 designee determines that sufficient progress has
23 been made implementing the plans developed under
24 section 299E(a)(4) of this title.

1 “(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—

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

4 “(d) LIMITATIONS ON OTHER ASSISTANCE.—A pro-
5 ducer entitled to receive a cash benefit under this
6 chapter—

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

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

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

13 “(a) IN GENERAL.—

14 “(1) REPAYMENT.—If the Secretary, or a court
15 of competent jurisdiction, determines that any per-
16 son has received any payment under this chapter to
17 which the person was not entitled, such person shall
18 be liable to repay such amount to the Secretary, ex-
19 cept that the Secretary may waive such repayment
20 if the Secretary determines, in accordance with
21 guidelines prescribed by the Secretary, that—

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

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

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

6 “(b) FALSE STATEMENT.—A person shall, in addi-
7 tion to any other penalty provided by law, be ineligible
8 for any further payments under this chapter—

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

11 “(A) knowingly has made, or caused an-
12 other to make, a false statement or representa-
13 tion of a material fact; or

14 “(B) knowingly has failed, or caused an-
15 other to fail, to disclose a material fact; and

16 “(2) as a result of such false statement or rep-
17 resentation, or of such nondisclosure, such person
18 has received any payment under this chapter to
19 which the person was not entitled.

20 “(c) NOTICE AND DETERMINATION.—Except for
21 overpayments determined by a court of competent jurisdic-
22 tion, no repayment may be required, and no deduction
23 may be made, under this section until a determination
24 under subsection (a)(1) by the Secretary has been made,
25 notice of the determination and an opportunity for a fair

1 hearing thereon has been given to the person concerned,
2 and the determination has become final.

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

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

13 **“SEC. 299G. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) IN GENERAL.—There are authorized to be ap-
15 propriated and there are appropriated to the Department
16 of Commerce not to exceed \$10,000,000 for each of the
17 fiscal years 2002 through 2006 to carry out the purposes
18 of this chapter.

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

1 (b) EFFECTIVE DATE.—The amendments made by
2 this title shall take effect on the date that is 180 days
3 after the date of enactment of this Act.

4 **TITLE VI—HEALTH INSURANCE**
5 **COVERAGE OPTIONS FOR IN-**
6 **DIVIDUALS ELIGIBLE FOR**
7 **TRADE ADJUSTMENT ASSIST-**
8 **ANCE**

9 **SEC. 601. PREMIUM ASSISTANCE FOR COBRA CONTINU-**
10 **ATION COVERAGE FOR INDIVIDUALS AND**
11 **THEIR FAMILIES.**

12 (a) ESTABLISHMENT.—Not later than 90 days after
13 the date of enactment of this Act, the Secretary of the
14 Treasury, in consultation with the Secretary of Labor,
15 shall establish a program under which 75 percent of the
16 premium for COBRA continuation coverage shall be pro-
17 vided for an eligible individual (as defined in section
18 604(3)) who is also eligible for COBRA continuation cov-
19 erage.

20 (b) LIMITATION OF PERIOD OF PREMIUM ASSIST-
21 ANCE.—Premium assistance provided in accordance with
22 this section shall end with respect to an eligible individual
23 on the earlier of—

24 (1) the date the eligible individual is no longer
25 covered under COBRA continuation coverage; or

1 (2) 12 months after the date the eligible indi-
2 vidual is first enrolled in the premium assistance
3 program established under this section.

4 (c) PAYMENT ARRANGEMENTS; CREDITING OF AS-
5 SISTANCE.—

6 (1) PROVISION OF ASSISTANCE.—Premium as-
7 sistance shall be provided under the program estab-
8 lished under this section through direct payment ar-
9 rangements with a group health plan (including a
10 multiemployer plan), an issuer of health insurance
11 coverage, an administrator, or an employer as appro-
12 priate with respect to the eligible individual provided
13 such assistance.

14 (2) PREMIUMS PAYABLE BY INDIVIDUAL RE-
15 DUCED BY AMOUNT OF ASSISTANCE.—Premium as-
16 sistance provided under this section shall be credited
17 by the group health plan, issuer of health insurance
18 coverage, or an administrator against the premium
19 otherwise owed by the individual involved for
20 COBRA continuation coverage.

21 (d) PROGRAM REQUIREMENTS.—Premium assistance
22 shall be provided under the program established under this
23 section to any eligible individual. An eligible individual
24 may apply for such assistance at any time during the pe-
25 riod in which the individual is entitled to apply for trade

1 adjustment allowances under section 235 of title II of the
2 Trade Act of 1974.

3 (e) DISREGARD OF SUBSIDIES FOR PURPOSES OF
4 FEDERAL AND STATE PROGRAMS.—Notwithstanding any
5 other provision of law, any premium assistance provided
6 to, or on behalf of, an eligible individual under this section,
7 shall not be considered income or resources in determining
8 eligibility for, or the amount of assistance or benefits pro-
9 vided under, any other Federal public benefit or State or
10 local public benefit.

11 (f) CHANGE IN COBRA NOTICE.—

12 (1) GENERAL NOTICE.—

13 (A) IN GENERAL.—In the case of notices
14 provided under section 4980B(f)(6) of the In-
15 ternal Revenue Code of 1986, section 2206 of
16 the Public Health Service Act (42 U.S.C.
17 300bb–6), section 606 of the Employee Retirement
18 Income Security Act of 1974 (29 U.S.C.
19 1166), or section 8905a(f)(2)(A) of title 5,
20 United States Code, with respect to eligible in-
21 dividuals who become entitled to elect COBRA
22 continuation coverage under subsection (a),
23 such notices shall include an additional notifica-
24 tion to the recipient of the availability of pre-
25 mium assistance for such coverage under this

1 section and for temporary medicaid assistance
2 under section 603 for the remaining portion of
3 COBRA continuation premiums.

4 (B) ALTERNATIVE NOTICE.—In the case of
5 COBRA continuation coverage to which the no-
6 tice provision under such sections does not
7 apply, the Secretary of the Treasury, in con-
8 sultation with the Secretary of Labor, shall, in
9 coordination with administrators of the group
10 health plans (or other entities) that provide or
11 administer the COBRA continuation coverage
12 involved, assure the provision of such notice.

13 (C) FORM.—The requirement of the addi-
14 tional notification under this paragraph may be
15 met by amendment of existing notice forms or
16 by inclusion of a separate document with the
17 notice otherwise required.

18 (2) SPECIFIC REQUIREMENTS.—Each additional
19 notification under paragraph (1) shall include—

20 (A) the forms necessary for establishing
21 eligibility and enrollment in the premium assist-
22 ance program established under this section in
23 connection with the coverage with respect to
24 each eligible individual;

1 (B) the name, address, and telephone num-
2 ber necessary to contact the administrator and
3 any other person maintaining relevant informa-
4 tion in connection with the premium assistance;
5 and

6 (C) the following statement displayed in a
7 prominent manner:

8 “You may be eligible to receive assistance with pay-
9 ment of 75 percent of your COBRA continuation coverage
10 premiums and with temporary medicaid coverage for the
11 remaining premium portion for a duration of not to exceed
12 12 months.”.

13 (3) MODEL NOTICES.—Not later than 90 days
14 after the date of enactment of this Act, the Sec-
15 retary of the Treasury shall prescribe models for the
16 additional notification required under this sub-
17 section.

18 (g) REPORTS.—On the date that is 6 months after
19 the date of enactment of this Act, and annually thereafter,
20 the Secretary of the Treasury shall submit a report to
21 Congress regarding the premium assistance program es-
22 tablished under this section that includes the following:

23 (1) The status of the implementation of the
24 program.

1 (2) The number of eligible individuals provided
2 assistance under the program as of the date of the
3 report.

4 (3) The average dollar amount (monthly and
5 annually) of the premium assistance provided under
6 the program.

7 (4) The total amount of expenditures incurred
8 (with administrative expenditures noted separately)
9 under the program as of the date of the report.

10 (h) APPROPRIATION.—

11 (1) IN GENERAL.—There is appropriated to
12 carry out this section such sums as are necessary for
13 each of fiscal years 2002 through 2006.

14 (2) OBLIGATION OF FUNDS.—This section con-
15 stitutes budget authority in advance of appropria-
16 tions Acts and represents the obligation of the Fed-
17 eral Government to provide for the payment of pre-
18 mium assistance under this section.

19 **SEC. 602. STATE OPTION TO PROVIDE TEMPORARY MED-**
20 **ICAID COVERAGE FOR CERTAIN UNINSURED**
21 **INDIVIDUALS.**

22 (a) STATE OPTION.—Notwithstanding any other pro-
23 vision of law, a State may elect to provide under its med-
24 icaid program under title XIX of the Social Security Act
25 medical assistance in the case of an individual who is—

1 (1) an eligible individual as defined in section
2 604(3);

3 (2) not eligible for COBRA continuation cov-
4 erage;

5 (3) otherwise uninsured; and

6 (4) whose assets, resources, and earned or un-
7 earned income (or both) do not exceed such limita-
8 tions (if any) as the State may establish.

9 (b) LIMITATION OF PERIOD OF COVERAGE.—Medical
10 assistance provided in accordance with this section shall
11 end with respect to an individual on the earlier of—

12 (1) the date the individual is no longer unin-
13 sured; or

14 (2) subject to subsection (c)(4), 12 months
15 after the date the individual first receives such as-
16 sistance.

17 (c) SPECIAL RULES.—In the case of medical assist-
18 ance provided under this section—

19 (1) the Federal medical assistance percentage
20 under section 1905(b) of the Social Security Act (42
21 U.S.C. 1396d(b)) shall be the enhanced FMAP (as
22 defined in section 2105(b) of such Act (42 U.S.C.
23 1397ee(b)));

1 (2) a State may elect to apply any income,
2 asset, or resource limitation permitted under the
3 State medicaid plan or under title XIX of such Act;

4 (3) the provisions of section 1916(g) of the So-
5 cial Security Act (42 U.S.C. 1396o) shall apply to
6 the provision of such assistance in the same manner
7 as the provisions of such section apply with respect
8 to individuals provided medical assistance only under
9 subclause (XV) or (XVI) of section
10 1902(a)(10)(A)(ii) of such Act (42 U.S.C.
11 1396a(a)(10)(A)(ii));

12 (4) a State may elect to provide such assistance
13 in accordance with section 1902(a)(34) of the Social
14 Security Act (42 U.S.C. 1396a(a)(34)) and any as-
15 sistance provided with respect to a month described
16 in that section shall not be included in the deter-
17 mination of the 12-month period under subsection
18 (b)(2);

19 (5) a State may elect to make eligible for such
20 medical assistance a dependent spouse or children of
21 an individual eligible for medical assistance under
22 subsection (a), if such spouse or children are unin-
23 sured;

24 (6) individuals eligible for medical assistance
25 under this section shall be deemed to be described

1 in the list of individuals described in the matter pre-
2 ceding paragraph (1) of section 1905(a) of such Act
3 (42 U.S.C. 1396d(a));

4 (7) a State may elect to provide such medical
5 assistance without regard to any limitation under
6 sections 401(a), 402(b), 403, and 421 of the Per-
7 sonal Responsibility and Work Opportunity Rec-
8 onciliation Act of 1996 (8 U.S.C. 1611(a), 1612(b),
9 1613, and 1631) and no debt shall accrue under an
10 affidavit of support against any sponsor of an indi-
11 vidual who is an alien who is provided such assist-
12 ance, and the cost of such assistance shall not be
13 considered as an unreimbursed cost; and

14 (8) the Secretary of Health and Human Serv-
15 ices shall not count, for purposes of section 1108(f)
16 of the Social Security Act (42 U.S.C. 1308(f)), such
17 amount of payments under this section as bears a
18 reasonable relationship to the average national pro-
19 portion of payments made under this section for the
20 50 States and the District of Columbia to the pay-
21 ments otherwise made under title XIX for such
22 States and District.

1 **SEC. 603. STATE OPTION TO PROVIDE TEMPORARY COV-**
2 **ERAGE UNDER MEDICAID FOR THE UNSUB-**
3 **SIDIZED PORTION OF COBRA CONTINUATION**
4 **PREMIUMS.**

5 (a) STATE OPTION.—Notwithstanding any other pro-
6 vision of law, a State may elect to provide under its med-
7 icaid program under title XIX of the Social Security Act
8 medical assistance in the form of payment for the portion
9 of the premium for COBRA continuation coverage for
10 which an eligible individual (as defined in section 604(3))
11 does not receive a subsidy under the premium assistance
12 program established under section 601 in the case of an
13 eligible individual—

14 (1) who is also eligible for, and has elected cov-
15 erage under, COBRA continuation coverage;

16 (2) who is receiving premium assistance under
17 the program established under section 601; and

18 (3) whose family income does not exceed 200
19 percent of the poverty line.

20 (b) LIMITATION OF PERIOD OF COVERAGE.—Medical
21 assistance provided in accordance with this section shall
22 end with respect to an individual on the earlier of—

23 (1) the date the eligible individual is no longer
24 covered under COBRA continuation coverage; or

1 (2) 12 months after the date the eligible indi-
2 vidual first receives such assistance under this sec-
3 tion.

4 (c) SPECIAL RULES.—In the case of medical assist-
5 ance provided under this section—

6 (1) such assistance may be provided without re-
7 gard to—

8 (A) whether the State otherwise has elect-
9 ed to make medical assistance available for
10 COBRA premiums under section
11 1902(a)(10)(F) of the Social Security Act (42
12 U.S.C. 1396a(a)(10)(F)); or

13 (B) the conditions otherwise imposed for
14 the provision of medical assistance for such
15 COBRA premiums under clause (XII) of the
16 matter following section 1902(a)(10)(G) of the
17 Social Security Act (42 U.S.C.
18 1396a(a)(10)(G)), or paragraphs (1)(B),
19 (1)(C), (1)(D), and (4) of section 1902(u) of
20 such Act (42 U.S.C. 1396a(u)); and

21 (2) paragraphs (1), (2), (4), (5), (7), and (8)
22 of subsection (c) of section 602 apply to such assist-
23 ance in the same manner as such paragraphs apply
24 to the provision of medical assistance under that sec-
25 tion.

1 **SEC. 604. DEFINITIONS.**

2 In this title:

3 (1) ADMINISTRATOR.—The term “adminis-
4 trator” has the meaning given that term in section
5 3(16)(A) of the Employee Retirement Income Secu-
6 rity Act of 1974 (29 U.S.C. 1002(16)(A)).

7 (2) COBRA CONTINUATION COVERAGE.—

8 (A) IN GENERAL.—The term “COBRA
9 continuation coverage” means coverage under a
10 group health plan provided by an employer pur-
11 suant to title XXII of the Public Health Service
12 Act, section 4980B of the Internal Revenue
13 Code of 1986, part 6 of subtitle B of title I of
14 the Employee Retirement Income Security Act
15 of 1974, or section 8905a of title 5, United
16 States Code.

17 (B) APPLICATION IN STATES REQUIRING
18 COVERAGE.—Such term includes continuation
19 coverage provided in a State that has enacted
20 a law that requires such continuation coverage
21 even though the continuation coverage would
22 not otherwise be required under the provisions
23 of law referred to in subparagraph (A).

24 (3) ELIGIBLE INDIVIDUAL.—For purposes of
25 this section, the term “eligible individual” means
26 any individual who is a member of a group of work-

1 ers certified as eligible to apply for adjustment as-
2 sistance under chapter 2 of title II of the Trade Act
3 of 1974 (19 U.S.C. 221, et seq.).

4 (4) FEDERAL PUBLIC BENEFIT.—The term
5 “Federal public benefit” has the meaning given that
6 term in section 401(c) of the Personal Responsibility
7 and Work Opportunity Reconciliation Act of 1996 (8
8 U.S.C. 1611(c)).

9 (5) GROUP HEALTH PLAN.—The term “group
10 health plan” has the meaning given that term in sec-
11 tion 2791(a) of the Public Health Service Act (42
12 U.S.C. 300gg–91(a)), section 607(1) of the Em-
13 ployee Retirement Income Security Act of 1974 (29
14 U.S.C. 1167(1)), and section 4980B(g)(2) of the In-
15 ternal Revenue Code of 1986.

16 (6) HEALTH INSURANCE COVERAGE.—The term
17 “health insurance coverage” has the meaning given
18 that term in section 2791(b)(1) of the Public Health
19 Service Act (42 U.S.C. 300gg–91(b)(1)).

20 (7) MULTIEMPLOYER PLAN.—The term “multi-
21 employer plan” has the meaning given that term in
22 section 3(37) of the Employee Retirement Income
23 Security Act of 1974 (29 U.S.C. 1002(37)).

24 (8) POVERTY LINE.—The term “poverty line”
25 has the meaning given that term in section

1 2110(c)(5) of the Social Security Act (42 U.S.C.
2 1397jj(c)(5)).

3 (9) STATE.—The term “State” has the mean-
4 ing given such term for purposes of title XIX of the
5 Social Security Act (42 U.S.C. 1396 et seq.).

6 (10) STATE OR LOCAL PUBLIC BENEFIT.—The
7 term “State or local public benefit” has the meaning
8 given that term in section 411(c) of the Personal
9 Responsibility and Work Opportunity Reconciliation
10 Act of 1996 (8 U.S.C. 1621(c)).

11 (11) UNINSURED.—

12 (A) IN GENERAL.—The term “uninsured”
13 means, with respect to an individual, that the
14 individual is not covered under—

15 (i) a group health plan;

16 (ii) health insurance coverage; or

17 (iii) a program under title XVIII,
18 XIX, or XXI of the Social Security Act
19 (other than under such title XIX pursuant
20 to section 602).

21 (B) EXCLUSION.—Such coverage under
22 clause (i) or (ii) shall not include coverage con-
23 sisting solely of coverage of excepted benefits
24 (as defined in section 2791(c) of the Public
25 Health Service Act (42 U.S.C. 300gg–91(c)).

1 **TITLE** **VII—CONFORMING**
2 **AMENDMENTS AND EFFEC-**
3 **TIVE DATE**

4 **SEC. 701. CONFORMING AMENDMENTS.**

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

6 (1) ASSISTANCE TO INDUSTRIES.—Section 265
7 of the Trade Act of 1974 (19 U.S.C. 2355) is
8 amended by striking “certified as eligible to apply
9 for adjustment assistance under sections 231 or
10 251”, and inserting “certified as eligible for trade
11 adjustment assistance benefits under section 231, or
12 as eligible to apply for adjustment assistance under
13 section 251”.

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

18 (3) JUDICIAL REVIEW.—Section 284(a) of the
19 Trade Act of 1974 (19 U.S.C. 2395(a)) is amended
20 by striking “under section 223 or section 250(c)”
21 and all that follows through “the Secretary of Com-
22 merce under section 271” and inserting “under sec-
23 tion 231, a firm or its representative, or any other
24 interested domestic party aggrieved by a final deter-
25 mination of the Secretary of Commerce under sec-

tion 251, an agricultural commodity producer (as defined in section 291(2)) aggrieved by a determination of the Secretary of Agriculture under section 293, a producer (as defined in section 299(2)) aggrieved by a determination of the Secretary of Commerce under section 299B, or a community or any other interested domestic party aggrieved by a final determination of the Director of the Office of Community Trade Adjustment under section 273”.

(4) 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, 2006.

“(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, 2006, the worker is—

“(A) certified as eligible for trade adjustment assistance benefits under section 231; and

1 “(B) otherwise eligible to receive trade ad-
2 justment assistance benefits under chapter 2.

3 “(b) OTHER ASSISTANCE.—

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

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

10 “(3) ASSISTANCE FOR FARMERS AND FISHER-
11 MEN.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), adjustment assistance,
14 vouchers, allowances, and other payments or
15 benefits may not be provided under chapter 6
16 or 7 after September 30, 2006.

17 “(B) EXCEPTION.—Notwithstanding sub-
18 paragraph (A), an agricultural commodity pro-
19 ducer (as defined in section 291(2)) or producer
20 (as defined in section 299(2)), shall continue to
21 receive adjustment assistance benefits and other
22 benefits under chapter 6 or 7, whichever ap-
23 plies, for any week for which the agricultural
24 commodity producer or producer meets the eli-
25 gibility requirements of chapter 6 or 7, which-

1 ever applies, if on or before September 30,
 2 2006, the agricultural commodity producer or
 3 producer is—

4 “(i) certified as eligible for adjustment
 5 assistance benefits under chapter 6 or 7,
 6 whichever applies; and

7 “(ii) is otherwise eligible to receive ad-
 8 justment assistance benefits under such
 9 chapter 6 or 7.”.

10 (5) TABLE OF CONTENTS.—

11 (A) IN GENERAL.—The table of contents
 12 for chapters 2, 3, and 4 of title II of the Trade
 13 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.

“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.
- “Sec. 276. Strategic plans.
- “Sec. 277. Grants for economic development.
- “Sec. 278. Authorization of appropriations.
- “Sec. 279. General provisions.”.

1 (B) CHAPTERS 6 AND 7.—The table of
 2 contents for title II of the Trade Act of 1974,
 3 as amended by subparagraph (A), is amended

1 by inserting after the items relating to chapter
 2 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.”.

3 (b) INTERNAL REVENUE CODE.—

4 (1) ADJUSTED GROSS INCOME.—Section
 5 62(a)(12) of the Internal Revenue Code of 1986 (re-
 6 lating to the definition of adjusted gross income) is
 7 amended by striking “trade readjustment allowances
 8 under section 231 or 232” and inserting “trade ad-
 9 justment allowances under section 235 or 236”.

10 (2) FEDERAL UNEMPLOYMENT.—

11 (A) IN GENERAL.—Section 3304(a)(8) of
 12 the Internal Revenue Code of 1986 (relating to
 13 the approval of State unemployment insurance
 14 laws) is amended to read as follows:

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

10 (B) EFFECTIVE DATE.—

11 (i) IN GENERAL.—Except as provided
12 in clause (ii), the amendments made by
13 this paragraph shall apply in the case of
14 compensation paid for weeks beginning on
15 or after the date that is 90 days after the
16 date of enactment of this Act.

17 (ii) MEETING OF STATE LEGISLA-
18 TURE.—

19 (I) IN GENERAL.—If the Sec-
20 retary of Labor identifies a State as
21 requiring a change to its statutes or
22 regulations in order to comply with
23 the amendments made by subpara-
24 graph (A), the amendments made by
25 subparagraph (A) shall apply in the

1 case of compensation paid for weeks
2 beginning after the earlier of—

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

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

15 except that in no case shall the
16 amendments made by this Act apply
17 before the date described in clause (i).

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

22 (c) AMENDMENTS TO TITLE 28.—

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

1 (A) in paragraph (1), by striking “section
2 223” and inserting “section 231”; and

3 (B) in paragraph (3), by striking “section
4 271” and inserting “section 273”.

5 (2) PERSONS ENTITLED TO COMMENCE A CIVIL
6 ACTION.—Section 2631 of title 28, United States
7 Code, is amended—

8 (A) by amending subsection (d)(1) to read
9 as follows:

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

19 (B) in subsection (d)(3), by striking “Sec-
20 retary of Commerce under section 271” and in-
21 serting “Director of the Office of Community
22 Trade Adjustment under section 273”.

23 (3) TIME FOR COMMENCEMENT OF ACTION.—
24 Section 2636(d) of title 28, United States Code, is
25 amended by striking “under section 223 of the

1 Trade Act of 1974 or a final determination of the
2 Secretary of Commerce under section 251 or section
3 271 of such Act” and inserting “under section 231
4 of the Trade Act of 1974, a final determination of
5 the Secretary of Commerce under section 251 of
6 that Act, or a final determination of the Director of
7 the Office of Community Trade Adjustment under
8 section 273 of that Act”.

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

20 (5) RELIEF.—Section 2643(c)(2) of title 28,
21 United States Code, is amended by striking “under
22 section 223 of the Trade Act of 1974 or any final
23 determination of the Secretary of Commerce under
24 section 251 or section 271 of such Act” and insert-
25 ing “under section 231 of the Trade Act of 1974,

1 a final determination of the Secretary of Commerce
 2 under section 251 of that Act, or a final determina-
 3 tion of the Director of the Office of Community
 4 Trade Adjustment under section 273 of that Act”.

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

9 **TITLE VIII—SAVINGS PROVI-** 10 **SIONS AND EFFECTIVE DATE**

11 **SEC. 801. SAVINGS PROVISIONS.**

12 (a) PROCEEDINGS NOT AFFECTED.—

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

24 (2) MODIFICATION OR DISCONTINUANCE.—

25 Nothing in this subsection shall be deemed to pro-

1 hibit the discontinuance or modification of any pro-
2 ceeding under the same terms and conditions and to
3 the same extent that the proceeding could have been
4 discontinued or modified if this Act had not been en-
5 acted.

6 (b) SUITS NOT AFFECTED.—The provisions of this
7 Act shall not affect any suit commenced before October
8 1, 2001, and in all those suits, proceedings shall be had,
9 appeals taken, and judgments rendered in the same man-
10 ner and with the same effect as if this Act had not been
11 enacted.

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

18 **SEC. 802. EFFECTIVE DATE.**

19 (a) IN GENERAL.—Except as otherwise provided in
20 sections 401(b), 501(b), and 701(b)(2)(B), and subsection
21 (b) of this section, the amendments made by this Act shall
22 apply to—

23 (1) petitions for certification filed under chapter
24 2 or 3 of title II of the Trade Act of 1974 on or

1 after the date that is 90 days after the date of en-
2 actment of this Act;

3 (2) petitions for certification filed under chapter
4 2 or 3 of title II of the Trade Act of 1974 before
5 the date that is 90 days after the date of enactment
6 of this Act, that are pending on such date; and

7 (3) certifications for assistance under chapter 4
8 of title II of the Trade Act of 1974 issued on or
9 after the date that is 90 days after the date of en-
10 actment of this Act.

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

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

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

○