

114TH CONGRESS
1ST SESSION

S. 1003

To extend the trade adjustment assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2015

Ms. COLLINS (for herself and Mr. WYDEN) introduced the following bill; which
was read twice and referred to the Committee on Finance

A BILL

To extend the trade adjustment assistance program, 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 Enhancement Act of 2015”.

6 **SEC. 2. APPLICATION OF PROVISIONS RELATING TO TRADE**
7 **ADJUSTMENT ASSISTANCE.**

8 (a) REPEAL OF SNAPBACK.—Section 233 of the
9 Trade Adjustment Assistance Extension Act of 2011
10 (Public Law 112–40; 125 Stat. 416) is repealed.

1 (b) APPLICABILITY OF CERTAIN PROVISIONS.—Ex-
 2 cept as otherwise provided in this Act, the provisions of
 3 chapters 2 through 6 of title II of the Trade Act of 1974,
 4 as in effect on December 31, 2013, and as amended by
 5 this Act, shall—

6 (1) take effect on the date of the enactment of
 7 this Act; and

8 (2) apply to petitions for certification filed
 9 under chapter 2, 3, or 6 of title II of the Trade Act
 10 of 1974 on or after such date of enactment.

11 (c) REFERENCES.—Except as otherwise provided in
 12 this Act, whenever in this Act an amendment or repeal
 13 is expressed in terms of an amendment to, or repeal of,
 14 a provision of chapters 2 through 6 of title II of the Trade
 15 Act of 1974, the reference shall be considered to be made
 16 to a provision of any such chapter, as in effect on Decem-
 17 ber 31, 2013.

18 **SEC. 3. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**
 19 **PROGRAM.**

20 (a) EXTENSION OF TERMINATION PROVISIONS.—
 21 Section 285 of the Trade Act of 1974 (19 U.S.C. 2271
 22 note) is amended by striking “December 31, 2013” each
 23 place it appears and inserting “June 30, 2021”.

24 (b) TRAINING FUNDS.—Section 236(a)(2)(A) of the
 25 Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended

1 by striking “shall not exceed” and all that follows and in-
 2 serting “shall not exceed \$450,000,000 for each of fiscal
 3 years 2015 through 2021.”.

4 (c) REEMPLOYMENT TRADE ADJUSTMENT ASSIST-
 5 ANCE.—Section 246(b)(1) of the Trade Act of 1974 (19
 6 U.S.C. 2318(b)(1)) is amended by striking “December 31,
 7 2013” and inserting “June 30, 2021”.

8 (d) AUTHORIZATIONS OF APPROPRIATIONS.—

9 (1) TRADE ADJUSTMENT ASSISTANCE FOR
 10 WORKERS.—Section 245(a) of the Trade Act of
 11 1974 (19 U.S.C. 2317(a)) is amended by striking
 12 “December 31, 2013” and inserting “June 30,
 13 2021”.

14 (2) TRADE ADJUSTMENT ASSISTANCE FOR
 15 FIRMS.—Section 255(a) of the Trade Act of 1974
 16 (19 U.S.C. 2345(a)) is amended by striking “fiscal
 17 years 2012 and 2013” and all that follows through
 18 “December 31, 2013” and inserting “fiscal years
 19 2015 through 2021”.

20 (3) TRADE ADJUSTMENT ASSISTANCE FOR
 21 FARMERS.—Section 298(a) of the Trade Act of 1974
 22 (19 U.S.C. 2401g(a)) is amended by striking “fiscal
 23 years 2012 and 2013” and all that follows through
 24 “December 31, 2013” and inserting “fiscal years
 25 2015 through 2021”.

1 **SEC. 4. PERFORMANCE MEASUREMENT AND REPORTING.**

2 (a) PERFORMANCE MEASURES.—Section 239(j) of
3 the Trade Act of 1974 (19 U.S.C. 2311(j)) is amended—

4 (1) in the subsection heading, by striking
5 “DATA REPORTING” and inserting “PERFORMANCE
6 MEASURES”;

7 (2) in paragraph (1)—

8 (A) in the matter preceding subparagraph

9 (A)—

10 (i) by striking “a quarterly” and in-
11 serting “an annual”; and

12 (ii) by striking “data” and inserting
13 “measures”;

14 (B) in subparagraph (A), by striking
15 “core” and inserting “primary”; and

16 (C) in subparagraph (C), by inserting
17 “that promote efficiency and effectiveness”
18 after “assistance program”;

19 (3) in paragraph (2)—

20 (A) in the paragraph heading, by striking
21 “CORE INDICATORS DESCRIBED” and inserting
22 “INDICATORS OF PERFORMANCE”; and

23 (B) by striking subparagraph (A) and in-
24 serting the following:

25 “(A) PRIMARY INDICATORS OF PERFORM-
26 ANCE DESCRIBED.—

1 “(i) IN GENERAL.—The primary indi-
2 cators of performance referred to in para-
3 graph (1)(A) shall consist of—

4 “(I) the percentage and number
5 of workers who received benefits
6 under the trade adjustment assistance
7 program who are in unsubsidized em-
8 ployment during the second calendar
9 quarter after exit from the program;

10 “(II) the percentage and number
11 of workers who received benefits
12 under the trade adjustment assistance
13 program and who are in unsubsidized
14 employment during the fourth cal-
15 endar quarter after exit from the pro-
16 gram;

17 “(III) the median earnings of
18 workers described in subclause (I);

19 “(IV) the percentage and number
20 of workers who received benefits
21 under the trade adjustment assistance
22 program who, subject to clause (ii),
23 obtain a recognized postsecondary cre-
24 dential or a secondary school diploma
25 or its recognized equivalent, during

1 participation in the program or within
2 one year after exit from the program;
3 and

4 “(V) the percentage and number
5 of workers who received benefits
6 under the trade adjustment assistance
7 program who, during a year while re-
8 ceiving such benefits, are in an edu-
9 cation or training program that leads
10 to a recognized postsecondary creden-
11 tial or employment and who are
12 achieving measurable gains in skills
13 toward such a credential or employ-
14 ment.

15 “(ii) INDICATOR RELATING TO CRE-
16 DENTIAL.—For purposes of clause (i)(IV),
17 a worker who received benefits under the
18 trade adjustment assistance program who
19 obtained a secondary school diploma or its
20 recognized equivalent shall be included in
21 the percentage counted for purposes of
22 that clause only if the worker, in addition
23 to obtaining such a diploma or its recog-
24 nized equivalent, has obtained or retained
25 employment or is in an education or train-

1 ing program leading to a recognized post-
 2 secondary credential within one year after
 3 exit from the program.”;

4 (4) in paragraph (3)—

5 (A) in the paragraph heading, by striking
 6 “DATA” and inserting “MEASURES”;

7 (B) by striking “quarterly” and inserting
 8 “annual”; and

9 (C) by striking “data” and inserting
 10 “measures”; and

11 (5) by adding at the end the following:

12 “(4) ACCESSIBILITY OF STATE PERFORMANCE
 13 REPORTS.—The Secretary shall, on an annual basis,
 14 make available (including by electronic means), in an
 15 easily understandable format, the reports of cooper-
 16 ating States or cooperating State agencies required
 17 by paragraph (1) and the information contained in
 18 those reports.”.

19 (b) COLLECTION AND PUBLICATION OF DATA.—Sec-
 20 tion 249B of the Trade Act of 1974 (19 U.S.C. 2323)
 21 is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (3)—

24 (i) in subparagraph (A), by striking
 25 “enrolled in” and inserting “who received”;

1 (ii) in subparagraph (B)—

2 (I) by striking “complete” and
3 inserting “exited”; and

4 (II) by striking “who were en-
5 rolled in” and inserting “, including
6 who received”;

7 (iii) in subparagraph (E), by striking
8 “complete” and inserting “exited”;

9 (iv) in subparagraph (F), by striking
10 “complete” and inserting “exit”; and

11 (v) by adding at the end the following:

12 “(G) The average cost per worker of re-
13 ceiving training approved under section 236.

14 “(H) The percentage of workers who re-
15 ceived training approved under section 236 and
16 obtained unsubsidized employment in a field re-
17 lated to that training.”; and

18 (B) in paragraph (4)—

19 (i) in subparagraphs (A) and (B), by
20 striking “quarterly” each place it appears
21 and inserting “annual”; and

22 (ii) by striking subparagraph (C) and
23 inserting the following:

24 “(C) The median earnings of workers de-
25 scribed in section 239(j)(2)(A)(i)(III) during

the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers before the calendar quarter in which such workers began receiving benefits under this chapter.”; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs

(B) and (C) as subparagraphs (C) and

(D), respectively; and

(ii) by inserting after subparagraph

(A) the following:

“(B) the reports required under section

239(j);”; and

(B) in paragraph (2), by striking “a quar-

terly” and inserting “an annual”.

(c) RECOGNIZED POSTSECONDARY CREDENTIAL DE-

FINED.—Section 247 of the Trade Act of 1974 (19 U.S.C.

2319) is amended by adding at the end the following:

“(19) The term ‘recognized postsecondary cre-

dential’ means a credential consisting of an indus-

try-recognized certificate or certification, a certifi-

cate of completion of an apprenticeship, a license

recognized by a State or the Federal Government, or

an associate or baccalaureate degree.”.

1 **SEC. 5. APPLICABILITY OF TRADE ADJUSTMENT ASSIST-**
2 **ANCE PROVISIONS.**

3 (a) TRADE ADJUSTMENT ASSISTANCE FOR WORK-
4 ERS.—

5 (1) PETITIONS FILED ON OR AFTER JANUARY 1,
6 2014, AND BEFORE DATE OF ENACTMENT.—

7 (A) CERTIFICATIONS OF WORKERS NOT
8 CERTIFIED BEFORE DATE OF ENACTMENT.—

9 (i) CRITERIA IF A DETERMINATION
10 HAS NOT BEEN MADE.—If, as of the date
11 of the enactment of this Act, the Secretary
12 of Labor has not made a determination
13 with respect to whether to certify a group
14 of workers as eligible to apply for adjust-
15 ment assistance under section 222 of the
16 Trade Act of 1974 pursuant to a petition
17 described in clause (iii), the Secretary shall
18 make that determination based on the re-
19 quirements of section 222 of the Trade Act
20 of 1974, as in effect on such date of enact-
21 ment.

22 (ii) RECONSIDERATION OF DENIALS
23 OF CERTIFICATIONS.—If, before the date
24 of the enactment of this Act, the Secretary
25 made a determination not to certify a
26 group of workers as eligible to apply for

1 adjustment assistance under section 222 of
2 the Trade Act of 1974 pursuant to a peti-
3 tion described in clause (iii), the Secretary
4 shall—

5 (I) reconsider that determination;

6 and

7 (II) if the group of workers
8 meets the requirements of section 222
9 of the Trade Act of 1974, as in effect
10 on such date of enactment, certify the
11 group of workers as eligible to apply
12 for adjustment assistance.

13 (iii) PETITION DESCRIBED.—A peti-
14 tion described in this clause is a petition
15 for a certification of eligibility for a group
16 of workers filed under section 221 of the
17 Trade Act of 1974 on or after January 1,
18 2014, and before the date of the enactment
19 of this Act.

20 (B) ELIGIBILITY FOR BENEFITS.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), a worker certified as eligible
23 to apply for adjustment assistance under
24 section 222 of the Trade Act of 1974 pur-
25 suant to a petition described in subpara-

graph (A)(iii) shall be eligible, on and after the date that is 90 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in clause (i) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act.

(2) PETITIONS FILED BEFORE JANUARY 1, 2014.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before December 31, 2013, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on December 31, 2013.

1 (3) QUALIFYING SEPARATIONS WITH RESPECT
2 TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF
3 ENACTMENT.—Section 223(b) of the Trade Act of
4 1974, as in effect on the date of the enactment of
5 this Act, shall be applied and administered by sub-
6 stituting “before January 1, 2014” for “more than
7 one year before the date of the petition on which
8 such certification was granted” for purposes of de-
9 termining whether a worker is eligible to apply for
10 adjustment assistance pursuant to a petition filed
11 under section 221 of the Trade Act of 1974 on or
12 after the date of the enactment of this Act and on
13 or before the date that is 90 days after such date
14 of enactment.

15 (b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

16 (1) CERTIFICATION OF FIRMS NOT CERTIFIED
17 BEFORE DATE OF ENACTMENT.—

18 (A) CRITERIA IF A DETERMINATION HAS
19 NOT BEEN MADE.—If, as of the date of the en-
20 actment of this Act, the Secretary of Commerce
21 has not made a determination with respect to
22 whether to certify a firm as eligible to apply for
23 adjustment assistance under section 251 of the
24 Trade Act of 1974 pursuant to a petition de-
25 scribed in subparagraph (C), the Secretary shall

1 make that determination based on the require-
2 ments of section 251 of the Trade Act of 1974,
3 as in effect on such date of enactment.

4 (B) RECONSIDERATION OF DENIAL OF
5 CERTAIN PETITIONS.—If, before the date of the
6 enactment of this Act, the Secretary made a de-
7 termination not to certify a firm as eligible to
8 apply for adjustment assistance under section
9 251 of the Trade Act of 1974 pursuant to a pe-
10 tition described in subparagraph (C), the Sec-
11 retary shall—

12 (i) reconsider that determination; and

13 (ii) if the firm meets the requirements
14 of section 251 of the Trade Act of 1974,
15 as in effect on such date of enactment, cer-
16 tify the firm as eligible to apply for adjust-
17 ment assistance.

18 (C) PETITION DESCRIBED.—A petition de-
19 scribed in this subparagraph is a petition for a
20 certification of eligibility filed by a firm or its
21 representative under section 251 of the Trade
22 Act of 1974 on or after January 1, 2014, and
23 before the date of the enactment of this Act.

1 (2) CERTIFICATION OF FIRMS THAT DID NOT
2 SUBMIT PETITIONS BETWEEN JANUARY 1, 2014, AND
3 DATE OF ENACTMENT.—

4 (A) IN GENERAL.—The Secretary of Com-
5 merce shall certify a firm described in subpara-
6 graph (B) as eligible to apply for adjustment
7 assistance under section 251 of the Trade Act
8 of 1974, as in effect on the date of the enact-
9 ment of this Act, if the firm or its representa-
10 tive files a petition for a certification of eligi-
11 bility under section 251 of the Trade Act of
12 1974 not later than 90 days after such date of
13 enactment.

14 (B) FIRM DESCRIBED.—A firm described
15 in this subparagraph is a firm that the Sec-
16 retary determines would have been certified as
17 eligible to apply for adjustment assistance if—

18 (i) the firm or its representative had
19 filed a petition for a certification of eligi-
20 bility under section 251 of the Trade Act
21 of 1974 on a date during the period begin-
22 ning on January 1, 2014, and ending on
23 the day before the date of the enactment
24 of this Act; and

1 (ii) the provisions of chapter 3 of title
 2 II of the Trade Act of 1974, as in effect
 3 on such date of enactment, had been in ef-
 4 fect on that date during the period de-
 5 scribed in clause (i).

6 **SEC. 6. SUNSET PROVISIONS.**

7 (a) APPLICATION OF PRIOR LAW.—Subject to sub-
 8 section (b), beginning on July 1, 2021, the provisions of
 9 chapters 2, 3, 5, and 6 of title II of the Trade Act of
 10 1974 (19 U.S.C. 2271 et seq.), as in effect on January
 11 1, 2014, shall be in effect and apply, except that in apply-
 12 ing and administering such chapters—

13 (1) paragraph (1) of section 231(c) of that Act
 14 shall be applied and administered as if subpara-
 15 graphs (A), (B), and (C) of that paragraph were not
 16 in effect;

17 (2) section 233 of that Act shall be applied and
 18 administered—

19 (A) in subsection (a)—

20 (i) in paragraph (2), by substituting
 21 “104-week period” for “104-week period”
 22 and all that follows through “130-week pe-
 23 riod)”; and

24 (ii) in paragraph (3)—

1 (I) in the matter preceding sub-
2 paragraph (A), by substituting “65”
3 for “52”; and

4 (II) by substituting “78-week pe-
5 riod” for “52-week period” each place
6 it appears; and

7 (B) by applying and administering sub-
8 section (g) as if it read as follows:

9 “(g) PAYMENT OF TRADE READJUSTMENT ALLOW-
10 ANCES TO COMPLETE TRAINING.—Notwithstanding any
11 other provision of this section, in order to assist an ad-
12 versely affected worker to complete training approved for
13 the worker under section 236 that leads to the completion
14 of a degree or industry-recognized credential, payments
15 may be made as trade readjustment allowances for not
16 more than 13 weeks within such period of eligibility as
17 the Secretary may prescribe to account for a break in
18 training or for justifiable cause that follows the last week
19 for which the worker is otherwise entitled to a trade read-
20 justment allowance under this chapter if—

21 “(1) payment of the trade readjustment allow-
22 ance for not more than 13 weeks is necessary for the
23 worker to complete the training;

24 “(2) the worker participates in training in each
25 such week; and

1 “(3) the worker—

2 “(A) has substantially met the perform-
3 ance benchmarks established as part of the
4 training approved for the worker;

5 “(B) is expected to continue to make
6 progress toward the completion of the training;
7 and

8 “(C) will complete the training during that
9 period of eligibility.”;

10 (3) section 245(a) of that Act shall be applied
11 and administered by substituting “June 30, 2022”
12 for “December 31, 2007”;

13 (4) section 246(b)(1) of that Act shall be ap-
14 plied and administered by substituting “June 30,
15 2022” for “the date that is 5 years” and all that fol-
16 lows through “State”;

17 (5) section 256(b) of that Act shall be applied
18 and administered by substituting “the 1-year period
19 beginning on July 1, 2021” for “each of fiscal years
20 2003 through 2007, and \$4,000,000 for the 3-
21 month period beginning on October 1, 2007”;

22 (6) section 298(a) of that Act shall be applied
23 and administered by substituting “the 1-year period
24 beginning on July 1, 2021” for “each of the fiscal

1 years” and all that follows through “October 1,
2 2007”; and

3 (7) section 285 of that Act shall be applied and
4 administered—

5 (A) in subsection (a), by substituting
6 “June 30, 2022” for “December 31, 2007”
7 each place it appears; and

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

10 “(b) OTHER ASSISTANCE.—

11 “(1) ASSISTANCE FOR FIRMS.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), assistance may not be pro-
14 vided under chapter 3 after June 30, 2022.

15 “(B) EXCEPTION.—Notwithstanding sub-
16 paragraph (A), any assistance approved under
17 chapter 3 pursuant to a petition filed under sec-
18 tion 251 on or before June 30, 2022, 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 in
3 subparagraph (B), assistance may not be pro-
4 vided under chapter 6 after June 30, 2022.

5 “(B) EXCEPTION.—Notwithstanding sub-
6 paragraph (A), any assistance approved under
7 chapter 6 on or before June 30, 2022, 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 (b) EXCEPTIONS.—The provisions of chapters 2, 3,
16 5, and 6 of title II of the Trade Act of 1974, as in effect
17 on the date of the enactment of this Act, shall continue
18 to apply on and after July 1, 2021, with respect to—

19 (1) workers certified as eligible for trade adjust-
20 ment assistance benefits under chapter 2 of title II
21 of that Act pursuant to petitions filed under section
22 221 of that Act before July 1, 2021;

23 (2) firms certified as eligible for technical as-
24 sistance or grants under chapter 3 of title II of that

1 Act pursuant to petitions filed under section 251 of
2 that Act before July 1, 2021; and

3 (3) agricultural commodity producers certified
4 as eligible for technical or financial assistance under
5 chapter 6 of title II of that Act pursuant to petitions
6 filed under section 292 of that Act before July 1,
7 2021.

○