

114TH CONGRESS  
1ST SESSION

# H. R. 3689

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2015

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

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Healthy Employee Loss Prevention Act of 2015” of the  
6 “HELP Act”.

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

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

#### TITLE I—PETITIONS AND DETERMINATIONS

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

#### TITLE II—PROGRAM BENEFITS

##### Subtitle A—Readjustment Allowances

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

##### Subtitle B—Training, Other Employment Services, and Allowances

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

#### TITLE III—GENERAL PROVISIONS

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

### 3 **SEC. 2. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) The term “unemployment insurance” means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act. The terms “regular compensation”, “additional compensation”, and “extended compensation” have the same respective meanings that are given them in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

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

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

## **TITLE I—PETITIONS AND DETERMINATIONS**

### **SEC. 101. PETITIONS.**

(a) IN GENERAL.—A petition for certification of eligibility to apply for adjustment assistance for a group of workers under this Act may be filed simultaneously with

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

4 (1) The group of workers.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

19           (A) actions by the Federal Government;

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

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

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

25      (b) BASIS FOR COMMISSION DETERMINATIONS.—

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

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

15                   (A) by contacting—

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

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

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

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

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

8 (3) VERIFICATION OF INFORMATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

20 (3) Such worker—

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

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

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

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

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

20          (5) Such worker—

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

24                (ii) the enrollment required under clause

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

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

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

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

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

timely information regarding the date specified in such subclause, the last day of a period determined by the Commission, or

(V) the last day of a period determined by the Commission to be approved for enrollment after the termination of a waiver issued pursuant to subsection (c),

(B) has, after the date on which the worker became totally separated, or partially separated, from the adversely affected employment, completed a training program approved by the Commission under section 222(a), or

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

(b) DISQUALIFICATION.—If—

(1) the Commission determines that—

(A) the adversely affected worker—

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

(ii) has ceased to participate in such training program before completing such training program, and

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

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

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

12 (c) WAIVERS OF TRAINING REQUIREMENTS.—

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

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

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

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

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

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

24          (2) DURATION OF WAIVERS.—

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

lowance or training under this Act, and after receiving such training for purposes of job placement.

(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(A) job vacancy listings in such labor market areas;

(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

(D) skills requirements for local occupations described in subparagraph (C).

(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

**SEC. 222. TRAINING.**

(a) APPROVAL FOR TRAINING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19      (b) QUALIFYING TRAINING PROGRAMS.—

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

22               (A) employer-based training, including—

23                       (i) on-the-job training,

24                       (ii) customized training, and

25                       (iii) apprenticeship programs,



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

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

7 (D) any program of remedial education,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12               (1) because the worker—

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

15                   (B) left work—

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) **AMOUNT OF ALLOWANCE.—**

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

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

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

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

15          (a) RELOCATION ALLOWANCE AUTHORIZED.—

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

1 (2) CONDITIONS FOR GRANTING ALLOWANCE.—

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

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

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

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

13 (D) The worker—

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

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

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

22 (i) the later of—

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

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

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

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

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

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

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

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

## **TITLE III—GENERAL PROVISIONS**

### **SEC. 301. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established the Critical Employment Advisory Commission to administer and carry out all of the functions assigned to the Commission under this Act.

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

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

(A) Twenty members appointed by the President based on five individuals recommended by each of Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives;

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

(C) The Secretary of Labor or the Secretary's designee; and

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

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

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

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

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

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

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

14 (h) POWERS OF THE COMMISSION.—

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



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

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

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

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

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

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

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

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

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

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

11          (b) TERMS AND CONDITIONS.—Each agreement  
12          under this subchapter shall provide the terms and condi-  
13          tions upon which the agreement may be amended, sus-  
14          pended, or terminated.

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

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

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

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

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

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

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

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

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

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

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

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

18          (g) CONTROL MEASURES.—

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

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

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

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

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

10 (h) DATA REPORTING.—

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

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

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

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

23 (2) CORE INDICATORS DESCRIBED.—

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

15 (a) OVERPAYMENTS.—

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

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

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

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

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

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

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

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

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

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

21 **SEC. 306. PENALTIES.**

22       Any person who—

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

1       creasing for that person or for any other person any  
2       payment authorized to be furnished under this Act  
3       or pursuant to an agreement under section 239, or  
4       (2) makes a false statement of a material fact  
5       knowing it to be false, or knowingly fails to disclose  
6       a material fact, when providing information to the  
7       Commission during an investigation of a petition  
8       under section 221,  
9       shall be imprisoned for not more than one year, or fined  
10      under title 18, United States Code, or both.

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

13       (a) ESTABLISHMENT OF FUND.—

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

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

22       (b) AUTHORIZATION OF APPROPRIATIONS.—

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

1 (a) for fiscal year 2016, \$500,000,000 to carry out  
2 this Act.

3 (2) SUBSEQUENT AUTHORIZATIONS.—

4 (A) IN GENERAL.—There are authorized to  
5 be appropriated to the Transition Adjustment  
6 Assistance Fund established under subsection  
7 (a) for fiscal years 2017 through 2022, such  
8 sums as may be necessary to carry out this Act.

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

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

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

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

6       (d) REALLOTMENT OF FUNDS.—

7           (1) IN GENERAL.—The Commission may—

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

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

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

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

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

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

5 (a) REPORT ON WASTEFUL AND EXCESSIVE SPEND-  
6 ING.—With respect to each of fiscal years 2016 through  
7 2021 the inspector general of the Agencies described in  
8 section 102(b)(2)(A)(iii) shall submit to the Administrator  
9 of each such Agency and to Congress a report (in this  
10 section referred to as the “IG report”) regarding wasteful  
11 and excessive spending, or duplicative programs causing  
12 wasteful and excessive spending at such Agency, including  
13 recommendations for how to eliminate such wasteful and  
14 excessive spending.

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

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



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

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

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

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

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

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

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

20 **SEC. 309. REGULATIONS.**

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

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

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

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

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

○