

104TH CONGRESS
2D SESSION

H. R. 4292

To provide a comprehensive program of adjustment assistance to workers displaced as a result of any program, project, or activity carried out under Federal law.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. BROWN of California introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a comprehensive program of adjustment assistance to workers displaced as a result of any program, project, or activity carried out under Federal law.

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 “Displaced Worker Re-
5 training Act of 1993”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Authorization of appropriations.
- Sec. 4. Definitions.

TITLE I—GRANTS TO STATES TO PROVIDE WORKER ADJUSTMENT ASSISTANCE BENEFITS TO ELIGIBLE DISPLACED WORKERS

- Sec. 101. Authorization.
- Sec. 102. Application.
- Sec. 103. Reports.

TITLE II—WORKER ADJUSTMENT ASSISTANCE BENEFITS

Subtitle A—Income Support

- Sec. 211. Eligibility.
- Sec. 212. Weekly income support.
- Sec. 213. Application of State laws.

Subtitle B—Wage Supplements

- Sec. 221. Eligibility.
- Sec. 222. Weekly wage supplement.

Subtitle C—Training

- Sec. 231. Approval of training.
- Sec. 232. Training programs.
- Sec. 233. Supplemental assistance.
- Sec. 234. Payment of costs of on-the-job training.
- Sec. 235. Eligibility for unemployment insurance.

Subtitle D—Rapid Response Assistance, Basic Readjustment Services, Relocation Allowances, and Job Search Allowances

- Sec. 241. Rapid response assistance and basic readjustment services.
- Sec. 242. Relocation allowances.
- Sec. 243. Job search allowances.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Fraud and recovery of overpayments.
- Sec. 302. Penalties.
- Sec. 303. Subpoena power.
- Sec. 304. Regulations.

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated from the gen-
3 eral fund of the Treasury such amounts as may be nec-
4 essary to carry out the purposes of this Act.

5 **SEC. 4. DEFINITIONS.**

6 For purposes of this Act, the following definitions
7 apply:

8 (1) AVERAGE WEEKLY HOURS.—The term “av-
9 erage weekly hours” means the average hours
10 worked by the individual (excluding overtime) in the
11 employment from which the individual has been or
12 claims to have been separated in the 52 weeks (ex-
13 cluding weeks during which the individual was sick
14 or on vacation) preceding the week specified in the
15 last sentence of paragraph (2)(A).

16 (2) AVERAGE WEEKLY WAGE.—

17 (A) IN GENERAL.—The term “average
18 weekly wage” means the lower of—

19 (i) \$962; or

20 (ii) $\frac{1}{13}$ of the total wages paid to an
21 individual in the high quarter.

22 For purposes of clause (ii), the high quarter is
23 that quarter in which the individual’s total
24 wages were highest among the first 4 of the last
25 5 completed calendar quarters immediately be-
26 fore the quarter in which occurs the week with

1 respect to which the computation is made. Such
2 week shall be the week in which total separation
3 occurred, or, in cases where partial separation
4 is claimed, an appropriate week, as defined in
5 regulations prescribed by the Secretary.

6 (B) COST-OF-LIVING ADJUSTMENT.—Ef-
7 fective December 1 of each year after the cal-
8 endar year in which the date of the enactment
9 of this Act occurs, the dollar amount in sub-
10 paragraph (A)(i) shall be increased by the per-
11 cent change in the Consumer Price Index (all
12 items—United States city average) published by
13 the Bureau of Labor Statistics by the percent
14 change in the price index for the base quarter
15 of such year over the price index for the base
16 quarter of the preceding year in which an ad-
17 justment under this subparagraph was made,
18 adjusted to the nearest $\frac{1}{10}$ of 1 percent. For
19 purposes of applying this subparagraph for the
20 first time, “\$962” in subparagraph (A)(i) shall
21 be treated as including an adjustment made
22 under this subparagraph in the base quarter
23 ending on September 30, 1996. As used in this
24 subparagraph—

1 (i) the term “base quarter”, as used
2 with respect to a year, means the calendar
3 quarter ending on September 30 of such
4 year; and

5 (ii) the price index for a base quarter
6 is the arithmetical mean of such index for
7 the 3 months comprising the quarter.

8 (3) DISLOCATION DATE.—The term “disloca-
9 tion date” means, with respect to a displaced work-
10 er, the last day of the week specified in the last sen-
11 tence of paragraph (2)(A). Any computation under
12 this Act regarding weeks of employment before such
13 date includes the week in which such date occurs.

14 (4) ON-THE-JOB TRAINING.—The term “on-the-
15 job training” means training provided by an em-
16 ployer to an individual who is employed by the em-
17 ployer.

18 (5) PARTIAL SEPARATION.—The term “partial
19 separation” means, with respect to an individual
20 who has not been totally separated, that the individ-
21 ual has had—

22 (A) his or her hours of work reduced to 80
23 percent or less of his or her average weekly
24 hours in employment; and

1 (B) his or her wages in such employment
2 reduced to 80 percent or less of his or her aver-
3 age weekly wage.

4 (6) SECRETARY.—The term “Secretary” means
5 the Secretary of Labor.

6 (7) STATE.—The term “State” means any of
7 the several States, the District of Columbia, and the
8 Commonwealth of Puerto Rico.

9 (8) STATE AGENCY.—The term “State agency”
10 means the agency of the State which administers the
11 State law.

12 (9) STATE LAW.—The term “State law” means
13 the unemployment insurance law of the State ap-
14 proved by the Secretary of Labor under section 3304
15 of the Internal Revenue Code of 1986.

16 (10) SUITABLE EMPLOYMENT.—The term
17 “suitable employment” means, with respect to a dis-
18 placed worker, work of a substantially equal or high-
19 er skill level than the worker’s past employment, and
20 wages for such work at not less than 80 percent of
21 the worker’s average weekly wage.

22 (11) TOTAL SEPARATION.—The term “total
23 separation” means the layoff or severance of an indi-
24 vidual from employment.

1 (12) UNEMPLOYMENT INSURANCE.—The term
 2 “unemployment insurance” means the unemploy-
 3 ment compensation payable to an individual under
 4 any State law or Federal unemployment compensa-
 5 tion law, including chapter 85 of title 5, United
 6 States Code, and the Railroad Unemployment Insur-
 7 ance Act.

8 (13) WEEK.—The term “week” means a week
 9 as defined in the applicable State law.

10 (14) WEEK OF UNEMPLOYMENT.—The term
 11 “week of unemployment” means a week of total,
 12 part-total, or partial unemployment, as determined
 13 under the applicable State law or Federal unemploy-
 14 ment insurance law.

15 **TITLE I—GRANTS TO STATES TO**
 16 **PROVIDE WORKER ADJUST-**
 17 **MENT ASSISTANCE BENEFITS**
 18 **TO ELIGIBLE DISPLACED**
 19 **WORKERS**

20 **SEC. 101. AUTHORIZATION.**

21 (a) IN GENERAL.—The Secretary of Labor, in con-
 22 sultation with the heads of appropriate Federal agencies,
 23 shall, from amounts appropriated pursuant to section 3,
 24 provide grants to States for the purpose of providing to

1 eligible dislocated workers described in subsection (b) the
2 worker adjustment assistance benefits described in title II.

3 (b) ELIGIBLE DISPLACED WORKERS.—An individual
4 shall be eligible for worker adjustment assistance benefits
5 under title II if the individual has been totally separated
6 or partially separated from employment as a result of any
7 program, project, or activity carried out under Federal
8 law.

9 **SEC. 102. APPLICATION.**

10 (a) IN GENERAL.—The Secretary may not make a
11 grant under section 101 to a State unless the State sub-
12 mits to the Secretary an application in such form and con-
13 taining such information as the Secretary may reasonably
14 require.

15 (b) CONTENTS.—Such application shall include as-
16 surances that—

17 (1) the State will use amounts received from a
18 grant under section 101 to provide the worker ad-
19 justment assistance benefits under title II to eligible
20 displaced workers in such State;

21 (2) the State will promptly provide written no-
22 tice through the mail of such benefits available to
23 each eligible displaced worker;

1 (3) the State will provide whatever assistance is
2 necessary to enable eligible displaced workers to pre-
3 pare applications for such benefits;

4 (4) the State will inform the State job training
5 coordinating council established under section 122 of
6 the Job Training Partnership Act (29 U.S.C. 1532),
7 or equivalent agency, and other public or private
8 agencies, institutions, and employers, as appropriate,
9 of projections of the number of eligible displaced
10 workers, if available, and of the needs for training
11 of such workers; and

12 (5) the State will not deny or reduce unemploy-
13 ment insurance otherwise payable to any eligible dis-
14 placed worker for any week by reason of any right
15 to the benefits under title II.

16 **SEC. 103. REPORTS.**

17 (a) STATE REPORTS.—The Secretary may not pro-
18 vide a grant under section 101 to a State unless the State
19 agrees to submit to the Secretary, in each fiscal year in
20 which the Secretary makes payments under such grant to
21 such State, a report containing such information as the
22 Secretary may reasonably require.

23 (b) REPORTS TO CONGRESS.—The Secretary shall
24 submit to the Congress, in each fiscal year in which the

1 Secretary makes payments under a grant under section
2 101, a report containing—

3 (1) a compilation of the information contained
4 in each report submitted to the Secretary by a State
5 under subsection (a) for such fiscal year; and

6 (2) an evaluation of the grant program.

7 **TITLE II—WORKER ADJUST-**
8 **MENT ASSISTANCE BENEFITS**
9 **Subtitle A—Income Support**

10 **SEC. 211. ELIGIBILITY.**

11 (a) IN GENERAL.—Payment of income support shall
12 be made as provided for in this subtitle to a displaced
13 worker who applies for such support for any week of un-
14 employment which begins after the dislocation date of the
15 worker if the worker had—

16 (1) in the 156 weeks immediately preceding the
17 dislocation date, at least 52 weeks of employment,
18 and in the 52 weeks immediately preceding the dis-
19 location date, at least 10 weeks of employment; or

20 (2) if data with respect to such weeks of em-
21 ployment are not available, equivalent amounts of
22 employment computed under regulations prescribed
23 by the Secretary.

1 (b) TRAINING UNDER SUBTITLE C.—A displaced
2 worker who is eligible under subsection (a) for income sup-
3 port is eligible to apply for training under subtitle C.

4 **SEC. 212. WEEKLY INCOME SUPPORT.**

5 (a) AMOUNT AND DURATION.—Subject to sub-
6 sections (c), (d), and (e)—

7 (1) the income support amount payable to a
8 displaced worker for a week of unemployment is an
9 amount equal to the product of the average weekly
10 wage of the worker and the appropriate income sup-
11 port factor set forth in subsection (b); and

12 (2) the maximum number of weeks for which
13 income support is payable to a displaced worker is
14 the number of consecutive weeks (commencing with
15 the week occurring immediately after the dislocation
16 date) that appear in column 2 of the following table
17 opposite the period of months in column 1 of such
18 table that corresponds to the number of months in
19 which the worker was employed before his or her
20 dislocation date:

Column 1		Column 2
Months of worker employment before dislocation date		Maximum number of weeks for which income support payable
Not fewer than	Not more than	
12	18	39
18	24	52
24	30	65
30	36	78
36	42	91
42	48	104
48	54	117
54	60	130
60		156

1 No income support may be paid to a displaced worker for
2 any week of unemployment that occurs after the last of
3 the applicable maximum number of weeks specified for the
4 worker in column 2, or, if applicable, the last of any addi-
5 tional weeks resulting from the application of subsection
6 (c). Notwithstanding the preceding table, the maximum
7 number of weeks for which income support is payable to
8 any worker—

9 (A) who is employed in adversely affected
10 employment for not fewer than 12 months and
11 not more than 18 months before separation,
12 and

13 (B) who is eligible for unemployment com-
14 pensation for a period longer than 39 weeks,
15 shall be—

1 (i) the number of weeks for which
2 such worker is eligible for unemployment
3 compensation, or

4 (ii) 52 weeks.

5 whichever is less.

6 (b) INCOME SUPPORT FACTORS.—

7 (1) WORKERS NOT PARTICIPATING IN TRAINING
8 OR WHO MAKE LATE APPLICATION FOR TRAINING.—

9 The income support factors for weeks of unemploy-
10 ment for a displaced worker who does not enroll in
11 training under subtitle C before the 183d day after
12 his or her dislocation date is as follows:

13 (A) 68 percent for the 1st week and each
14 week thereafter before the 53d week.

15 (B) 58 percent for the 53d week and any
16 week thereafter before the 105th week.

17 (C) 48 percent for the 105th week and any
18 week thereafter before the 157th week.

19 (2) WORKERS WHO MAKE PROMPT APPLICA-
20 TION FOR TRAINING.—The income support factor for
21 weeks of unemployment for a displaced worker who
22 enrolls in training under subtitle C before the 183d
23 day after his or her dislocation date is 68 percent,
24 except that if such training is completed or the
25 worker ceases to participate in such training as of

1 any week occurring after the 52d week of unemploy-
2 ment, subparagraph (B), or both subparagraphs (B)
3 and (C) (as the case may be), of paragraph (1)
4 apply with respect to weeks of unemployment occur-
5 ring after the week in which such completion or ces-
6 sation occurred.

7 (c) ADDITIONAL WEEKS OF INCOME SUPPORT.—If
8 a displaced worker enrolls in training under subtitle C be-
9 fore the 183d day after his or her dislocation date, the
10 maximum number of weeks of income support specified
11 in column 2 of the table in subsection (a)(2) for the work-
12 er shall be extended by an additional consecutive number
13 of weeks (but in no case more than 26 additional weeks)
14 that the State considers to be reasonably necessary for the
15 worker to complete a degree or certificate program under
16 such training.

17 (d) ADJUSTMENT OF AMOUNT OF INCOME SUP-
18 PORT.—

19 (1) UNEMPLOYMENT ISSUANCE AND CERTAIN
20 ADDITIONAL PAYMENTS.—The amount of income
21 support payable under subsection (a) to a displaced
22 worker for any week shall be reduced by the amount
23 of—

24 (A) any unemployment insurance that the
25 worker is receiving, or would receive if the

1 worker applied for such insurance, with respect
2 to that week, except that if the appropriate
3 State agency or Federal agency finally decides
4 that the worker is not entitled to unemployment
5 insurance with respect to such week, reduction
6 under this paragraph shall not apply with re-
7 spect to such week; and

8 (B) any additional payment to the worker
9 from any other public or private source.

10 (2) AGGREGATE RECEIPTS.—If, with respect to
11 any week of unemployment, the total amount pay-
12 able to a displaced worker as—

13 (A) remuneration for services performed
14 during such week;

15 (B) income support;

16 (C) unemployment insurance; and

17 (D) any additional payment referred to in
18 paragraph (1)(B),

19 exceeds 75 percent of the amount of the average
20 weekly wage of the worker (or exceeds 85 percent of
21 the amount of such average if the worker is partici-
22 pating in training under subtitle C), the income sup-
23 port payable for such week shall be reduced by the
24 amount of such excess.

1 (e) WAGE SUPPLEMENT OFFSET.—If a displaced
 2 worker who has received wage supplements under subtitle
 3 B begins receiving income support under this subtitle, the
 4 maximum number of weeks of unemployment for which
 5 the worker is eligible for income support under subsection
 6 (b)(2) shall be reduced by 1 week for each week for which
 7 a wage supplement was received.

8 (f) INCOME SUPPORT NOT PAYABLE DURING ON-
 9 THE-JOB TRAINING.—Income support may not be paid to
 10 a worker under this section for any week during which
 11 the worker receives on-the-job training under section 232.

12 **SEC. 213. APPLICATION OF STATE LAWS.**

13 Except where inconsistent with the provisions of this
 14 subtitle and subject to such regulations as the Secretary
 15 may prescribe, the availability and disqualification provi-
 16 sions of the State law—

17 (1) under which a displaced worker is entitled
 18 to unemployment insurance (whether or not the
 19 worker has filed a claim for such insurance), or

20 (2) if the worker is not so entitled to unemploy-
 21 ment insurance, of the State in which the worker
 22 was totally or partially separated,

23 shall apply to any such worker who files a claim for income
 24 support. The State law so determined with respect to a
 25 separation of a worker shall remain applicable, for pur-

1 poses of the preceding sentence, with respect to such sepa-
 2 ration until such worker becomes entitled to unemploy-
 3 ment insurance under another State law (whether or not
 4 such worker has filed a claim for such insurance).

5 **Subtitle B—Wage Supplements**

6 **SEC. 221. ELIGIBILITY.**

7 (a) IN GENERAL.—Payment of a wage supplement
 8 shall be made as provided for in this subtitle to a displaced
 9 worker who applies for such supplement for any week of
 10 full-time employment which begins after the dislocation
 11 date of the worker if the worker meets the requirements
 12 of section 211(a).

13 (b) PART-TIME TRAINING UNDER SUBTITLE C.—A
 14 displaced worker who is eligible under subsection (a) for
 15 wage supplements is eligible to apply for part-time train-
 16 ing under subtitle C.

17 **SEC. 222. WEEKLY WAGE SUPPLEMENT.**

18 (a) AMOUNT.—The amount of a wage supplement
 19 payable under this subtitle for a week of full-time employ-
 20 ment is an amount equal to the differences, if any, be-
 21 tween—

22 (1) the wage the displaced worker earns during
 23 the week of full-time employment; and

24 (2) an amount equal to 85 percent of the work-
 25 er's average weekly wage.

1 (b) DURATION.—Subject to subsection (c), the maxi-
 2 mum number of weeks of full-time employment for which
 3 wage supplements may be paid to a displaced worker
 4 under this subtitle is 156 weeks. No wage supplement may
 5 be paid to a worker for any week that occurs after the
 6 156th week after the week in which the dislocation date
 7 of the worker occurred.

8 (c) INCOME SUPPORT OFFSET.—If a displaced work-
 9 er who has received income support under subtitle A be-
 10 gins receiving wage supplements under this subtitle, the
 11 maximum number of weeks of full-time employment for
 12 which the worker is eligible for wage supplements under
 13 this subtitle shall be reduced by 1 week for each week for
 14 which income support was received.

15 **Subtitle C—Training**

16 **SEC. 231. APPROVAL OF TRAINING.**

17 (a) IN GENERAL.—

18 (1) CONDITIONS FOR APPROVAL.—If the State
 19 determines with respect to a displaced worker who
 20 is eligible under section 211(c) or 221(b) to apply
 21 for training under this subtitle that—

22 (A) there is no suitable employment (which
 23 may include technical and professional employ-
 24 ment) available for the worker,

1 (B) the worker would benefit from appro-
2 priate training,

3 (C) there is reasonable expectation of suit-
4 able employment following completion of such
5 training,

6 (D) training approved by the State is rea-
7 sonably available to the worker from either gov-
8 ernmental agencies or private sources (which
9 may include institutions of higher education or
10 area vocational education schools, as defined in
11 section 521(4) of the Carl D. Perkins Voca-
12 tional and Applied Technology Education Act,
13 and employers),

14 (E) the worker is qualified to undertake
15 and complete such training, and

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

18 the State shall approve such training for the worker.

19 (2) PRIORITY FOR CERTAIN TRAINING PRO-
20 GRAMS.—In approving training under paragraph (1)
21 for displaced workers, the State shall give priority to
22 training under the programs described in section
23 232(a)(6) (relating to training under the programs
24 in environmental engineering, environmental clean-

up, advanced telecommunications, transportation, infrastructure, and computer technology).

(3) DEFINITIONS.—

(A) REASONABLE COST.—For purposes of applying paragraph (1)(F), the term “reasonable cost”, as applied to any undergraduate, graduate, professional, or post-graduate program at an institution of higher education, is a tuition cost that does not exceed the maximum average tuition cost of like programs offered at the public institutions of higher education in the State concerned.

(B) REASONABLE EXPECTATION OF SUITABLE EMPLOYMENT.—For purposes of applying paragraph (1)(C), a reasonable expectation of suitable employment does not require that suitable employment opportunities for a worker be available, or offered, immediately upon the completion of training approved under paragraph (1).

(b) PAYMENT OF COSTS.—The following requirements apply with respect to the provision of training under this subtitle:

(1) If the costs of training a displaced worker are paid by the State under subsection (a), no other

1 payment for such costs may be made under any
2 other provision of Federal law.

3 (2) No payment may be made under subsection
4 (a) of the costs of training a displaced worker if
5 such costs—

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

8 (B) are reimbursable under any other pro-
9 vision of Federal law and a portion of such
10 costs have already been paid under such other
11 provision of Federal law.

12 (3) The provisions of this subsection do not
13 apply to, or take into account, any funds provided
14 under any other provision of Federal law which are
15 used for any purpose other than the direct payment
16 of the costs incurred in training a particular dis-
17 placed worker, even if such use has the effect of in-
18 directly paying or reducing any portion of the costs
19 involved in training the worker.

20 (c) TRAINING COSTS PAID FROM OTHER
21 SOURCES.—

22 (1) IN GENERAL.—The State is not required
23 under this subtitle to pay the costs of any training
24 approved under subsection (a) to the extent that
25 such costs are paid—

1 (A) under any Federal or State program
2 other than this part; or

3 (B) from any source other than this sec-
4 tion.

5 (2) REPAYMENT AGREEMENT.—Before approv-
6 ing any training to which paragraph (1) may apply,
7 the State may require that the displaced worker
8 enter into an agreement with the State under which
9 the State will not be required to pay under this sub-
10 title the portion of the costs of such training that
11 the worker has reason to believe will be paid under
12 the program, or by the source, described in subpara-
13 graph (A) or (B) of paragraph (1).

14 **SEC. 232. TRAINING PROGRAMS.**

15 (a) TYPES THAT MAY BE APPROVED.—The training
16 programs that may be approved under section 231(a) in-
17 clude—

18 (1) technical, vocational, undergraduate, grad-
19 uate, professional, and post-graduate programs of
20 study;

21 (2) on-the-job training;

22 (3) any training program approved by a private
23 industry council established under section 103 of the
24 Job Training Partnership Act (29 U.S.C. 1512);

25 (4) any program of remedial education;

1 (5) any training program (other than a training
2 program described in subsection (b)) for which all,
3 or any portion, of the costs of training the worker
4 are paid—

5 (A) under any Federal or State program
6 other than this subtitle; or

7 (B) from any source other than this sec-
8 tion;

9 (6) any training program in environmental en-
10 gineering, environmental cleanup, advanced tele-
11 communications, transportation, infrastructure, and
12 computers; and

13 (7) any other training program approved by the
14 State.

15 Training programs shall be made available on both full-
16 time and part-time bases to meet the respective needs of
17 displaced workers. The State shall prescribe regulations
18 which set forth the criteria under each of the training cat-
19 egories listed in paragraphs (1) through (7) that will be
20 used as the basis for approving training programs under
21 section 231.

22 (b) RESTRICTIONS ON APPROVAL.—The State may
23 not approve a training program if—

1 (1) all or a portion of the costs of the training
2 program are paid under any nongovernmental plan
3 or program;

4 (2) the displaced worker has a right to obtain
5 training or funds for training under such plan or
6 program; and

7 (3) such plan or program requires the worker
8 to reimburse the plan or program from funds pro-
9 vided under this subtitle, or from wages paid under
10 such training program, for any portion of the costs
11 of such training program paid under the plan or
12 program.

13 (c) DURATION OF TRAINING.—The maximum num-
14 ber of weeks of training that a displaced worker may re-
15 ceive under this subtitle is 156 weeks. For purposes com-
16 puting such maximum number of weeks, any week (or ag-
17 gregate number of days that equals a week) that is not
18 treated as a week or day within the regular academic or
19 instructional year (or equivalent period) of the institution
20 or entity providing the training shall be excluded.

21 **SEC. 233. SUPPLEMENTAL ASSISTANCE.**

22 The State may, where appropriate, authorize supple-
23 mental assistance necessary to defray reasonable transpor-
24 tation and subsistence expenses for separate maintenance
25 when training is provided in facilities which are not within

1 commuting distance of a displaced worker's regular place
2 of residence. The State may not authorize—

3 (1) payments for subsistence that exceed which-
4 ever is the lesser of—

5 (A) the actual per diem expenses for sub-
6 sistence; or

7 (B) payments at 50 percent of the prevail-
8 ing per diem allowance rate authorized under
9 the Federal travel regulations; or

10 (2) payments for travel expenses exceeding the
11 prevailing mileage rate authorized under the Federal
12 travel regulations.

13 **SEC. 234. PAYMENT OF COSTS OF ON-THE-JOB TRAINING.**

14 The State shall pay the costs of any on-the-job train-
15 ing of a displaced worker that is approved under section
16 231(a) in equal monthly installments, but the State may
17 pay such costs, notwithstanding any other provision of this
18 section, only if—

19 (1) no currently employed worker is displaced
20 by such displaced worker (including partial displace-
21 ment such as a reduction in the hours of non-
22 overtime work, wages, or employment benefits);

23 (2) such training does not impair existing con-
24 tracts for services or collective bargaining agree-
25 ments;

1 (3) in the case of training which would be in-
2 consistent with the terms of a collective bargaining
3 agreement, the written concurrence of the labor or-
4 ganization concerned has been obtained;

5 (4) no other individual is on layoff from the
6 same, or any substantially equivalent, job for which
7 such displaced worker is being trained;

8 (5) the employer has not terminated the em-
9 ployment of any regular employee or otherwise re-
10 duced the work force of the employer with the inten-
11 tion of filling the vacancy so created by hiring such
12 displaced worker;

13 (6) the job for which such displaced worker is
14 being trained is not being created in a promotional
15 line that will infringe in any way upon the pro-
16 motional opportunities of currently employed individ-
17 uals;

18 (7) such training is not for the same occupation
19 which requires the same level of skill as that from
20 which the worker was separated;

21 (8) the employer certifies to the State that the
22 employer will continue to employ such worker for at
23 least 26 weeks after completion of such training if
24 the worker desires to continue such employment and

1 the employer does not have due cause to terminate
2 such employment;

3 (9) the employer has not received payment
4 under section 231(a) with respect to any other on-
5 the-job training provided by such employee which
6 failed to meet the requirements of paragraphs (1),
7 (2), (3), (4), (5) and (6); and

8 (10) the employer has not taken, at any time,
9 any action which violated the terms of any certifi-
10 cation described in paragraph (8) made by such em-
11 ployee with respect to any other on-the-job training
12 provided by such employer for which the State has
13 made a payment under section 231(a).

14 **SEC. 235. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE.**

15 A displaced worker may not be determined to be ineli-
16 gible or disqualified for unemployment insurance or bene-
17 fits under this Act because—

18 (1) the individual is in training approved under
19 section 231(a);

20 (2) of leaving work which is not suitable em-
21 ployment to enter such training; or

22 (3) of the application to any such week in train-
23 ing of provisions of State law or Federal unemploy-
24 ment insurance law relating to availability for work,
25 active search for work, or refusal to accept work.

1 **Subtitle D—Rapid Response Assist-**
2 **ance, Basic Readjustment Serv-**
3 **ices, Relocation Allowances, and**
4 **Job Search Allowances**

5 **SEC. 241. RAPID RESPONSE ASSISTANCE AND BASIC READ-**
6 **JUSTMENT SERVICES.**

7 (a) ELIGIBILITY.—An individual who is—

8 (1) a displaced worker (whether or not eligible
9 for benefits under subtitle A or B); or

10 (2) an individual who—

11 (A) has received notice of impending total
12 or partial separation from employment; and

13 (B) had in the 52 weeks immediately pre-
14 ceding the date of such notice at least 26 weeks
15 of employment;

16 is entitled to the rapid response assistance and basic read-
17 justment services under this subtitle.

18 (b) DURATION.—An individual described in sub-
19 section (a) is entitled to receive rapid response assistance
20 and basic readjustment services—

21 (1) if applicable, on and after the date of the
22 notice referred to in subsection (a)(2) and before the
23 day after the dislocation date of the individual; and

24 (2) during the period of—

1 (A) the 13 consecutive weeks commencing
2 with the week immediately following the disloca-
3 tion date, in the case of rapid response assist-
4 ance; and

5 (B) the 156 consecutive weeks commencing
6 with the week immediately following the disloca-
7 tion date, in the case of basic readjustment
8 services.

9 (c) DELIVERY OF RAPID RESPONSE ASSISTANCE.—

10 (1) IMPENDING PERMANENT CLOSURE OR SUB-
11 STANTIAL LAYOFF.—In a situation involving an im-
12 pending permanent closure or substantial layoff of
13 50 or more individuals, a State may provide funds,
14 where other public or private resources are not expe-
15 ditiously available, for a preliminary assessment of
16 the advisability of conducting a comprehensive study
17 exploring the feasibility of having a company or
18 group, including the workers, purchase the plant and
19 continue it in operation.

20 (2) OVERSIGHT BY SECRETARY.—The Sec-
21 retary shall oversee the administration by each State
22 of the rapid response assistance services provided in
23 such State and the effectiveness, efficiency, and
24 timeliness of the delivery of such services. If the Sec-
25 retary determines that such services are not being

1 performed adequately, the Secretary shall implement
 2 appropriate corrective action, including, where nec-
 3 essary, the selection of a new rapid response assist-
 4 ance service provider.

5 (d) RAPID RESPONSE ASSISTANCE AND BASIC READ-
 6 JUSTMENT SERVICES DESCRIBED.—For purposes of this
 7 subtitle—

8 (1) the term “rapid response assistance” means
 9 assistance described in section 314(b) of the Job
 10 Training Partnership Act (29 U.S.C. 1661c(b)); and

11 (2) the term “basic readjustment services”
 12 means services described in section 314(c) of such
 13 Act (29 U.S.C. 1661c(c)).

14 **SEC. 242. RELOCATION ALLOWANCES.**

15 (a) IN GENERAL.—A displaced worker (whether or
 16 not eligible for benefits under subtitle A or B) may file
 17 an application with the State for a relocation allowance
 18 under this section.

19 (b) CONDITIONS.—A relocation allowance may be
 20 granted only to assist a displaced worker in relocating
 21 within the United States and only if the State determines
 22 that such worker cannot reasonably be expected to secure
 23 suitable employment in the commuting area in which he
 24 resides and that such worker—

25 (1) has obtained—

1 (A) suitable employment affording a rea-
2 sonable expectation of long-term duration in the
3 area in which he wishes to relocate; or

4 (B) a bona fide offer of such employment;
5 and

6 (2) is totally separated from employment at the
7 time relocation commences.

8 (c) RELOCATION ALLOWANCE DEFINED.—For the
9 purposes of this section, the term “relocation allowance”
10 means—

11 (1) 90 percent of the reasonable and necessary
12 expenses (including subsistence and transportation
13 expenses at levels not exceeding those allowable
14 under section 223(1) and (2)) specified in regula-
15 tions prescribed by the State, incurred in transport-
16 ing a worker and his or her family if any, and
17 household effects, and

18 (2) a lump sum 2 times the weekly wage (ex-
19 cluding overtime, bonuses, or any other payment not
20 considered basic wage) received by the worker in the
21 last week of 35 or more hours of work occurring be-
22 fore the worker’s dislocation date,

23 except that the aggregate of such expenses and lump sum
24 paid to any displaced worker may not exceed \$4,000.

1 **SEC. 243. JOB SEARCH ALLOWANCES.**

2 (a) IN GENERAL.—A displaced worker (whether or
3 not eligible for benefits under subtitle A or B) may file
4 an application with the State for a job search allowance.
5 Such allowance, if granted shall provide reimbursement to
6 the worker of 90 percent of the cost of necessary job
7 search expenses as prescribed by regulations of the State,
8 except that—

9 (1) such reimbursement may not exceed \$800
10 for any worker; and

11 (2) reimbursement may not be made for sub-
12 sistence and transportation expenses at levels ex-
13 ceeding those allowable under section 233.

14 (b) CONDITIONS.—A job search allowance may be
15 granted only—

16 (1) to assist a displaced worker who has been
17 totally separated in securing a job within the United
18 States;

19 (2) where the State determines that such work-
20 er cannot reasonably be expected to secure suitable
21 employment in the commuting area in which he re-
22 sides; and

23 (3) where the worker has filed an application
24 for such allowance with the State before—

25 (A) the later of—

1 (i) the 156th week after the disloca-
 2 tion date of the worker; or

3 (ii) the 156th week after the date of
 4 the worker's last total separation; or

5 (B) the 182d day after the concluding date
 6 of any training received by the worker, if the
 7 worker was referred to such training by the
 8 State.

9 (c) REIMBURSEMENT.—The State shall reimburse
 10 any adversely affected worker for necessary expenses in-
 11 curred by such worker in participating in a job search pro-
 12 gram approved by the State.

13 **TITLE III—GENERAL** 14 **PROVISIONS**

15 **SEC. 301. FRAUD AND RECOVERY OF OVERPAYMENTS.**

16 (a) LIABILITY FOR REPAYMENT.—

17 (1) IN GENERAL.—If a State, the Secretary, or
 18 a court of competent jurisdiction determines that
 19 any person has received any payment under this Act
 20 for which the person was not eligible, including a
 21 payment referred to in subsection (b), such person
 22 shall be liable to repay such amount to the State or
 23 the Secretary, as the case may be, except that the
 24 State or the Secretary may waive such repayment if

1 such State or the Secretary determines, in accord-
2 ance with guidelines by the Secretary, that—

3 (A) the payment was made without fault
4 on the part of such individual; and

5 (B) requiring such repayment would be
6 contrary to equity and good conscience.

7 (2) RECOVERY.—Unless an overpayment is oth-
8 erwise recovered, or waived under paragraph (1), the
9 State or the Secretary shall recover the overpayment
10 by deductions from any sums payable to such person
11 under this Act, under any Federal unemployment
12 compensation law administered by the State agency
13 of the State or the Secretary, or under any other
14 Federal law administered by the State or the Sec-
15 retary which provides for the payment of assistance
16 or an allowance with respect to unemployment, and,
17 notwithstanding any other provision of State law or
18 Federal law to the contrary, the Secretary may re-
19 quire the State to recover any overpayment under
20 this Act by deduction from any unemployment insur-
21 ance payable to such person under the State law, ex-
22 cept that no single deduction under this paragraph
23 shall exceed 50 percent of the amount otherwise pay-
24 able.

1 (b) FRAUD.—If a State, the Secretary, or a court of
2 competent jurisdiction determines that an individual—

3 (1) knowingly has made, or caused another to
4 make, a false statement or representation of a mate-
5 rial fact, or

6 (2) knowingly has failed, or caused another to
7 fail, to disclose a material fact,

8 and as a result of such false statement or representation,
9 or of such nondisclosure, such individual has received any
10 payment under this Act to which the individual was not
11 entitled, such individual shall, in addition to any other
12 penalty provided by law, be ineligible for any further pay-
13 ments under this Act.

14 (c) NOTICE AND HEARING.—Except for overpay-
15 ments determined by a court of competent jurisdiction, no
16 repayment may be required, and no deduction may be
17 made, under this section until a determination under sub-
18 section (a)(1) by the State or the Secretary, as the case
19 may be, has been made, notice of the determination and
20 an opportunity for a fair hearing thereon has been given
21 to the individual concerned, and the determination has be-
22 come final.

23 (d) DISPOSITION OF RECOVERED AMOUNTS.—Any
24 amount recovered under this section shall be returned to
25 the general fund of the Treasury.

1 **SEC. 302. PENALTIES.**

2 Whoever makes a false statement of a material fact
3 knowing it to be false, or knowingly fails to disclose a ma-
4 terial fact, for the purpose of obtaining or increasing for
5 himself or herself or for any other person any payment
6 authorized to be furnished under this Act shall be fined
7 not more than \$1,000 or imprisoned for not more than
8 1 year, or both.

9 **SEC. 303. SUBPOENA POWER.**

10 (a) IN GENERAL.—The Secretary may require by
11 subpoena the attendance of witnesses and the production
12 of evidence necessary for the Secretary to make a deter-
13 mination under the provisions of this Act.

14 (b) COMPLIANCE.—If a person refuses to obey a sub-
15 poena issued under subsection (a), a United States district
16 court within the jurisdiction of which the relevant proceed-
17 ing under this title is conducted may, upon petition by
18 the Secretary, issue an order requiring compliance with
19 such subpoena.

20 **SEC. 304. REGULATIONS.**

21 (a) IN GENERAL.—The Secretary shall prescribe
22 such regulations as may be necessary to carry out the pro-
23 visions of this Act.

24 (b) TRANSITION.—In prescribing regulations under
25 subsection (a), the Secretary shall promulgate such rules

- 1 and procedures as may be necessary to provide for an or-
- 2 derly transition to and implementation of this Act.

