

107TH CONGRESS
1ST SESSION

S. 1209

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

IN THE SENATE OF THE UNITED STATES

JULY 19, 2001

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DASCHLE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERRY, Mr. TORRICELLI, Mrs. LINCOLN, Mr. JEFFORDS, Mr. BAYH, Mr. DAYTON, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trade Adjustment Assistance for Workers, Farmers,
6 Communities, and Firms Act of 2001”.

1 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 101. Adjustment assistance for workers.

Sec. 102. 50 percent refundable tax credit toward premiums for COBRA continuation coverage.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Reauthorization of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.

Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 501. Conforming amendments.

TITLE VI—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 601. Savings provisions.

Sec. 602. Effective date.

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

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

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

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

9 **“Subchapter A—General Provisions**

10 **“SEC. 221. DEFINITIONS.**

11 “In this chapter:

12 “(1) **ADDITIONAL COMPENSATION.**—The term
13 ‘additional compensation’ has the meaning given

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

4 “(2) ADVERSELY AFFECTED EMPLOYMENT.—
5 The term ‘adversely affected employment’ means
6 employment in a firm or appropriate subdivision of
7 a firm, if workers of that firm or subdivision are eli-
8 gible to apply for adjustment assistance under this
9 chapter.

10 “(3) ADVERSELY AFFECTED WORKER.—

11 “(A) IN GENERAL.—The term ‘adversely
12 affected worker’ means a worker who is a mem-
13 ber of a group of workers certified by the Sec-
14 retary under section 231(a)(1) as eligible for
15 trade adjustment assistance.

16 “(B) ADVERSELY AFFECTED SECONDARY
17 WORKER.—The term ‘adversely affected worker’
18 includes an adversely affected secondary worker
19 who is a member of a group of workers em-
20 ployed at a downstream producer or a supplier,
21 that is certified by the Secretary under section
22 231(a)(2) as eligible for trade adjustment as-
23 sistance.

24 “(4) AVERAGE WEEKLY HOURS.—The term ‘av-
25 erage weekly hours’ means the average hours worked

1 by a worker (excluding overtime) in the employment
 2 from which the worker has been or claims to have
 3 been separated in the 52 weeks (excluding weeks
 4 during which the worker was on leave for purposes
 5 of vacation, sickness, maternity, military service, or
 6 any other employer-authorized leave) preceding the
 7 week specified in paragraph (5)(B)(ii).

8 “(5) AVERAGE WEEKLY WAGE.—

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

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

14 “(i) the term ‘high quarter’ means the
 15 quarter in which the individual’s total
 16 wages were highest among the first 4 of
 17 the last 5 completed calendar quarters im-
 18 mediately before the quarter in which oc-
 19 curs the week with respect to which the
 20 computation is made; and

21 “(ii) the term ‘week’ means the week
 22 in which total separation occurred, or, in
 23 cases where partial separation is claimed,
 24 an appropriate week, as defined in regula-
 25 tions prescribed by the Secretary.

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

4 “(A) STATE LAW.—The benefit year and
5 any ensuing period, as determined under appli-
6 cable State law, during which the individual is
7 eligible for regular compensation, additional
8 compensation, or extended compensation.

9 “(B) FEDERAL LAW.—The equivalent to
10 the benefit year or ensuing period provided for
11 under the applicable Federal unemployment in-
12 surance law.

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

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

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

24 “(10) DOWNSTREAM PRODUCER.—The term
25 ‘downstream producer’ means a firm that performs

1 additional, value-added production processes, includ-
2 ing a firm that performs final assembly, finishing,
3 or packaging of articles produced by another firm.

4 “(11) EXTENDED COMPENSATION.—The term
5 ‘extended compensation’ has the meaning given that
6 term in section 205(4) of the Federal-State Ex-
7 tended Unemployment Compensation Act of 1970
8 (26 U.S.C. 3304 note).

9 “(12) JOB FINDING CLUB.—The term ‘job find-
10 ing club’ means a job search workshop which in-
11 cludes a period of structured, supervised activity in
12 which participants attempt to obtain jobs.

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

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

23 “(15) ON-THE-JOB TRAINING.—The term ‘on-
24 the-job training’ means training provided by an em-

1 employer to an individual who is employed by the em-
2 ployer.

3 “(16) PARTIAL SEPARATION.—A partial separa-
4 tion shall be considered to exist with respect to an
5 individual if—

6 “(A) the individual has had a 20-percent
7 or greater reduction in the average weekly
8 hours worked by that individual in adversely af-
9 fected employment; and

10 “(B) the individual has had a 20-percent
11 or greater reduction in the average weekly wage
12 of the individual with respect to adversely af-
13 fected employment.

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

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

21 “(19) STATE.—The term ‘State’ includes each
22 State of the United States, the District of Columbia,
23 and the Commonwealth of Puerto Rico.

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

4 “(21) STATE LAW.—The term ‘State law’
5 means the unemployment insurance law of the State
6 approved by the Secretary under section 3304 of the
7 Internal Revenue Code of 1986.

8 “(22) SUPPLIER.—The term ‘supplier’ means a
9 firm that produces component parts for, or articles
10 considered to be a part of, the production process
11 for articles produced by a firm or subdivision cov-
12 ered by a certification of eligibility under section
13 231. The term ‘supplier’ also includes a firm that
14 provides services under contract to a firm or subdivi-
15 sion covered by such certification.

16 “(23) TOTAL SEPARATION.—The term ‘total
17 separation’ means the layoff or severance of an indi-
18 vidual from employment with a firm in which or in
19 a subdivision of which, adversely affected employ-
20 ment exists.

21 “(24) UNEMPLOYMENT INSURANCE.—The term
22 ‘unemployment insurance’ means the unemployment
23 compensation payable to an individual under any
24 State law or Federal unemployment compensation
25 law, including chapter 85 of title 5, United States

1 Code, and the Railroad Unemployment Insurance
2 Act (45 U.S.C. 351 et seq.).

3 “(25) WEEK.—Except as provided in paragraph
4 5(B)(ii), the term ‘week’ means a week as defined
5 in the applicable State law.

6 “(26) WEEK OF UNEMPLOYMENT.—The term
7 ‘week of unemployment’ means a week of total, part-
8 total, or partial unemployment as determined under
9 the applicable State law or Federal unemployment
10 insurance law.

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

12 “(a) IN GENERAL.—The Secretary is authorized on
13 behalf of the United States to enter into an agreement
14 with any State to facilitate the provision of services under
15 this chapter.

16 “(b) TERMS OF AGREEMENTS.—

17 “(1) IN GENERAL.—Any agreement entered
18 into under subsection (a) shall require that the deliv-
19 ery of services under this chapter take place under
20 title I of the Workforce Investment Act of 1998 (29
21 U.S.C. 2801 et seq.), upon terms and conditions as
22 are established by the Secretary in consultation with
23 the State and set forth in the agreement.

1 “(2) PROVISIONS OF AGREEMENTS.—Under an
2 agreement entered into under subsection (a), and as
3 an agent of the United States, the State shall—

4 “(A) facilitate the early filing of petitions
5 under section 231(b) for any group of workers
6 that the State considers are likely to be eligible
7 for benefits under this chapter;

8 “(B) assist the Secretary in the review of
9 any petition submitted from that State by
10 verifying the information and providing other
11 assistance as the Secretary may request;

12 “(C) provide to adversely affected workers
13 statewide rapid response activities under section
14 134(a)(2)(A) of the Workforce Investment Act
15 of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same
16 manner and to the same extent as any other
17 worker eligible for those activities;

18 “(D) arrange for the provision of services
19 through the one-stop delivery system estab-
20 lished in section 134(c) of the Workforce In-
21 vestment Act of 1998 (29 U.S.C. 2864(c));

22 “(E) advise each worker who applies for
23 unemployment insurance of the available bene-
24 fits under this chapter and the procedures and
25 deadlines for applying for those benefits;

1 “(F) receive applications for services under
2 this chapter;

3 “(G) provide payments on the basis pro-
4 vided in this chapter;

5 “(H) afford adversely affected workers the
6 services provided under section 134(d) of the
7 Workforce Investment Act of 1998 (29 U.S.C.
8 2864(d)) in the same manner and to the same
9 extent as any other worker eligible for those
10 services;

11 “(I) advise each adversely affected worker
12 to apply for training under section 240, and of
13 the deadlines for benefits related to enrollment
14 in training under this chapter;

15 “(J) ensure that State employees with re-
16 sponsibility for carrying out an agreement en-
17 tered into under subsection (a)—

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

23 “(I) medical assistance under the
24 medicaid program established under

1 title XIX of the Social Security Act
2 (42 U.S.C. 1396a et seq.);

3 “(II) child health assistance
4 under the State children’s health in-
5 surance program established under
6 title XXI of that Act (42 U.S.C.
7 1397aa et seq.);

8 “(III) child care services for
9 which assistance is provided under the
10 Child Care and Development Block
11 Grant Act of 1990 (42 U.S.C. 9858 et
12 seq.); and

13 “(IV) other Federal and State
14 funded health care, child care, trans-
15 portation, and assistance programs
16 that the workers may be eligible for;
17 and

18 “(ii) provide such workers with infor-
19 mation regarding how to apply for such as-
20 sistance, services, and programs;

21 “(K) provide adversely affected workers re-
22 ferral to training under title I of the Workforce
23 Investment Act of 1998 (29 U.S.C. 2801 et
24 seq.), or any other available Federal or State

1 program designed to assist dislocated workers
2 or unemployed individuals;

3 “(L) provide services under this chapter
4 using individuals approved by the Secretary to
5 effectively assist workers eligible for assistance
6 under this chapter;

7 “(M) collect and transmit to the Secretary
8 any data as the Secretary shall reasonably re-
9 quire to assist the Secretary in assuring the ef-
10 fective and efficient performance of the pro-
11 grams carried out under this chapter; and

12 “(N) otherwise actively cooperate with the
13 Secretary and with other Federal and State
14 agencies in providing payments and services
15 under this chapter, including participation in
16 the performance measurement system estab-
17 lished by the Secretary under section 224.

18 “(c) OTHER PROVISIONS.—

19 “(1) APPROVAL OF PROVIDERS.—The Secretary
20 shall ensure that the services provided by cooper-
21 ating States are provided by individuals approved by
22 the Secretary to effectively assist workers eligible for
23 assistance under this chapter.

24 “(2) AMENDMENT, SUSPENSION, OR TERMI-
25 NATION OF AGREEMENTS.—Each agreement entered

1 into under this section shall provide the terms and
2 conditions upon which the agreement may be amend-
3 ed, suspended, or terminated.

4 “(3) EFFECT ON UNEMPLOYMENT INSUR-
5 ANCE.—Each agreement entered into under this sec-
6 tion shall provide that unemployment insurance oth-
7 erwise payable to any adversely affected worker will
8 not be denied or reduced for any week by reason of
9 any right to payments under this chapter.

10 “(4) COORDINATION OF WORKFORCE INVEST-
11 MENT ACTIVITIES.—In order to promote the coordi-
12 nation of Workforce Investment Act activities in
13 each State with activities carried out under this
14 chapter, each agreement entered into under this sec-
15 tion shall provide that the State shall submit to the
16 Secretary, in a form as the Secretary may require,
17 the description and information described in para-
18 graphs (8) and (14) of section 112(b) of the Work-
19 force Investment Act of 1998 (29 U.S.C. 2822(b)
20 (8) and (14)).

21 “(d) REVIEW OF STATE DETERMINATIONS.—

22 “(1) IN GENERAL.—A determination by a co-
23 operating State regarding entitlement to program
24 benefits under this chapter is subject to review in

1 the same manner and to the same extent as deter-
2 minations under the applicable State law.

3 “(2) APPEAL.—A review undertaken by a co-
4 operating State under paragraph (1) may be ap-
5 pealed to the Secretary pursuant to such regulations
6 as the Secretary may prescribe.

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

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

14 “(b) FINALITY OF DETERMINATION.—A final deter-
15 mination under subsection (a) regarding entitlement to
16 program benefits under this chapter is subject to review
17 by the courts in the same manner and to the same extent
18 as is provided by section 205(g) of the Social Security Act
19 (42 U.S.C. 405(g)).

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

21 “(a) DATA COLLECTION.—The Secretary shall, pur-
22 suant to regulations prescribed by the Secretary, collect
23 any data necessary to meet the requirements of this chap-
24 ter.

1 “(b) PERFORMANCE EVALUATIONS.—The Secretary
2 shall establish an effective performance measuring system
3 to evaluate the following:

4 “(1) PROGRAM PERFORMANCE.—

5 “(A) speed of petition processing;

6 “(B) quality of petition processing;

7 “(C) cost of training programs;

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

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

13 “(F) the effectiveness of individual con-
14 tractors in providing appropriate retraining in-
15 formation;

16 “(G) the effectiveness of individual ap-
17 proved training programs in helping workers
18 obtain employment;

19 “(H) best practices related to the provision
20 of benefits and retraining; and

21 “(I) other data to evaluate how individual
22 States are implementing the requirements of
23 this title.

24 “(2) PARTICIPANT OUTCOMES.—

25 “(A) reemployment rates;

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

3 “(C) wage and benefit maintenance results;

4 “(D) training completion rates; and

5 “(E) other data to evaluate how effective
6 programs under this chapter are for partici-
7 pants.

8 “(3) PROGRAM PARTICIPATION DATA.—

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

11 “(B) the number of workers enrolled in,
12 and the duration of, training by major types of
13 training; and

14 “(C) earnings history of workers that re-
15 flects wages before separation and wages in any
16 job obtained after receiving benefits under this
17 Act.

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

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

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

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

8 “(d) REPORTS.—

9 “(1) REPORTS BY THE SECRETARY.—

10 “(A) INITIAL REPORT.—Not later than 6
11 months after the date of enactment of this Act,
12 the Secretary shall submit to the Committee on
13 Finance of the Senate and the Committee on
14 Ways and Means of the House of Representa-
15 tives a report that—

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

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

22 “(iii) includes information identifying
23 the number of workers who received waiv-
24 ers under section 235(c) and the average

1 duration of those during the preceding
2 year;

3 “(iv) describes and analyzes State
4 participation in the system;

5 “(v) analyzes the quality and speed of
6 the rapid response provided by each State
7 under section 134(a)(2)(A) of the Work-
8 force Investment Act of 1998 (29 U.S.C.
9 2864(a)(2)(A)); and

10 “(vi) provides recommendations for
11 program improvements.

12 “(B) ANNUAL REPORT.—Not later than 1
13 year after the date the report is submitted
14 under subparagraph (A), and annually there-
15 after, the Secretary shall submit to the Com-
16 mittee on Finance of the Senate and the Com-
17 mittee on Ways and Means of the House of
18 Representatives a report that includes the infor-
19 mation collected under clauses (ii) through (iv)
20 of subparagraph (A).

21 “(2) STATE REPORTS.—Pursuant to regulations
22 prescribed by the Secretary, each State shall submit
23 to the Secretary a report that details its partici-
24 pation in the programs established under this chapter,
25 and that contains the data necessary to allow the

1 Secretary to submit the report required under para-
 2 graph (1).

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

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

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

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

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

1 “(b) REPORT.—

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

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

13 **“Subchapter B—Certifications**

14 **“SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED** 15 **WORKERS.**

16 “(a) ELIGIBILITY FOR CERTIFICATION.—

17 “(1) GENERAL RULE.—A group of workers (in-
18 cluding workers in any agricultural firm or subdivi-
19 sion of an agricultural firm) shall be certified by the
20 Secretary as adversely affected workers and eligible
21 for trade adjustment assistance benefits under this
22 chapter pursuant to a petition filed under subsection
23 (b) if the Secretary determines that—

24 “(A) a significant number or proportion of
25 the workers in the workers’ firm or an appro-

1 primate subdivision of the firm have become to-
 2 tally or partially separated, or are threatened to
 3 become totally or partially separated; and

4 “(B)(i)(I) the value and volume of imports
 5 of articles like or directly competitive with arti-
 6 cles produced by that firm or subdivision have
 7 increased; and

8 “(II) the increase in the value and volume
 9 of imports described in subclause (I) contrib-
 10 uted importantly to the workers’ separation or
 11 threat of separation; or

12 “(ii)(I) there has been a shift in produc-
 13 tion by the workers’ firm or subdivision to a
 14 foreign country of articles like or directly com-
 15 petitive with articles which are produced by
 16 that firm or subdivision; and

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

20 “(2) ADVERSELY AFFECTED SECONDARY WORK-
 21 ER.—A group of workers (including workers in any
 22 agricultural firm or subdivision of an agricultural
 23 firm) shall be certified by the Secretary as adversely
 24 affected and eligible for trade adjustment assistance
 25 benefits under this chapter pursuant to a petition

1 filed under subsection (b) if the Secretary deter-
 2 mines that—

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

8 “(B) the workers’ firm (or subdivision) is
 9 a supplier to a firm (or subdivision) or down-
 10 stream producer to a firm (or subdivision) de-
 11 scribed in paragraph (1)(B) (i) or (ii); and

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

17 “(3) SPECIAL PROVISIONS.—For purposes of
 18 this section—

19 “(A) OIL AND NATURAL GAS PRO-
 20 DUCERS.—Any firm, or appropriate subdivision
 21 of a firm, that engages in exploration or drilling
 22 for oil or natural gas shall be considered to be
 23 a firm producing oil or natural gas.

24 “(B) OIL AND NATURAL GAS IMPORTS.—
 25 Any firm, or appropriate subdivision of a firm,

1 that engages in exploration or drilling for oil or
2 natural gas, or otherwise produces oil or nat-
3 ural gas, shall be considered to be producing ar-
4 ticles directly competitive with imports of oil
5 and with imports of natural gas.

6 “(C) TACONITE.—For purposes of this
7 Act, taconite pellets produced in the United
8 States shall be considered to be an article that
9 is like or directly competitive with imports of
10 semifinished steel slab.

11 “(D) TRUCKERS.—Not later than 6
12 months after the date of enactment of the
13 Trade Adjustment Assistance for Workers,
14 Farmers, Communities, and Firms Act of 2001,
15 the Secretary shall establish a program to pro-
16 vide assistance under this chapter to domestic
17 operators of motor carriers who are adversely
18 affected by competition from foreign owned and
19 operated motor carriers.

20 “(b) PETITIONS.—

21 “(1) IN GENERAL.—A petition for certification
22 of eligibility for trade adjustment assistance under
23 this chapter for a group of adversely affected work-
24 ers shall be filed with the Secretary and with the

1 Governor of the State in which the firm or subdivi-
2 sion of the firm employing the workers is located.

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

6 “(A) WORKERS.—The group of workers
7 (including workers in an agricultural firm or
8 subdivision or any agricultural firm).

9 “(B) WORKER REPRESENTATIVES.—The
10 certified or recognized union or other duly ap-
11 pointed representative of the workers.

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

18 “(D) OTHER.—Employers of workers de-
19 scribed in subparagraph (A), one-stop operators
20 or one-stop partners (as defined in section 101
21 of the Workforce Investment Act of 1998 (29
22 U.S.C. 2801)), or State employment agencies,
23 on behalf of the workers.

24 “(E) REQUEST TO INITIATE CERTIFI-
25 CATION.—The President, or the Committee on

1 Finance of the Senate or the Committee on
 2 Ways and Means of the House of Representa-
 3 tives (by resolution), may direct the Secretary
 4 to initiate a certification process under this
 5 chapter to determine the eligibility for trade ad-
 6 justment assistance of a group of workers.

7 “(3) ACTIONS BY GOVERNOR.—

8 “(A) COOPERATING STATE.—Upon receipt
 9 of a petition, the Governor of a cooperating
 10 State shall ensure that the requirements of the
 11 agreement entered into under section 222 are
 12 met.

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

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

22 “(ii) informed of the workers’ (and in-
 23 dividual member’s of the worker’s family)
 24 potential eligibility for—

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

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

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

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

20 “(iii) provided with information re-
21 garding how to apply for the assistance,
22 services, and programs described in clause
23 (ii).

24 “(c) ACTIONS BY SECRETARY.—

1 “(1) IN GENERAL.—As soon as possible after
2 the date on which a petition is filed under subsection
3 (b), but not later than 45 days after that date, the
4 Secretary shall determine whether the petitioning
5 group meets the requirements of subsection (a) and
6 if warranted, shall issue a certification of eligibility
7 for trade adjustment assistance under this sub-
8 chapter.

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

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

19 “(4) PROJECTED TRAINING NEEDS.—The Sec-
20 retary shall inform the State Workforce Investment
21 Board or equivalent agency, and other public or pri-
22 vate agencies, institutions, and employers, as appro-
23 priate, of each certification issued under section 231
24 and of projections, if available, of the needs for

1 training under section 240 as a result of that certifi-
2 cation.

3 “(d) SCOPE OF CERTIFICATION.—

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

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

16 “(e) TERMINATION OF CERTIFICATION.—

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

23 “(2) PUBLICATION OF TERMINATION.—The
24 Secretary shall promptly publish notice of any termi-
25nation made under paragraph (1) in the Federal

1 Register together with the reasons for making that
2 determination.

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

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

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

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

15 “(2) petition and application procedures under
16 this chapter;

17 “(3) appropriate filing dates for the allowances,
18 training, and services available under this chapter;
19 and

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

23 **“(b) ASSISTANCE TO GROUPS OF WORKERS.—**

24 “(1) IN GENERAL.—The Secretary shall provide
25 any necessary assistance to enable groups of workers

1 to prepare petitions or applications for program ben-
2 efits.

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

8 “(c) NOTICE.—

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

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

1 **“Subchapter C—Program Benefits**

2 **“PART I—GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

19 “(a) IN GENERAL.—Payment of a trade adjustment
20 allowance shall be made to an adversely affected worker
21 covered by a certification under section 231 who files an
22 application for the allowance for any week of unemploy-
23 ment that begins more than 60 days after the date on
24 which the petition that resulted in the certification was
25 filed under section 231, if the following conditions are met:

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

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

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

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

16 “(2) EMPLOYMENT REQUIRED.—

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

23 “(B) UNAVAILABILITY OF DATA.—If data
24 with respect to weeks of employment with a
25 firm are not available, the worker had equiva-

1 lent amounts of employment computed under
2 regulations prescribed by the Secretary.

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

7 “(i) is on employer-authorized leave
8 for purposes of vacation, sickness, injury,
9 maternity, or inactive duty or active duty
10 military service for training;

11 “(ii) does not work because of a dis-
12 ability that is compensable under a work-
13 men’s compensation law or plan of a State
14 or the United States;

15 “(iii) had employment interrupted in
16 order to serve as a full-time representative
17 of a labor organization in that firm or sub-
18 division; or

19 “(iv) is on call-up for purposes of ac-
20 tive duty in a reserve status in the Armed
21 Forces of the United States, provided that
22 active duty is ‘Federal service’ as defined
23 in section 8521(a)(1) of title 5, United
24 States Code.

25 “(D) EXCEPTIONS.—

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

6 “(ii) In the case of weeks described in
7 clause (ii) or (iv) of subparagraph (C), not
8 more than 26 weeks may be treated as
9 weeks of employment under subparagraph
10 (C).

11 “(3) UNEMPLOYMENT COMPENSATION.—The
12 adversely affected worker meets all of the following
13 requirements:

14 “(A) ENTITLEMENT TO UNEMPLOYMENT
15 INSURANCE.—The worker was entitled to (or
16 would be entitled to if the worker applied for)
17 unemployment insurance for a week within the
18 benefit period—

19 “(i) in which total or partial separa-
20 tion took place; or

21 “(ii) which began (or would have
22 begun) by reason of the filing of a claim
23 for unemployment insurance by the worker
24 after total or partial separation.

1 “(B) EXHAUSTION OF UNEMPLOYMENT IN-
2 SURANCE.—The worker has exhausted all rights
3 to any unemployment insurance to which the
4 worker was entitled (or would be entitled if the
5 worker had applied for any unemployment in-
6 surance).

7 “(C) NO UNEXPIRED WAITING PERIOD.—
8 The worker does not have an unexpired waiting
9 period applicable to the worker for any unem-
10 ployment insurance.

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

19 “(5) TRAINING.—The adversely affected worker
20 is enrolled in a training program approved by the
21 Secretary under section 240(a), and the enrollment
22 occurred not later than the latest of the periods de-
23 scribed in subparagraph (A), (B), or (C).

24 “(A) 16 WEEKS.—The worker enrolled not
25 later than the last day of the 16th week after

1 the worker's most recent total separation that
 2 meets the requirements of paragraphs (1) and
 3 (2).

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

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

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

18 “(1) IN GENERAL.—Until the adversely affected
 19 worker begins or resumes participation in a training
 20 program approved under section 240(a), no trade
 21 adjustment allowance may be paid under subsection
 22 (a) to an adversely affected worker for any week or
 23 any succeeding week in which—

24 “(A) the Secretary determines that—

25 “(i) the adversely affected worker—

1 “(I) has failed to begin participa-
 2 tion in a training program the enroll-
 3 ment in which meets the requirement
 4 of subsection (a)(5); or

5 “(II) has ceased to participate in
 6 such a training program before com-
 7 pleting the training program; and

8 “(ii) there is no justifiable cause for
 9 the failure or cessation; or

10 “(B) the waiver issued to that worker
 11 under subsection (c)(1) is revoked under sub-
 12 section (c)(2).

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

18 “(c) WAIVERS OF TRAINING REQUIREMENTS.—

19 “(1) ISSUANCE OF WAIVERS.—The Secretary
 20 may issue a written statement to an adversely af-
 21 fected worker waiving the requirement to be enrolled
 22 in training described in subsection (a) if the Sec-
 23 retary determines that the training requirement is
 24 not feasible or appropriate for the worker, as indi-
 25 cated by 1 or more of the following:

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

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

11 “(C) RETIREMENT.—The worker is within
12 2 years of meeting all requirements for entitle-
13 ment to old-age insurance benefits under title II
14 of the Social Security Act (42 U.S.C. 401 et
15 seq.) (except for application therefore).

16 “(D) HEALTH.—The worker is unable to
17 participate in training due to the health of the
18 worker, except that a waiver under this sub-
19 paragraph shall not be construed to exempt a
20 worker from requirements relating to the avail-
21 ability for work, active search for work, or re-
22 fusal to accept work under Federal or State un-
23 employment compensation laws.

24 “(E) ENROLLMENT UNAVAILABLE.—The
25 first available enrollment date for the approved

1 training of the worker is within 60 days after
2 the date of the determination made under this
3 paragraph, or, if later, there are extenuating
4 circumstances for the delay in enrollment, as
5 determined pursuant to guidelines issued by the
6 Secretary.

7 “(F) DURATION.—The duration of train-
8 ing appropriate for the individual to obtain suit-
9 able employment exceeds the individual’s max-
10 imum entitlement to basic and additional trade
11 adjustment allowances and, in addition, finan-
12 cial support available through other Federal or
13 State programs, including chapter 5 of subtitle
14 B of title I of the Workforce Investment Act of
15 1998 (29 U.S.C. 2861 et seq.), that would en-
16 able the individual to complete a suitable train-
17 ing program cannot be assured.

18 “(G) EMPLOYMENT AVAILABLE.—There is
19 employment (which may include technical and
20 professional employment) available for an ad-
21 versely affected worker that offers equivalent
22 wages to those that the adversely affected work-
23 er earned prior to separation.

24 “(H) NO BENEFIT.—The worker would
25 not benefit from any training, or no training

1 that is suitable for the worker is available at a
2 reasonable cost.

3 “(I) NO REASONABLE EXPECTATION OF
4 EMPLOYMENT.—There is no reasonable expecta-
5 tion of employment following completion of the
6 training.

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

15 “(K) WORKER NOT QUALIFIED.—The
16 worker is not qualified to undertake and com-
17 plete any training.

18 “(2) DURATION OF WAIVERS.—

19 “(A) IN GENERAL.—A waiver issued under
20 paragraph (1) shall be effective for not more
21 than 6 months after the date on which the
22 waiver is issued, unless the Secretary deter-
23 mines otherwise.

24 “(B) REVOCATION.—The Secretary shall
25 revoke a waiver issued under paragraph (1) if

1 the Secretary determines that the basis of a
2 waiver is no longer applicable to the worker.

3 “(3) AMENDMENTS UNDER SECTION 222.—

4 “(A) ISSUANCE BY COOPERATING
5 STATES.—Pursuant to an agreement under sec-
6 tion 222, the Secretary may authorize a cooper-
7 ating State to issue waivers as described in
8 paragraph (1) (except for the determination
9 under subparagraphs (F) and (G) of paragraph
10 (1)).

11 “(B) SUBMISSION OF STATEMENTS.—An
12 agreement under section 222 shall include a re-
13 quirement that the cooperating State submit to
14 the Secretary the written statements provided
15 pursuant to paragraph (1) and a statement of
16 the reasons for the waiver.

17 “(4) REASONABLE EXPECTATION OF EMPLOY-
18 MENT.—For purposes of applying subsection
19 (c)(1)(I), a reasonable expectation of employment
20 does not require that employment opportunities for
21 a worker be available, or offered, immediately upon
22 the completion of training approved under this sec-
23 tion.

1 **“SEC. 236. WEEKLY AMOUNTS.**

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

11 “(1) any training allowance deductible under
 12 subsection (c); and

13 “(2) any income that is deductible from unem-
 14 ployment insurance under the disqualifying income
 15 provisions of the applicable State law or Federal un-
 16 employment insurance law.

17 “(b) ADJUSTMENT FOR WORKERS RECEIVING
 18 TRAINING.—

19 “(1) IN GENERAL.—Any adversely affected
 20 worker who is entitled to a trade adjustment allow-
 21 ance and who is receiving training approved by the
 22 Secretary, shall receive for each week in which the
 23 worker is undergoing that training, a trade adjust-
 24 ment allowance in an amount (computed for such
 25 week) equal to the greater of—

1 “(A) the amount computed under sub-
2 section (a); or

3 “(B) the amount of any weekly allowance
4 for that training to which the worker would be
5 entitled under any other Federal law for the
6 training of workers, if the worker applied for
7 that allowance.

8 “(2) ALLOWANCE PAID IN LIEU OF.—Any trade
9 adjustment allowance calculated under paragraph
10 (1) shall be paid in lieu of any training allowance to
11 which the worker would be entitled under any other
12 Federal law.

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

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

22 “(1) REDUCTION IN WEEKS FOR WHICH AL-
23 LOWANCE WILL BE PAID.—If a training allowance
24 under any Federal law (other than this Act) is paid
25 to an adversely affected worker for any week of un-

1 employment with respect to which the worker would
2 be entitled (determined without regard to any dis-
3 qualification under section 235(b)) to a trade adjust-
4 ment allowance if the worker applied for that allow-
5 ance, each week of unemployment shall be deducted
6 from the total number of weeks of trade adjustment
7 allowance otherwise payable to that worker under
8 section 235(a) when the worker applies for a trade
9 adjustment allowance and is determined to be enti-
10 tled to the allowance.

11 “(2) PAYMENT OF DIFFERENCE.—If the train-
12 ing allowance paid to a worker for any week of un-
13 employment is less than the amount of the trade ad-
14 justment allowance to which the worker would be en-
15 titled if the worker applied for the trade adjustment
16 allowance, the worker shall receive, when the worker
17 applies for a trade adjustment allowance and is de-
18 termined to be entitled to the allowance, a trade ad-
19 justment allowance for that week equal to the dif-
20 ference between the training allowance and the trade
21 adjustment allowance computed under subsection
22 (b).

1 **“SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOW-**
2 **ANCES.**

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

14 “(b) DURATION OF PAYMENTS.—

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

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

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

25 “(2) SPECIAL RULES.—

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

7 “(i) the worker was participating in a
 8 training program approved under section
 9 240(a) before the beginning of the break in
 10 training; and

11 “(ii) the break is provided under the
 12 training program.

13 “(B) ON-THE-JOB TRAINING.—No trade
 14 adjustment allowance shall be paid to a worker
 15 under this chapter for any week during which
 16 the worker is receiving on-the-job training.

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

21 “(d) YEAR-END ADJUSTMENT.—

22 “(1) IN GENERAL.—Notwithstanding any other
 23 provision of this Act or any other provision of law,
 24 if the benefit year of a worker ends within an ex-
 25 tended benefit period, the number of weeks of ex-

1 tended benefits that the worker would, but for this
 2 subsection, be entitled to in that extended benefit
 3 period shall not be reduced by the number of weeks
 4 for which the worker was entitled, during that ben-
 5 efit year, to trade adjustment allowances under this
 6 part.

7 “(2) EXTENDED BENEFITS PERIOD.—For the
 8 purpose of this section the term ‘extended benefit
 9 period’ has the same meaning given that term in the
 10 Federal-State Extended Unemployment Compensa-
 11 tion Act of 1970 (26 U.S.C. 3304 note).

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

13 “(a) IN GENERAL.—Except where inconsistent with
 14 the provisions of this chapter and subject to such regula-
 15 tions as the Secretary may prescribe, the availability and
 16 disqualification provisions of the State law under which
 17 an adversely affected worker is entitled to unemployment
 18 insurance (whether or not the worker has filed a claim
 19 for such insurance), or, if the worker is not so entitled
 20 to unemployment insurance, of the State in which the
 21 worker was totally or partially separated, shall apply to
 22 a worker that files an application for trade adjustment as-
 23 sistance.

24 “(b) DURATION OF APPLICABILITY.—The State law
 25 determined to be applicable with respect to a separation

1 of an adversely affected worker shall remain applicable for
 2 purposes of subsection (a), with respect to a separation
 3 until the worker becomes entitled to unemployment insur-
 4 ance under another State law (whether or not the worker
 5 has filed a claim for that insurance).

6 **“PART III—EMPLOYMENT SERVICES, TRAINING,**
 7 **AND OTHER ALLOWANCES**

8 **“SEC. 239. EMPLOYMENT SERVICES.**

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

15 **“SEC. 240. TRAINING.**

16 “(a) APPROVED TRAINING PROGRAMS.—

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

19 “(A) on-the-job training;

20 “(B) any employment or training activity
 21 provided through a one-stop delivery system
 22 under chapter 5 of subtitle B of title I of the
 23 Workforce Investment Act of 1998 (29 U.S.C.
 24 2861 et seq.);

25 “(C) any program of adult education;

1 “(D) any training program (other than a
2 training program described in paragraph (3) for
3 which all, or any portion, of the costs of train-
4 ing the worker are paid—

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

7 “(ii) from any source other than this
8 section; and

9 “(E) any other training program that the
10 Secretary determines is acceptable to meet the
11 needs of an adversely affected worker.

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

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

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

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

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

15 “(b) PAYMENT OF TRAINING COSTS.—

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

1 “(2) ON-THE-JOB TRAINING.—

2 “(A) PROVISION OF TRAINING ON THE
3 JOB.—If the Secretary approves training under
4 subsection (a), the Secretary shall, insofar as
5 possible, provide or assure the provision of that
6 training on the job, and any training on the job
7 that is approved by the Secretary under sub-
8 section (a) shall include related education nec-
9 essary for the acquisition of skills needed for a
10 position within a particular occupation.

11 “(B) MONTHLY INSTALLMENTS.—If the
12 Secretary approves payment of any on-the-job
13 training under subsection (a), the Secretary
14 shall pay the costs of that training in equal
15 monthly installments.

16 “(C) LIMITATIONS.—The Secretary may
17 pay the costs of on-the-job training only if—

18 “(i) no employed worker is displaced
19 by the adversely affected worker (including
20 partial displacement such as a reduction in
21 the hours of nonovertime work, wages, or
22 employment benefits);

23 “(ii) the training does not impair con-
24 tracts for services or collective bargaining
25 agreements;

1 “(iii) in the case of training that
2 would be inconsistent with the terms of a
3 collective bargaining agreement, the writ-
4 ten concurrence of the labor organization
5 concerned has been obtained;

6 “(iv) no other individual is on layoff
7 from the same, or any substantially equiva-
8 lent, job for which the adversely affected
9 worker is being trained;

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

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

22 “(vii) the training is not for the same
23 occupation from which the worker was sep-
24 arated and with respect to which the work-

1 er's group was certified pursuant to section
2 231;

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

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

16 “(x) the employer has not taken, at
17 any time, any action that violated the
18 terms of any certification described in
19 clause (viii) made by that employer with
20 respect to any other on-the-job training
21 provided by the employer for which the
22 Secretary has made a payment under para-
23 graph (1).

24 “(c) CERTAIN WORKERS ELIGIBLE FOR TRAINING
25 BENEFITS.—An adversely affected worker covered by a

1 certification issued under section 231, who is not qualified
2 to receive a trade adjustment allowance under section 235,
3 may be eligible to have payment of the costs of training
4 made under this section, if the worker enters a training
5 program approved by the Secretary not later than 6
6 months after the date on which the certification that cov-
7 ers the worker is issued or the Secretary determines that
8 one of the following applied:

9 “(1) Funding was not available at the time at
10 which the adversely affected worker was required to
11 enter training under paragraph (1).

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

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

22 “(e) SUPPLEMENTAL ASSISTANCE.—

23 “(1) IN GENERAL.—Subject to paragraphs (2)
24 and (3), when training is provided under a training
25 program approved by the Secretary under subsection

1 (a) in facilities that are not within commuting dis-
 2 tance of a worker's regular place of residence, the
 3 Secretary may authorize supplemental assistance to
 4 defray reasonable transportation and subsistence ex-
 5 penses for separate maintenance.

6 “(2) TRANSPORTATION EXPENSES.—The Sec-
 7 retary may not authorize payments for travel ex-
 8 penses exceeding the prevailing mileage rate author-
 9 ized under the Federal travel regulations.

10 “(3) SUBSISTENCE EXPENSES.—The Secretary
 11 may not authorize payments for subsistence that ex-
 12 ceed the lesser of—

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

15 “(B) an amount equal to 50 percent of the
 16 prevailing per diem allowance rate authorized
 17 under Federal travel regulations.

18 “(f) SPECIAL PROVISIONS; LIMITATIONS.—

19 “(1) LIMITATION ON MAKING PAYMENTS.—

20 “(A) DISALLOWANCE OF OTHER PAY-
 21 MENT.—If the costs of training an adversely af-
 22 fected worker are paid by the Secretary under
 23 subsection (b), no other payment for those
 24 training costs may be made under any other
 25 provision of Federal law.

1 “(B) NO PAYMENT OF REIMBURSABLE
2 COSTS.—No payment for the cost of approved
3 training may be made under subsection (b) if
4 those costs—

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

7 “(ii) are reimbursable under any other
8 provision of Federal law and a portion of
9 those costs have already been paid under
10 that other provision of Federal law.

11 “(C) NO PAYMENT OF COSTS PAID ELSE-
12 WHERE.—The Secretary is not required to pay
13 the costs of any training approved under sub-
14 section (a) to the extent that those costs are
15 paid—

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

18 “(ii) from any source other than this
19 section.

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

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

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

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

23 “(4) PAYMENTS AFTER REEMPLOYMENT.—

24 “(A) IN GENERAL.—In the case of an ad-
 25 versely affected worker who secures reemploy-

ment, the Secretary may approve and pay the costs of training (or shall continue to pay the costs of training previously approved) for that adversely affected worker, for the completion of their training program or up to 26 weeks, whichever is less, after the date the adversely affected worker becomes reemployed.

“(B) TRADE ADJUSTMENT ALLOWANCE.—

An adversely affected worker who is reemployed and is undergoing training approved by the Secretary pursuant to subparagraph (A) may continue to receive trade adjustment allowance, subject to the income offsets provided for in the worker’s State unemployment compensation law in accordance with the provisions of section 237.

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

“SEC. 241. JOB SEARCH ALLOWANCES.

“(a) JOB SEARCH ALLOWANCE AUTHORIZED.—

“(1) IN GENERAL.—An adversely affected worker covered by a certification issued under section 231 may file an application with the Secretary for payment of a job search allowance.

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

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

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

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

18 “(i) the later of—

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

22 “(II) the 365th day after the
23 date of the worker’s last total separa-
24 tion; or

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

5 “(b) AMOUNT OF ALLOWANCE.—

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

11 “(A) MAXIMUM ALLOWANCE.—Reimburse-
12 ment may not exceed \$1,200 for any worker.

13 “(B) ALLOWANCE FOR SUBSISTENCE AND
14 TRANSPORTATION.—Reimbursement may not be
15 made for subsistence and transportation ex-
16 penses at levels exceeding those allowable under
17 section 240(e).

18 “(c) EXCEPTION.—Notwithstanding subsection (b),
19 the Secretary shall reimburse any adversely affected work-
20 er for necessary expenses incurred by the worker in par-
21 ticipating in a job search program approved by the Sec-
22 retary.

23 **“SEC. 242. RELOCATION ALLOWANCES.**

24 “(a) RELOCATION ALLOWANCE AUTHORIZED.—

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

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

10 “(A) ASSIST AN ADVERSELY AFFECTED
 11 WORKER.—The relocation allowance will assist
 12 an adversely affected worker in relocating with-
 13 in the United States.

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

19 “(C) TOTAL SEPARATION.—The worker is
 20 totally separated from employment at the time
 21 relocation commences.

22 “(D) SUITABLE EMPLOYMENT OB-
 23 TAINED.—The worker—

24 “(i) has obtained suitable employment
 25 affording a reasonable expectation of long-

1 term duration in the area in which the
2 worker wishes to relocate; or

3 “(ii) has obtained a bona fide offer of
4 such employment.

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

7 “(i) the later of—

8 “(I) the 425th day after the date
9 of the certification under section 231;
10 or

11 “(II) the 425th day after the
12 date of the worker’s last total separa-
13 tion; or

14 “(ii) the date that is the 182d day
15 after the date on which the worker con-
16 cluded training, unless the worker received
17 a waiver under section 235(c).

18 “(b) AMOUNT OF ALLOWANCE.—The relocation al-
19 lowance granted to a worker under subsection (a)
20 includes—

21 “(1) 90 percent of the reasonable and necessary
22 expenses (including, but not limited to, subsistence
23 and transportation expenses at levels not exceeding
24 those allowable under section 240(e)) specified in
25 regulations prescribed by the Secretary, incurred in

1 transporting the worker, the worker’s family, and
 2 household effects; and

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

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

8 “(1) the relocation occurs within 182 days after
 9 the filing of the application for relocation assistance;
 10 or

11 “(2) the relocation occurs within 182 days after
 12 the conclusion of training, if the worker entered a
 13 training program approved by the Secretary under
 14 section 240(a).

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

16 “(a) SUPPORTIVE SERVICES.—

17 “(1) APPLICATION.—

18 “(A) IN GENERAL.—The State may, on be-
 19 half of any adversely affected worker or group
 20 of workers covered by a certification issued
 21 under section 231—

22 “(i) file an application with the Sec-
 23 retary for services under section 173 of the
 24 Workforce Investment Act of 1998 (relat-
 25 ing to National Emergency Grants); and

1 “(ii) provide other services under title
2 I of the Workforce Investment Act of
3 1998.

4 “(B) SERVICES.—The services available
5 under this paragraph include transportation,
6 child care, and dependent care that are nec-
7 essary to enable a worker to participate in ac-
8 tivities authorized under this chapter.

9 “(2) CONDITIONS.—The Secretary may approve
10 an application filed under paragraph (1)(A)(i) and
11 provide supportive services to an adversely affected
12 worker only if the Secretary determines that all of
13 the following apply:

14 “(A) NECESSITY.—Providing services is
15 necessary to enable the worker to participate in
16 or complete training.

17 “(B) CONSISTENT WITH WORKFORCE IN-
18 VESTMENT ACT.—The services are consistent
19 with the supportive services provided to partici-
20 pants under the provisions relating to dislocated
21 worker employment and training activities set
22 forth in chapter 5 of subtitle B of title I of the
23 Workforce Investment Act of 1998 (29 U.S.C.
24 2861 et seq.).

25 “(b) WAGE INSURANCE PROGRAM.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall establish a Wage Insurance Program under
4 which a State shall use the funds provided to the
5 State for trade adjustment allowances to pay to an
6 adversely affected worker certified under section 231
7 a wage subsidy of up to 50 percent of the difference
8 between the wages received by the adversely affected
9 worker from reemployment and the wages received
10 by the adversely affected worker at the time of separation
11 for a period not to exceed 2 years.

12 “(2) AMOUNT OF PAYMENT.—

13 “(A) WAGES UNDER \$40,000.—If the wages
14 the worker receives from reemployment are less
15 than \$40,000 a year, the wage subsidy shall be
16 50 percent of the difference between the
17 amount of the wages received by the worker
18 from reemployment and the amount of the
19 wages received by the worker at the time of
20 separation.

21 “(B) WAGES BETWEEN \$40,000 AND
22 \$50,000.—If the wages received by the worker
23 from reemployment are greater than \$40,000 a
24 year but less than \$50,000 a year, the wage
25 subsidy shall be 25 percent of the difference be-

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

5 “(2) ELIGIBILITY.—An adversely affected work-
6 er may be eligible to receive a wage subsidy under
7 this subsection if the worker—

8 “(A) enrolls in the Wage Insurance Pro-
9 gram;

10 “(B) obtains reemployment not more than
11 26 weeks after the date of separation from the
12 adversely affected employment;

13 “(C) is at least 50 years of age;

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

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

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

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

24 “(4) LIMITATION ON OTHER BENEFITS.—At
25 the time a worker begins to receive a wage subsidy

1 under this subsection the worker shall not be eligible
 2 to receive any benefits under this Act other than the
 3 wage subsidy.

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

6 “(1) STUDY BY THE GENERAL ACCOUNTING OF-
 7 FICE.—

8 “(A) IN GENERAL.—The Comptroller Gen-
 9 eral of the United States shall conduct a study
 10 of all assistance provided by the Federal Gov-
 11 ernment for workers facing job loss and eco-
 12 nomic distress.

13 “(B) REPORT.—Not later than 1 year
 14 after the date of enactment of this Act, the
 15 Comptroller General shall submit to the Com-
 16 mittee on Finance of the Senate and the Com-
 17 mittee on Ways and Means of the House of
 18 Representatives a report on the study con-
 19 ducted under subparagraph (A). The report
 20 shall include a description of—

21 “(i) all Federal programs designed to
 22 assist workers facing job loss and economic
 23 distress, including all benefits and services;

24 “(ii) eligibility requirements for each
 25 of the programs; and

1 “(iii) procedures for applying for and
2 receiving benefits and services under each
3 of the programs.

4 “(C) DISTRIBUTION OF GAO REPORT.—
5 The report described in subparagraph (B) shall
6 be distributed to all one-stop partners author-
7 ized under the Workforce Investment Act of
8 1998.

9 “(2) STUDIES BY THE STATES.—

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

13 “(B) GRANTS.—The Secretary may award
14 to each State a grant, not to exceed \$100,000,
15 to enable the State to conduct the study de-
16 scribed in subparagraph (A).

17 “(C) REPORT.—Not later than 1 year
18 after the date of enactment of this Act, each
19 State that receives a grant under subparagraph
20 (B) shall submit to the Committee on Finance
21 of the Senate and the Committee on Ways and
22 Means of the House of Representatives the re-
23 port described in subparagraph (A).

24 “(D) DISTRIBUTION OF STATE RE-
25 PORTS.—A report prepared by a State under

1 this paragraph shall be distributed to the one-
 2 stop partners in the State.

3 **“Subchapter D—Payment and Enforcement**
 4 **Provisions**

5 **“SEC. 244. PAYMENTS TO STATES.**

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

11 “(b) LIMITATION ON USE OF FUNDS.—

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

15 “(2) RETURN OF FUNDS NOT SO USED.—

16 Money paid that is not used for the purpose under
 17 subsection (a) shall be returned, at the time speci-
 18 fied in the agreement entered into under section
 19 222, to the Secretary of the Treasury.

20 “(c) SURETY BOND.—Any agreement under section
 21 222 may require any officer or employee of the cooper-
 22 ating State certifying payments or disbursing funds under
 23 the agreement or otherwise participating in the perform-
 24 ance of the agreement, to give a surety bond to the United
 25 States in an amount the Secretary deems necessary, and

1 may provide for the payment of the cost of that bond from
2 funds for carrying out the purposes of this chapter.

3 **“SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING**
4 **OFFICERS.**

5 “(a) LIABILITY OF CERTIFYING OFFICIALS.—No
6 person designated by the Secretary, or designated pursu-
7 ant to an agreement entered into under section 222, as
8 a certifying officer, in the absence of gross negligence or
9 intent to defraud the United States, shall be liable with
10 respect to any payment certified by that person under this
11 chapter.

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

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

19 “(a) IN GENERAL.—

20 “(1) OVERPAYMENT.—If a cooperating State,
21 the Secretary, or a court of competent jurisdiction
22 determines that any person has received any pay-
23 ment under this chapter to which the person was not
24 entitled, including a payment referred to in sub-
25 section (b), that person shall be liable to repay that

1 amount to the cooperating State or the Secretary, as
2 the case may be.

3 “(2) EXCEPTION.—The cooperating State or
4 the Secretary may waive repayment if the cooper-
5 ating State or the Secretary determines, in accord-
6 ance with guidelines prescribed by the Secretary,
7 that all of the following apply:

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

10 “(B) REPAYMENT CONTRARY TO EQ-
11 UITY.—Requiring repayment would be contrary
12 to equity and good conscience.

13 “(3) PROCEDURE FOR RECOVERY.—

14 “(A) RECOVERY FROM OTHER ALLOW-
15 ANCES AUTHORIZED.—Unless an overpayment
16 is otherwise recovered or waived under para-
17 graph (2), the cooperating State or the Sec-
18 retary shall recover the overpayment by deduc-
19 tions from any sums payable to that person
20 under this chapter, under any Federal unem-
21 ployment compensation law administered by the
22 cooperating State or the Secretary, or under
23 any other Federal law administered by the co-
24 operating State or the Secretary that provides

1 for the payment of assistance or an allowance
2 with respect to unemployment.

3 “(B) RECOVERY FROM STATE ALLOW-
4 ANCES AUTHORIZED.—Notwithstanding any
5 other provision of Federal or State law, the
6 Secretary may require a cooperating State to
7 recover any overpayment under this chapter by
8 deduction from any unemployment insurance
9 payable to that person under State law, except
10 that no single deduction under this paragraph
11 shall exceed 50 percent of the amount otherwise
12 payable.

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

19 “(1) FALSE STATEMENT.—The person know-
20 ingly made, or caused another to make, a false state-
21 ment or representation of a material fact, and as a
22 result of the false statement or representation, the
23 person received any payment under this chapter to
24 which the person was not entitled.

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

6 “(c) HEARING.—Except for overpayments deter-
7 mined by a court of competent jurisdiction, no repayment
8 may be required, and no deduction may be made, under
9 this section until a determination under subsection (a) by
10 the cooperating State or the Secretary, as the case may
11 be, has been made, notice of the determination and an
12 opportunity for a fair hearing has been given to the person
13 concerned, and the determination has become final.

14 “(d) RECOVERED FUNDS.—Any amount recovered
15 under this section shall be returned to the Treasury of
16 the United States.

17 **“SEC. 247. CRIMINAL PENALTIES.**

18 “Whoever makes a false statement of a material fact
19 knowing it to be false, or knowingly fails to disclose a ma-
20 terial fact, for the purpose of obtaining or increasing for
21 that person or for any other person any payment author-
22 ized to be furnished under this chapter or pursuant to an
23 agreement under section 222 shall be fined not more than
24 \$1,000, imprisoned for not more than 1 year, or both.

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

2 “There are authorized to be appropriated to the De-
3 partment of Labor, for the period beginning October 1,
4 2001, and ending September 30, 2006, such sums as may
5 be necessary to carry out the purposes of this chapter.
6 Amounts appropriated under this section shall remain
7 available until expended.

8 **“SEC. 249. REGULATIONS.**

9 “The Secretary shall prescribe such regulations as
10 may be necessary to carry out the provisions of this chap-
11 ter.

12 **“SEC. 250. SUBPOENA POWER.**

13 “(a) IN GENERAL.—The Secretary may require by
14 subpoena the attendance of witnesses and the production
15 of evidence necessary to make a determination under the
16 provisions of this chapter.

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

21 **SEC. 102. 50 PERCENT REFUNDABLE TAX CREDIT TOWARD**
22 **PREMIUMS FOR COBRA CONTINUATION COV-**
23 **ERAGE.**

24 (a) IN GENERAL.—Subpart C of part IV of sub-
25 chapter A of chapter 1 of the Internal Revenue Code of
26 1986 (relating to refundable credits) is amended by redес-

1 ignating section 35 as section 36 and by inserting after
 2 section 34 the following new section:

3 **“SEC. 35. COBRA CONTINUATION COVERAGE PREMIUMS.**

4 “(a) IN GENERAL.—In the case of an eligible indi-
 5 vidual, there shall be allowed as a credit against the tax
 6 imposed by this subtitle for the taxable year an amount
 7 equal to 50 percent of the amount paid by the taxpayer
 8 during such year as continuation health coverage pre-
 9 miums.

10 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
 11 section, the term ‘eligible individual’ means any individual
 12 who is a member of a group of workers certified as eligible
 13 to apply for adjustment assistance under chapter 2 of title
 14 II of the Trade Act of 1974 (19 U.S.C. 221, et seq.).

15 “(c) CONTINUATION HEALTH COVERAGE PREMIUMS
 16 DEFINED.—For purposes of this section, the term ‘con-
 17 tinuation health coverage premiums’ means, for any period
 18 during which a taxpayer is an eligible individual, pre-
 19 miums paid for continuation coverage (as defined in sec-
 20 tion 4980B(f)) under a group health plan for such period
 21 but only if failure to offer such coverage to the taxpayer
 22 for such period would constitute a failure by such health
 23 plan to meet the requirements of section 4980B(f).

24 “(d) COORDINATION WITH MEDICAL EXPENSE DE-
 25 Duction.—The amount which would (but for this sub-

1 section) be taken into account by the taxpayer under sec-
 2 tion 213 for the taxable year shall be reduced by the credit
 3 (if any) allowed by this section to the taxpayer for such
 4 year.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Paragraph (2) of section 1324(b) of title
 7 31, United States Code, is amended by inserting be-
 8 fore the period “, or from section 35 of such Code”.

9 (2) The table of sections for subpart C of part
 10 IV of subchapter A of chapter 1 of the Internal Rev-
 11 enue Code of 1986 is amended by striking the last
 12 item and inserting the following new items:

“Sec. 35. COBRA continuation coverage premiums.
 “Sec. 36. Overpayments of tax.”.

13 (c) EFFECTIVE DATE.—The amendments made by
 14 this section shall apply to taxable years beginning after
 15 December 31, 2001, for premiums for months beginning
 16 with January 2002.

17 **TITLE II—TRADE ADJUSTMENT** 18 **ASSISTANCE FOR FIRMS**

19 **SEC. 201. REAUTHORIZATION OF PROGRAM.**

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

23 “(b) There are authorized to be appropriated to the
 24 Secretary for the period beginning October 1, 2001, and

1 ending on September 30, 2006, such sums as may be nec-
 2 essary to carry out the Secretary's functions under this
 3 chapter in connection with furnishing adjustment assist-
 4 ance to firms. Amounts appropriated under this subsection
 5 shall remain available until expended.”.

6 (b) ELIGIBILITY CRITERIA.—Section 251(c) of Chap-
 7 ter 3 of title II of the Trade Act of 1974 (19 U.S.C.
 8 2341(c)(1)) is amended—

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

11 “(B) increases of imports of articles like or di-
 12 rectly competitive with articles which are produced
 13 by such firm contributed importantly to such total
 14 or partial separation, or threat thereof, and

15 “(C) a shift in production by the workers’ firm
 16 or subdivision to a foreign country of articles like or
 17 directly competitive with articles which are produced
 18 by that firm or subdivision contributed importantly
 19 to the workers’ separation or threat of separation.”;
 20 and

21 (2) in paragraph (2), by striking “paragraph
 22 (1)(C)” and inserting “subparagraphs (B) and (C)
 23 of paragraph (1)”.

1 **TITLE III—TRADE ADJUSTMENT**
 2 **ASSISTANCE FOR COMMUNITIES**

3 **SEC. 301. PURPOSE.**

4 The purpose of this title is to assist communities with
 5 economic adjustment through the integration of political
 6 and economic organizations, the coordination of Federal,
 7 State, and local resources, the creation of community-
 8 based development strategies, and the provision of eco-
 9 nomic transition assistance.

10 **SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
 11 **NITIES.**

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

14 **“CHAPTER 4—COMMUNITY ECONOMIC**
 15 **ADJUSTMENT**

16 **“SEC. 271. DEFINITIONS.**

17 “In this chapter:

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

21 “(2) **COMMUNITY.**—The term ‘community’
 22 means a county or equivalent political subdivision of
 23 a State.

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

4 “(B) URBAN COMMUNITY.—The term
5 ‘urban community’ means a community that
6 has a rural-urban continuum code of 0 through
7 3.

8 “(3) COMMUNITY ECONOMIC DEVELOPMENT CO-
9 ORDINATING COMMITTEE.—The term ‘Community
10 Economic Development Coordinating Committee’ or
11 ‘Committee’ means a community group established
12 under section 274 that consists of major groups sig-
13 nificantly affected by an increase in imports or a
14 shift in production, including local, regional, tribal,
15 and State governments, regional councils of govern-
16 ments and economic development, and business,
17 labor, education, health, religious, and other commu-
18 nity-based organizations.

19 “(4) DIRECTOR.—The term ‘Director’ means
20 the Director of the Office of Community Economic
21 Adjustment.

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

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

4 “(7) OFFICE.—The term ‘Office’ means the Of-
5 fice of Community Economic Adjustment established
6 under section 272.

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

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

14 **“SEC. 272. OFFICE OF COMMUNITY ECONOMIC ADJUST-**
15 **MENT.**

16 “(a) ESTABLISHMENT.—There is established an Of-
17 fice of Community Economic Adjustment in the Office of
18 the Secretary of Commerce.

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

22 “(c) COORDINATION OF FEDERAL RESPONSE.—The
23 Office shall—

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

4 “(2) establish an easily accessible, one-stop
5 clearinghouse for States and eligible communities to
6 obtain information regarding economic development
7 assistance available under Federal law;

8 “(3) coordinate the Federal response to an eli-
9 gible community—

10 “(A) by identifying all Federal, State, and
11 local resources that are available to assist the
12 eligible community in recovering from economic
13 distress;

14 “(B) by ensuring that all Federal agencies
15 offering assistance to an eligible community do
16 so in a targeted, integrated manner that en-
17 sures that an eligible community has access to
18 all available Federal assistance;

19 “(C) by assuring timely consultation and
20 cooperation between Federal, State, and re-
21 gional officials concerning community economic
22 adjustment;

23 “(D) by identifying and strengthening ex-
24 isting agency mechanisms designed to assist

1 communities in economic adjustment and work-
 2 force reemployment;

3 “(E) by applying consistent policies, prac-
 4 tices, and procedures in the administration of
 5 Federal programs that are used to assist com-
 6 munities adversely impacted by an increase in
 7 imports or a shift in production;

8 “(F) by creating, maintaining, and using a
 9 uniform economic database to analyze commu-
 10 nity adjustment activities; and

11 “(G) by assigning a community economic
 12 adjustment advisor to work with each eligible
 13 community;

14 “(4) provide comprehensive technical assistance
 15 to any eligible community in the efforts of that com-
 16 munity to—

17 “(A) identify serious economic problems in
 18 the community that result from an increase in
 19 imports or shift in production;

20 “(B) integrate the major groups and orga-
 21 nizations significantly affected by the economic
 22 adjustment;

23 “(C) organize a Community Economic De-
 24 velopment Coordinating Committee;

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

4 “(E) diversify and strengthen the commu-
5 nity economy; and

6 “(F) develop a community-based strategic
7 plan to address workforce dislocation and eco-
8 nomic development;

9 “(5) establish specific criteria for submission
10 and evaluation of a strategic plan submitted under
11 section 276(d);

12 “(6) administer the grant programs established
13 under sections 276 and 277; and

14 “(7) establish an interagency Trade Adjustment
15 Assistance Working Group, consisting of the rep-
16 resentatives of any Federal department or agency
17 with responsibility for economic adjustment assist-
18 ance, including the Department of Agriculture, the
19 Department of Defense, the Department of Edu-
20 cation, the Department of Labor, the Department of
21 Housing and Urban Development, the Department
22 of Health and Human Services, the Small Business
23 Administration, the Department of the Treasury, the
24 Department of Commerce, the Office of the United

1 States Trade Representative, and the National Eco-
 2 nomic Council.

3 **“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELI-**
 4 **GIBLE COMMUNITY.**

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

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

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

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

1 “(B) in a rural community, at least 300
 2 workers have been certified for assistance under
 3 section 231 in the most recent 36-month period
 4 preceding the date of certification under this
 5 section for which data are available.

6 “(2) PERCENT OF WORKFORCE UNEM-
 7 PLOYED.—The Director shall certify that a commu-
 8 nity is eligible for assistance under this chapter if
 9 the unemployment rate for the community is at least
 10 1 percent greater than the national unemployment
 11 rate for the most recent 12-month period for which
 12 data are available.

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

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

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

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

21 “(4) how to obtain technical assistance provided
 22 under section 272(c)(4).

1 **“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDI-**
2 **NATING COMMITTEE.**

3 “(a) ESTABLISHMENT.—In order to receive benefits
4 under this chapter, an eligible community shall establish
5 a Community Economic Development Coordinating Com-
6 mittee.

7 “(b) COMPOSITION OF THE COMMITTEE.—

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

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

1 “(3) EXISTING ORGANIZATION.—An eligible
 2 community may designate an existing organization
 3 in that community as the Community Economic De-
 4 velopment Coordinating Committee if that organiza-
 5 tion meets the requirements of paragraph (1) for the
 6 purposes of this chapter.

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

9 “(1) ascertain the severity of the community
 10 economic adjustment required as a result of the in-
 11 crease in imports or shift in production;

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

23 “(3) facilitate a dialogue between concerned in-
 24 terests in the community, represent the impacted
 25 community, and ensure all interests in the commu-

1 nity work collaboratively toward collective goals
 2 without duplication of effort or resources;

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

9 “(5) create an executive council with an equi-
 10 table representation of community interests to pro-
 11 mote the strategic plan within the community and
 12 ensure coordination and cooperation among all
 13 stakeholders; and

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

19 **“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVI-**
 20 **SORS.**

21 “(a) IN GENERAL.—Pursuant to section
 22 272(c)(3)(G), the Director shall assign a community eco-
 23 nomic adjustment advisor to each eligible community.

24 “(b) DUTIES.—The community economic adjustment
 25 advisor shall—

1 “(1) provide technical assistance to the eligible
2 community, assist in the development and implemen-
3 tation of a strategic plan, including applying for any
4 grant available under this or any other Federal law
5 to develop or implement that plan;

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

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

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

1 “(5) report regularly to the Director regarding
 2 the progress of development activities in the commu-
 3 nity to which the community economic adjustment
 4 advisor is assigned; and

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

7 **“SEC. 276. STRATEGIC PLANS.**

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

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

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

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

24 “(3) A description of how the plan and the
 25 projects to be undertaken by the eligible community

1 will lead to job creation and job retention in the
2 community.

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

7 “(5) A description of any additional steps the
8 eligible community will take to achieve economic ad-
9 justment and diversification.

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

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

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

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

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

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

6 “(2) AMOUNT.—The amount of a grant made
 7 under paragraph (1) shall be determined by the Sec-
 8 retary, but may not exceed \$100,000.

9 “(3) LIMIT.—Each community can only receive
 10 1 grant for the purpose of developing a strategic
 11 plan in any 5-year period.

12 “(d) SUBMISSION OF PLAN.—The strategic plan cre-
 13 ated under subsection (a) shall be submitted to the Direc-
 14 tor for evaluation and approval.

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

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

22 “(1) will be located in, or will create or preserve
 23 jobs, in that eligible community; and

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

4 “(A) encourage industries to locate in that
5 eligible community;

6 “(B) leverage resources to create or im-
7 prove Internet or telecommunications capabili-
8 ties to make the community more attractive for
9 business;

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

12 “(D) assist existing firms in that commu-
13 nity to restructure or retool to become more
14 competitive in world markets and prevent job
15 loss; or

16 “(E) assist the community in acquiring the
17 resources necessary to meet the objectives set
18 out in the strategic plan.

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

20 “There are authorized to be appropriated to the De-
21 partment of Commerce, for the period beginning October
22 1, 2001, and ending September 30, 2006, such sums as
23 may be necessary to carry out the purposes of this chap-
24 ter.

1 **“SEC. 279. GENERAL PROVISIONS.**

2 “(a) REPORT BY THE DIRECTOR.—Not later than 6
3 months after the date of enactment of this Act and annu-
4 ally thereafter, the Director shall submit to the Committee
5 on Finance of the Senate and the Committee on Ways and
6 Means of the House of Representatives a report regarding
7 the programs established under this title.

8 “(b) REGULATIONS.—The Secretary shall prescribe
9 such regulations as are necessary to carry out the provi-
10 sions of this chapter.”.

11 “(c) SUPPLEMENT NOT SUPPLANT.—Funds appro-
12 priated under this chapter shall be used to supplement and
13 not supplant other Federal, State, and local public funds
14 expended to provide economic development assistance for
15 communities.”.

16 **TITLE IV—TRADE ADJUSTMENT**
17 **ASSISTANCE FOR FARMERS**

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

19 Title II of the Trade Act of 1974 (19 U.S.C. 2251
20 et seq.) is amended by adding at the end the following
21 new chapter:

22 **“CHAPTER 6—ADJUSTMENT ASSISTANCE**
23 **FOR FARMERS**

24 **“SEC. 291. DEFINITIONS.**

25 “In this chapter:

1 “(1) AGRICULTURAL COMMODITY.—The term
2 ‘agricultural commodity’ means any agricultural
3 commodity (including livestock, fish, or harvested
4 seafood) in its raw or natural state.

5 “(2) AGRICULTURAL COMMODITY PRODUCER.—
6 The term ‘agricultural commodity producer’ means
7 any person who is engaged in the production and
8 sale of an agricultural commodity in the United
9 States and who owns or shares the ownership and
10 risk of loss of the agricultural commodity.

11 “(3) CONTRIBUTED IMPORTANTLY.—

12 “(A) IN GENERAL.—The term ‘contributed
13 importantly’ means a cause which is important
14 but not necessarily more important than any
15 other cause.

16 “(B) DETERMINATION OF CONTRIBUTED
17 IMPORTANTLY.—The determination of whether
18 imports of articles like or directly competitive
19 with an agricultural commodity with respect to
20 which the petition under this chapter was filed
21 contributed importantly to a decline in the price
22 of the agricultural commodity shall be made by
23 the Secretary of Agriculture.

1 “(4) DULY AUTHORIZED REPRESENTATIVE.—

2 The term ‘duly authorized representative’ means an
3 association of agricultural commodity producers.

4 “(5) NATIONAL AVERAGE PRICE.—The term

5 ‘national average price’ means the national average
6 price paid to an agricultural commodity producer for
7 an agricultural commodity in a marketing year as
8 determined by the Secretary of Agriculture.

9 “(6) SECRETARY.—The term ‘Secretary’ means

10 the Secretary of Agriculture.

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

12 “(a) IN GENERAL.—A petition for a certification of
13 eligibility to apply for adjustment assistance under this
14 chapter may be filed with the Secretary by a group of agri-
15 cultural commodity producers or by their duly authorized
16 representative. Upon receipt of the petition, the Secretary
17 shall promptly publish notice in the Federal Register that
18 the Secretary has received the petition and initiated an
19 investigation.

20 “(b) HEARINGS.—If the petitioner, or any other per-

21 son found by the Secretary to have a substantial interest
22 in the proceedings, submits not later than 10 days after
23 the date of the Secretary’s publication under subsection
24 (a) a request for a hearing, the Secretary shall provide
25 for a public hearing and afford such interested persons

1 an opportunity to be present, to produce evidence, and to
2 be heard.

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

7 “(1) that the national average price for the ag-
8 ricultural commodity, or a class of goods within the
9 agricultural commodity, produced by the group for
10 the most recent marketing year for which the na-
11 tional average price is available is less than 80 per-
12 cent of the average of the national average price for
13 such agricultural commodity, or such class of goods,
14 for the 5 marketing years preceding the most recent
15 marketing year; and

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

21 “(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT
22 YEARS.—A group of agricultural commodity producers
23 certified as eligible under section 293 shall be eligible to
24 apply for assistance under this chapter in any qualified

1 year after the year the group is first certified, if the Sec-
 2 retary determines that—

3 “(1) the national average price for the agricul-
 4 tural commodity, or class of goods within the agri-
 5 cultural commodity, produced by the group for the
 6 most recent marketing year for which the national
 7 average price is available is equal to or less than the
 8 price determined under subsection (c)(1); and

9 “(2) the requirements of subsection (c)(2) are
 10 met.

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

13 “(1) QUALIFIED YEAR.—The term ‘qualified
 14 year’, with respect to a group of agricultural com-
 15 modity producers certified as eligible under section
 16 293, means each consecutive year after the year in
 17 which the group is certified that the Secretary
 18 makes the determination under subsection (c) or (d),
 19 as the case may be.

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

1 tional average price, and level of imports under this
2 section and section 296.

3 **“SEC. 293. DETERMINATIONS BY SECRETARY OF AGRI-**
4 **CULTURE.**

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

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

20 “(c) TERMINATION OF CERTIFICATION.—Whenever
21 the Secretary determines, with respect to any certification
22 of eligibility under this chapter, that the decline in price
23 for the agricultural commodity covered by the certification
24 is no longer attributable to the conditions described in sec-
25 tion 292, the Secretary shall terminate such certification

1 and promptly cause notice of such termination to be pub-
 2 lished in the Federal Register, together with the Sec-
 3 retary's reasons for making such determination.

4 **“SEC. 294. STUDY BY SECRETARY OF AGRICULTURE WHEN**
 5 **INTERNATIONAL TRADE COMMISSION BE-**
 6 **GINS INVESTIGATION.**

7 “(a) IN GENERAL.—Whenever the International
 8 Trade Commission (in this chapter referred to as the
 9 ‘Commission’) begins an investigation under section 202
 10 with respect to an agricultural commodity, the Commis-
 11 sion shall immediately notify the Secretary of the inves-
 12 tigation. Upon receipt of the notification, the Secretary
 13 shall immediately conduct a study of—

14 “(1) the number of agricultural commodity pro-
 15 ducers producing a like or directly competitive agri-
 16 cultural commodity who have been or are likely to be
 17 certified as eligible for adjustment assistance under
 18 this chapter, and

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

22 “(b) REPORT.—Not later than 15 days after the day
 23 on which the Commission makes its report under section
 24 202(f), the Secretary shall submit a report to the Presi-
 25 dent setting forth the findings of the study under sub-

1 section (a). Upon making his report to the President, the
 2 Secretary shall also promptly make it public (with the ex-
 3 ception of information which the Secretary determines to
 4 be confidential) and shall have a summary of it published
 5 in the Federal Register.

6 **“SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL**
 7 **COMMODITY PRODUCERS.**

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

17 “(b) NOTICE OF BENEFITS.—

18 “(1) IN GENERAL.—The Secretary shall mail
 19 written notice of the benefits available under this
 20 chapter to each agricultural commodity producer
 21 that the Secretary has reason to believe is covered
 22 by a certification made under this chapter.

23 “(2) OTHER NOTICE.—The Secretary shall pub-
 24 lish notice of the benefits available under this chap-
 25 ter to agricultural commodity producers that are

1 covered by each certification made under this chap-
2 ter in newspapers of general circulation in the areas
3 in which such producers reside.

4 “(3) OTHER FEDERAL ASSISTANCE.—The Sec-
5 retary shall also provide information concerning pro-
6 cedures for applying for and receiving all other Fed-
7 eral assistance and services available to workers fac-
8 ing economic distress.

9 **“SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICUL-**
10 **TURAL COMMODITY PRODUCERS.**

11 “(a) IN GENERAL.—Payment of a trade adjustment
12 allowance shall be made to an adversely affected agricul-
13 tural commodity producer covered by a certification under
14 this chapter who files an application for such allowance
15 within 90 days after the date on which the Secretary
16 makes a determination and issues a certification of eligi-
17 bility under section 293, if the following conditions are
18 met:

19 “(1) The producer submits to the Secretary suf-
20 ficient information to establish the amount of agri-
21 cultural commodity covered by the application filed
22 under subsection (a) that was produced by the pro-
23 ducer in the most recent year.

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

4 “(3) The producer’s net farm income (as deter-
5 mined by the Secretary) for the most recent year is
6 less than the producer’s net farm income for the lat-
7 est year in which no adjustment assistance was re-
8 ceived by the producer under this chapter.

9 “(4) The producer certifies that the producer
10 has met with an Extension Service employee or
11 agent to obtain, at no cost to the producer, informa-
12 tion and technical assistance that will assist the pro-
13 ducer in adjusting to import competition with re-
14 spect to the adversely affected agricultural com-
15 modity, including—

16 “(A) information regarding the feasibility
17 and desirability of substituting 1 or more alter-
18 native commodities for the adversely affected
19 agricultural commodity; and

20 “(B) technical assistance that will improve
21 the competitiveness of the production and mar-
22 keting of the adversely affected agricultural
23 commodity by the producer, including yield and
24 marketing improvements.

25 “(b) AMOUNT OF CASH BENEFITS.—

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

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

7 “(i) an amount equal to 80 percent of
 8 the average of the national average price of
 9 the agricultural commodity covered by the
 10 application described in subsection (a) for
 11 the 5 marketing years preceding the most
 12 recent marketing year, and

13 “(ii) the national average price of the
 14 agricultural commodity for the most recent
 15 marketing year, and

16 “(B) the amount of the agricultural com-
 17 modity produced by the agricultural commodity
 18 producer in the most recent marketing year.

19 “(2) SPECIAL RULE FOR SUBSEQUENT QUALI-
 20 FIED YEARS.—The amount of cash benefits for a
 21 qualified year shall be determined in the same man-
 22 ner as cash benefits are determined under paragraph
 23 (1) except that the average national price of the ag-
 24 ricultural commodity shall be determined under
 25 paragraph (1)(A)(i) by using the 5-marketing-year

1 period used to determine the amount of cash bene-
2 fits for the first certification.

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

4 The maximum amount of cash benefits an agricultural
5 commodity producer may receive in any 12-month period
6 shall not exceed \$10,000.

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

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

12 “(2) shall be entitled to employment services
13 and training benefits under part III of subchapter C
14 of chapter 2.

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

16 “(a) IN GENERAL.—

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

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

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

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

10 “(b) FALSE STATEMENTS.—If the Secretary, or a
11 court of competent jurisdiction, determines that a
12 person—

13 “(1) knowingly has made, or caused another to
14 make, a false statement or representation of a mate-
15 rial fact, or

16 “(2) knowingly has failed, or caused another to
17 fail, to disclose a material fact,

18 and, as a result of such false statement or representation,
19 or of such nondisclosure, such person has received any
20 payment under this chapter to which the person was not
21 entitled, such person shall, in addition to any other pen-
22 alty provided by law, be ineligible for any further pay-
23 ments under this chapter.

24 “(c) NOTICE AND DETERMINATION.—Except for
25 overpayments determined by a court of competent jurisdic-

tion, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

“(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

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

“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Agriculture not to exceed \$100,000,000 for each of the fiscal years 2002 through 2006 to carry out the purposes of this chapter.

“(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance pay-

1 able under this chapter, the amount of assistance payable
 2 under this chapter shall be reduced proportionately.”.

3 **TITLE V—CONFORMING AMEND-** 4 **MENTS AND EFFECTIVE DATE**

5 **SEC. 501. CONFORMING AMENDMENTS.**

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

7 (1) ASSISTANCE TO INDUSTRIES.—Section 265
 8 of the Trade Act of 1974 (19 U.S.C. 2355) is
 9 amended by striking “certified as eligible to apply
 10 for adjustment assistance under sections 231 or
 11 251”, and inserting “certified as eligible for trade
 12 adjustment assistance benefits under section 231, or
 13 as eligible to apply for adjustment assistance under
 14 section 251”.

15 (2) GENERAL ACCOUNTING OFFICE REPORT.—
 16 Section 280(a) of the Trade Act of 1974 is amended
 17 by striking “January 31, 1980” and inserting “Jan-
 18 uary 31, 2004”.

19 (3) JUDICIAL REVIEW.—Section 284(a) of the
 20 Trade Act of 1974 (19 U.S.C. 2395(a)) is amended
 21 by striking “under section 223 or section 250(c)”
 22 and all that follows through “the Secretary of Com-
 23 merce under section 271” and inserting “under sec-
 24 tion 231, a firm or its representative, or any other
 25 interested domestic party aggrieved by a final deter-

1 mination of the Secretary of Commerce under sec-
 2 tion 251 or a farmer aggrieved by a determination
 3 of the Secretary of Agriculture under section 292, or
 4 a community or any other interested domestic party
 5 aggrieved by a final determination of the Director of
 6 the Office of Community Economic Adjustment
 7 under section 273”.

8 (4) TERMINATION.—Section 285 of the Trade
 9 Act of 1974 is amended to read as follows:

10 **“SEC. 285. TERMINATION.**

11 “(a) ASSISTANCE FOR WORKERS.—

12 “(1) IN GENERAL.—Except as provided in para-
 13 graph (2), trade adjustment assistance, vouchers, al-
 14 lowances, and other payments or benefits may not be
 15 provided under chapter 2 after September 30, 2006.

16 “(2) EXCEPTION.—Notwithstanding subsection
 17 (a)(1), a worker shall continue to receive trade ad-
 18 justment assistance benefits and other benefits
 19 under chapter 2 for any week for which the worker
 20 meets the eligibility requirements of that chapter, if
 21 on or before September 30, 2006, the worker is—

22 “(A) certified as eligible for trade adjust-
 23 ment assistance benefits under section 231; and

24 “(B) is otherwise eligible to receive trade
 25 adjustment assistance benefits under chapter 2.

1 “(b) OTHER ASSISTANCE.—

2 “(1) ASSISTANCE FOR FIRMS.—Technical as-
3 sistance may not be provided under chapter 3 after
4 September 30, 2006.

5 “(2) ASSISTANCE FOR COMMUNITIES.—Tech-
6 nical assistance and other payments may not be pro-
7 vided under chapter 4 after September 30, 2006.”.

8 (5) TABLE OF CONTENTS.—

9 (A) IN GENERAL.—The table of contents
10 for chapters 2, 3, and 4 of title II of the Trade
11 Act of 1974 is amended to read as follows:

“CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

“SUBCHAPTER A—GENERAL PROVISIONS

“Sec. 221. Definitions.

“Sec. 222. Agreements with States.

“Sec. 223. Administration absent State agreement.

“Sec. 224. Data collection; evaluations; reports.

“Sec. 225. Study by Secretary of Labor when International Trade Com-
mission begins investigation.

“SUBCHAPTER B—CERTIFICATIONS

“Sec. 231. Certification as adversely affected workers.

“Sec. 232. Benefit information to workers.

“SUBCHAPTER C—PROGRAM BENEFITS

“PART I—GENERAL PROVISIONS

“Sec. 234. Comprehensive assistance.

“PART II—TRADE ADJUSTMENT ALLOWANCES

“Sec. 235. Qualifying requirements for workers.

“Sec. 236. Weekly amounts.

“Sec. 237. Limitations on trade adjustment allowances.

“Sec. 238. Application of State laws.

“PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

“Sec. 239. Employment services.

“Sec. 240. Training.

- “Sec. 241. Job search allowances.
- “Sec. 242. Relocation allowances.
- “Sec. 243. Supportive services.

“SUBCHAPTER D—PAYMENT AND ENFORCEMENT PROVISIONS

- “Sec. 244. Payments to States.
- “Sec. 245. Liabilities of certifying and disbursing officers.
- “Sec. 246. Fraud and recovery of overpayments.
- “Sec. 247. Criminal penalties.
- “Sec. 248. Authorization of appropriations.
- “Sec. 249. Regulations.
- “Sec. 250. Subpoena power.

“CHAPTER 3—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

- “Sec. 251. Petitions and determinations.
- “Sec. 252. Approval of adjustment proposals.
- “Sec. 253. Technical assistance.
- “Sec. 254. Financial assistance.
- “Sec. 255. Conditions for financial assistance.
- “Sec. 256. Delegation of functions to Small Business Administration; authorization of appropriations.
- “Sec. 257. Administration of financial assistance.
- “Sec. 258. Protective provisions.
- “Sec. 259. Penalties.
- “Sec. 260. Suits.
- “Sec. 261. Definition of firm.
- “Sec. 262. Regulations.
- “Sec. 264. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
- “Sec. 265. Assistance to industries.

“CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

- “Sec. 271. Definitions.
- “Sec. 272. Office of Community Economic Adjustment.
- “Sec. 273. Notification and certification as an eligible community.
- “Sec. 274. Community Economic Development Coordinating Committee.
- “Sec. 275. Community economic adjustment advisors.
- “Sec. 276. Strategic plans.
- “Sec. 277. Grants for economic development.
- “Sec. 278. Authorization of appropriations.
- “Sec. 279. General Provisions.”.

1 (B) CHAPTER 6.—The table of contents for
 2 title II of the Trade Act of 1974, as amended
 3 by subparagraph (A), is amended by inserting
 4 after the items relating to chapter 5 the fol-
 5 lowing:

“CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

“Sec. 291. Definitions.

“Sec. 292. Petitions; group eligibility.

“Sec. 293. Determinations by Secretary.

“Sec. 294. Study by Secretary when International Trade Commission begins investigation.

“Sec. 295. Benefit information to agricultural commodity producers.

“Sec. 296. Qualifying requirements for agricultural commodity producers.

“Sec. 297. Fraud and recovery of overpayments.

“Sec. 298. Authorization of appropriations.”.

1 (b) INTERNAL REVENUE CODE.—

2 (1) ADJUSTED GROSS INCOME.—Section
3 62(a)(12) of the Internal Revenue Code of 1986 (re-
4 lating to the definition of adjusted gross income) is
5 amended by striking “trade readjustment allowances
6 under section 231 or 232” and inserting “trade ad-
7 justment allowances under section 235 or 236”.

8 (2) FEDERAL UNEMPLOYMENT.—

9 (A) IN GENERAL.—Section 3304(a)(8) of
10 the Internal Revenue Code of 1986 (relating to
11 the approval of State unemployment insurance
12 laws) is amended to read as follows:

13 “(8) compensation shall not be denied to an in-
14 dividual for any week because the individual is in
15 training with the approval of the State agency, or in
16 training approved by the Secretary of Labor pursu-
17 ant to chapter 2 of title II of the Trade Act of 1974
18 (or because of the application, to any such week in
19 training, of State law provisions relating to avail-

1 ability for work, active search for work, or refusal to
2 accept work);”.

3 (B) EFFECTIVE DATE.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii), the amendments made by
6 this paragraph shall apply in the case of
7 compensation paid for weeks beginning on
8 or after October 1, 2001.

9 (ii) MEETING OF STATE LEGISLA-
10 TURE.—

11 (I) IN GENERAL.—If the Sec-
12 retary of Labor identifies a State as
13 requiring a change to its statutes or
14 regulations in order to comply with
15 the amendments made by subpara-
16 graph (A), the amendments made by
17 subparagraph (A) shall apply in the
18 case of compensation paid for weeks
19 beginning after the earlier of—

20 (aa) the date the State
21 changes its statutes or regula-
22 tions in order to comply with the
23 amendments made by this sec-
24 tion; or

1 (bb) the end of the first ses-
 2 sion of the State legislature
 3 which begins after the date of en-
 4 actment of this Act or which
 5 began prior to such date and re-
 6 mained in session for at least 25
 7 calendar days after such date;
 8 except that in no case shall the
 9 amendments made by this Act apply
 10 before October 1, 2001.

11 (II) SESSION DEFINED.—In this
 12 clause, the term “session” means a
 13 regular, special, budget, or other ses-
 14 sion of a State legislature.

15 (c) AMENDMENTS TO TITLE 28.—

16 (1) CIVIL ACTIONS AGAINST THE UNITED
 17 STATES.—Section 1581(d) of title 28, United States
 18 Code, is amended—

19 (A) in paragraph (1), by striking “section
 20 223” and inserting “section 231”; and

21 (B) in paragraph (3), by striking “section
 22 271” and inserting “section 273”.

23 (2) PERSONS ENTITLED TO COMMENCE A CIVIL
 24 ACTION.—Section 2631 of title 28, United States
 25 Code, is amended—

1 (A) by amending subsection (d)(1) to read
 2 as follows:

3 “(d)(1) A civil action to review any final determina-
 4 tion of the Secretary of Labor under section 231 of the
 5 Trade Act of 1974 with respect to the certification of
 6 workers as adversely affected and eligible for trade adjust-
 7 ment assistance under that Act may be commenced by a
 8 worker, a group of workers, a certified or recognized
 9 union, or an authorized representative of such worker or
 10 group, that petitions for certification under that Act and
 11 is aggrieved by the final determination.”; and

12 (B) in subsection (d)(3), by striking “Sec-
 13 retary of Commerce under section 271” and in-
 14 serting “Director of the Office of Community
 15 Economic Adjustment under section 273”.

16 (3) TIME FOR COMMENCEMENT OF ACTION.—
 17 Section 2636(d) of title 28, United States Code, is
 18 amended by striking “under section 223 of the
 19 Trade Act of 1974 or a final determination of the
 20 Secretary of Commerce under section 251 or section
 21 271 of such Act” and inserting “under section 231
 22 of the Trade Act of 1974, a final determination of
 23 the Secretary of Commerce under section 251 of
 24 that Act, or a final determination of the Director of

1 the Office of Community Economic Adjustment
2 under section 273 of that Act”.

3 (4) SCOPE AND STANDARD OF REVIEW.—Sec-
4 tion 2640(c) of title 28, United States Code, is
5 amended by striking “under section 223 of the
6 Trade Act of 1974 or any final determination of the
7 Secretary of Commerce under section 251 or section
8 271 of such Act” and inserting “under section 231
9 of the Trade Act of 1974, a final determination of
10 the Secretary of Commerce under section 251 of
11 that Act, or a final determination of the Director of
12 the Office of Community Economic Adjustment
13 under section 273 of that Act”.

14 (5) RELIEF.—Section 2643(c)(2) of title 28,
15 United States Code, is amended by striking “under
16 section 223 of the Trade Act of 1974 or any final
17 determination of the Secretary of Commerce under
18 section 251 or section 271 of such Act” and insert-
19 ing “under section 231 of the Trade Act of 1974,
20 a final determination of the Secretary of Commerce
21 under section 251 of that Act, or a final determina-
22 tion of the Director of the Office of Community Eco-
23 nomic Adjustment under section 273 of that Act”.

24 (d) AMENDMENT TO THE FOOD STAMP ACT OF
25 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977

1 (7 U.S.C. 2015(o)(1)(B)) is amended by striking “section
2 236” and inserting “section 240”.

3 **TITLE VI—SAVINGS PROVISIONS**
4 **AND EFFECTIVE DATE**

5 **SEC. 601. SAVINGS PROVISIONS.**

6 (a) PROCEEDINGS NOT AFFECTED.—

7 (1) IN GENERAL.—The provisions of this Act
8 shall not affect any petition for certification for ben-
9 efits under chapter 2 of title II of the Trade Act of
10 1974 that is in effect on September 30, 2001. De-
11 terminations shall be issued, appeals shall be taken
12 therefrom, and payments shall be made under those
13 determinations, as if this Act had not been enacted,
14 and orders issued in any proceeding shall continue
15 in effect until modified, terminated, superseded, or
16 revoked by a duly authorized official, by a court of
17 competent jurisdiction, or by operation of law.

18 (2) MODIFICATION OR DISCONTINUANCE.—
19 Nothing in this subsection shall be deemed to pro-
20 hibit the discontinuance or modification of any pro-
21 ceeding under the same terms and conditions and to
22 the same extent that the proceeding could have been
23 discontinued or modified if this Act had not been en-
24 acted.

1 (b) SUITS NOT AFFECTED.—The provisions of this
2 Act shall not affect any suit commenced before October
3 1, 2001, and in all those suits, proceedings shall be had,
4 appeals taken, and judgments rendered in the same man-
5 ner and with the same effect as if this Act had not been
6 enacted.

7 (c) NONABATEMENT OF ACTIONS.—No suit, action,
8 or other proceeding commenced by or against the Federal
9 Government, or by or against any individual in the official
10 capacity of that individual as an officer of the Federal
11 Government, shall abate by reason of enactment of this
12 Act.

13 **SEC. 602. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as otherwise provided in
15 section 102, section 501(b)(2)(B), and subsection (b) of
16 this section, the amendments made by this Act shall apply
17 to—

18 (1) petitions for certification filed under chapter
19 2 or 3 of title II of the Trade Act of 1974 on or
20 after October 1, 2001;

21 (2) petitions for certification filed under chapter
22 2 or 3 of title II of the Trade Act of 1974 before
23 October 1, 2001, that are pending on such date; and

1 (3) certifications for assistance under chapter 4
2 of title II of the Trade Act of 1974 issued on or
3 after October 1, 2001.

4 (b) WORKERS CERTIFIED AS ELIGIBLE BEFORE OC-
5 TOBER 1, 2001.—Notwithstanding subsection (a), a work-
6 er shall continue to receive (or be eligible to receive) trade
7 adjustment assistance and other benefits under chapter 2
8 of title II of the Trade Act of 1974, as in effect on Sep-
9 tember 30, 2001, for any week for which the worker meets
10 the eligibility requirements of such chapter II as in effect
11 on such date, if on or before September 30, 2001, the
12 worker—

13 (1) was certified as eligible for trade adjust-
14 ment assistance benefits under such chapter as in
15 effect on such date; and

16 (2) would otherwise be eligible to receive trade
17 adjustment assistance benefits under such chapter
18 as in effect on such date.

○