

111TH CONGRESS  
2D SESSION

# S. 4055

To extend trade adjustment assistance, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 2010

Mr. BROWN of Ohio (for himself, Mr. CASEY, Mr. BINGAMAN, Mrs. HAGAN, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To extend trade adjustment assistance, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Trade Adjustment As-  
5 sistance Extension Act of 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE AND HEALTH  
COVERAGE IMPROVEMENT

Subtitle A—Extension of Trade Adjustment Assistance

Sec. 101. Extension of Trade Adjustment Assistance.

Sec. 102. Merit staffing for State administration of Trade Adjustment Assistance.

#### Subtitle B—Health Coverage Improvement

Sec. 111. Improvement of the affordability of the credit.

Sec. 112. Payment for the monthly premiums paid prior to commencement of the advance payments of credit.

Sec. 113. TAA recipients not enrolled in training programs eligible for credit.

Sec. 114. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.

Sec. 115. Continued qualification of family members after certain events.

Sec. 116. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Sec. 117. Addition of coverage through voluntary employees' beneficiary associations.

Sec. 118. Notice requirements.

#### Subtitle C—Other Modifications to Trade Adjustment Assistance

Sec. 121. Community College and Career Training Grant Program.

### TITLE II—OFFSETS

Sec. 201. Customs user fees.

Sec. 202. Time for payment of corporate estimated taxes.

Sec. 203. Compliance with PAYGO.

# **1 TITLE I—TRADE ADJUSTMENT**

# **2 ASSISTANCE AND HEALTH**

# **3 COVERAGE IMPROVEMENT**

## **4 Subtitle A—Extension of Trade**

## **5 Adjustment Assistance**

### **6 SEC. 101. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.**

7 (a) IN GENERAL.—Section 1893(a) of the Trade and  
 8 Globalization Adjustment Assistance Act of 2009 (Public  
 9 Law 111–5; 123 Stat. 422) is amended by striking “Janu-  
 10 ary 1, 2011” each place it appears and inserting “July  
 11 1, 2012”.

1 (b) APPLICATION OF PRIOR LAW.—Section 1893(b)  
2 of the Trade and Globalization Adjustment Assistance Act  
3 of 2009 (Public Law 111–5; 123 Stat. 422 (19 U.S.C.  
4 2271 note prec.)) is amended to read as follows:

5 “(b) APPLICATION OF PRIOR LAW.—Chapters 2, 3,  
6 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C.  
7 2271 et seq.) shall be applied and administered beginning  
8 July 1, 2012, as if the amendments made by this subtitle  
9 (other than part VI) had never been enacted, except that  
10 in applying and administering such chapters—

11 “(1) section 245 of that Act shall be applied  
12 and administered by substituting ‘June 30, 2013’  
13 for ‘December 31, 2007’;

14 “(2) section 246(b)(1) of that Act shall be ap-  
15 plied and administered by substituting ‘June 30,  
16 2013’ for ‘the date that is 5 years’ and all that fol-  
17 lows through ‘State’;

18 “(3) section 256(b) of that Act shall be applied  
19 and administered by substituting ‘the 1-year period  
20 beginning July 1, 2012, and ending June 30, 2013,’  
21 for ‘each of fiscal years 2003 through 2007, and  
22 \$4,000,000 for the 3-month period beginning on Oc-  
23 tober 1, 2007,’;

24 “(4) section 298(a) of that Act shall be applied  
25 and administered by substituting ‘the 1-year period

1 beginning July 1, 2012, and ending June 30, 2013,’  
 2 for ‘each of the fiscal years’ and all that follows  
 3 through ‘October 1, 2007’; and

4 “(5) subject to subsection (a)(2), section 285 of  
 5 that Act shall be applied and administered—

6 “(A) in subsection (a), by substituting  
 7 ‘June 30, 2013’ for ‘December 31, 2007’ each  
 8 place it appears; and

9 “(B) by applying and administering sub-  
 10 section (b) as if it read as follows:

11 “‘(b) OTHER ASSISTANCE.—

12 “‘(1) ASSISTANCE FOR FIRMS.—

13 “‘(A) IN GENERAL.—Except as provided  
 14 in subparagraph (B), assistance may not be  
 15 provided under chapter 3 after June 30, 2013.

16 “‘(B) EXCEPTION.—Notwithstanding sub-  
 17 paragraph (A), any assistance approved under  
 18 chapter 3 on or before June 30, 2013, may be  
 19 provided—

20 “‘(i) to the extent funds are available  
 21 pursuant to such chapter for such purpose;  
 22 and

23 “‘(ii) to the extent the recipient of the  
 24 assistance is otherwise eligible to receive  
 25 such assistance.

1 ““(2) FARMERS.—

2 ““(A) IN GENERAL.—Except as provided  
3 in subparagraph (B), assistance may not be  
4 provided under chapter 6 after June 30, 2013.

5 ““(B) EXCEPTION.—Notwithstanding sub-  
6 paragraph (A), any assistance approved under  
7 chapter 6 on or before June 30, 2013, may be  
8 provided—

9 ““(i) to the extent funds are available  
10 pursuant to such chapter for such purpose;  
11 and

12 ““(ii) to the extent the recipient of the  
13 assistance is otherwise eligible to receive  
14 such assistance.’”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 236(a)(2)(A) of the Trade Act of  
17 1974 (19 U.S.C. 2296(a)(2)(A)) is amended to read  
18 as follows:

19 ““(2)(A) The total amount of payments that may be  
20 made under paragraph (1) shall not exceed—

21 ““(i) \$575,000,000 for fiscal year 2011; and

22 ““(ii) \$431,250,000 for the 9-month period be-  
23 ginning October 1, 2011, and ending June 30,  
24 2012.”.

1           (2) Section 245(a) of the Trade Act of 1974  
2           (19 U.S.C. 2317(a)) is amended by striking “De-  
3           cember 31, 2010” and inserting “June 30, 2012”.

4           (3) Section 246(b)(1) of the Trade Act of 1974  
5           (19 U.S.C. 2318(b)(1)) is amended by striking “De-  
6           cember 31, 2010” and inserting “June 30, 2012”.

7           (4) Section 255(a) of the Trade Act of 1974  
8           (19 U.S.C. 2345(a)) is amended—

9           (A) in the first sentence to read as follows:

10           “There are authorized to be appropriated to the  
11           Secretary to carry out the provisions of this  
12           chapter \$50,000,000 for fiscal year 2011 and  
13           \$37,500,000 for the 9-month period beginning  
14           October 1, 2011, and ending June 30, 2012.”;  
15           and

16           (B) in paragraph (1), by striking “Decem-  
17           ber 31, 2010” and inserting “June 30, 2012”.

18           (5) Section 275(f) of the Trade Act of 1974 (19  
19           U.S.C. 2371d(f)) is amended by striking “2011”  
20           and inserting “2013”.

21           (6) Section 276(c)(2) of the Trade Act of 1974  
22           (19 U.S.C. 2371e(c)(2)) is amended to read as fol-  
23           lows:

24           “(2) FUNDS TO BE USED.—Of the funds appro-  
25           priated pursuant to section 277(c), the Secretary

1 may make available, to provide grants to eligible  
2 communities under paragraph (1), not more than—

3 “(A) \$25,000,000 for fiscal year 2011; and

4 “(B) \$18,750,000 for the 9-month period  
5 beginning October 1, 2011, and ending June  
6 30, 2012.”.

7 (7) Section 277(c) of the Trade Act of 1974  
8 (19 U.S.C. 2371f(c)) is amended—

9 (A) by amending paragraph (1) to read as  
10 follows:

11 “(1) IN GENERAL.—There are authorized to be  
12 appropriated to the Secretary to carry out this sub-  
13 chapter—

14 “(A) \$150,000,000 for fiscal year 2011;  
15 and

16 “(B) \$112,500,000 for the 9-month period  
17 beginning October 1, 2011 and ending June 30,  
18 2012.”; and

19 (B) in paragraph (2)(A), by striking “De-  
20 cember 31, 2010” and inserting “June 30,  
21 2012”.

22 (8) Section 278(e) of the Trade Act of 1974  
23 (19 U.S.C. 2372(e)) is amended by striking “2011”  
24 and inserting “2013”.

1           (9) Section 279A(h)(2) of the Trade Act of  
 2           1974 (19 U.S.C. 2373(h)(2)) is amended by striking  
 3           “2011” and inserting “2013”.

4           (10) Section 279B(a) of the Trade Act of 1974  
 5           (19 U.S.C. 2373a(a)) is amended to read as follows:  
 6           “(a) IN GENERAL.—

7                 “(1) AUTHORIZATION.—There are authorized to  
 8           be appropriated to the Secretary of Labor to carry  
 9           out the Sector Partnership Grant program under  
 10          section 279A—

11                 “(A) \$40,000,000 for fiscal year 2011; and

12                 “(B) \$30,000,000 for the 9-month period  
 13          beginning October 1, 2011, and ending June  
 14          30, 2012.

15                 “(2) AVAILABILITY OF APPROPRIATIONS.—  
 16          Funds appropriated pursuant to this section shall  
 17          remain available until expended.”.

18           (11) Section 285 of the Trade Act of 1974 (19  
 19          U.S.C. 2271 note) is amended—

20                 (A) by striking “December 31, 2010” each  
 21          place it appears and inserting “June 30, 2012”;  
 22          and

23                 (B) in subsection (a)(2)(A), by inserting  
 24          “pursuant to petitions filed under section 221  
 25          before July 1, 2012” after “title”.



1           (12) Section 298(a) of the Trade Act of 1974  
 2           (19 U.S.C. 2401g(a)) is amended by striking  
 3           “\$90,000,000 for each of the fiscal years 2009 and  
 4           2010, and \$22,500,000 for the period beginning Oc-  
 5           tober 1, 2010, and ending December 31, 2010” and  
 6           inserting “\$67,500,000 for the 9-month period be-  
 7           ginning January 1, 2011, and ending September 30,  
 8           2011, and \$67,500,000 for the 9-month period be-  
 9           ginning October 1, 2011, and ending June 30,  
 10          2012”.

11          (13) The table of contents for the Trade Act of  
 12          1974 is amended by striking the item relating to  
 13          section 235 and inserting the following:

“Sec. 235. Employment and case management services.”.

14          (d) EFFECTIVE DATE.—The amendments made by  
 15          this section shall take effect on January 1, 2011.

16       **SEC. 102. MERIT STAFFING FOR STATE ADMINISTRATION**  
 17                               **OF TRADE ADJUSTMENT ASSISTANCE.**

18          (a) IN GENERAL.—Notwithstanding section  
 19          618.890(b) of title 20, Code of Federal Regulations, or  
 20          any other provision of law, the single transition deadline  
 21          for implementing the merit-based State personnel staffing  
 22          requirements contained in section 618.890(a) of title 20,  
 23          Code of Federal Regulations, shall not be earlier than  
 24          June 30, 2012.

1 (b) EFFECTIVE DATE.—This section shall take effect  
2 on December 14, 2010.

3 **Subtitle B—Health Coverage**  
4 **Improvement**

5 **SEC. 111. IMPROVEMENT OF THE AFFORDABILITY OF THE**  
6 **CREDIT.**

7 (a) IN GENERAL.—Section 35(a) of the Internal Rev-  
8 enue Code of 1986 is amended by striking “January 1,  
9 2011” and inserting “July 1, 2012”.

10 (b) CONFORMING AMENDMENT.—Section 7527(b) of  
11 such Code is amended by striking “January 1, 2011” and  
12 inserting “July 1, 2012”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to coverage months beginning after  
15 December 31, 2010.

16 **SEC. 112. PAYMENT FOR THE MONTHLY PREMIUMS PAID**  
17 **PRIOR TO COMMENCEMENT OF THE AD-**  
18 **VANCE PAYMENTS OF CREDIT.**

19 (a) IN GENERAL.—Section 7527(e) of the Internal  
20 Revenue Code of 1986 is amended by striking “January  
21 1, 2011” and inserting “July 1, 2012”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 this section shall apply to coverage months beginning after  
24 December 31, 2010.

1 **SEC. 113. TAA RECIPIENTS NOT ENROLLED IN TRAINING**  
2 **PROGRAMS ELIGIBLE FOR CREDIT.**

3 (a) IN GENERAL.—Section 35(c)(2)(B) of the Inter-  
4 nal Revenue Code of 1986 is amended by striking “Janu-  
5 ary 1, 2011” and inserting “July 1, 2012”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 this section shall apply to coverage months beginning after  
8 December 31, 2010.

9 **SEC. 114. TAA PRE-CERTIFICATION PERIOD RULE FOR PUR-**  
10 **POSES OF DETERMINING WHETHER THERE IS**  
11 **A 63-DAY LAPSE IN CREDITABLE COVERAGE.**

12 (a) IRC AMENDMENT.—Section 9801(c)(2)(D) of the  
13 Internal Revenue Code of 1986 is amended by striking  
14 “January 1, 2011” and inserting “July 1, 2012”.

15 (b) ERISA AMENDMENT.—Section 701(c)(2)(C) of  
16 the Employee Retirement Income Security Act of 1974  
17 (29 U.S.C. 1181(c)(2)(C)) is amended by striking “Janu-  
18 ary 1, 2011” and inserting “July 1, 2012”.

19 (c) PHSA AMENDMENT.—Section 2701(c)(2)(C) of  
20 the Public Health Service Act (as in effect for plan years  
21 beginning before January 1, 2014) is amended by striking  
22 “January 1, 2011” and inserting “July 1, 2012”.

23 (d) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply to plan years beginning after De-  
25 cember 31, 2010.

1 **SEC. 115. CONTINUED QUALIFICATION OF FAMILY MEM-**  
 2 **BERS AFTER CERTAIN EVENTS.**

3 (a) IN GENERAL.—Section 35(g)(9) of the Internal  
 4 Revenue Code of 1986, as added by section 1899E(a) of  
 5 the American Recovery and Reinvestment Tax Act of 2009  
 6 (relating to continued qualification of family members  
 7 after certain events), is amended by striking “January 1,  
 8 2011” and inserting “July 1, 2012”.

9 (b) CONFORMING AMENDMENT.—Section 173(f)(8)  
 10 of the Workforce Investment Act of 1998 (29 U.S.C.  
 11 2918(f)(8)) is amended by striking “January 1, 2011”  
 12 and inserting “July 1, 2012”.

13 (c) EFFECTIVE DATE.—The amendments made by  
 14 this section shall apply to months beginning after Decem-  
 15 ber 31, 2010.

16 **SEC. 116. EXTENSION OF COBRA BENEFITS FOR CERTAIN**  
 17 **TAA-ELIGIBLE INDIVIDUALS AND PBGC RE-**  
 18 **CIPIENTS.**

19 (a) ERISA AMENDMENTS.—

20 (1) PBGC RECIPIENTS.—Section 602(2)(A)(v)  
 21 of the Employee Retirement Income Security Act of  
 22 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by  
 23 striking “December 31, 2010” and inserting “June  
 24 30, 2012”.

25 (2) TAA-ELIGIBLE INDIVIDUALS.—Section  
 26 602(2)(A)(vi) of such Act (29 U.S.C.

1 1162(2)(A)(vi)) is amended by striking “December  
2 31, 2010” and inserting “June 30, 2012”.

3 (b) IRC AMENDMENTS.—

4 (1) PBGC RECIPIENTS.—Section  
5 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code  
6 of 1986 is amended by striking “December 31,  
7 2010” and inserting “June 30, 2012”.

8 (2) TAA-ELIGIBLE INDIVIDUALS.—Section  
9 4980B(f)(2)(B)(i)(VI) of such Code is amended by  
10 striking “December 31, 2010” and inserting “June  
11 30, 2012”.

12 (c) PHSA AMENDMENTS.—Section 2202(2)(A)(iv) of  
13 the Public Health Service Act (42 U.S.C. 300bb–  
14 2(2)(A)(iv)) is amended by striking “December 31, 2010”  
15 and inserting “June 30, 2012”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to periods of coverage which would  
18 (without regard to the amendments made by this section)  
19 end on or after December 31, 2010.

20 **SEC. 117. ADDITION OF COVERAGE THROUGH VOLUNTARY**  
21 **EMPLOYEES’ BENEFICIARY ASSOCIATIONS.**

22 (a) IN GENERAL.—Section 35(e)(1)(K) of the Inter-  
23 nal Revenue Code of 1986 is amended by striking “Janu-  
24 ary 1, 2011” and inserting “July 1, 2012”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 this section shall apply to coverage months beginning after  
 3 December 31, 2010.

4 **SEC. 118. NOTICE REQUIREMENTS.**

5 (a) IN GENERAL.—Section 7527(d)(2) of the Inter-  
 6 nal Revenue Code of 1986 is amended by striking “Janu-  
 7 ary 1, 2011” and inserting “July 1, 2012”.

8 (b) EFFECTIVE DATE.—The amendment made by  
 9 this section shall apply to certificates issued after Decem-  
 10 ber 31, 2010.

11 **Subtitle C—Other Modifications to**  
 12 **Trade Adjustment Assistance**

13 **SEC. 121. COMMUNITY COLLEGE AND CAREER TRAINING**  
 14 **GRANT PROGRAM.**

15 (a) IN GENERAL.—Section 278(a) of the Trade Act  
 16 of 1974 (19 U.S.C. 2372(a)) is amended by adding at the  
 17 end the following:

18 “(3) RULE OF CONSTRUCTION.—For purposes  
 19 of this section, any reference to ‘workers’, ‘workers  
 20 eligible for training under section 236’, or any other  
 21 reference to workers under this section shall be  
 22 deemed to include individuals who are, or are likely  
 23 to become, eligible for unemployment compensation  
 24 as defined in section 85(b) of the Internal Revenue

1 Code of 1986, or who remain unemployed after ex-  
2 hausting all rights to such compensation.”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
4 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is  
5 amended—

6 (1) in subsection (a), by striking the last sen-  
7 tence; and

8 (2) by adding at the end the following:

9 “(c) ADMINISTRATIVE AND RELATED COSTS.—The  
10 Secretary may retain not more than 5 percent of the funds  
11 appropriated under subsection (b) for each fiscal year to  
12 administer, evaluate, and establish reporting systems for  
13 the Community College and Career Training Grant pro-  
14 gram under section 278.

15 “(d) SUPPLEMENT NOT SUPPLANT.—Funds appro-  
16 priated under subsection (b) shall be used to supplement  
17 and not supplant other Federal, State, and local public  
18 funds expended to support community college and career  
19 training programs.

20 “(e) AVAILABILITY.—Funds appropriated under sub-  
21 section (b) shall remain available for the fiscal year for  
22 which the funds are appropriated and the subsequent fis-  
23 cal year.”.

## **TITLE II—OFFSETS**

### **SEC. 201. CUSTOMS USER FEES.**

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “September 30, 2019” and inserting “March 31, 2020”; and

(2) in subparagraph (B)(i), by striking “September 30, 2019” and inserting “April 30, 2020”.

### **SEC. 202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.5 percentage points.

### **SEC. 203. COMPLIANCE WITH PAYGO.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, pro-



- 1 vided that such statement has been submitted prior to the
- 2 vote on passage.

