

107TH CONGRESS
2^D SESSION

S. 2737

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 17, 2002

Mr. BAUCUS 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 Improvement Act of
6 2002”.

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

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

- Sec. 101. Adjustment assistance for workers.
- Sec. 102. Displaced worker self-employment training pilot program.
- Sec. 103. Coordination with other trade provisions.

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.
- Sec. 303. Community workforce partnerships.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS
ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

- Sec. 601. Trade adjustment assistance health insurance credit.
- Sec. 602. Advance payment of trade adjustment assistance health insurance credit.
- Sec. 603. Health insurance coverage for eligible individuals.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Conforming amendments.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

- Sec. 801. Savings provisions.
- Sec. 802. Effective date.

TITLE IX—REVENUE PROVISIONS

Sec. 901. Custom user fees.

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

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

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

1 **“CHAPTER 2—ADJUSTMENT ASSISTANCE**
2 **FOR WORKERS**

3 **“Subchapter A—General Provisions**

4 **“SEC. 221. DEFINITIONS.**

5 “In this chapter:

6 “(1) **ADDITIONAL COMPENSATION.**—The term
7 ‘additional compensation’ has the meaning given
8 that term in section 205(3) of the Federal-State Ex-
9 tended Unemployment Compensation Act of 1970
10 (26 U.S.C. 3304 note).

11 “(2) **ADVERSELY AFFECTED EMPLOYMENT.**—
12 The term ‘adversely affected employment’ means
13 employment in a firm or appropriate subdivision of
14 a firm, if workers of that firm or subdivision are eli-
15 gible to apply for adjustment assistance under this
16 chapter.

17 “(3) **ADVERSELY AFFECTED WORKER.**—

18 “(A) **IN GENERAL.**—The term ‘adversely
19 affected worker’ means a worker who is a mem-
20 ber of a group of workers certified by the Sec-
21 retary under section 231(a)(1) as eligible for
22 trade adjustment assistance.

23 “(B) **ADVERSELY AFFECTED SECONDARY**
24 **WORKER.**—The term ‘adversely affected worker’
25 includes an adversely affected secondary worker

1 who is a member of a group of workers em-
2 ployed at a downstream producer or a supplier,
3 that is certified by the Secretary under section
4 231(a)(2) as eligible for trade adjustment as-
5 sistance.

6 “(4) AVERAGE WEEKLY HOURS.—The term ‘av-
7 erage weekly hours’ means the average hours worked
8 by a worker (excluding overtime) in the employment
9 from which the worker has been or claims to have
10 been separated in the 52 weeks (excluding weeks
11 during which the worker was on leave for purposes
12 of vacation, sickness, maternity, military service, or
13 any other employer-authorized leave) preceding the
14 week specified in paragraph (5)(B)(ii).

15 “(5) AVERAGE WEEKLY WAGE.—

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

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

21 “(i) the term ‘high quarter’ means the
22 quarter in which the individual’s total
23 wages were highest among the first 4 of
24 the last 5 completed calendar quarters im-
25 mediately preceding the quarter in which

1 occurs the week with respect to which the
2 computation is made; and

3 “(ii) the term ‘week’ means the week
4 in which total separation occurred, or, in
5 cases where partial separation is claimed,
6 an appropriate week, as defined in regula-
7 tions prescribed by the Secretary.

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

11 “(A) STATE LAW.—The benefit year and
12 any ensuing period, as determined under appli-
13 cable State law, during which the individual is
14 eligible for regular compensation, additional
15 compensation, or extended compensation.

16 “(B) FEDERAL LAW.—The equivalent to
17 the benefit year or ensuing period provided for
18 under the applicable Federal unemployment in-
19 surance law.

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

24 “(8) CONTRIBUTED IMPORTANTLY.—The term
25 ‘contributed importantly’ means a cause that is im-

1 portant but not necessarily more important than any
2 other cause.

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

6 “(10) CUSTOMIZED TRAINING.—The term ‘cus-
7 tomized training’ means training that is designed to
8 meet the special requirements of an employer (in-
9 cluding a group of employers) and that is conducted
10 with a commitment by the employer to employ an in-
11 dividual on successful completion of the training.

12 “(11) DOWNSTREAM PRODUCER.—The term
13 ‘downstream producer’ means a firm that performs
14 additional, value-added production processes for a
15 firm or subdivision covered by a certification of eligi-
16 bility under section 231(a)(1), including a firm that
17 performs final assembly, finishing, or packaging of
18 articles.

19 “(12) EXTENDED COMPENSATION.—The term
20 ‘extended compensation’ has the meaning given that
21 term in section 205(4) of the Federal-State Ex-
22 tended Unemployment Compensation Act of 1970
23 (26 U.S.C. 3304 note).

24 “(13) JOB FINDING CLUB.—The term ‘job find-
25 ing club’ means a job search workshop which in-

1 includes a period of structured, supervised activity in
2 which participants attempt to obtain jobs.

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

6 “(15) JOB SEARCH WORKSHOP.—The term ‘job
7 search workshop’ means a short (1- to 3-day) sem-
8 inar, covering subjects such as labor market infor-
9 mation, résumé writing, interviewing techniques, and
10 techniques for finding job openings, that is designed
11 to provide participants with knowledge that will en-
12 able the participants to find jobs.

13 “(16) ON-THE-JOB TRAINING.—The term ‘on-
14 the-job training’ has the same meaning as that term
15 has in section 101(31) of the Workforce Investment
16 Act.

17 “(17) PARTIAL SEPARATION.—A partial separa-
18 tion shall be considered to exist with respect to an
19 individual if—

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

24 “(B) the individual has had a 20-percent
25 or greater reduction in the average weekly wage

1 of the individual with respect to adversely af-
2 fected employment.

3 “(18) REGULAR COMPENSATION.—The term
4 ‘regular compensation’ has the meaning given that
5 term in section 205(2) of the Federal-State Ex-
6 tended Unemployment Compensation Act of 1970
7 (26 U.S.C. 3304 note).

8 “(19) REGULAR STATE UNEMPLOYMENT.—The
9 term ‘regular State unemployment’ means unem-
10 ployment insurance benefits other than an extension
11 of unemployment insurance by a State using its own
12 funds beyond either the 26-week period mandated by
13 Federal law or any additional period provided for
14 under the Federal-State Extended Unemployment
15 Compensation Act of 1970 (26 U.S.C. 3304 note).

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

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

21 “(22) STATE AGENCY.—The term ‘State agen-
22 cy’ means the agency of the State that administers
23 the State law.

24 “(23) STATE LAW.—The term ‘State law’
25 means the unemployment insurance law of the State

1 approved by the Secretary under section 3304 of the
2 Internal Revenue Code of 1986.

3 “(24) SUPPLIER.—The term ‘supplier’ means a
4 firm that produces component parts for, or articles
5 considered to be a part of, the production process
6 for articles produced by a firm or subdivision cov-
7 ered by a certification of eligibility under section
8 231(a)(1). The term ‘supplier’ also includes a firm
9 that provides services under contract to a firm or
10 subdivision covered by such certification.

11 “(25) TOTAL SEPARATION.—The term ‘total
12 separation’ means the layoff or severance of an indi-
13 vidual from employment with a firm in which or in
14 a subdivision of which, adversely affected employ-
15 ment exists.

16 “(26) UNEMPLOYMENT INSURANCE.—The term
17 ‘unemployment insurance’ means the unemployment
18 compensation payable to an individual under any
19 State law or Federal unemployment compensation
20 law, including chapter 85 of title 5, United States
21 Code, and the Railroad Unemployment Insurance
22 Act (45 U.S.C. 351 et seq.).

23 “(27) WEEK.—Except as provided in paragraph
24 5(B)(ii), the term ‘week’ means a week as defined
25 in the applicable State law.

1 “(28) WEEK OF UNEMPLOYMENT.—The term
2 ‘week of unemployment’ means a week of total, part-
3 total, or partial unemployment as determined under
4 the applicable State law or Federal unemployment
5 insurance law.

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

7 “(a) IN GENERAL.—The Secretary is authorized on
8 behalf of the United States to enter into an agreement
9 with any State or with any State agency (referred to in
10 this chapter as ‘cooperating State’ and ‘cooperating State
11 agency’, respectively) to facilitate the provision of services
12 under this chapter.

13 “(b) PROVISIONS OF AGREEMENTS.—Under an
14 agreement entered into under subsection (a)—

15 “(1) the cooperating State agency as an agent
16 of the United States shall—

17 “(A) facilitate the early filing of petitions
18 under section 231(b) for any group of workers
19 that the State considers is likely to be eligible
20 for benefits under this chapter;

21 “(B) assist the Secretary in the review of
22 any petition submitted from that State by
23 verifying the information and providing other
24 assistance as the Secretary may request;

1 “(C) advise each worker who applies for
2 unemployment insurance of the available bene-
3 fits under this chapter and the procedures and
4 deadlines for applying for those benefits;

5 “(D) receive applications for services under
6 this chapter;

7 “(E) provide payments on the basis pro-
8 vided for in this chapter;

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

13 “(G) ensure that the State employees with
14 responsibility for carrying out an agreement en-
15 tered into under subsection (a)—

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

21 “(I) medical assistance under the
22 medicaid program established under
23 title XIX of the Social Security Act
24 (42 U.S.C. 1396a et seq.);

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

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

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

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

19 “(H) provide adversely affected workers re-
20 ferral to training services approved under title
21 I of the Workforce Investment Act of 1998 (29
22 U.S.C. 2801 et seq.), and any other appropriate
23 Federal or State program designed to assist
24 dislocated workers or unemployed individuals,

1 consistent with the requirements of subsection
2 (b)(2);

3 “(I) collect and transmit to the Secretary
4 any data as the Secretary shall reasonably re-
5 quire to assist the Secretary in assuring the ef-
6 fective and efficient performance of the pro-
7 grams carried out under this chapter; and

8 “(J) otherwise actively cooperate with the
9 Secretary and with other Federal and State
10 agencies in providing payments and services
11 under this chapter, including participation in
12 the performance measurement system estab-
13 lished by the Secretary under section 224.

14 “(2) the cooperating State shall—

15 “(A) arrange for the provision of services
16 under this chapter through the one-stop deliv-
17 ery system established in section 134(c) of the
18 Workforce Investment Act of 1998 (29 U.S.C.
19 2864(c)) where available;

20 “(B) provide to adversely affected workers
21 statewide rapid response activities under section
22 134(a)(2)(A) of the Workforce Investment Act
23 of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same
24 manner and to the same extent as any other
25 worker eligible for those activities;

1 “(C) afford adversely affected workers the
2 services provided under section 134(d) of the
3 Workforce Investment Act of 1998 (29 U.S.C.
4 92864(d)) in the same manner and to the same
5 extent as any other worker eligible for those
6 services; and

7 “(D) provide training services under this
8 chapter using training providers approved
9 under title I of the Workforce Investment Act
10 of 1998 (29 U.S.C. 2801 et seq.) which may in-
11 clude community colleges, and other effective
12 providers of training services.

13 “(c) OTHER PROVISIONS.—

14 “(1) APPROVAL OF TRAINING PROVIDERS.—The
15 Secretary shall ensure that the training services pro-
16 vided by cooperating States are provided by organi-
17 zations approved by the Secretary to effectively as-
18 sist workers eligible for assistance under this chap-
19 ter.

20 “(2) AMENDMENT, SUSPENSION, OR TERMI-
21 NATION OF AGREEMENTS.—Each agreement entered
22 into under this section shall provide the terms and
23 conditions upon which the agreement may be amend-
24 ed, suspended, or terminated.

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

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

18 “(d) REVIEW OF STATE DETERMINATIONS.—

19 “(1) IN GENERAL.—A determination by a co-
20 operating State regarding entitlement to program
21 benefits under this chapter is subject to review in
22 the same manner and to the same extent as deter-
23 minations under the applicable State law.

24 “(2) APPEAL.—A review undertaken by a co-
25 operating State under paragraph (1) may be ap-

1 pealed to the Secretary pursuant to such regulations
2 as the Secretary may prescribe.

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

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

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

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

17 “(a) DATA COLLECTION.—The Secretary shall, pur-
18 suant to regulations prescribed by the Secretary, collect
19 any data necessary to meet the requirements of this chap-
20 ter.

21 “(b) PERFORMANCE EVALUATIONS.—The Secretary
22 shall establish an effective performance measuring system
23 to evaluate the following:

24 “(1) PROGRAM PERFORMANCE.—

25 “(A) speed of petition processing;

1 “(B) quality of petition processing;

2 “(C) cost of training programs;

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

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

8 “(F) the effectiveness of individual con-
9 tractors in providing appropriate retraining in-
10 formation;

11 “(G) the effectiveness of individual ap-
12 proved training programs in helping workers
13 obtain employment;

14 “(H) best practices related to the provision
15 of benefits and retraining; and

16 “(I) other data to evaluate how individual
17 States are implementing the requirements of
18 this title.

19 “(2) PARTICIPANT OUTCOMES.—

20 “(A) reemployment rates;

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

23 “(C) wage and benefit maintenance results;

24 “(D) training completion rates; and

1 “(E) other data to evaluate how effective
2 programs under this chapter are for partici-
3 pants, taking into consideration current eco-
4 nomic conditions in the State.

5 “(3) PROGRAM PARTICIPATION DATA.—

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

8 “(B) the number of workers enrolled in,
9 and the duration of, training by major types of
10 training;

11 “(C) earnings history of workers that re-
12 flects wages before separation and wages in any
13 job obtained after receiving benefits under this
14 Act;

15 “(D) the cause of dislocation identified in
16 each certified petition;

17 “(E) the number of petitions filed and
18 workers certified in each United States congres-
19 sional district; and

20 “(F) the number of workers who received
21 waivers under each category identified in sec-
22 tion 235(e)(1) and the average duration of such
23 waivers.

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

4 “(1) STATE PARTICIPATION.—Participation by
5 each State in the performance measurement system
6 established under subsection (b).

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

10 “(3) RESPONSE.—The quality and speed of the
11 rapid response provided by each State under section
12 134(a)(2)(A) of the Workforce Investment Act of
13 1998 (29 U.S.C. 2864(a)(2)(A)).

14 “(d) REPORTS.—

15 “(1) REPORTS BY THE SECRETARY.—

16 “(A) INITIAL REPORT.—Not later than 6
17 months after the date of enactment of the
18 Trade Adjustment Assistance Improvement Act
19 of 2002, the Secretary shall submit to the Com-
20 mittee on Finance of the Senate and the Com-
21 mittee on Ways and Means of the House of
22 Representatives a report that—

23 “(i) describes the performance meas-
24 urement system established under sub-
25 section (b);

1 “(ii) includes analysis of data col-
2 lected through the system established
3 under subsection (b);

4 “(iii) includes information identifying
5 the number of workers who received waiv-
6 ers under section 235(c) and the average
7 duration of those during the preceding
8 year;

9 “(iv) describes and analyzes State
10 participation in the system;

11 “(v) analyzes the quality and speed of
12 the rapid response provided by each State
13 under section 134(a)(2)(A) of the Work-
14 force Investment Act of 1998 (29 U.S.C.
15 2864(a)(2)(A)); and

16 “(vi) provides recommendations for
17 program improvements.

18 “(B) ANNUAL REPORT.—Not later than 1
19 year after the date the report is submitted
20 under subparagraph (A), and annually there-
21 after, the Secretary shall submit to the Com-
22 mittee on Finance of the Senate and the Com-
23 mittee on Ways and Means of the House of
24 Representatives a report that includes the infor-

1 mation collected under clauses (ii) through (v)
2 of subparagraph (A).

3 “(2) STATE REPORTS.—Pursuant to regulations
4 prescribed by the Secretary, each State shall submit
5 to the Secretary a report that details its participa-
6 tion in the programs established under this chapter,
7 and that contains the data necessary to allow the
8 Secretary to submit the report required under para-
9 graph (1).

10 “(3) PUBLICATION.—The Secretary shall make
11 available to each State, and other public and private
12 organizations as determined by the Secretary, the
13 data gathered and evaluated through the perform-
14 ance measurement system established under para-
15 graph (1).

16 **“SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COM-**
17 **MISSION.**

18 “(a) NOTIFICATION OF INVESTIGATION.—Whenever
19 the International Trade Commission begins an investiga-
20 tion under section 202 with respect to an industry, the
21 Commission shall immediately notify the Secretary of that
22 investigation.

23 “(b) NOTIFICATION OF AFFIRMATIVE FINDING.—
24 Whenever the International Trade Commission makes a
25 report under section 202(f) containing an affirmative find-

1 ing regarding serious injury, or the threat thereof, to a
2 domestic industry, the Commission shall immediately no-
3 tify the Secretary of that finding.

4 **“SEC. 226. REPORT BY SECRETARY OF LABOR ON LIKELY**
5 **IMPACT OF TRADE AGREEMENTS.**

6 “(a) IN GENERAL.—At least 90 calendar days before
7 the day on which the President enters into a trade agree-
8 ment under section 2103(b) of the Bipartisan Trade Pro-
9 motion Authority Act of 2002, the President shall provide
10 the Secretary with details of the agreement as it exists
11 at that time and direct the Secretary to prepare and sub-
12 mit the assessment described in subsection (b). Between
13 the time the President instructs the Secretary to prepare
14 the assessment under this section and the time the Sec-
15 retary submits the assessment to Congress, the President
16 shall keep the Secretary current with respect to the details
17 of the agreement.

18 “(b) ASSESSMENT.—Not later than 90 calendar days
19 after the President enters into the agreement, the Sec-
20 retary shall submit to the President, the Committee on
21 Finance of the Senate, the Committee on Ways and Means
22 of the House of Representatives, and the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives, a report assessing the likely impact of the agree-
25 ment on employment in the United States economy as a

1 whole and in specific industrial sectors, including the ex-
 2 tent of worker dislocations likely to result from implemen-
 3 tation of the agreement. The report shall include an esti-
 4 mate of the financial and administrative resources nec-
 5 essary to provide trade adjustment assistance to all poten-
 6 tially adversely affected workers.

7 **“Subchapter B—Certifications**

8 **“SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED**
 9 **WORKERS.**

10 “(a) ELIGIBILITY FOR CERTIFICATION.—

11 “(1) GENERAL RULE.—A group of workers (in-
 12 cluding workers in any agricultural firm or subdivi-
 13 sion of an agricultural firm) shall be certified by the
 14 Secretary as adversely affected workers and eligible
 15 for trade adjustment assistance benefits under this
 16 chapter pursuant to a petition filed under subsection
 17 (b) if the Secretary determines that a significant
 18 number or proportion of the workers in the workers’
 19 firm or an appropriate subdivision of the firm have
 20 become totally or partially separated, or are threat-
 21 ened to become totally or partially separated, and
 22 that either—

23 “(A)(i) the value or volume of imports of
 24 articles like or directly competitive with articles

1 produced by that firm or subdivision have in-
2 creased; and

3 “(ii) the increase in the value or volume of
4 imports described in clause (i) contributed im-
5 portantly to the workers’ separation or threat of
6 separation; or

7 “(B) there has been a shift in production
8 by the workers’ firm or subdivision to a foreign
9 country of articles like or directly competitive
10 with articles which are produced by that firm or
11 subdivision and the shift in production contrib-
12 uted importantly to the workers’ separation or
13 threat of separation.

14 “(2) ADVERSELY AFFECTED SECONDARY WORK-
15 ER.—A group of workers (including workers in any
16 agricultural firm or subdivision of an agricultural
17 firm) shall be certified by the Secretary as adversely
18 affected and eligible for trade adjustment assistance
19 benefits under this chapter pursuant to a petition
20 filed under subsection (b) if the Secretary deter-
21 mines that—

22 “(A) a significant number or proportion of
23 the workers in the workers’ firm or an appro-
24 priate subdivision of the firm have become to-

1 tally or partially separated, or are threatened to
2 become totally or partially separated;

3 “(B) the workers’ firm (or subdivision) is
4 a supplier to a firm (or subdivision) or down-
5 stream producer to a firm (or subdivision) de-
6 scribed in paragraph (1) (A) or (B); and

7 “(C) a loss of business with a firm (or sub-
8 division) described in paragraph (1) (A) or (B)
9 contributed importantly to the workers’ separa-
10 tion or threat of separation determined under
11 subparagraph (A).

12 “(3) SPECIAL RULE FOR SECONDARY WORK-
13 ERS.—Notwithstanding paragraph (2), the Secretary
14 may, pursuant to standards established by the Sec-
15 retary and for good cause shown, certify as eligible
16 for trade adjustment assistance under this chapter a
17 group of workers who meet the requirements for cer-
18 tification as adversely affected secondary workers in
19 paragraph (2), except that the Secretary has not re-
20 ceived a petition under paragraph (1) on behalf of
21 workers at a firm to which the petitioning workers’
22 firm is a supplier or downstream producer as de-
23 fined in section 221 (11) and (24).

24 “(4) SPECIAL PROVISIONS.—

1 “(A) OIL AND NATURAL GAS PRO-
2 DUCERS.—For purposes of this section, any
3 firm, or appropriate subdivision of a firm, that
4 engages in exploration or drilling for oil or nat-
5 ural gas shall be considered to be a firm pro-
6 ducing oil or natural gas.

7 “(B) OIL AND NATURAL GAS IMPORTS.—
8 For purposes of this section, any firm, or ap-
9 propriate subdivision of a firm, that engages in
10 exploration or drilling for oil or natural gas, or
11 otherwise produces oil or natural gas, shall be
12 considered to be producing articles directly
13 competitive with imports of oil and with imports
14 of natural gas.

15 “(C) TACONITE.—For purposes of this sec-
16 tion, taconite pellets produced in the United
17 States shall be considered to be an article that
18 is like or directly competitive with imports of
19 semifinished steel slab.

20 “(D) SERVICE WORKERS.—

21 “(i) IN GENERAL.—Not later than 6
22 months after the date of enactment of the
23 Trade Adjustment Assistance Improvement
24 Act of 2002, the Secretary shall establish
25 a program to provide assistance under this

1 chapter to domestic operators of motor
2 carriers who are adversely affected by com-
3 petition from foreign owned and operated
4 motor carriers.

5 “(ii) DATA COLLECTION SYSTEM.—

6 Not later than 6 months after the date of
7 enactment of the Trade Adjustment Assist-
8 ance Improvement Act of 2002, the Sec-
9 retary shall put in place a system to collect
10 data on adversely affected service workers
11 that includes the number of workers by
12 State, industry, and cause of dislocation
13 for each worker.

14 “(iii) REPORT.—Not later than 2

15 years after the date of enactment of the
16 Trade Adjustment Assistance Improvement
17 Act of 2002, the Secretary shall report to
18 Congress the results of a study on ways for
19 extending the programs in this chapter to
20 adversely affected service workers, includ-
21 ing recommendations for legislation.

22 “(E) ADDITIONAL RULE FOR TEXTILE AND

23 APPAREL WORKERS.—A group of workers at a
24 textile or apparel firm shall be certified by the
25 Secretary as adversely affected and eligible for

1 trade adjustment assistance benefits under this
2 chapter pursuant to a petition filed under sub-
3 section (b) if—

4 “(i) a significant number or propor-
5 tion of the workers in the workers’ firm or
6 an appropriate subdivision of the firm have
7 become totally or partially separated, or
8 are threatened to become totally or par-
9 tially separated;

10 “(ii)(I) the sales or production of the
11 workers’ firm has decreased; or

12 “(II) the workers’ plant or facility has
13 closed or relocated; and

14 “(iii) the occurrence described in
15 clause (ii) contributed importantly to the
16 workers’ separation or threat of separa-
17 tion.

18 “(b) PETITIONS.—

19 “(1) IN GENERAL.—A petition for certification
20 of eligibility for trade adjustment assistance under
21 this chapter for a group of adversely affected work-
22 ers shall be filed simultaneously with the Secretary
23 and with the Governor of the State in which the
24 firm or subdivision of the firm employing the work-
25 ers is located.

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

4 “(A) WORKERS.—A group of workers (in-
5 cluding workers in an agricultural firm or sub-
6 division of any agricultural firm).

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

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

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

22 “(E) REQUEST TO INITIATE CERTIFI-
23 CATION.—The President, or the Committee on
24 Finance of the Senate or the Committee on
25 Ways and Means of the House of Representa-

1 tives (by resolution), may petition the Secretary
2 to initiate a certification process under this
3 chapter to determine the eligibility for trade ad-
4 justment assistance of a group of workers.

5 “(3) ACTIONS BY GOVERNOR.—

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

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

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

20 “(ii) informed of the workers’ (and in-
21 dividual member’s of the worker’s family)
22 potential 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 “(iii) provided with information re-
19 garding how to apply for the assistance,
20 services, and programs described in clause
21 (ii).

22 “(c) ACTIONS BY SECRETARY.—

23 “(1) IN GENERAL.—As soon as possible after
24 the date on which a petition is filed under subsection
25 (b), but not later than 40 days after that date, the

1 Secretary shall determine whether the petitioning
2 group meets the requirements of subsection (a), and
3 if warranted, shall issue a certification of eligibility
4 for trade adjustment assistance pursuant to this
5 subchapter. In making the determination, the Sec-
6 retary shall consult with all petitioning entities.

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

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

17 “(4) PROJECTED TRAINING NEEDS.—The Sec-
18 retary shall inform the State Workforce Investment
19 Board or equivalent agency, and other public or pri-
20 vate agencies, institutions, employers, and labor or-
21 ganizations, as appropriate, of each certification
22 issued under section 231 and of projections, if avail-
23 able, of the need for training under section 240 as
24 a result of that certification.

1 “(5) INDUSTRY-WIDE CERTIFICATION.—If the
2 Secretary receives a petition under subsection
3 (b)(2)(E) on behalf of all workers in a domestic in-
4 dustry producing an article or receives 3 or more pe-
5 titions under subsection (b)(2) within a 180-day pe-
6 riod on behalf of groups of workers producing the
7 same article, the Secretary shall make a determina-
8 tion under subsections (a)(1) and (c)(1) of this sec-
9 tion with respect to the domestic industry as a whole
10 in which the workers are or were employed.

11 “(d) SCOPE OF CERTIFICATION.—

12 “(1) IN GENERAL.—A certification issued under
13 subsection (c) shall cover adversely affected workers
14 in any group that meets the requirements of sub-
15 section (a), whose total or partial separation oc-
16 curred on or after the date on which the petition
17 was filed under subsection (b).

18 “(2) WORKERS SEPARATED PRIOR TO CERTIFI-
19 CATION.—A certification issued under subsection (c)
20 shall cover adversely affected workers whose total or
21 partial separation occurred not more than 1 year
22 prior to the date on which the petition was filed
23 under subsection (b).

24 “(e) TERMINATION OF CERTIFICATION.—

1 “(1) IN GENERAL.—If the Secretary deter-
2 mines, with respect to any certification of eligibility,
3 that workers separated from a firm or subdivision
4 covered by a certification of eligibility are no longer
5 adversely affected workers, the Secretary shall ter-
6minate the certification.

7 “(2) PUBLICATION OF TERMINATION.—The
8 Secretary shall promptly publish notice of any termi-
9 nation made under paragraph (1) in the Federal
10 Register together with the reasons for making that
11 determination.

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

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

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

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

24 “(2) petition and application procedures under
25 this chapter;

1 “(3) appropriate filing dates for the allowances,
2 training, and services available under this chapter;
3 and

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

7 “(b) ASSISTANCE TO GROUPS OF WORKERS.—

8 “(1) IN GENERAL.—The Secretary shall provide
9 any necessary assistance to enable groups of workers
10 to prepare petitions or applications for program ben-
11 efits.

12 “(2) ASSISTANCE FROM STATES.—The Sec-
13 retary shall ensure that cooperating States fully
14 comply with the agreements entered into under sec-
15 tion 222 and shall periodically review that compli-
16 ance.

17 “(c) NOTICE.—

18 “(1) IN GENERAL.—Not later than 15 days
19 after a certification is issued under section 231 (or
20 as soon as practicable after separation), the Sec-
21 retary shall provide written notice of the benefits
22 available under this chapter to each worker whom
23 the Secretary has reason to believe is covered by the
24 certification.

1 “(2) PUBLICATION OF NOTICE.—The Secretary
2 shall publish notice of the benefits available under
3 this chapter to workers covered by each certification
4 made under section 231 in newspapers of general
5 circulation in the areas in which those workers re-
6 side.

7 **“Subchapter C—Program Benefits**

8 **“PART I—GENERAL PROVISIONS**

9 **“SEC. 234. COMPREHENSIVE ASSISTANCE.**

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

12 “(1) Trade adjustment allowances as described
13 in sections 235 through 238.

14 “(2) Employment services as described in sec-
15 tion 239.

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

17 “(4) Job search allowances as described in sec-
18 tion 241.

19 “(5) Relocation allowances as described in sec-
20 tion 242.

21 “(6) Supportive services and wage insurance as
22 described in section 243.

23 “(7) Health insurance coverage options as de-
24 scribed in title VI of the Trade Adjustment Assist-
25 ance Improvement Act of 2002.

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

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

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

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

14 “(A) within the period specified in either
15 section 231(d) (1) or (2);

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

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

21 “(2) EMPLOYMENT REQUIRED.—

22 “(A) IN GENERAL.—The adversely affected
23 worker had, in the 52-week period ending with
24 the week in which the total or partial separa-
25 tion occurred, at least 26 weeks of employment

1 at wages of \$30 or more a week with a single
2 firm or subdivision of a firm.

3 “(B) UNAVAILABILITY OF DATA.—If data
4 with respect to weeks of employment with a
5 firm are not available, the worker had equiva-
6 lent amounts of employment computed under
7 regulations prescribed by the Secretary.

8 “(C) WEEK OF EMPLOYMENT.—For the
9 purposes of this paragraph any week shall be
10 treated as a week of employment at wages of
11 \$30 or more, if an adversely affected worker—

12 “(i) is on employer-authorized leave
13 for purposes of vacation, sickness, injury,
14 or maternity, or inactive duty training or
15 active duty for training in the Armed
16 Forces of the United States;

17 “(ii) does not work because of a dis-
18 ability that is compensable under a work-
19 men’s compensation law or plan of a State
20 or the United States;

21 “(iii) had employment interrupted in
22 order to serve as a full-time representative
23 of a labor organization in that firm or sub-
24 division; or

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

7 “(D) EXCEPTIONS.—

8 “(i) In the case of weeks described in
9 clause (i) or (iii) of subparagraph (C), or
10 both, not more than 7 weeks may be treat-
11 ed as weeks of employment under subpara-
12 graph (C).

13 “(ii) In the case of weeks described in
14 clause (ii) or (iv) of subparagraph (C), not
15 more than 26 weeks may be treated as
16 weeks of employment under subparagraph
17 (C).

18 “(3) UNEMPLOYMENT COMPENSATION.—The
19 adversely affected worker meets all of the following
20 requirements:

21 “(A) ENTITLEMENT TO UNEMPLOYMENT
22 INSURANCE.—The worker was entitled to (or
23 would be entitled to if the worker applied for)
24 unemployment insurance for a week within the
25 benefit period—

1 “(i) in which total or partial separa-
2 tion took place; or

3 “(ii) which began (or would have
4 begun) by reason of the filing of a claim
5 for unemployment insurance by the worker
6 after total or partial separation.

7 “(B) EXHAUSTION OF UNEMPLOYMENT IN-
8 SURANCE.—The worker has exhausted all rights
9 to any regular State unemployment insurance
10 to which the worker was entitled (or would be
11 entitled if the worker had applied for any reg-
12 ular State unemployment insurance).

13 “(C) NO UNEXPIRED WAITING PERIOD.—
14 The worker does not have an unexpired waiting
15 period applicable to the worker for any unem-
16 ployment insurance.

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

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

6 “(A) 16 WEEKS.—The worker enrolled not
7 later than the last day of the 16th week after
8 the worker’s most recent total separation that
9 meets the requirements of paragraphs (1) and
10 (2).

11 “(B) 8 WEEKS.—The worker enrolled not
12 later than the last day of the 8th week after the
13 week in which the Secretary issues a certifi-
14 cation covering the worker.

15 “(C) EXTENUATING CIRCUMSTANCES.—
16 Notwithstanding subparagraphs (A) and (B),
17 the adversely affected worker is eligible for
18 trade adjustment assistance if the worker en-
19 rolled not later than 45 days after the later of
20 the dates specified in subparagraph (A) or (B),
21 and the Secretary determines there are extenu-
22 ating circumstances that justify an extension in
23 the enrollment period.

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

1 “(1) IN GENERAL.—Until the adversely affected
2 worker begins or resumes participation in a training
3 program approved under section 240(a), no trade
4 adjustment allowance may be paid under subsection
5 (a) to an adversely affected worker for any week or
6 any succeeding week in which—

7 “(A) the Secretary determines that—

8 “(i) the adversely affected worker—

9 “(I) has failed to begin participa-
10 tion in a training program the enroll-
11 ment in which meets the requirement
12 of subsection (a)(5); or

13 “(II) has ceased to participate in
14 such a training program before com-
15 pleting the training program; and

16 “(ii) there is no justifiable cause for
17 the failure or cessation; or

18 “(B) the waiver issued to that worker
19 under subsection (c)(1) is revoked under sub-
20 section (c)(2).

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

1 “(c) WAIVERS OF TRAINING REQUIREMENTS.—

2 “(1) ISSUANCE OF WAIVERS.—The Secretary
3 may issue a written statement to an adversely af-
4 fected worker waiving the requirement to be enrolled
5 in training described in subsection (a) if the Sec-
6 retary determines that the training requirement is
7 not feasible or appropriate for the worker, because
8 of 1 or more of the following reasons:

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

12 “(B) MARKETABLE SKILLS.—The worker
13 possesses marketable skills for suitable employ-
14 ment (as determined pursuant to an assessment
15 of the worker, which may include the profiling
16 system under section 303(j) of the Social Secu-
17 rity Act (42 U.S.C. 503(j)), carried out in ac-
18 cordance with guidelines issued by the Sec-
19 retary) and there is a reasonable expectation of
20 employment at equivalent wages in the foresee-
21 able future.

22 “(C) RETIREMENT.—The worker is within
23 2 years of meeting all requirements for entitle-
24 ment to either—

1 “(i) old-age insurance benefits under
2 title II of the Social Security Act (42
3 U.S.C. 401 et seq.) (except for application
4 therefore); or

5 “(ii) a private pension sponsored by
6 an employer or labor organization.

7 “(D) HEALTH.—The worker is unable to
8 participate in training due to the health of the
9 worker, except that a waiver under this sub-
10 paragraph shall not be construed to exempt a
11 worker from requirements relating to the avail-
12 ability for work, active search for work, or re-
13 fusal to accept work under Federal or State un-
14 employment compensation laws.

15 “(E) ENROLLMENT UNAVAILABLE.—The
16 first available enrollment date for the approved
17 training of the worker is within 60 days after
18 the date of the determination made under this
19 paragraph, or, if later, there are extenuating
20 circumstances for the delay in enrollment, as
21 determined pursuant to guidelines issued by the
22 Secretary.

23 “(F) TRAINING NOT AVAILABLE.—Train-
24 ing approved by the Secretary is not reasonably
25 available to the worker from either govern-

1 mental agencies or private sources (which may
2 include area vocational education schools, as de-
3 fined in section 3 of the Carl D. Perkins Voca-
4 tional and Technical Education Act of 1998 (20
5 U.S.C. 2302), and employers), no training that
6 is suitable for the worker is available at a rea-
7 sonable cost, or no training funds are available.

8 “(G) OTHER.—The Secretary may, at his
9 discretion, issue a waiver if the Secretary deter-
10 mines that a worker has set forth in writing
11 reasons other than those provided for in sub-
12 paragraphs (A) through (F) justifying the
13 grant of such waiver.

14 “(2) DURATION OF WAIVERS.—

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

20 “(B) REVOCATION.—The Secretary shall
21 revoke a waiver issued under paragraph (1) if
22 the Secretary determines that the basis of a
23 waiver is no longer applicable to the worker.

24 “(3) AMENDMENTS UNDER SECTION 222.—

1 “(A) ISSUANCE BY COOPERATING
2 STATES.—Pursuant to an agreement under sec-
3 tion 222, the Secretary may authorize a cooper-
4 ating State to issue waivers as described in
5 paragraph (1).

6 “(B) SUBMISSION OF STATEMENTS.—An
7 agreement under section 222 shall include a re-
8 quirement that the cooperating State submit to
9 the Secretary the written statements provided
10 under paragraph (1) and a statement of the
11 reasons for the waiver.

12 **“SEC. 236. WEEKLY AMOUNTS.**

13 “(a) IN GENERAL.—Subject to subsections (b) and
14 (c), the trade adjustment allowance payable to an ad-
15 versely affected worker for a week of total unemployment
16 shall be an amount equal to the most recent weekly benefit
17 amount of the unemployment insurance payable to the
18 worker for a week of total unemployment preceding the
19 worker’s first exhaustion of unemployment insurance (as
20 determined for purposes of section 235(a)(3)(B)) reduced
21 (but not below zero) by—

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

24 “(2) any income that is deductible from unem-
25 ployment insurance under the disqualifying income

1 provisions of the applicable State law or Federal un-
2 employment insurance law.

3 “(b) ADJUSTMENT FOR WORKERS RECEIVING
4 TRAINING.—

5 “(1) IN GENERAL.—Any adversely affected
6 worker who is entitled to a trade adjustment allow-
7 ance and who is receiving training approved by the
8 Secretary, shall receive for each week in which the
9 worker is undergoing that training, a trade adjust-
10 ment allowance in an amount (computed for such
11 week) equal to the greater of—

12 “(A) the amount computed under sub-
13 section (a); or

14 “(B) the amount of any weekly allowance
15 for that training to which the worker would be
16 entitled under any other Federal law for the
17 training of workers, if the worker applied for
18 that allowance.

19 “(2) ALLOWANCE PAID IN LIEU OF.—Any trade
20 adjustment allowance calculated under paragraph
21 (1) shall be paid in lieu of any training allowance to
22 which the worker would be entitled under any other
23 Federal law.

24 “(3) COORDINATION WITH UNEMPLOYMENT IN-
25 SURANCE.—Any week in which a worker undergoing

1 training approved by the Secretary receives pay-
2 ments from unemployment insurance shall be sub-
3 tracted from the total number of weeks for which
4 a worker may receive trade adjustment allowance
5 under this chapter.

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

8 “(1) REDUCTION IN WEEKS FOR WHICH AL-
9 LOWANCE WILL BE PAID.—If a training allowance
10 under any Federal law (other than this Act) is paid
11 to an adversely affected worker for any week of un-
12 employment with respect to which the worker would
13 be entitled (determined without regard to any dis-
14 qualification under section 235(b)) to a trade adjust-
15 ment allowance if the worker applied for that allow-
16 ance, each week of unemployment shall be deducted
17 from the total number of weeks of trade adjustment
18 allowance otherwise payable to that worker under
19 section 235(a) when the worker applies for a trade
20 adjustment allowance and is determined to be enti-
21 tled to the allowance.

22 “(2) PAYMENT OF DIFFERENCE.—If the train-
23 ing allowance paid to a worker for any week of un-
24 employment is less than the amount of the trade ad-
25 justment allowance to which the worker would be en-

1 titled if the worker applied for the trade adjustment
 2 allowance, the worker shall receive, when the worker
 3 applies for a trade adjustment allowance and is de-
 4 termined to be entitled to the allowance, a trade ad-
 5 justment allowance for that week equal to the dif-
 6 ference between the training allowance and the trade
 7 adjustment allowance computed under subsection
 8 (b).

9 **“SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOW-**
 10 **ANCES.**

11 “(a) AMOUNT PAYABLE.—The maximum amount of
 12 trade adjustment allowance payable to an adversely af-
 13 fected worker, with respect to the period covered by any
 14 certification, shall be the amount that is the product of
 15 104 multiplied by the trade adjustment allowance payable
 16 to the worker for a week of total unemployment (as deter-
 17 mined under section 236) reduced by the total sum of the
 18 regular State unemployment insurance to which the work-
 19 er was entitled (or would have been entitled if the worker
 20 had applied for unemployment insurance) in the worker’s
 21 first benefit period described in section 235(a)(3)(A).

22 “(b) DURATION OF PAYMENTS.—

23 “(1) IN GENERAL.—Except as provided in para-
 24 graph (2), a trade adjustment allowance shall not be
 25 paid for any week occurring after the close of the

1 104-week period that begins with the first week fol-
2 lowing the week in which the adversely affected
3 worker was most recently totally separated—

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

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

8 “(2) SPECIAL RULES.—

9 “(A) BREAK IN TRAINING.—For purposes
10 of this chapter, a worker shall be treated as
11 participating in a training program approved by
12 the Secretary under section 240(a) during any
13 week that is part of a break in a training that
14 does not exceed 30 days if—

15 “(i) the worker was participating in a
16 training program approved under section
17 240(a) before the beginning of the break in
18 training; and

19 “(ii) the break is provided under the
20 training program.

21 “(B) ON-THE-JOB TRAINING.—No trade
22 adjustment allowance shall be paid to a worker
23 under this chapter for any week during which
24 the worker is receiving on-the-job training, ex-
25 cept that a trade adjustment allowance shall be

1 paid if a worker is enrolled in a non-paid cus-
2 tomized training program.

3 “(C) SMALL BUSINESS ADMINISTRATION
4 PILOT PROGRAM.—An adversely affected worker
5 who is participating in a self-employment train-
6 ing program established by the Director of the
7 Small Business Administration pursuant to sec-
8 tion 102 of the Trade Adjustment Assistance
9 Improvement Act of 2002, shall not be ineli-
10 gible to receive benefits under this chapter.

11 “(D) ADDITIONAL WEEKS FOR REMEDIAL
12 EDUCATION.—Notwithstanding any other provi-
13 sion of this section, in order to assist an ad-
14 versely affected worker to complete training ap-
15 proved for the worker under section 240, if the
16 program is a program of remedial education in
17 accordance with regulations prescribed by the
18 Secretary, payments may be made as trade ad-
19 justment allowances for up to 26 additional
20 weeks in the 26-week period that follows the
21 last week of entitlement to trade adjustment al-
22 lowances otherwise payable under this chapter.

23 “(e) ADJUSTMENT OF AMOUNTS PAYABLE.—
24 Amounts payable to an adversely affected worker under

1 this chapter shall be subject to adjustment on a week-to-
 2 week basis as may be required by section 236.

3 “(d) YEAR-END ADJUSTMENT.—

4 “(1) IN GENERAL.—Notwithstanding any other
 5 provision of this Act or any other provision of law,
 6 if the benefit year of a worker ends within an ex-
 7 tended benefit period, the number of weeks of ex-
 8 tended benefits that the worker would, but for this
 9 subsection, be entitled to in that extended benefit
 10 period shall not be reduced by the number of weeks
 11 for which the worker was entitled, during that ben-
 12 efit year, to trade adjustment allowances under this
 13 part.

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

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

20 “(a) IN GENERAL.—Except where inconsistent with
 21 the provisions of this chapter and subject to such regula-
 22 tions as the Secretary may prescribe, the availability and
 23 disqualification provisions of the State law under which
 24 an adversely affected worker is entitled to unemployment
 25 insurance (whether or not the worker has filed a claim

1 for such insurance), or, if the worker is not so entitled
 2 to unemployment insurance, of the State in which the
 3 worker was totally or partially separated, shall apply to
 4 a worker that files an application for trade adjustment as-
 5 sistance.

6 “(b) DURATION OF APPLICABILITY.—The State law
 7 determined to be applicable with respect to a separation
 8 of an adversely affected worker shall remain applicable for
 9 purposes of subsection (a), with respect to a separation
 10 until the worker becomes entitled to unemployment insur-
 11 ance under another State law (whether or not the worker
 12 has filed a claim for that insurance).

13 **“PART III—EMPLOYMENT SERVICES, TRAINING,**
 14 **AND OTHER ALLOWANCES**

15 **“SEC. 239. EMPLOYMENT SERVICES.**

16 “The Secretary shall, in accordance with section 222
 17 or 223, as applicable, make every reasonable effort to se-
 18 cure for adversely affected workers covered by a certifi-
 19 cation under section 231, counseling, testing, placement,
 20 and other services provided for under any other Federal
 21 law.

22 **“SEC. 240. TRAINING.**

23 “(a) APPROVED TRAINING PROGRAMS.—

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

1 “(A) on-the-job training or customized
2 training;

3 “(B) any employment or training activity
4 provided through a one-stop delivery system
5 under chapter 5 of subtitle B of title I of the
6 Workforce Investment Act of 1998 (29 U.S.C.
7 2861 et seq.);

8 “(C) any program of adult education;

9 “(D) any training program (other than a
10 training program described in paragraph (3))
11 for which all, or any portion, of the costs of
12 training the worker are paid—

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

15 “(ii) from any source other than this
16 section; and

17 “(E) any other training program that the
18 Secretary determines is acceptable to meet the
19 needs of an adversely affected worker.

20 In making the determination under subparagraph
21 (E), the Secretary shall consult with interested par-
22 ties.

23 “(2) TRAINING AGREEMENTS.—Before approv-
24 ing any training to which subsection (f)(1)(C) may
25 apply, the Secretary may require that the adversely

1 affected worker enter into an agreement with the
2 Secretary under which the Secretary will not be re-
3 quired to pay under subsection (b) the portion of the
4 costs of the training that the worker has reason to
5 believe will be paid under the program, or by the
6 source, described in clause (i) or (ii) of subsection
7 (f)(1)(C).

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

11 “(A) PAYMENT BY PLAN.—Any portion of
12 the costs of the training program are paid
13 under any nongovernmental plan or program.

14 “(B) RIGHT TO OBTAIN.—The adversely
15 affected worker has a right to obtain training
16 or funds for training under that plan or pro-
17 gram.

18 “(C) REIMBURSEMENT.—The plan or pro-
19 gram requires the worker to reimburse the plan
20 or program from funds provided under this
21 chapter, or from wages paid under the training
22 program, for any portion of the costs of that
23 training program paid under the plan or pro-
24 gram.

25 “(b) PAYMENT OF TRAINING COSTS.—

1 “(1) IN GENERAL.—

2 “(A) ELIGIBILITY.—Upon approval of a
3 training program under subsection (a), and
4 subject to the limitations imposed by this sec-
5 tion, an adversely affected worker covered by a
6 certification issued under section 231 shall be
7 eligible to have payment of the costs of that
8 training, including any costs of an approved
9 training program incurred by a worker before a
10 certification was issued under section 231,
11 made on behalf of the worker by the Secretary
12 directly or through a voucher system.

13 “(B) AMOUNT PAYABLE.—Not later than 6
14 months after the date of enactment of the
15 Trade Adjustment Assistance Improvement Act
16 of 2002, the Secretary shall develop and submit
17 to Congress for approval a formula to provide
18 grants to States for paying workers training
19 costs. The formula shall provide workers with
20 an entitlement for training costs and shall take
21 into account—

22 “(i) the number of workers enrolled in
23 trade adjustment assistance;

24 “(ii) the duration of the assistance;

1 “(iii) the anticipated training costs for
2 workers; and

3 “(iv) any other factors the Secretary
4 deems appropriate.

5 “(2) ON-THE-JOB TRAINING AND CUSTOMIZED
6 TRAINING.—

7 “(A) PROVISION OF TRAINING ON THE JOB
8 OR CUSTOMIZED TRAINING.—If the Secretary
9 approves training under subsection (a), the Sec-
10 retary shall, insofar as possible, provide or as-
11 sure the provision of that training on the job or
12 customized training, and any training on the
13 job or customized training that is approved by
14 the Secretary under subsection (a) shall include
15 related education necessary for the acquisition
16 of skills needed for a position within a par-
17 ticular occupation.

18 “(B) MONTHLY INSTALLMENTS.—If the
19 Secretary approves payment of any on-the-job
20 training or customized training under sub-
21 section (a), the Secretary shall pay the costs of
22 that training in equal monthly installments.

23 “(C) LIMITATIONS.—The Secretary may
24 pay the costs of on-the-job training or cus-
25 tomized training only if—

1 “(i) no employed worker is displaced
2 by the adversely affected worker (including
3 partial displacement such as a reduction in
4 the hours of nonovertime work, wages, or
5 employment benefits);

6 “(ii) the training does not impair con-
7 tracts for services or collective bargaining
8 agreements;

9 “(iii) in the case of training that
10 would affect a collective bargaining agree-
11 ment, the written concurrence of the labor
12 organization concerned has been obtained;

13 “(iv) no other individual is on layoff
14 from the same, or any substantially equiva-
15 lent, job for which the adversely affected
16 worker is being trained;

17 “(v) the employer has not terminated
18 the employment of any regular employee or
19 otherwise reduced the workforce of the em-
20 ployer with the intention of filling the va-
21 cancy so created by hiring the adversely af-
22 fected worker;

23 “(vi) the job for which the adversely
24 affected worker is being trained is not
25 being created in a promotional line that

1 will infringe in any way upon the pro-
2 motional opportunities of employed individ-
3 uals;

4 “(vii) the training is not for the same
5 occupation from which the worker was sep-
6 arated and with respect to which the work-
7 er’s group was certified pursuant to section
8 231;

9 “(viii) the employer is provided reim-
10 bursement of not more than 50 percent of
11 the wage rate of the participant, for the
12 cost of providing the training and addi-
13 tional supervision related to the training;

14 “(ix) the employer has not received
15 payment under subsection (b)(1) with re-
16 spect to any other on-the-job training pro-
17 vided by the employer or customized train-
18 ing that failed to meet the requirements of
19 clauses (i) through (vi); and

20 “(x) the employer has not taken, at
21 any time, any action that violated the
22 terms of any certification described in
23 clause (viii) made by that employer with
24 respect to any other on-the-job training
25 provided by the employer or customized

1 training for which the Secretary has made
2 a payment under paragraph (1).

3 “(c) CERTAIN WORKERS ELIGIBLE FOR TRAINING
4 BENEFITS.—An adversely affected worker covered by a
5 certification issued under section 231, who is not qualified
6 to receive a trade adjustment allowance under section 235,
7 may be eligible to have payment of the costs of training
8 made under this section, if the worker enters a training
9 program approved by the Secretary not later than 6
10 months after the date on which the certification that cov-
11 ers the worker is issued or the Secretary determines that
12 one of the following applied:

13 “(1) Funding was not available at the time at
14 which the adversely affected worker was required to
15 enter training under paragraph (1).

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

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

1 “(e) SUPPLEMENTAL ASSISTANCE.—

2 “(1) IN GENERAL.—Subject to paragraphs (2)
3 and (3), when training is provided under a training
4 program approved by the Secretary under subsection
5 (a) in facilities that are not within commuting dis-
6 tance of a worker’s regular place of residence, the
7 Secretary may authorize supplemental assistance to
8 defray reasonable transportation and subsistence ex-
9 penses for separate maintenance.

10 “(2) TRANSPORTATION EXPENSES.—The Sec-
11 retary may not authorize payments for travel ex-
12 penses exceeding the prevailing mileage rate author-
13 ized under the Federal travel regulations.

14 “(3) SUBSISTENCE EXPENSES.—The Secretary
15 may not authorize payments for subsistence that ex-
16 ceed the lesser of—

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

19 “(B) an amount equal to 50 percent of the
20 prevailing per diem allowance rate authorized
21 under Federal travel regulations.

22 “(f) SPECIAL PROVISIONS; LIMITATIONS.—

23 “(1) LIMITATION ON MAKING PAYMENTS.—

24 “(A) DISALLOWANCE OF OTHER PAY-
25 MENT.—If the costs of training an adversely af-

1 fected worker are paid by the Secretary under
2 subsection (b), no other payment for those
3 training costs may be made under any other
4 provision of Federal law.

5 “(B) NO PAYMENT OF REIMBURSABLE
6 COSTS.—No payment for the costs of approved
7 training may be made under subsection (b) if
8 those costs—

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

11 “(ii) are reimbursable under any other
12 provision of Federal law and a portion of
13 those costs has already been paid under
14 that other provision of Federal law.

15 “(C) NO PAYMENT OF COSTS PAID ELSE-
16 WHERE.—The Secretary is not required to pay
17 the costs of any training approved under sub-
18 section (a) to the extent that those costs are
19 paid under any Federal or State program other
20 than this chapter.

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

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

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

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

24 “(4) PAYMENTS AFTER REEMPLOYMENT.—

1 “(A) IN GENERAL.—In the case of an ad-
2 versely affected worker who secures reemploy-
3 ment, the Secretary may approve and pay the
4 costs of training (or shall continue to pay the
5 costs of training previously approved) for that
6 adversely affected worker, for the completion of
7 the training program or up to 26 weeks, which-
8 ever is less, after the date the adversely affected
9 worker becomes reemployed.

10 “(B) TRADE ADJUSTMENT ALLOWANCE.—
11 An adversely affected worker who is reemployed
12 and is undergoing training approved by the Sec-
13 retary pursuant to subparagraph (A) may con-
14 tinue to receive a trade adjustment allowance,
15 subject to the income offsets provided for in the
16 worker’s State unemployment compensation law
17 in accordance with the provisions of section
18 237.

19 “(5) FUNDING.—Until such time as Congress
20 enacts the formula described in subsection (b)(1)(B),
21 the total amount of payments that may be made
22 under this section for any fiscal year shall not ex-
23 ceed \$300,000,000.

1 **“SEC. 240A. JOB TRAINING PROGRAMS.**

2 “(a) GRANT PROGRAM AUTHORIZED.—The Secretary
3 is authorized to award grants to community colleges (as
4 defined in section 202 of the Tech-Prep Education Act
5 (20 U.S.C. 2371)) on a competitive basis to establish job
6 training programs for adversely affected workers.

7 “(b) APPLICATION.—

8 “(1) SUBMISSION.—To receive a grant under
9 this section, a community college shall submit an ap-
10 plication to the Secretary at such time and in such
11 manner as the Secretary shall require.

12 “(2) CONTENTS.—The application submitted
13 under paragraph (1) shall provide a description of—

14 “(A) the population to be served with
15 grant funds received under this section;

16 “(B) how grant funds received under this
17 section will be expended; and

18 “(C) the job training programs that will be
19 established with grant funds received under this
20 section, including a description of how such
21 programs relate to workforce needs in the area
22 where the community college is located.

23 “(c) ELIGIBILITY.—To be eligible to receive a grant
24 under this section, a community college shall be located
25 in an eligible community (as defined in section 271).

1 “(d) DECISION ON APPLICATIONS.—Not later than
2 30 days after submission of an application under sub-
3 section (b), the Secretary shall approve or disapprove the
4 application.

5 “(e) USE OF FUNDS.—A community college that re-
6 ceives a grant under this section shall use the grant funds
7 to establish job training programs for adversely affected
8 workers.

9 **“SEC. 241. JOB SEARCH ALLOWANCES.**

10 “(a) JOB SEARCH ALLOWANCE AUTHORIZED.—

11 “(1) IN GENERAL.—An adversely affected work-
12 er covered by a certification issued under section
13 231 may file an application with the Secretary for
14 payment of a job search allowance.

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

19 “(A) ASSIST ADVERSELY AFFECTED WORK-
20 ER.—The allowance is paid to assist an ad-
21 versely affected worker who has been totally
22 separated in securing a job within the United
23 States.

24 “(B) LOCAL EMPLOYMENT NOT AVAIL-
25 ABLE.—The Secretary determines that the

1 worker cannot reasonably be expected to secure
2 suitable employment in the commuting area in
3 which the worker resides.

4 “(C) APPLICATION.—The worker has filed
5 an application for the allowance with the Sec-
6 retary before—

7 “(i) the later of—

8 “(I) the 365th day after the date
9 of the certification under which the
10 worker is certified as eligible; or

11 “(II) the 365th 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.—

19 “(1) IN GENERAL.—An allowance granted
20 under subsection (a) shall provide reimbursement to
21 the worker of 90 percent of the cost of necessary job
22 search expenses as prescribed by the Secretary in
23 regulations.

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

4 “(3) ALLOWANCE FOR SUBSISTENCE AND
5 TRANSPORTATION.—Reimbursement under this sub-
6 section may not be made for subsistence and trans-
7 portation expenses at levels exceeding those allow-
8 able under section 240(e).

9 “(c) EXCEPTION.—Notwithstanding subsection (b),
10 the Secretary shall reimburse any adversely affected work-
11 er for necessary expenses incurred by the worker in par-
12 ticipating in a job search program approved by the Sec-
13 retary.

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

15 “(a) RELOCATION ALLOWANCE AUTHORIZED.—

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

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

1 “(A) ASSIST AN ADVERSELY AFFECTED
2 WORKER.—The relocation allowance will assist
3 an adversely affected worker in relocating with-
4 in the United States.

5 “(B) LOCAL EMPLOYMENT NOT AVAIL-
6 ABLE.—The Secretary determines that the
7 worker cannot reasonably be expected to secure
8 suitable employment in the commuting area in
9 which the worker resides.

10 “(C) TOTAL SEPARATION.—The worker is
11 totally separated from employment at the time
12 relocation commences.

13 “(D) SUITABLE EMPLOYMENT OB-
14 TAINED.—The worker—

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

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

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

23 “(i) the later of—

1 “(I) the 425th day after the date
2 of the certification under section 231;
3 or

4 “(II) the 425th day after the
5 date of the worker’s last total separa-
6 tion; or

7 “(ii) the date that is the 182d day
8 after the date on which the worker con-
9 cluded training, unless the worker received
10 a waiver under section 235(c).

11 “(b) AMOUNT OF ALLOWANCE.—The relocation al-
12 lowance granted to a worker under subsection (a)
13 includes—

14 “(1) 90 percent of the reasonable and necessary
15 expenses (including, but not limited to, subsistence
16 and transportation expenses at levels not exceeding
17 those allowable under section 240(e)) specified in
18 regulations prescribed by the Secretary, incurred in
19 transporting the worker, the worker’s family, and
20 household effects; and

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

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

1 “(1) the relocation occurs within 182 days after
2 the filing of the application for relocation assistance;
3 or

4 “(2) the relocation occurs within 182 days after
5 the conclusion of training, if the worker entered a
6 training program approved by the Secretary under
7 section 240(a).

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

9 “(a) SUPPORTIVE SERVICES.—

10 “(1) APPLICATION.—

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

15 “(i) file an application with the Sec-
16 retary for services under section 173 of the
17 Workforce Investment Act of 1998 (relat-
18 ing to National Emergency Grants); and

19 “(ii) provide other services under title
20 I of the Workforce Investment Act of
21 1998.

22 “(B) SERVICES.—The services available
23 under this paragraph include transportation,
24 child care, and dependent care that are nec-

1 essary to enable a worker to participate in ac-
2 tivities authorized under this chapter.

3 “(2) CONDITIONS.—The Secretary may approve
4 an application filed under paragraph (1)(A)(i) and
5 provide supportive services to an adversely affected
6 worker only if the Secretary determines that all of
7 the following apply:

8 “(A) NECESSITY.—Providing services is
9 necessary to enable the worker to participate in
10 or complete training.

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

19 “(b) WAGE INSURANCE PROGRAM.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Trade Adjustment As-
22 sistance Improvement Act of 2002, the Secretary
23 shall establish a Wage Insurance Program under
24 which a State shall use the funds provided to the
25 State for trade adjustment allowances to pay to an

1 adversely affected worker certified under section 231
2 a wage subsidy of up to 50 percent of the difference
3 between the wages received by the adversely affected
4 worker from reemployment and the wages received
5 by the adversely affected worker at the time of sepa-
6 ration for a period not to exceed 2 years.

7 “(2) AMOUNT OF PAYMENT.—

8 “(A) WAGES UNDER \$40,000.—If the wages
9 the worker receives from reemployment are less
10 than \$40,000 a year, the wage subsidy shall be
11 50 percent of the difference between the
12 amount of the wages received by the worker
13 from reemployment and the amount of the
14 wages received by the worker at the time of
15 separation.

16 “(B) WAGES BETWEEN \$40,000 AND
17 \$50,000.—If the wages received by the worker
18 from reemployment are greater than \$40,000 a
19 year but less than \$50,000 a year, the wage
20 subsidy shall be 25 percent of the difference be-
21 tween the amount of the wages received by the
22 worker from reemployment and the amount of
23 the wages received by the worker at the time of
24 separation.

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

4 “(A) enrolls in the Wage Insurance Pro-
5 gram;

6 “(B) obtains reemployment not more than
7 26 weeks after the date of separation from the
8 adversely affected employment;

9 “(C) is at least 50 years of age;

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

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

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

16 “(4) AMOUNT OF PAYMENTS.—The payments
17 made under paragraph (1) to an adversely affected
18 worker may not exceed \$10,000 over the 2-year pe-
19 riod.

20 “(5) LIMITATION ON OTHER BENEFITS.—At
21 the time a worker begins to receive a wage subsidy
22 under this subsection the worker shall not be eligible
23 to receive any benefits under this Act other than the
24 wage subsidy unless the Secretary determines, pur-
25 suant to standards established by the Secretary, that

1 the worker has shown circumstances that warrant
2 eligibility for training benefits under section 240.

3 “(6) FUNDING.—The total amount of payments
4 that may be made under this subsection for any fis-
5 cal year shall not exceed \$100,000,000.

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

8 “(1) STUDY BY THE GENERAL ACCOUNTING OF-
9 FICE.—

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

15 “(B) REPORT.—Not later than 1 year
16 after the date of enactment of the Trade Ad-
17 justment Assistance Improvement Act of 2002,
18 the Comptroller General shall submit to the
19 Committee on Finance of the Senate and the
20 Committee on Ways and Means of the House of
21 Representatives a report on the study con-
22 ducted under subparagraph (A). The report
23 shall include a description of—

1 “(i) all Federal programs designed to
2 assist workers facing job loss and economic
3 distress, including all benefits and services;

4 “(ii) eligibility requirements for each
5 of the programs; and

6 “(iii) procedures for applying for and
7 receiving benefits and services under each
8 of the programs.

9 “(C) DISTRIBUTION OF GAO REPORT.—

10 The report described in subparagraph (B) shall
11 be distributed to all one-stop partners author-
12 ized under the Workforce Investment Act of
13 1998.

14 “(2) STUDIES BY THE STATES.—

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

18 “(B) GRANTS.—The Secretary may award
19 to each State a grant, not to exceed \$50,000,
20 to enable the State to conduct the study de-
21 scribed in subparagraph (A). Each study shall
22 be undertaken in consultation with affected par-
23 ties.

24 “(C) REPORT.—Not later than 1 year
25 after the date of the grant, each State that re-

1 ceives a grant under subparagraph (B) shall
 2 submit to the Committee on Finance of the
 3 Senate and the Committee on Ways and Means
 4 of the House of Representatives the report de-
 5 scribed in subparagraph (A).

6 “(D) DISTRIBUTION OF STATE RE-
 7 PORTS.—A report prepared by a State under
 8 this paragraph shall be distributed to all the
 9 one-stop partners in the State.

10 **“Subchapter D—Payment and Enforcement**
 11 **Provisions**

12 **“SEC. 244. PAYMENTS TO STATES.**

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

18 “(b) LIMITATION ON USE OF FUNDS.—

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

22 “(2) RETURN OF FUNDS NOT SO USED.—
 23 Money paid that is not used for the purpose for
 24 which it is paid under subsection (a) shall be re-
 25 turned to the Secretary of the Treasury at the time

1 specified in the agreement entered into under section
2 222.

3 “(c) SURETY BOND.—Any agreement under section
4 222 may require any officer or employee of the cooper-
5 ating State certifying payments or disbursing funds under
6 the agreement or otherwise participating in the perform-
7 ance of the agreement, to give a surety bond to the United
8 States in an amount the Secretary deems necessary, and
9 may provide for the payment of the cost of that bond from
10 funds for carrying out the purposes of this chapter.

11 **“SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING**
12 **OFFICERS.**

13 “(a) LIABILITY OF CERTIFYING OFFICIALS.—No
14 person designated by the Secretary, or designated pursu-
15 ant to an agreement entered into under section 222, as
16 a certifying officer, in the absence of gross negligence or
17 intent to defraud the United States, shall be liable with
18 respect to any payment certified by that person under this
19 chapter.

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

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

2 “(a) IN GENERAL.—

3 “(1) OVERPAYMENT.—If a cooperating State,
4 the Secretary, or a court of competent jurisdiction
5 determines that any person has received any pay-
6 ment under this chapter to which the person was not
7 entitled, including a payment referred to in sub-
8 section (b), that person shall be liable to repay that
9 amount to the cooperating State or the Secretary, as
10 the case may be.

11 “(2) EXCEPTION.—The cooperating State or
12 the Secretary may waive repayment if the cooper-
13 ating State or the Secretary determines, in accord-
14 ance with guidelines prescribed by the Secretary,
15 that all of the following apply:

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

18 “(B) REPAYMENT CONTRARY TO EQ-
19 UITY.—Requiring repayment would be contrary
20 to equity and good conscience.

21 “(3) PROCEDURE FOR RECOVERY.—

22 “(A) RECOVERY FROM OTHER ALLOW-
23 ANCES AUTHORIZED.—Unless an overpayment
24 is otherwise recovered or waived under para-
25 graph (2), the cooperating State or the Sec-
26 retary shall recover the overpayment by deduc-

1 tions from any sums payable to that person
2 under this chapter, under any Federal unem-
3 ployment compensation law administered by the
4 cooperating State or the Secretary, or under
5 any other Federal law administered by the co-
6 operating State or the Secretary that provides
7 for the payment of assistance or an allowance
8 with respect to unemployment.

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

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

1 “(1) FALSE STATEMENT.—The person know-
2 ingly made, or caused another to make, a false state-
3 ment or representation of a material fact, and as a
4 result of the false statement or representation, the
5 person received any payment under this chapter to
6 which the person was not entitled.

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

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

20 “(d) RECOVERED FUNDS.—Any amount recovered
21 under this section shall be returned to the Treasury of
22 the United States.

23 **“SEC. 247. CRIMINAL PENALTIES.**

24 “Whoever makes a false statement of a material fact
25 knowing it to be false, or knowingly fails to disclose a ma-

1 terial fact, for the purpose of obtaining or increasing for
2 that person or for any other person any payment author-
3 ized to be furnished under this chapter or pursuant to an
4 agreement under section 222 shall be fined not more than
5 \$10,000, imprisoned for not more than 1 year, or both.

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

7 “There are authorized to be appropriated to the De-
8 partment of Labor, for the period beginning October 1,
9 2001, and ending September 30, 2007, such sums as may
10 be necessary to carry out the purposes of this chapter,
11 including such additional sums for administrative ex-
12 penses as may be necessary for the department to meet
13 the increased workload created by the Trade Adjustment
14 Assistance Improvement Act of 2002, provided that fund-
15 ing provided for training services shall not be used for ex-
16 penses of administering the trade adjustment assistance
17 for workers program. Amounts appropriated under this
18 section shall remain available until expended.

19 **“SEC. 249. REGULATIONS.**

20 “The Secretary shall prescribe such regulations as
21 may be necessary to carry out the provisions of this chap-
22 ter.

23 **“SEC. 250. SUBPOENA POWER.**

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

1 of evidence necessary to make a determination under the
 2 provisions of this chapter.

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

7 **SEC. 102. DISPLACED WORKER SELF-EMPLOYMENT TRAIN-**
 8 **ING PILOT PROGRAM.**

9 (a) ESTABLISHMENT.—Not later than 6 months after
 10 the date of enactment of this Act, the Administrator of
 11 the Small Business Administration (in this section re-
 12 ferred to as the “Administrator”) shall establish a self-
 13 employment training program (in this section referred to
 14 as the “Program”) for adversely affected workers (as de-
 15 fined in chapter 2 of title II of the Trade Act of 1974),
 16 to be administered by the Small Business Administration.

17 (b) ELIGIBILITY FOR ASSISTANCE.—If an adversely
 18 affected worker seeks or receives assistance through the
 19 Program, such action shall not affect the eligibility of that
 20 worker to receive benefits under chapter 2 of title II of
 21 the Trade Act of 1974.

22 (c) TRAINING ASSISTANCE.—The Program shall in-
 23 clude, at a minimum, training in—

24 (1) pre-business startup planning;

1 (2) awareness of basic credit practices and
2 credit requirements; and

3 (3) developing business plans, financial pack-
4 ages, and credit applications.

5 (d) OUTREACH.—The Program should include out-
6 reach to adversely affected workers and counseling and
7 lending partners of the Small Business Administration.

8 (e) REPORTS TO CONGRESS.—Beginning not later
9 than 180 days after the date of enactment of this Act,
10 the Administrator shall submit quarterly reports to the
11 Committee on Finance and the Committee on Small Busi-
12 ness and Entrepreneurship of the Senate and the Com-
13 mittee on Ways and Means and the Committee on Small
14 Business of the House of Representatives regarding the
15 implementation of the Program, including Program deliv-
16 ery, staffing, and administrative expenses related to such
17 implementation.

18 (f) GUIDELINES.—Not later than 180 days after the
19 date of enactment of this Act, the Administrator shall
20 issue such guidelines as the Administrator determines to
21 be necessary to carry out the Program.

22 (g) EFFECTIVE DATE.—The Program shall termi-
23 nate 3 years after the date of final publication of guide-
24 lines under subsection (f).

1 **SEC. 103. COORDINATION WITH OTHER TRADE PROVI-**
2 **SIONS.**

3 (a) RECOMMENDATIONS BY ITC.—

4 (1) Section 202(e)(2)(D) of the Trade Act of
5 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by
6 striking “, including the provision of trade adjust-
7 ment assistance under chapter 2”.

8 (2) Section 203(a)(3)(D) of the Trade Act of
9 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by
10 striking “, including the provision of trade adjust-
11 ment assistance under chapter 2”.

12 (b) ASSISTANCE FOR WORKERS.—Section
13 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.
14 2252(a)(1)(A)) is amended to read as follows:

15 “(A) After receiving a report under section
16 202(f) containing an affirmative finding regard-
17 ing serious injury, or the threat thereof, to a
18 domestic industry—

19 “(i) the President shall take all appro-
20 priate and feasible action within his power;
21 and

22 “(ii) the Secretary of Labor, the Sec-
23 retary of Agriculture, or the Secretary of
24 Commerce, as appropriate, shall certify as
25 eligible for trade adjustment assistance
26 under section 231(a), 292, or 299B, work-

1 ers, farmers, or fishermen who are or were
2 employed in the domestic industry defined
3 by the Commission if such workers, farm-
4 ers, or fishermen become totally or par-
5 tially separated, or are threatened to be-
6 come totally or partially separated not
7 more than 1 year before or not more than
8 1 year after the date on which the Com-
9 mission made its report to the President
10 under section 202(f).”.

11 (c) SPECIAL LOOK-BACK RULE.—Section
12 203(a)(1)(A) of the Trade Act of 1974 shall apply to a
13 worker, farmer, or fisherman if not more than 1 year be-
14 fore the date of enactment of the Trade Adjustment As-
15 sistance Improvement Act of 2002 the Commission noti-
16 fied the President of an affirmative determination under
17 section 202(f) of such Act with respect the domestic indus-
18 try in which such worker, farmer, or fisherman was em-
19 ployed.

20 **TITLE II—TRADE ADJUSTMENT**
21 **ASSISTANCE FOR FIRMS**

22 **SEC. 201. REAUTHORIZATION OF PROGRAM.**

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

1 “(b) There are authorized to be appropriated to the
2 Secretary \$16,000,000 for each of fiscal years 2002
3 through 2007, to carry out the Secretary’s functions under
4 this chapter in connection with furnishing adjustment as-
5 sistance to firms. Amounts appropriated under this sub-
6 section shall remain available until expended.”.

7 (b) ELIGIBILITY CRITERIA.—Section 251(c) of chap-
8 ter 3 of title II of the Trade Act of 1974 (19 U.S.C.
9 2341(c)) is amended—

10 (1) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) The Secretary shall certify a firm (includ-
13 ing any agricultural firm) as eligible to apply for ad-
14 justment assistance under this chapter if the Sec-
15 retary determines that a significant number or pro-
16 portion of the workers in such firm have become to-
17 tally or partially separated, or are threatened to be-
18 come totally or partially separated, and that either—

19 “(A) increases in the value or volume of
20 imports of articles like or directly competitive
21 with articles which are produced by such firm
22 contributed importantly to such total or partial
23 separation, or threat thereof; or

24 “(B) a shift in production by the workers’
25 firm or subdivision to a foreign country of arti-

1 cles like or directly competitive with articles
 2 which are produced by that firm or subdivision
 3 contributed importantly to the workers' separa-
 4 tion or threat of separation.”; and

5 (2) in paragraph (2), by striking “paragraph
 6 (1)(C)” and inserting “paragraph (1)”.

7 **TITLE III—TRADE ADJUSTMENT**
 8 **ASSISTANCE FOR COMMUNITIES**

9 **SEC. 301. PURPOSE.**

10 The purpose of this title is to assist communities with
 11 economic adjustment through the integration of political
 12 and economic organizations, the coordination of Federal,
 13 State, and local resources, the creation of community-
 14 based development strategies, and the provision of eco-
 15 nomic transition assistance.

16 **SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
 17 **NITIES.**

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

20 **“CHAPTER 4—COMMUNITY ECONOMIC**
 21 **ADJUSTMENT**

22 **“SEC. 271. DEFINITIONS.**

23 “In this chapter:

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

4 “(2) COMMUNITY.—The term ‘community’
5 means a county or equivalent political subdivision of
6 a State.

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

10 “(B) URBAN COMMUNITY.—The term
11 ‘urban community’ means a community that
12 has a rural-urban continuum code of 0 through
13 3.

14 “(3) COMMUNITY ECONOMIC DEVELOPMENT CO-
15 ORDINATING COMMITTEE.—The term ‘Community
16 Economic Development Coordinating Committee’
17 means a community group established under section
18 274 that consists of major groups significantly af-
19 fected by an increase in imports or a shift in produc-
20 tion, including local, regional, tribal, and State gov-
21 ernments, regional councils of governments and eco-
22 nomic development, and business, labor, education,
23 health, religious, and other community-based organi-
24 zations.

1 “(4) DIRECTOR.—The term ‘Director’ means
2 the Director of the Office of Community Trade Ad-
3 justment.

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

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

11 “(7) OFFICE.—The term ‘Office’ means the Of-
12 fice of Community Trade Adjustment established
13 under section 272.

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

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

21 **“SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.**

22 “(a) ESTABLISHMENT.—Within 6 months of the date
23 of enactment of the Trade Adjustment Assistance Im-
24 provement Act of 2002, there shall be established in the
25 Office of Economic Adjustment of the Economic Develop-

1 ment Administration of the Department of Commerce an
2 Office of Community Trade Adjustment.

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

6 “(c) COORDINATION OF FEDERAL RESPONSE.—The
7 Office shall—

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

11 “(2) establish an easily accessible, one-stop
12 clearinghouse for States and eligible communities to
13 obtain information regarding economic development
14 assistance available under Federal law;

15 “(3) coordinate the Federal response to an eli-
16 gible community—

17 “(A) by identifying all Federal, State, and
18 local resources that are available to assist the
19 eligible community in recovering from economic
20 distress;

21 “(B) by ensuring that all Federal agencies
22 offering assistance to an eligible community do
23 so in a targeted, integrated manner that en-
24 sures that an eligible community has access to
25 all available Federal assistance;

1 “(C) by assuring timely consultation and
2 cooperation between Federal, State, and re-
3 gional officials concerning community economic
4 adjustment;

5 “(D) by identifying and strengthening ex-
6 isting agency mechanisms designed to assist
7 communities in economic adjustment and work-
8 force reemployment;

9 “(E) by applying consistent policies, prac-
10 tices, and procedures in the administration of
11 Federal programs that are used to assist com-
12 munities adversely impacted by an increase in
13 imports or a shift in production;

14 “(F) by creating, maintaining, and using a
15 uniform economic database to analyze commu-
16 nity adjustment activities; and

17 “(G) by assigning a community economic
18 adjustment advisor to work with each eligible
19 community;

20 “(4) provide comprehensive technical assistance
21 to any eligible community in the efforts of that com-
22 munity to—

23 “(A) identify serious economic problems in
24 the community that result from an increase in
25 imports or shift in production;

1 “(B) integrate the major groups and orga-
2 nizations significantly affected by the economic
3 adjustment;

4 “(C) organize a Community Economic De-
5 velopment Coordinating Committee;

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

9 “(E) diversify and strengthen the commu-
10 nity economy; and

11 “(F) develop a community-based strategic
12 plan to address workforce dislocation and eco-
13 nomic development;

14 “(5) establish specific criteria for submission
15 and evaluation of a strategic plan submitted under
16 section 276(d);

17 “(6) administer the grant programs established
18 under sections 276 and 277; and

19 “(7) establish an interagency Trade Adjustment
20 Assistance Working Group, consisting of the rep-
21 resentatives of any Federal department or agency
22 with responsibility for economic adjustment assist-
23 ance, including the Department of Agriculture, the
24 Department of Defense, the Department of Edu-
25 cation, the Department of Labor, the Department of

1 Housing and Urban Development, the Department
2 of Health and Human Services, the Small Business
3 Administration, the Department of the Treasury, the
4 Department of Commerce, the Office of the United
5 States Trade Representative, and the National Eco-
6 nomic Council.

7 “(d) WORKING GROUP.—The working group estab-
8 lished under subsection (c)(7) shall examine other options
9 for addressing trade impacts on communities, such as:

10 “(1) Seeking legislative language directing the
11 Foreign Trade Zone (‘FTZ’) Board to expedite con-
12 sideration of FTZ applications from communities or
13 businesses that have been found eligible for trade
14 adjustment assistance.

15 “(2) Seeking legislative language to make new
16 markets tax credits available in communities im-
17 pacted by trade.

18 “(3) Seeking legislative language to make work
19 opportunity tax credits available for hiring unem-
20 ployed workers who are certified eligible for trade
21 adjustment assistance.

22 “(4) Examining ways to assist trade impacted
23 rural communities and industries take advantage of
24 the Department of Agriculture’s rural development
25 program.

1 **“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELI-**
2 **GIBLE COMMUNITY.**

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

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

15 “(1) NUMBER OF JOB LOSSES.—The Director
16 finds that—

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

22 “(B) in a rural community, at least 300
23 workers have been certified for assistance under
24 section 231 in the most recent 36-month period
25 preceding the date of certification under this
26 section for which data are available.

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

12 “(2) FEDERAL PARTICIPATION.—Pursuant to
13 section 275(b)(3), the community economic adjust-
14 ment advisor, assigned by the Director to assist an
15 eligible community, shall serve as an ex officio mem-
16 ber of the Community Economic Development Co-
17 ordinating Committee, and shall arrange for partici-
18 pation by representatives of other Federal agencies
19 on that Committee as necessary.

20 “(3) EXISTING ORGANIZATION.—An eligible
21 community may designate an existing organization
22 in that community as the Community Economic De-
23 velopment Coordinating Committee if that organiza-
24 tion meets the requirements of paragraph (1) for the
25 purposes of this chapter.

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

3 “(1) ascertain the severity of the community
4 economic adjustment required as a result of the in-
5 crease in imports or shift in production;

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

18 “(3) facilitate a dialogue between concerned in-
19 terests in the community, represent the impacted
20 community, and ensure all interests in the commu-
21 nity work collaboratively toward collective goals
22 without duplication of effort or resources;

23 “(4) oversee the development of a strategic plan
24 for community economic development, taking into
25 consideration the factors mentioned under para-

1 graph (2), and consistent with the criteria estab-
 2 lished by the Secretary for the strategic plan devel-
 3 oped under section 276;

4 “(5) create an executive council of members of
 5 the Community Economic Development Coordinating
 6 Committee to promote the strategic plan within the
 7 community and ensure coordination and cooperation
 8 among all stakeholders; and

9 “(6) apply for any grant, loan, or loan guar-
 10 antee available under Federal law to develop or im-
 11 plement the strategic plan, and be an eligible recipi-
 12 ent for funding for economic adjustment for that
 13 community.

14 **“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVI-
 15 SORS.**

16 “(a) IN GENERAL.—Pursuant to section
 17 272(c)(3)(G), the Director shall assign a community eco-
 18 nomic adjustment advisor to each eligible community.

19 “(b) DUTIES.—The community economic adjustment
 20 advisor shall—

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

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

4 “(3) serve as an ex officio member of the Com-
5 munity Economic Development Coordinating Com-
6 mittee established by an eligible community under
7 section 274;

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

20 “(5) report regularly to the Director regarding
21 the progress of development activities in the commu-
22 nity to which the community economic adjustment
23 advisor is assigned; and

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

1 **“SEC. 276. STRATEGIC PLANS.**

2 “(a) IN GENERAL.—With the assistance of the com-
3 munity economic adjustment advisor, an eligible commu-
4 nity may develop a strategic plan for community economic
5 adjustment and diversification.

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

8 “(1) A description and justification of the ca-
9 pacity for economic adjustment, including the meth-
10 od of financing to be used, the anticipated manage-
11 ment structure of the Community Economic Devel-
12 opment Coordinating Committee, and the commit-
13 ment of the community to the strategic plan over the
14 long term.

15 “(2) A description of, and a plan to accomplish,
16 the projects to be undertaken by the eligible commu-
17 nity.

18 “(3) A description of how the plan and the
19 projects to be undertaken by the eligible community
20 will lead to job creation and job retention in the
21 community.

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

1 “(5) A description of any additional steps the
2 eligible community will take to achieve economic ad-
3 justment and diversification, including how the plan
4 and the projects will contribute to establishing or
5 maintaining a level of public services necessary to
6 attract and retain economic investment.

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

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

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

19 “(9) A graduation strategy through which the
20 eligible community demonstrates that the community
21 will terminate the need for Federal assistance.

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

23 “(1) IN GENERAL.—The Director, upon receipt
24 of an application from a Community Economic De-
25 velopment Coordinating Committee on behalf of an

1 eligible community, shall award a grant to that com-
2 munity to be used to develop the strategic plan.

3 “(2) AMOUNT.—The amount of a grant made
4 under paragraph (1) shall be determined by the Sec-
5 retary, but may not exceed \$50,000 to each commu-
6 nity.

7 “(3) LIMIT.—Each community can only receive
8 1 grant under this subsection for the purpose of de-
9 veloping a strategic plan in any 5-year period.

10 “(d) SUBMISSION OF PLAN.—A strategic plan devel-
11 oped under subsection (a) shall be submitted to the Direc-
12 tor for evaluation and approval.

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

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

20 “(1) will be located in, or will create or preserve
21 high-wage jobs, in that eligible community; and

22 “(2) implements the strategy of that eligible
23 community to create high-wage jobs in sectors that
24 are expected to expand, including projects that—

1 “(A) encourage industries to locate in that
2 eligible community, if such funds are not used
3 to encourage the relocation of any employer in
4 a manner that causes the dislocation of employ-
5 ees of that employer at another facility in the
6 United States;

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

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

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

17 “(E) assist the community in acquiring the
18 resources and providing the level of public serv-
19 ices necessary to meet the objectives set out in
20 the strategic plan.

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

22 “‘There are authorized to be appropriated to the De-
23 partment of Commerce, for each of fiscal years 2003
24 through 2007, \$45,000,000 to carry out the purposes of
25 this chapter.

1 **“SEC. 279. GENERAL PROVISIONS.**

2 “(a) REPORT BY THE DIRECTOR.—Not later than 6
3 months after the date of enactment of the Trade Adjust-
4 ment Assistance Improvement Act of 2002, and annually
5 thereafter, the Director shall submit to the Committee on
6 Finance of the Senate and the Committee on Ways and
7 Means of the House of Representatives a report regarding
8 the programs established under this title.

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

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

17 **SEC. 303. COMMUNITY WORKFORCE PARTNERSHIPS.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “Community Workforce Development and Modernization
20 Partnership Act”.

21 (b) GENERAL AUTHORITY.—Title II of the Trade Act
22 of 1974 (19 U.S.C. 2251 et seq.) (as amended by sections
23 401 and 501) is further amended by inserting after chap-
24 ter 7 the following:

1 **“CHAPTER 8—COMMUNITY WORKFORCE**
2 **PARTNERSHIPS**

3 **“SEC. 299K. AUTHORIZATION.**

4 “(a) IN GENERAL.—From amounts made available to
5 carry out this chapter, the Secretary of Labor (referred
6 to in this chapter as the ‘Secretary’), in consultation with
7 the Secretary of Commerce and the Secretary of Edu-
8 cation, shall award grants on a competitive basis to eligible
9 entities described in subsection (b) to assist each entity
10 to—

11 “(1) help workers improve those job skills that
12 are necessary for employment by businesses in the
13 industry with respect to which the entity was estab-
14 lished;

15 “(2) help dislocated workers find employment;
16 and

17 “(3) upgrade the operating and competitive ca-
18 pacities of businesses that are members of the enti-
19 ty.

20 “(b) ELIGIBLE ENTITIES.—An eligible entity de-
21 scribed in this subsection is a consortium (either estab-
22 lished prior to the date of enactment of the Community
23 Workforce Development and Modernization Partnership
24 Act or established specifically to carry out programs under
25 this chapter) that—

1 “(1) shall include—

2 “(A) 2 or more businesses (or nonprofit or-
3 ganizations representing businesses) that are
4 facing similar workforce development or busi-
5 ness modernization challenges;

6 “(B) labor organizations, if the businesses
7 described in subparagraph (A) employ workers
8 who are covered by collective bargaining agree-
9 ments; and

10 “(C) 1 or more businesses (or nonprofit or-
11 ganizations that represent businesses) with re-
12 sources or expertise that can be brought to bear
13 on the workforce development and business
14 modernization challenges referred to in sub-
15 paragraph (A); and

16 “(2) may include—

17 “(A) State governments and units of local
18 government;

19 “(B) educational institutions;

20 “(C) labor organizations; or

21 “(D) nonprofit organizations.

22 “(c) COMMON GEOGRAPHIC REGION.—To the max-
23 imum extent practicable, the organizations that are mem-
24 bers of an eligible entity described in subsection (b) shall

1 be located within a single geographic region of the United
2 States.

3 “(d) PRIORITY CONSIDERATION.—In awarding
4 grants under subsection (a), the Secretary shall give pri-
5 ority consideration to—

6 “(1) eligible entities that serve dislocated work-
7 ers or workers who are threatened with becoming to-
8 tally or partially separated from employment;

9 “(2) eligible entities that include businesses
10 with fewer than 250 employees; or

11 “(3) eligible entities from a geographic region
12 in the United States that has been adversely im-
13 pacted by the movement of manufacturing oper-
14 ations or businesses to other regions or countries,
15 due to corporate restructuring, technological ad-
16 vances, Federal law, international trade, or another
17 factor, as determined by the Secretary.

18 “(e) APPLICATION.—To be eligible to receive a grant
19 under this section, an entity shall submit an application
20 to the Secretary at such time, in such manner, and con-
21 taining such information as the Secretary may reasonably
22 require.

23 **“SEC. 299L. PARTNERSHIP ACTIVITIES.**

24 “(a) USE OF GRANT AMOUNTS.—Each eligible entity
25 that receives a grant under section 299K shall use the

1 amount made available through the grant to carry out a
2 program that provides—

3 “(1) workforce development activities to im-
4 prove the job skills of individuals who have, are
5 seeking, or have been dislocated from, employment
6 with a business that is a member of that eligible en-
7 tity, or with a business that is in the industry of a
8 business that is a member of that eligible entity;

9 “(2) business modernization activities; or

10 “(3) activities that are—

11 “(A) workforce investment activities (in-
12 cluding such activities carried out through one-
13 stop delivery systems) carried out under subtitle
14 B of title I of the Workforce Investment Act of
15 1998 (42 U.S.C. 2811 et seq.); or

16 “(B) activities described in section 25 of
17 the National Institute of Standards and Tech-
18 nology Act (15 U.S.C. 278k).

19 “(b) ACTIVITIES INCLUDED.—

20 “(1) WORKFORCE DEVELOPMENT ACTIVI-
21 TIES.—The workforce development activities referred
22 to in subsection (a)(1) may include activities that—

23 “(A) develop skill standards and provide
24 training, including—

- 1 “(i) assessing the training and job
2 skill needs of the industry involved;
- 3 “(ii) developing a sequence of skill
4 standards that are benchmarked to ad-
5 vanced industry practices;
- 6 “(iii) developing curricula and train-
7 ing methods;
- 8 “(iv) purchasing, leasing, or receiving
9 donations of training equipment;
- 10 “(v) identifying and developing the
11 skills of training providers;
- 12 “(vi) developing apprenticeship pro-
13 grams; and
- 14 “(vii) developing training programs
15 for dislocated workers;
- 16 “(B) assist workers in finding new employ-
17 ment; or
- 18 “(C) provide supportive services to workers
19 who—
- 20 “(i) are participating in a program
21 carried out by the entity under this chap-
22 ter; and
- 23 “(ii) are unable to obtain the sup-
24 portive services through another program
25 providing the services.

1 “(2) BUSINESS MODERNIZATION ACTIVITIES.—
2 The business modernization activities referred to in
3 subsection (a)(2) may include activities that upgrade
4 technical or organizational capabilities in conjunc-
5 tion with improving the job skills of workers in a
6 business that is a member of that entity.

7 **“SEC. 299M. SEED GRANTS AND OUTREACH ACTIVITIES.**

8 “(a) SEED GRANTS.—The Secretary may provide
9 technical assistance and award financial assistance (not
10 to exceed \$150,000 per award) on such terms and condi-
11 tions as the Secretary determines to be appropriate—

12 “(1) to businesses, nonprofit organizations rep-
13 resenting businesses, and labor organizations, for
14 the purpose of establishing an eligible entity; and

15 “(2) to entities described in paragraph (1) and
16 established eligible entities, for the purpose of pre-
17 paring such application materials as may be required
18 under section 299K(e).

19 “(b) OUTREACH AND PROMOTIONAL ACTIVITIES.—
20 The Secretary may undertake such outreach and pro-
21 motional activities as the Secretary determines will best
22 carry out the objectives of this chapter.

23 “(c) LIMITATIONS ON EXPENDITURES.—The Sec-
24 retary may not use more than 10 percent of the amount

1 authorized to be appropriated under section 299P to carry
2 out this section.

3 **“SEC. 299N. LIMITATIONS ON FUNDING.**

4 “(a) REQUIREMENT OF MATCHING FUNDS.—The
5 Secretary may not award a grant under this chapter to
6 an eligible entity unless such entity agrees that the entity
7 will make available non-Federal contributions toward the
8 costs of carrying out activities funded by that grant in
9 an amount that is not less than \$2 for each \$1 of Federal
10 funds made available through the grant.

11 “(b) IN-KIND CONTRIBUTIONS.—The Secretary—

12 “(1) shall, in awarding grants under this chap-
13 ter, give priority consideration to those entities
14 whose members offer in-kind contributions; and

15 “(2) may not consider any in-kind contribution
16 in lieu of or as any part of the contributions re-
17 quired under subsection (a).

18 “(c) SENIOR MANAGEMENT TRAINING AND DEVEL-
19 OPMENT.—An eligible entity may not use any amount
20 made available through a grant awarded under this chap-
21 ter for training and development activities for senior man-
22 agement, unless that entity certifies to the Secretary that
23 expenditures for the activities are—

24 “(1) an integral part of a comprehensive mod-
25 ernization plan; or

1 “(2) dedicated to team building or employee in-
2 volvement programs.

3 “(d) PERFORMANCE MEASURES.—Each eligible enti-
4 ty shall, in carrying out the activities referred to in section
5 299L, provide for development of, and tracking of per-
6 formance according to, performance outcome measures.

7 “(e) ADMINISTRATIVE COSTS.—Each eligible entity
8 may use not more than 20 percent of the amount made
9 available to that entity through a grant awarded under
10 this chapter to pay for administrative costs.

11 “(f) MAXIMUM AMOUNT OF GRANT.—No eligible en-
12 tity may receive—

13 “(1) a grant under this chapter in an amount
14 of more than \$1,000,000 for any fiscal year; or

15 “(2) grants under this chapter in any amount
16 for more than 3 fiscal years.

17 “(g) SUPPORT FOR EXISTING OPERATIONS.—

18 “(1) IN GENERAL.—In making grants under
19 this chapter, the Secretary may use a portion equal
20 to not more than 50 percent of the funds appro-
21 priated to carry out this chapter for a fiscal year, to
22 support the existing training and modernization op-
23 erations of existing eligible entities.

24 “(2) ENTITIES.—The Secretary may award a
25 grant to an existing eligible entity for existing train-

1 ing and modernization operations only if the
2 entity—

3 “(A) currently offers (as of the date of the
4 award of the grant) a combination of training,
5 modernization, and business assistance services;

6 “(B) targets industries with jobs that tra-
7 ditionally have low wages;

8 “(C) targets industries that are faced with
9 chronic job loss; and

10 “(D) has demonstrated success in accom-
11 plishing the objectives of activities described in
12 section 299L.

13 “(3) APPLICATION.—Paragraph (1) shall not
14 apply to support for the expansion of training and
15 modernization operations of existing eligible entities.

16 “(4) DEFINITIONS.—In this subsection:

17 “(A) EXISTING TRAINING AND MOD-
18 ERNIZATION ACTIVITY.—The term ‘existing
19 training and modernization activity’ means a
20 training and modernization activity carried out
21 prior to the date of enactment of the Commu-
22 nity Workforce Development and Modernization
23 Partnership Act.

24 “(B) EXISTING ELIGIBLE ENTITY.—The
25 term ‘existing eligible entity’ means an eligible

1 entity that was established prior to the date of
2 enactment of the Community Workforce Devel-
3 opment and Modernization Partnership Act.

4 **“SEC. 299O. EVALUATION.**

5 “Not later than 3 years after the date of enactment
6 of the Community Workforce Development and Mod-
7 ernization Partnership Act, the Secretary shall prepare
8 and submit to Congress a report on the effectiveness of
9 the activities carried out under this chapter.

10 **“SEC. 299P. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this chapter—

13 “(1) \$10,000,000 for fiscal year 2003;

14 “(2) \$15,000,000 for fiscal year 2004;

15 “(3) \$20,000,000 for fiscal year 2005;

16 “(4) \$25,000,000 for fiscal year 2006; and

17 “(5) \$30,000,000 for fiscal year 2007.”.

18 (c) TABLE OF CONTENTS.—The table of contents for
19 the Trade Act of 1974 (19 U.S.C. 2101 et seq.) (as
20 amended in section 701(a)) is further amended by insert-
21 ing after the items relating to chapter 7 of title II the
22 following:

“CHAPTER 8—COMMUNITY WORKFORCE PARTNERSHIPS

“Sec. 299K. Authorization.

“Sec. 299L. Partnership activities.

“Sec. 299M. Seed grants and outreach activities.

“Sec. 299N. Limitations on funding.

“Sec. 299O. Evaluation.

“Sec. 299P. Authorization of appropriations.”.

1 **TITLE IV—TRADE ADJUSTMENT**
 2 **ASSISTANCE FOR FARMERS**

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

4 (a) IN GENERAL.—Title II of the Trade Act of 1974
 5 (19 U.S.C. 2251 et seq.) is amended by adding at the end
 6 the following new chapter:

7 **“CHAPTER 6—ADJUSTMENT ASSISTANCE**
 8 **FOR FARMERS**

9 **“SEC. 291. DEFINITIONS.**

10 “In this chapter:

11 “(1) AGRICULTURAL COMMODITY.—The term
 12 ‘agricultural commodity’ means any agricultural
 13 commodity (including livestock), except fish as de-
 14 fined in section 299(1) of this Act, in its raw or nat-
 15 ural state.

16 “(2) AGRICULTURAL COMMODITY PRODUCER.—
 17 The term ‘agricultural commodity producer’ has the
 18 same meaning as the term ‘person’ as prescribed by
 19 regulations promulgated under section 1001(5) of
 20 the Food Security Act of 1985 (7 U.S.C. 1308(5)).
 21 The term does not include any person described in
 22 section 299(2) of this Act.

23 “(3) CONTRIBUTED IMPORTANTLY.—

24 “(A) IN GENERAL.—The term ‘contributed
 25 importantly’ means a cause which is important

1 but not necessarily more important than any
2 other cause.

3 “(B) DETERMINATION OF CONTRIBUTED
4 IMPORTANTLY.—The determination of whether
5 imports of articles like or directly competitive
6 with an agricultural commodity with respect to
7 which a petition under this chapter was filed
8 contributed importantly to a decline in the price
9 of the agricultural commodity shall be made by
10 the Secretary.

11 “(4) DULY AUTHORIZED REPRESENTATIVE.—
12 The term ‘duly authorized representative’ means an
13 association of agricultural commodity producers.

14 “(5) NATIONAL AVERAGE PRICE.—The term
15 ‘national average price’ means the national average
16 price paid to an agricultural commodity producer for
17 an agricultural commodity in a marketing year as
18 determined by the Secretary.

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

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

22 “(a) IN GENERAL.—A petition for a certification of
23 eligibility to apply for adjustment assistance under this
24 chapter may be filed with the Secretary by a group of agri-
25 cultural commodity producers or by their duly authorized

1 representative. Upon receipt of the petition, the Secretary
2 shall promptly publish notice in the Federal Register that
3 the Secretary has received the petition and initiated an
4 investigation.

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

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

17 “(1) that the national average price for the ag-
18 ricultural commodity, or a class of goods within the
19 agricultural commodity, produced by the group for
20 the most recent marketing year for which the na-
21 tional average price is available is less than 80 per-
22 cent of the average of the national average price for
23 such agricultural commodity, or such class of goods,
24 for the 5 marketing years preceding the most recent
25 marketing year; and

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

6 “(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT
7 YEARS.—A group of agricultural commodity producers
8 certified as eligible under section 293 shall be eligible to
9 apply for assistance under this chapter in any qualified
10 year after the year the group is first certified, if the Sec-
11 retary determines that—

12 “(1) the national average price for the agricul-
13 tural commodity, or class of goods within the agri-
14 cultural commodity, produced by the group for the
15 most recent marketing year for which the national
16 average price is available is equal to or less than the
17 price determined under subsection (c)(1); and

18 “(2) the requirements of subsection (c)(2) are
19 met.

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

22 “(1) QUALIFIED YEAR.—The term ‘qualified
23 year’, with respect to a group of agricultural com-
24 modity producers certified as eligible under section
25 293, means each consecutive year after the year in

1 of the determination in the Federal Register, together with
2 the Secretary's reasons for making the determination.

3 “(c) **TERMINATION OF CERTIFICATION.**—Whenever
4 the Secretary determines, with respect to any certification
5 of eligibility under this chapter, that the decline in price
6 for the agricultural commodity covered by the certification
7 is no longer attributable to the conditions described in sec-
8 tion 292, the Secretary shall terminate such certification
9 and promptly cause notice of such termination to be pub-
10 lished in the Federal Register, together with the Sec-
11 retary's reasons for making such determination.

12 **“SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COM-**
13 **MISSION.**

14 “(a) **NOTIFICATION OF INVESTIGATION.**—Whenever
15 the International Trade Commission (in this chapter re-
16 ferred to as the ‘Commission’) begins an investigation
17 under section 202 with respect to an agricultural com-
18 modity, the Commission shall immediately notify the Sec-
19 retary of the investigation.

20 “(b) **NOTIFICATION OF AFFIRMATIVE DETERMINA-**
21 **TION.**—Whenever the Commission makes a report under
22 section 202(f) containing an affirmative finding regarding
23 serious injury, or the threat thereof, to a domestic indus-
24 try producing an agricultural commodity, the Commission
25 shall immediately notify the Secretary of that finding.

1 **“SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL**
2 **COMMODITY PRODUCERS.**

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

12 “(b) NOTICE OF BENEFITS.—

13 “(1) IN GENERAL.—The Secretary shall mail
14 written notice of the benefits available under this
15 chapter to each agricultural commodity producer
16 that the Secretary has reason to believe is covered
17 by a certification made under this chapter.

18 “(2) OTHER NOTICE.—The Secretary shall pub-
19 lish notice of the benefits available under this chap-
20 ter to agricultural commodity producers that are
21 covered by each certification made under this chap-
22 ter in newspapers of general circulation in the areas
23 in which such producers reside.

24 “(3) OTHER FEDERAL ASSISTANCE.—The Sec-
25 retary shall also provide information concerning pro-
26 cedures for applying for and receiving all other Fed-

1 eral assistance and services available to workers fac-
2 ing economic distress.

3 **“SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICUL-**
4 **TURAL COMMODITY PRODUCERS.**

5 “(a) IN GENERAL.—

6 “(1) REQUIREMENTS.—Payment of a trade ad-
7 justment allowance shall be made to an adversely af-
8 fected agricultural commodity producer covered by a
9 certification under this chapter who files an applica-
10 tion for such allowance within 90 days after the date
11 on which the Secretary makes a determination and
12 issues a certification of eligibility under section 293,
13 if the following conditions are met:

14 “(A) The producer submits to the Sec-
15 retary sufficient information to establish the
16 amount of agricultural commodity covered by
17 the application filed under subsection (a) that
18 was produced by the producer in the most re-
19 cent year.

20 “(B) The producer certifies that the pro-
21 ducer has not received cash benefits under any
22 provision of this title other than this chapter.

23 “(C) The producer’s net farm income (as
24 determined by the Secretary) for the most re-
25 cent year is less than the producer’s net farm

1 income for the latest year in which no adjust-
2 ment assistance was received by the producer
3 under this chapter.

4 “(D) The producer certifies that the pro-
5 ducer has met with an Extension Service em-
6 ployee or agent to obtain, at no cost to the pro-
7 ducer, information and technical assistance that
8 will assist the producer in adjusting to import
9 competition with respect to the adversely af-
10 fected agricultural commodity, including—

11 “(i) information regarding the feasi-
12 bility and desirability of substituting 1 or
13 more alternative commodities for the ad-
14 versely affected agricultural commodity;
15 and

16 “(ii) technical assistance that will im-
17 prove the competitiveness of the production
18 and marketing of the adversely affected
19 agricultural commodity by the producer,
20 including yield and marketing improve-
21 ments.

22 “(2) LIMITATION.—

23 “(A) IN GENERAL.—Notwithstanding any
24 other provision of this chapter, an agricultural
25 commodity producer shall not be eligible for as-

1 sistance under this chapter in any year in which
2 the average adjusted gross income of the pro-
3 ducer exceeds \$2,500,000.

4 “(B) CERTIFICATION.—To comply with the
5 limitation under subparagraph (A), an indi-
6 vidual or entity shall provide to the Secretary—

7 “(i) a certification by a certified pub-
8 lic accountant or another third party that
9 is acceptable to the Secretary that the av-
10 erage adjusted gross income of the pro-
11 ducer does not exceed \$2,500,000; or

12 “(ii) information and documentation
13 regarding the adjusted gross income of the
14 producer through other procedures estab-
15 lished by the Secretary.

16 “(C) DEFINITIONS.—In this subsection:

17 “(i) ADJUSTED GROSS INCOME.—The
18 term ‘adjusted gross income’ means ad-
19 justed gross income of an agricultural com-
20 modity producer—

21 “(I) as defined in section 62 of
22 the Internal Revenue Code of 1986
23 and implemented in accordance with
24 procedures established by the Sec-
25 retary; and

1 “(II) that is earned directly or
2 indirectly from all agricultural and
3 nonagricultural sources of an indi-
4 vidual or entity for a fiscal or cor-
5 responding crop year.

6 “(ii) AVERAGE ADJUSTED GROSS IN-
7 COME.—

8 “(I) IN GENERAL.—The term
9 ‘average adjusted gross income’ means
10 the average adjusted gross income of
11 a producer for each of the 3 preceding
12 taxable years.

13 “(II) EFFECTIVE ADJUSTED
14 GROSS INCOME.—In the case of a pro-
15 ducer that does not have an adjusted
16 gross income for each of the 3 pre-
17 ceding taxable years, the Secretary
18 shall establish rules that provide the
19 producer with an effective adjusted
20 gross income for the applicable year.

21 “(b) AMOUNT OF CASH BENEFITS.—

22 “(1) IN GENERAL.—Subject to the provisions of
23 section 298, an adversely affected agricultural com-
24 modity producer described in subsection (a) shall be

1 entitled to adjustment assistance under this chapter
2 in an amount equal to the product of—

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

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

10 “(ii) the national average price of the
11 agricultural commodity for the most recent
12 marketing year, and

13 “(B) the amount of the agricultural com-
14 modity produced by the agricultural commodity
15 producer in the most recent marketing year.

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

1 “(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—
2 The maximum amount of cash benefits an agricultural
3 commodity producer may receive in any 12-month period
4 shall not exceed \$10,000.

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

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

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

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

14 “(a) IN GENERAL.—

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

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

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

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

8 “(b) FALSE STATEMENT.—A person shall, in addi-
9 tion to any other penalty provided by law, be ineligible
10 for any further payments under this chapter—

11 “(1) if the Secretary, or a court of competent
12 jurisdiction, determines that the person—

13 “(A) knowingly has made, or caused an-
14 other to make, a false statement or representa-
15 tion of a material fact; or

16 “(B) knowingly has failed, or caused an-
17 other to fail, to disclose a material fact; and

18 “(2) as a result of such false statement or rep-
19 resentation, or of such nondisclosure, such person
20 has received any payment under this chapter to
21 which the person was not entitled.

22 “(c) NOTICE AND DETERMINATION.—Except for
23 overpayments determined by a court of competent jurisdic-
24 tion, no repayment may be required, and no deduction
25 may be made, under this section until a determination

1 under subsection (a)(1) by the Secretary has been made,
2 notice of the determination and an opportunity for a fair
3 hearing thereon has been given to the person concerned,
4 and the determination has become final.

5 “(d) PAYMENT TO TREASURY.—Any amount recov-
6 ered under this section shall be returned to the Treasury
7 of the United States.

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

15 **“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) IN GENERAL.—There are authorized to be ap-
17 propriated to the Department of Agriculture not to exceed
18 \$90,000,000 for each of the fiscal years 2003 through
19 2007 to carry out the purposes of this chapter.

20 “(b) PROPORTIONATE REDUCTION.—If in any year,
21 the amount appropriated under this chapter is insufficient
22 to meet the requirements for adjustment assistance pay-
23 able under this chapter, the amount of assistance payable
24 under this chapter shall be reduced proportionately.”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 this title shall take effect on the date that is 180 days
 3 after the date of enactment of this Act.

4 **TITLE V—TRADE ADJUSTMENT**
 5 **ASSISTANCE FOR FISHERMEN**

6 **SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHER-**
 7 **MEN.**

8 (a) IN GENERAL.—Title II of the Trade Act of 1974
 9 (19 U.S.C. 2251 et seq.), as amended by title IV of this
 10 Act, is amended by adding at the end the following new
 11 chapter:

12 **“CHAPTER 7—ADJUSTMENT ASSISTANCE**
 13 **FOR FISHERMEN**

14 **“SEC. 299. DEFINITIONS.**

15 “In this chapter:

16 “(1) COMMERCIAL FISHING, FISH, FISHERY,
 17 FISHING, FISHING VESSEL, PERSON, AND UNITED
 18 STATES FISH PROCESSOR.—The terms ‘commercial
 19 fishing’, ‘fish’, ‘fishery’, ‘fishing’, ‘fishing vessel’,
 20 ‘person’, and ‘United States fish processor’ have the
 21 same meanings as such terms have in the Magnu-
 22 son-Stevens Fishery Conservation and Management
 23 Act (16 U.S.C. 1802).

24 “(2) PRODUCER.—The term ‘producer’ means
 25 any person who—

1 “(A) is engaged in commercial fishing; or

2 “(B) is a United States fish processor.

3 “(3) CONTRIBUTED IMPORTANTLY.—

4 “(A) IN GENERAL.—The term ‘contributed
5 importantly’ means a cause which is important
6 but not necessarily more important than any
7 other cause.

8 “(B) DETERMINATION OF CONTRIBUTED
9 IMPORTANTLY.—The determination of whether
10 imports of articles like or directly competitive
11 with a fish caught through commercial fishing
12 or processed by a United States fish processor
13 with respect to which a petition under this
14 chapter was filed contributed importantly to a
15 decline in the price of the fish shall be made by
16 the Secretary.

17 “(4) DULY AUTHORIZED REPRESENTATIVE.—
18 The term ‘duly authorized representative’ means an
19 association of producers.

20 “(5) NATIONAL AVERAGE PRICE.—The term
21 ‘national average price’ means the national average
22 price paid to a producer for fish in a marketing year
23 as determined by the Secretary.

24 “(6) SECRETARY.—The term ‘Secretary’ means
25 the Secretary of Commerce.

1 “(7) TRADE ADJUSTMENT ASSISTANCE CEN-
2 TER.—The term ‘Trade Adjustment Assistance Cen-
3 ter’ shall have the same meaning as such term has
4 in section 253.

5 **“SEC. 299A. PETITIONS; GROUP ELIGIBILITY.**

6 “(a) IN GENERAL.—A petition for a certification of
7 eligibility to apply for adjustment assistance under this
8 chapter may be filed with the Secretary by a group of pro-
9 ducers or by their duly authorized representative. Upon
10 receipt of the petition, the Secretary shall promptly pub-
11 lish notice in the Federal Register that the Secretary has
12 received the petition and initiated an investigation.

13 “(b) HEARINGS.—If the petitioner, or any other per-
14 son found by the Secretary to have a substantial interest
15 in the proceedings, submits not later than 10 days after
16 the date of the Secretary’s publication under subsection
17 (a) a request for a hearing, the Secretary shall provide
18 for a public hearing and afford such interested person an
19 opportunity to be present, to produce evidence, and to be
20 heard.

21 “(c) GROUP ELIGIBILITY REQUIREMENTS.—The
22 Secretary shall certify a group of producers as eligible to
23 apply for adjustment assistance under this chapter if the
24 Secretary determines—

1 “(1) that the national average price for the fish,
2 or a class of fish, produced by the group for the
3 most recent marketing year for which the national
4 average price is available is less than 80 percent of
5 the average of the national average price for such
6 fish, or such class of fish, for the 5 marketing years
7 preceding the most recent marketing year; and

8 “(2) that increases in imports of articles like or
9 directly competitive with the fish, or class of fish,
10 produced by the group contributed importantly to
11 the decline in price described in paragraph (1).

12 “(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT
13 YEARS.—A group of producers certified as eligible under
14 section 299B shall be eligible to apply for assistance under
15 this chapter in any qualified year after the year the group
16 is first certified, if the Secretary determines that—

17 “(1) the national average price for the fish, or
18 class of fish, produced by the group for the most re-
19 cent marketing year for which the national average
20 price is available is equal to or less than the price
21 determined under subsection (c)(1); and

22 “(2) the requirements of subsection (c)(2) are
23 met.

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

1 “(1) QUALIFIED YEAR.—The term ‘qualified
2 year’, with respect to a group of producers certified
3 as eligible under section 299B, means each consecu-
4 tive year after the year in which the group is cer-
5 tified that the Secretary makes the determination
6 under subsection (c) or (d), as the case may be.

7 “(2) CLASSES OF GOODS WITHIN A COM-
8 MODITY.—In any case in which there are separate
9 classes of fish, the Secretary shall treat each class
10 as a separate commodity in determining group eligi-
11 bility, the national average price, and level of im-
12 ports under this section and section 299E.

13 **“SEC. 299B. DETERMINATIONS BY SECRETARY.**

14 “(a) IN GENERAL.—As soon as practicable after the
15 date on which a petition is filed under section 299A, but
16 in any event not later than 40 days after that date, the
17 Secretary shall determine whether the petitioning group
18 meets the requirements of section 299A (c) or (d), as the
19 case may be, and shall, if the group meets the require-
20 ments, issue a certification of eligibility to apply for assist-
21 ance under this chapter covering producers in any group
22 that meets the requirements. Each certification shall
23 specify the date on which eligibility under this chapter be-
24 gins.

1 “(b) NOTICE.—Upon making a determination on a
2 petition, the Secretary shall promptly publish a summary
3 of the determination in the Federal Register, together with
4 the Secretary’s reasons for making the determination.

5 “(c) TERMINATION OF CERTIFICATION.—Whenever
6 the Secretary determines, with respect to any certification
7 of eligibility under this chapter, that the decline in price
8 for the fish covered by the certification is no longer attrib-
9 utable to the conditions described in section 299A, the
10 Secretary shall terminate such certification and promptly
11 cause notice of such termination to be published in the
12 Federal Register, together with the Secretary’s reasons for
13 making such determination.

14 **“SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE**
15 **COMMISSION.**

16 “(a) NOTIFICATION OF INVESTIGATION.—Whenever
17 the International Trade Commission (in this chapter re-
18 ferred to as the ‘Commission’) begins an investigation
19 under section 202 with respect to fish or a class of fish,
20 the Commission shall immediately notify the Secretary of
21 the investigation.

22 “(b) NOTIFICATION OF AFFIRMATIVE DETERMINA-
23 TION.—Whenever the Commission makes a report under
24 section 202(f) containing an affirmative finding regarding
25 serious injury, or the threat thereof, to a domestic indus-

1 try producing fish or a class of fish, the Commission shall
2 immediately notify the Secretary of that finding.

3 **“SEC. 299D. BENEFIT INFORMATION TO PRODUCERS.**

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

13 “(b) NOTICE OF BENEFITS.—

14 “(1) IN GENERAL.—The Secretary shall mail
15 written notice of the benefits available under this
16 chapter to each producer that the Secretary has rea-
17 son to believe is covered by a certification made
18 under this chapter.

19 “(2) OTHER NOTICE.—The Secretary shall pub-
20 lish notice of the benefits available under this chap-
21 ter to producers that are covered by each certifi-
22 cation made under this chapter in newspapers of
23 general circulation in the areas in which such pro-
24 ducers reside.

1 **“SEC. 299E. QUALIFYING REQUIREMENTS FOR PRODUCERS.**

2 “(a) IN GENERAL.—Payment of a trade adjustment
3 allowance shall be made to an adversely affected producer
4 covered by a certification under this chapter who files an
5 application for such allowance within 90 days after the
6 date on which the Secretary makes a determination and
7 issues a certification of eligibility under section 299B, if
8 the following conditions are met:

9 “(1) The producer submits to the Secretary suf-
10 ficient information to establish the amount of fish
11 covered by the application filed under subsection (a)
12 that was produced by the producer in the most re-
13 cent year.

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

17 “(3) The producer’s net fishing or processing
18 income (as determined by the Secretary) for the
19 most recent year is less than the producer’s net fish-
20 ing or processing income for the latest year in which
21 no adjustment assistance was received by the pro-
22 ducer under this chapter.

23 “(4) The producer certifies that—

24 “(A) the producer has met with an em-
25 ployee or agent from a Trade Adjustment As-
26 sistance Center to obtain, at no cost to the pro-

1 ducer, information and technical assistance that
2 will assist the producer in adjusting to import
3 competition with respect to the adversely af-
4 fected fish, including—

5 “(i) information regarding the feasi-
6 bility and desirability of substituting 1 or
7 more alternative fish for the adversely af-
8 fected fish; and

9 “(ii) technical assistance that will im-
10 prove the competitiveness of the production
11 and marketing of the adversely affected
12 fish by the producer, including yield and
13 marketing improvements; and

14 “(B) none of the benefits will be used to
15 purchase, lease, or finance any new fishing ves-
16 sel, add capacity to any fishery, or otherwise
17 add to the overcapitalization of any fishery.

18 “(b) AMOUNT OF CASH BENEFITS.—

19 “(1) IN GENERAL.—Subject to the provisions of
20 section 299G, an adversely affected producer de-
21 scribed in subsection (a) shall be entitled to adjust-
22 ment assistance under this chapter in an amount
23 equal to the product of—

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

1 “(i) an amount equal to 80 percent of
2 the average of the national average price of
3 the fish covered by the application de-
4 scribed in subsection (a) for the 5 mar-
5 keting years preceding the most recent
6 marketing year; and

7 “(ii) the national average price of the
8 fish for the most recent marketing year;
9 and

10 “(B) the amount of the fish produced by
11 the producer in the most recent marketing year.

12 “(2) SPECIAL RULE FOR SUBSEQUENT QUALI-
13 FIED YEARS.—The amount of cash benefits for a
14 qualified year shall be determined in the same man-
15 ner as cash benefits are determined under paragraph
16 (1) except that the average national price of the fish
17 shall be determined under paragraph (1)(A)(i) by
18 using the 5-marketing-year period used to determine
19 the amount of cash benefits for the first certifi-
20 cation. A producer shall only be eligible for benefits
21 for subsequent qualified years if the Secretary or his
22 designee determines that sufficient progress has
23 been made implementing the plans developed under
24 section 299E(a)(4) of this title.

1 “(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—
 2 The maximum amount of cash benefits a producer may
 3 receive in any 12-month period shall not exceed \$10,000.

4 “(d) LIMITATIONS ON OTHER ASSISTANCE.—A pro-
 5 ducer entitled to receive a cash benefit under this
 6 chapter—

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

9 “(2) shall be entitled to employment services
 10 and training benefits under part III of subchapter C
 11 of chapter 2.

12 **“SEC. 299F. FRAUD AND RECOVERY OF OVERPAYMENTS.**

13 “(a) IN GENERAL.—

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

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

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

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

6 “(b) FALSE STATEMENT.—A person shall, in addi-
7 tion to any other penalty provided by law, be ineligible
8 for any further payments under this chapter—

9 “(1) if the Secretary, or a court of competent
10 jurisdiction, determines that the person—

11 “(A) knowingly has made, or caused an-
12 other to make, a false statement or representa-
13 tion of a material fact; or

14 “(B) knowingly has failed, or caused an-
15 other to fail, to disclose a material fact; and

16 “(2) as a result of such false statement or rep-
17 resentation, or of such nondisclosure, such person
18 has received any payment under this chapter to
19 which the person was not entitled.

20 “(c) NOTICE AND DETERMINATION.—Except for
21 overpayments determined by a court of competent jurisdic-
22 tion, no repayment may be required, and no deduction
23 may be made, under this section until a determination
24 under subsection (a)(1) by the Secretary has been made,
25 notice of the determination and an opportunity for a fair

1 hearing thereon has been given to the person concerned,
2 and the determination has become final.

3 “(d) PAYMENT TO TREASURY.—Any amount recov-
4 ered under this section shall be returned to the Treasury
5 of the United States.

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

13 **“SEC. 299G. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) IN GENERAL.—There are authorized to be ap-
15 propriated to the Department of Commerce not to exceed
16 \$10,000,000 for each of the fiscal years 2003 through
17 2007 to carry out the purposes of this chapter.

18 “(b) PROPORTIONATE REDUCTION.—If in any year,
19 the amount appropriated under this chapter is insufficient
20 to meet the requirements for adjustment assistance pay-
21 able under this chapter, the amount of assistance payable
22 under this chapter shall be reduced proportionately.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this title shall take effect on the date that is 180 days
25 after the date of enactment of this Act.

1 **TITLE VI—HEALTH CARE COV-**
 2 **ERAGE OPTIONS FOR WORK-**
 3 **ERS ELIGIBLE FOR TRADE**
 4 **ADJUSTMENT ASSISTANCE**

5 **SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH IN-**
 6 **SURANCE CREDIT.**

7 (a) IN GENERAL.—Subchapter B of chapter 65 of the
 8 Internal Revenue Code of 1986 (relating to abatements,
 9 credits, and refunds) is amended by inserting after section
 10 6428 the following new section:

11 **“SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH IN-**
 12 **SURANCE CREDIT.**

13 “(a) IN GENERAL.—In the case of an individual,
 14 there shall be allowed as a credit against the tax imposed
 15 by subtitle A an amount equal to 75 percent of the amount
 16 paid by the taxpayer during the taxable year for coverage
 17 for the taxpayer, the taxpayer’s spouse, and dependents
 18 of the taxpayer under qualified health insurance during
 19 eligible coverage months.

20 “(b) ELIGIBLE COVERAGE MONTH.—For purposes of
 21 this section—

22 “(1) IN GENERAL.—The term ‘eligible coverage
 23 month’ means any month if, as of the first day of
 24 such month—

25 “(A) the taxpayer is an eligible individual,

1 “(B) the taxpayer is covered by qualified
2 health insurance,

3 “(C) the premium for coverage under such
4 insurance for such month is paid by the tax-
5 payer, and

6 “(D) the taxpayer does not have other
7 specified coverage.

8 “(2) SPECIAL RULES.—

9 “(A) JOINT RETURNS.—In the case of a
10 joint return, the requirements of paragraph (1)
11 shall be treated as met if at least 1 spouse sat-
12 isfies such requirements.

13 “(B) EXCLUSION OF MONTHS IN WHICH
14 INDIVIDUAL IS IMPRISONED.—Such term shall
15 not include any month with respect to an indi-
16 vidual if, as of the first day of such month,
17 such individual is imprisoned under Federal,
18 State, or local authority.

19 “(3) OTHER SPECIFIED COVERAGE.—For pur-
20 poses of this subsection, an individual has other
21 specified coverage for any month if, as of the first
22 day of such month—

23 “(A) SUBSIDIZED COVERAGE.—

24 “(i) IN GENERAL.—Such individual is
25 covered under any qualified health insur-

1 ance (other than insurance described in
 2 subparagraph (A), (B), or (F) of sub-
 3 section (d)(1)) under which at least 50
 4 percent of the cost of coverage (determined
 5 under section 4980B(f)(4)) is paid or in-
 6 curred by an employer (or former em-
 7 ployer) of the taxpayer or the taxpayer’s
 8 spouse.

9 “(ii) TREATMENT OF CAFETERIA
 10 PLANS.—For purposes of clause (i), the
 11 cost of coverage shall be treated as paid or
 12 incurred by an employer to the extent the
 13 coverage is in lieu of a right to receive cash
 14 or other qualified benefits under a cafe-
 15 teria plan (as defined in section 125(d)).

16 “(B) COVERAGE UNDER MEDICARE, MED-
 17 ICAID, OR SCHIP.—Such individual—

18 “(i) is entitled to benefits under part
 19 A of title XVIII of the Social Security Act
 20 or is enrolled under part B of such title, or

21 “(ii) is enrolled in the program under
 22 title XIX or XXI of such Act (other than
 23 under section 1928).

24 “(C) CERTAIN OTHER COVERAGE.—Such
 25 individual—

1 “(i) is enrolled in a health benefits
2 plan under chapter 89 of title 5, United
3 States Code,

4 “(ii) is entitled to receive benefits
5 under chapter 55 of title 10, United States
6 Code, or

7 “(iii) is entitled to receive benefits
8 under chapter 17 of title 38, United States
9 Code.

10 “(c) ELIGIBLE INDIVIDUAL.—For purposes of this
11 section, the term ‘eligible individual’ means an individual
12 who is participating in the trade adjustment allowance
13 program under section 235 of the Trade Act of 1974, as
14 amended by section 101 of the Trade Adjustment Assist-
15 ance Improvement Act of 2002, or would be eligible to
16 participate in such program if section 235 (as so amend-
17 ed) were applied without regard to subsection (a)(3)(B)
18 thereof.

19 “(d) QUALIFIED HEALTH INSURANCE.—

20 “(1) IN GENERAL.—For purposes of this sec-
21 tion, subject to paragraph (2), the term ‘qualified
22 health insurance’ means health insurance coverage
23 or coverage under a group health plan through—

24 “(A) COBRA continuation coverage,

1 “(B) continuation coverage under a similar
2 State program,

3 “(C) the enrollment of the eligible worker
4 and the eligible worker’s spouse and dependents
5 in health insurance coverage offered through a
6 qualified State high risk pool or other com-
7 parable State-based health insurance coverage
8 alternative,

9 “(D) the enrollment of the eligible worker
10 and the eligible worker’s spouse and dependents
11 in the health insurance program offered for
12 State employees,

13 “(E) the enrollment of the eligible worker
14 and the eligible worker’s spouse and dependents
15 in a State-based health insurance program that
16 is comparable to the health insurance program
17 offered for State employees,

18 “(F) a direct payment arrangement en-
19 tered into by the State and a group health plan
20 (including a multiemployer plan as defined in
21 section 414(f)), an issuer of health insurance
22 coverage, an administrator of health insurance
23 coverage or a group health plan, or an em-
24 ployer, as appropriate, on behalf of the eligible

1 worker and the eligible worker’s spouse and de-
2 pendants,

3 “(G) the enrollment of the eligible worker
4 and the eligible worker’s spouse and dependents
5 in a State-operated health plan that does not
6 receive any Federal financial participation,

7 “(H) the enrollment of the eligible worker
8 and the eligible worker’s spouse and dependents
9 in health insurance coverage offered through a
10 State arrangement with a private sector health
11 care coverage purchasing pool,

12 “(I) enrollment of the eligible worker and
13 the eligible worker’s spouse and dependents in
14 coverage under a group health plan that is
15 available through the employment of the work-
16 er’s spouse and is not described in subsection
17 (b)(3)(A)(i), or

18 (J) the enrollment of the eligible worker
19 and the eligible worker’s spouse and dependents
20 in a nationally offered health plan—

21 “(i) that is actuarially equivalent to
22 the individual and self and family coverage
23 offered under any service benefit plan de-
24 scribed under section 8903(1) of title 5,

1 United States Code, and offered in all
2 States and the District of Columbia;

3 “(ii) that is subject to the same terms
4 and conditions as coverage made available
5 under the program of health insurance cov-
6 erage established under chapter 89 of title
7 5, United States Code; and

8 “(iii) that is made available under a
9 program established by the Secretary
10 that—

11 “(I) to the greatest extent prac-
12 ticable, is administered in the same
13 manner as the program of health in-
14 surance established under chapter 89
15 of title 5, United States Code; and

16 “(II) requires that, with respect
17 to any contract under chapter 89 of
18 title 5, United States Code, with a
19 carrier to offer a service benefit plan
20 described in section 8903(1) of that
21 title in all States and the District of
22 Columbia, that takes effect with re-
23 spect to calendar year 2003 and any
24 subsequent calendar year in which
25 temporary adjustment assistance is

1 administered under chapter 2 of title
2 II of the Trade Act of 1974 (as
3 amended by the Trade Adjustment
4 Assistance Improvement Act of 2002),
5 such contract includes a provision
6 that requires the carrier to offer a
7 plan under the program established
8 under this subparagraph.

9 “(2) REQUIREMENTS.—Health insurance cov-
10 erage or coverage under a group health plan shall
11 not be treated as being described in any of subpara-
12 graphs (B) through (H) of paragraph (1) unless,
13 with respect to such coverage provided to eligible
14 workers and the eligible worker’s spouse or
15 dependents—

16 “(A) enrollment is guaranteed for workers
17 who provide a qualified health insurance credit
18 eligibility certificate described in section 7527
19 and who pay the remainder of the premium for
20 such enrollment,

21 “(B) no pre-existing condition limitations
22 are imposed with respect to such eligible work-
23 ers,

24 “(C) the worker is not required (as a con-
25 dition of enrollment or continued enrollment

1 under the coverage) to pay a premium or con-
2 tribution that is greater than the premium or
3 contribution for an individual who is not an eli-
4 gible worker who has comparable coverage,

5 “(D) benefits under the coverage are the
6 same as (or substantially similar to) the bene-
7 fits provided to individuals who are not eligible
8 workers who have comparable coverage,

9 “(E) the standard loss ratio for the cov-
10 erage is not less than 65 percent,

11 “(F) in the case of coverage provided
12 under paragraph (1)(E), the premiums and
13 benefits are comparable to the premiums and
14 benefits applicable to State employees, and

15 “(G) such coverage otherwise meets re-
16 quirements established by the Secretary.

17 “(3) DEFINITIONS.—For purposes of this sec-
18 tion:

19 “(A) COBRA CONTINUATION COV-
20 ERAGE.—The term ‘COBRA continuation cov-
21 erage’ means coverage under a group health
22 plan provided by an employer pursuant to sec-
23 tion 4980B.

1 “(B) GROUP HEALTH PLAN.—The term
2 ‘group health plan’ has the meaning given such
3 term by section 5001(b)(1).

4 “(C) HEALTH INSURANCE COVERAGE.—
5 Except to the extent provided by the Secretary,
6 the term ‘health insurance coverage’ has the
7 meaning given such term by section 9832(b)(1)
8 (other than insurance if substantially all of its
9 coverage is of excepted benefits described in
10 section 9832(c) or provided under a flexible
11 spending arrangement, as determined under
12 section 106(c).

13 “(D) INDIVIDUAL HEALTH INSURANCE
14 COVERAGE.—The term ‘individual health insur-
15 ance coverage’ means health insurance coverage
16 offered to individuals other than in connection
17 with a group health plan. Such term does not
18 include Federal- or State-based health insur-
19 ance coverage.

20 “(E) QUALIFIED STATE HIGH RISK
21 POOL.—The term ‘qualified State high risk
22 pool’ has the meaning given that term in sec-
23 tion 2744(c)(2) of the Public Health Service
24 Act (42 U.S.C. 300gg-44(c)(2)).

1 “(F) STANDARD LOSS RATIO.—The term
2 ‘standard loss ratio’, with respect to the pool of
3 insured individuals under coverage described in
4 subparagraph (B) through (H) of paragraph
5 (1) for a year, means—

6 “(i) the amount of claims incurred
7 with respect to the pool of insured individ-
8 uals in each such type of coverage for such
9 year; divided by

10 “(ii) the premiums paid for enroll-
11 ment in each such coverage for such year.

12 “(e) COORDINATION WITH ADVANCE PAYMENTS OF
13 CREDIT.—

14 “(1) RECAPTURE OF EXCESS ADVANCE PAY-
15 MENTS.—If any payment is made by the Secretary
16 under section 7527 during any calendar year to a
17 provider of qualified health insurance for an indi-
18 vidual, then the tax imposed by this chapter for the
19 individual’s last taxable year beginning in such cal-
20 endar year shall be increased by the aggregate
21 amount of such payments.

22 “(2) RECONCILIATION OF PAYMENTS AD-
23 VANCED AND CREDIT ALLOWED.—Any increase in
24 tax under paragraph (1) shall not be treated as tax
25 imposed by this chapter for purposes of determining

1 the amount of any credit (other than the credit al-
2 lowed by subsection (a)) allowable under part IV of
3 subchapter A of chapter 1.

4 “(f) SPECIAL RULES.—

5 “(1) COORDINATION WITH OTHER DEDUC-
6 TIONS.—Amounts taken into account under sub-
7 section (a) shall not be taken into account in deter-
8 mining any deduction allowed under section 162(l)
9 or 213.

10 “(2) MSA DISTRIBUTIONS.—Amounts distrib-
11 uted from an Archer MSA (as defined in section
12 220(d)) shall not be taken into account under sub-
13 section (a).

14 “(3) DENIAL OF CREDIT TO DEPENDENTS.—No
15 credit shall be allowed under this section to any indi-
16 vidual with respect to whom a deduction under sec-
17 tion 151 is allowable to another taxpayer for a tax-
18 able year beginning in the calendar year in which
19 such individual’s taxable year begins.

20 “(4) CREDIT TREATED AS REFUNDABLE CRED-
21 IT.—For purposes of this title, the credit allowed
22 under this section shall be treated as a credit allow-
23 able under subpart C of part IV of subchapter A of
24 chapter 1.

1 “(5) EXPENSES MUST BE SUBSTANTIATED.—A
 2 payment for qualified health insurance to which sub-
 3 section (a) applies may be taken into account under
 4 this section only if the taxpayer substantiates such
 5 payment in such form as the Secretary may pre-
 6 scribe.”.

7 (b) INFORMATION REPORTING.—

8 (1) IN GENERAL.—Subpart B of part III of
 9 subchapter A of chapter 61 of the Internal Revenue
 10 Code of 1986 (relating to information concerning
 11 transactions with other persons) is amended by in-
 12 serting after section 6050S the following new sec-
 13 tion:

14 **“SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT**
 15 **ASSISTANCE HEALTH INSURANCE CREDIT.**

16 “(a) REQUIREMENT OF REPORTING.—Every
 17 person—

18 “(1) who, in connection with a trade or busi-
 19 ness conducted by such person, receives payments
 20 during any calendar year from any individual for
 21 coverage of such individual or any other individual
 22 under qualified health insurance (as defined in sec-
 23 tion 6429(d)), and

24 “(2) who claims a reimbursement for an ad-
 25 vance credit amount,

1 shall, at such time as the Secretary may prescribe, make
2 the return described in subsection (b) with respect to each
3 individual from whom such payments were received or for
4 whom such a reimbursement is claimed.

5 “(b) FORM AND MANNER OF RETURNS.—A return
6 is described in this subsection if such return—

7 “(1) is in such form as the Secretary may pre-
8 scribe, and

9 “(2) contains—

10 “(A) the name, address, and TIN of each
11 individual referred to in subsection (a),

12 “(B) the aggregate of the advance credit
13 amounts provided to such individual and for
14 which reimbursement is claimed,

15 “(C) the number of months for which such
16 advance credit amounts are so provided, and

17 “(D) such other information as the Sec-
18 retary may prescribe.

19 “(c) STATEMENTS TO BE FURNISHED TO INDIVID-
20 UALS WITH RESPECT TO WHOM INFORMATION IS RE-
21 QUIRED.—Every person required to make a return under
22 subsection (a) shall furnish to each individual whose name
23 is required to be set forth in such return a written state-
24 ment showing—

1 “(1) the name and address of the person re-
2 quired to make such return and the phone number
3 of the information contact for such person, and

4 “(2) the information required to be shown on
5 the return with respect to such individual.

6 The written statement required under the preceding sen-
7 tence shall be furnished on or before January 31 of the
8 year following the calendar year for which the return
9 under subsection (a) is required to be made.

10 “(d) ADVANCE CREDIT AMOUNT.—For purposes of
11 this section, the term ‘advance credit amount’ means an
12 amount for which the person can claim a reimbursement
13 pursuant to a program established by the Secretary under
14 section 7527.”.

15 (2) ASSESSABLE PENALTIES.—

16 (A) Subparagraph (B) of section
17 6724(d)(1) of such Code (relating to defini-
18 tions) is amended by redesignating clauses (xi)
19 through (xvii) as clauses (xii) through (xviii),
20 respectively, and by inserting after clause (x)
21 the following new clause:

22 “(xi) section 6050T (relating to re-
23 turns relating to trade adjustment assist-
24 ance health insurance credit),”.

1 (B) Paragraph (2) of section 6724(d) of
 2 such Code is amended by striking “or” at the
 3 end of subparagraph (Z), by striking the period
 4 at the end of subparagraph (AA) and inserting
 5 “, or”, and by adding after subparagraph (AA)
 6 the following new subparagraph:

7 “(BB) section 6050T (relating to returns
 8 relating to trade adjustment assistance health
 9 insurance credit).”.

10 (3) CLERICAL AMENDMENT.—The table of sec-
 11 tions for subpart B of part III of subchapter A of
 12 chapter 61 of such Code is amended by inserting
 13 after the item relating to section 6050S the fol-
 14 lowing new item:

“Sec. 6050T. Returns relating to trade adjustment assistance
 health insurance credit.”.

15 (c) CRIMINAL PENALTY FOR FRAUD.—

16 (1) IN GENERAL.—Subchapter B of chapter 75
 17 of the Internal Revenue Code of 1986 (relating to
 18 other offenses) is amended by adding at the end the
 19 following:

20 **“SEC. 7276. PENALTIES FOR OFFENSES RELATING TO**
 21 **TRADE ADJUSTMENT ASSISTANCE HEALTH**
 22 **INSURANCE CREDIT.**

23 “Any person who knowingly misuses Department of
 24 the Treasury names, symbols, titles, or initials to convey

1 the false impression of association with, or approval or en-
 2 dorsement by, the Department of the Treasury of any in-
 3 surance products or group health coverage in connection
 4 with the credit for trade adjustment assistance health in-
 5 surance under section 6429 shall on conviction thereof be
 6 fined not more than \$10,000, or imprisoned not more than
 7 1 year, or both.”.

8 (2) The table of sections for subchapter B of
 9 chapter 75 of such Code is amended by adding at
 10 the end the following:

“Sec. 7276. Penalties for offenses relating to trade adjustment as-
 sistance health insurance credit.”.

11 (d) CONFORMING AMENDMENTS.—

12 (1) Paragraph (2) of section 1324(b) of title
 13 31, United States Code, is amended by inserting be-
 14 fore the period “, or from section 6429 of such
 15 Code”.

16 (2) The table of sections for subchapter B of
 17 chapter 65 of the Internal Revenue Code of 1986 is
 18 amended by adding at the end the following new
 19 item:

“Sec. 6429. Trade adjustment assistance health insurance cred-
 it.”.

20 (e) EFFECTIVE DATES.—

21 (1) IN GENERAL.—Except as provided in para-
 22 graph (2), the amendments made by this section
 23 shall apply to taxable years beginning after Decem-

1 ber 31, 2001, without regard to whether final regu-
 2 lations to carry out such amendments have been pro-
 3 mulgated by such date.

4 (2) PENALTIES.—The amendments made by
 5 subsection (c) shall take effect on the date of the en-
 6 actment of this Act.

7 **SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT AS-**
 8 **SISTANCE HEALTH INSURANCE CREDIT.**

9 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
 10 enue Code of 1986 (relating to miscellaneous provisions)
 11 is amended by adding at the end the following new section:

12 **“SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT**
 13 **ASSISTANCE HEALTH INSURANCE CREDIT.**

14 “(a) GENERAL RULE.—The Secretary shall establish
 15 a program for making payments on behalf of eligible indi-
 16 viduals (as defined in section 6429(c)) to providers of
 17 health insurance for such individuals for whom a qualified
 18 health insurance credit eligibility certificate is in effect.

19 “(b) QUALIFIED HEALTH INSURANCE CREDIT ELIGI-
 20 BILITY CERTIFICATE.—For purposes of this section, ex-
 21 cept as provided by the Secretary, a qualified health insur-
 22 ance credit eligibility certificate is a statement certified by
 23 a designated local agency (as defined in section 51(d)(11))
 24 (or by any other entity designated by the Secretary)
 25 which—

1 “(1) to States to provide the assistance de-
 2 scribed in subsection (b) to any eligible worker (as
 3 defined in subsection (b)(4)(B)); and

4 “(2) to a State to provide the assistance de-
 5 scribed in subsection (c) to any eligible worker (as
 6 defined in subsection (c)(5)).

7 “(b) HEALTH INSURANCE COVERAGE ASSISTANCE
 8 FOR ELIGIBLE WORKERS.—

9 “(1) IN GENERAL.—Funds made available to a
 10 State under paragraph (1) of subsection (a) may be
 11 used by the State for the following:

12 “(A) HEALTH INSURANCE COVERAGE.—To
 13 assist an eligible worker (as defined in para-
 14 graph (4)(B)) in enrolling in health insurance
 15 coverage or coverage under a group health plan
 16 through—

17 “(i) COBRA continuation coverage;

18 “(ii) continuation coverage under a
 19 similar State program;

20 “(iii) the enrollment of the eligible
 21 worker and the eligible worker’s spouse
 22 and dependents in health insurance cov-
 23 erage offered through a qualified State
 24 high risk pool or other comparable State-

1 based health insurance coverage alter-
2 native;

3 “(iv) the enrollment of the eligible
4 worker and the eligible worker’s spouse
5 and dependents in the health insurance
6 program offered for State employees;

7 “(v) the enrollment of the eligible
8 worker and the eligible worker’s spouse
9 and dependents in a State-based health in-
10 surance program that is comparable to the
11 health insurance program offered for State
12 employees;

13 “(vi) a direct payment arrangement
14 entered into by the State and a group
15 health plan (including a multi-employer
16 plan as defined in section 3(37) of the Em-
17 ployee Retirement Income Security Act of
18 1974 (29 U.S.C. 1002(37))), an issuer of
19 health insurance coverage, an adminis-
20 trator of health insurance coverage or a
21 group health plan, or an employer, as ap-
22 propriate, on behalf of the eligible worker
23 and the eligible worker’s spouse and de-
24 pendents;

1 “(vii) the enrollment of the eligible
2 worker and the eligible worker’s spouse
3 and dependents in a State-operated health
4 plan that does not receive any Federal fi-
5 nancial participation;

6 “(viii) the enrollment of the eligible
7 worker and the eligible worker’s spouse
8 and dependents in health insurance cov-
9 erage offered through a State arrangement
10 with a private sector health care coverage
11 purchasing pool;

12 “(ix) enrollment of the eligible worker
13 and the eligible worker’s spouse and de-
14 pendents in coverage under a group health
15 plan that is available through the employ-
16 ment of the worker’s spouse and is not de-
17 scribed in paragraph (4)(C)(i)(I); or

18 “(x) the enrollment of the eligible
19 worker and the eligible worker’s spouse
20 and dependents in a nationally offered
21 health plan—

22 “(I) that is actuarially equivalent
23 to the individual and self and family
24 coverage offered under any service
25 benefit plan described under section

1 8903(1) of title 5, United States
2 Code, and offered in all States and
3 the District of Columbia;

4 “(II) that is subject to the same
5 terms and conditions as coverage
6 made available under the program of
7 health insurance coverage established
8 under chapter 89 of title 5, United
9 States Code; and

10 “(III) that is made available
11 under a program established by the
12 Secretary that—

13 “(aa) to the greatest extent
14 practicable, is administered in
15 the same manner as the program
16 of health insurance established
17 under chapter 89 of title 5,
18 United States Code; and

19 “(bb) requires that, with re-
20 spect to any contract under chap-
21 ter 89 of title 5, United States
22 Code, with a carrier to offer a
23 service benefit plan described in
24 section 8903(1) of that title in all
25 States and the District of Colum-

1 bia, that takes effect with respect
2 to calendar year 2003 and any
3 subsequent calendar year in
4 which temporary adjustment as-
5 sistance is administered under
6 chapter 2 of title II of the Trade
7 Act of 1974 (as amended by the
8 Trade Adjustment Assistance Im-
9 provement Act of 2002), such
10 contract includes a provision that
11 requires the carrier to offer a
12 plan under the program estab-
13 lished under this clause.

14 “(B) ESTABLISHMENT OF HEALTH INSUR-
15 ANCE COVERAGE MECHANISMS.—To establish
16 or administer—

17 “(i) a qualified State high risk pool
18 for the purpose of providing health insur-
19 ance coverage to an eligible worker and the
20 eligible worker’s spouse and dependents;

21 “(ii) a State-based program for the
22 purpose of providing health insurance cov-
23 erage to an eligible worker and the eligible
24 worker’s spouse and dependents that is

1 comparable to the State health insurance
2 program for State employees; or

3 “(iii) a program under which the
4 State enters into arrangements described
5 in subparagraph (A)(vi).

6 “(C) ADMINISTRATIVE EXPENSES.—To
7 pay the administrative expenses related to the
8 enrollment of eligible workers and the eligible
9 workers spouses and dependents in health in-
10 surance coverage or coverage under a group
11 health plan described in subparagraph (A),
12 including—

13 “(i) eligibility verification activities;

14 “(ii) the notification of eligible work-
15 ers of available health insurance coverage
16 options;

17 “(iii) processing qualified health in-
18 surance credit eligibility certificates pro-
19 vided for under section 7527 of the Inter-
20 nal Revenue Code of 1986;

21 “(iv) providing assistance to eligible
22 workers in enrolling in health insurance
23 coverage;

24 “(v) the development or installation of
25 necessary data management systems; and

1 “(vi) any other expenses determined
2 appropriate by the Secretary.

3 “(2) REQUIREMENTS.—With respect to health
4 insurance coverage or coverage under a group health
5 plan provided to eligible workers under any of
6 clauses (ii) through (viii) of paragraph (1)(A), the
7 State shall ensure that—

8 “(A) enrollment is guaranteed for workers
9 who provide a qualified health insurance credit
10 eligibility certificate described in section 7527
11 of the Internal Revenue Code of 1986 and who
12 pay the remainder of the premium for such en-
13 rollment;

14 “(B) no pre-existing condition limitations
15 are imposed with respect to such eligible work-
16 ers;

17 “(C) the worker is not required (as a con-
18 dition of enrollment or continued enrollment
19 under the coverage) to pay a premium or con-
20 tribution that is greater than the premium or
21 contribution for a individual who is not an eligi-
22 ble worker who has comparable coverage;

23 “(D) benefits under the coverage are the
24 same as (or substantially similar to) the bene-

1 fits provided to individuals who are not eligible
2 workers who have comparable coverage;

3 “(E) the standard loss ratio for the cov-
4 erage is not less than 65 percent;

5 “(F) in the case of coverage provided
6 under paragraph (1)(A)(v), the premiums and
7 benefits are comparable to the premiums and
8 benefits applicable to State employees; and

9 “(G) such coverage otherwise meets re-
10 quirements established by the Secretary.

11 “(3) APPLICATIONS; AVAILABILITY OF
12 FUNDS.—

13 “(A) APPLICATIONS.—A State desiring a
14 grant under subsection (a)(1) shall submit an
15 application to the Secretary at such time, in
16 such manner, and containing such information
17 as the Secretary may require.

18 “(B) EXPEDITED PROCEDURES.—With re-
19 spect to applications submitted by States for
20 grants under subsection (a)(1), the Secretary
21 shall—

22 “(i) not later than 15 days after the
23 date on which the Secretary receives a
24 completed application from a State, notify
25 the State of the determination of the Sec-

1 retary with respect to the approval or dis-
2 approval of such application;

3 “(ii) in the case of a State application
4 that is disapproved by the Secretary, pro-
5 vide technical assistance, at the request of
6 the State, in a timely manner to enable the
7 State to submit an approved application;
8 and

9 “(iii) develop procedures to expedite
10 the provision of funds to States with ap-
11 proved applications.

12 “(C) AVAILABILITY AND DISTRIBUTION OF
13 FUNDS.—The Secretary shall ensure that funds
14 made available under subsection (d)(1) to make
15 grants under subsection (a)(1) are available to
16 States throughout the period described in sub-
17 section (d)(2)(A).

18 “(4) DEFINITIONS.—For purposes of this sub-
19 section:

20 “(A) COBRA CONTINUATION COV-
21 ERAGE.—The term ‘COBRA continuation cov-
22 erage’ means coverage under a group health
23 plan provided by an employer pursuant to title
24 XXII of the Public Health Service Act, section
25 4980B of the Internal Revenue Code of 1986,

1 part 6 of subtitle B of title I of the Employee
2 Retirement Income Security Act of 1974, or
3 section 8905a of title 5, United States Code.

4 “(B) ELIGIBLE WORKER.—The term ‘eligi-
5 ble worker’ means an individual who—

6 “(i) is participating in the trade ad-
7 justment allowance program under section
8 235 of the Trade Act of 1974, as amended
9 by section 101 of the Trade Adjustment
10 Assistance Improvement Act of 2002, or
11 would be eligible to participate in such pro-
12 gram if section 235 (as so amended) were
13 applied without regard to subsection
14 (a)(3)(B) thereof;

15 “(ii) does not have other specified cov-
16 erage; and

17 “(iii) is not imprisoned under Federal,
18 State, or local authority.

19 “(C) OTHER SPECIFIED COVERAGE.—With
20 respect to any individual, the term ‘other speci-
21 fied coverage’ means—

22 “(i) SUBSIDIZED COVERAGE.—

23 “(I) IN GENERAL.—Such indi-
24 vidual is covered under any qualified
25 health insurance (other than insur-

1 ance described in clause (i), (ii), or
2 (vi) of paragraph (1)(A)) under which
3 at least 50 percent of the cost of cov-
4 erage (determined under section
5 4980B(f)(4) of the Internal Revenue
6 Code of 1986) is paid or incurred by
7 an employer (or former employer) of
8 the individual or the individual's
9 spouse.

10 “(II) TREATMENT OF CAFETERIA
11 PLANS.—For purposes of subclause
12 (I), the cost of coverage shall be treat-
13 ed as paid or incurred by an employer
14 to the extent the coverage is in lieu of
15 a right to receive cash or other quali-
16 fied benefits under a cafeteria plan
17 (as defined in section 125(d) of such
18 Code).

19 “(ii) COVERAGE UNDER MEDICARE,
20 MEDICAID, OR SCHIP.—Such individual—

21 “(I) is entitled to benefits under
22 part A of title XVIII or is enrolled
23 under part B of such title; or

1 “(II) is enrolled in the program
2 under title XIX or XXI (other than
3 under section 1928).

4 “(iii) CERTAIN OTHER COVERAGE.—
5 Such individual—

6 “(I) is enrolled in a health bene-
7 fits plan under chapter 89 of title 5,
8 United States Code;

9 “(II) is entitled to receive bene-
10 fits under chapter 55 of title 10,
11 United States Code; or

12 “(III) is entitled to receive bene-
13 fits under chapter 17 of title 38,
14 United States Code.

15 “(D) GROUP HEALTH PLAN.—The term
16 ‘group health plan’ has the meaning given that
17 term in section 2791(a) of the Public Health
18 Service Act (42 U.S.C. 300gg–91(a)), section
19 607(1) of the Employee Retirement Income Se-
20 curity Act of 1974 (29 U.S.C. 1167(1)), and
21 section 5001(b)(1) of the Internal Revenue
22 Code of 1986.

23 “(E) HEALTH INSURANCE COVERAGE.—
24 Except to the extent provided by the Secretary,
25 the term ‘health insurance coverage’ has the

1 meaning given that term in section 2791(b)(1)
2 of the Public Health Service Act (42 U.S.C.
3 300gg–91(b)(1)) (other than insurance if sub-
4 stantially all of its coverage is of excepted bene-
5 fits described in section 2791(c) of such Act
6 (42 U.S.C. 300gg–91(c)) or provided under a
7 flexible spending arrangement, as determined
8 under section 106(c) of the Internal Revenue
9 Code of 1986.

10 “(F) INDIVIDUAL HEALTH INSURANCE
11 COVERAGE.—The term ‘individual health insur-
12 ance coverage’ means health insurance coverage
13 offered to individuals other than in connection
14 with a group health plan. Such term does not
15 include Federal- or State-based health insur-
16 ance coverage.

17 “(G) QUALIFIED STATE HIGH RISK
18 POOL.—The term ‘qualified State high risk
19 pool’ has the meaning given that term in sec-
20 tion 2744(c)(2) of the Public Health Service
21 Act (42 U.S.C. 300gg–44(c)(2)).

22 “(H) STANDARD LOSS RATIO.—The term
23 ‘standard loss ratio’, with respect to the pool of
24 insured individuals under coverage described in

1 clauses (ii) through (viii) of subparagraph (A)
2 for a year, means—

3 “(i) the amount of claims incurred
4 with respect to the pool of insured individ-
5 uals in each such type of coverage for such
6 year; divided by

7 “(ii) the premiums paid for enroll-
8 ment in each such coverage for such year.

9 “(c) INTERIM HEALTH INSURANCE COVERAGE AND
10 OTHER ASSISTANCE.—

11 “(1) IN GENERAL.—Funds made available to a
12 State under paragraph (2) of subsection (a) may be
13 used by the State to provide assistance and support
14 services to eligible workers, including health care
15 coverage, transportation, child care, dependent care,
16 and income assistance.

17 “(2) INCOME SUPPORT.—With respect to any
18 income assistance provided to an eligible worker with
19 such funds, such assistance shall supplement and
20 not supplant other income support or assistance pro-
21 vided under chapter 2 of title II of the Trade Act
22 of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the
23 day before the effective date of the Trade Adjust-
24 ment Assistance Improvement Act of 2002) or the

1 unemployment compensation laws of the State where
2 the eligible worker resides.

3 “(3) HEALTH INSURANCE COVERAGE.—With
4 respect to any assistance provided to an eligible
5 worker with such funds in enrolling in health insur-
6 ance coverage or coverage under a group health
7 plan, the following rules shall apply:

8 “(A) The State may provide assistance in
9 obtaining such coverage to the eligible worker
10 and to the eligible worker’s spouse and depend-
11 ents.

12 “(B) Such assistance shall supplement and
13 may not supplant any other State or local funds
14 used to provide health care coverage and may
15 not be included in determining the amount of
16 non-Federal contributions required under any
17 program.

18 “(4) APPLICATIONS; AVAILABILITY OF
19 FUNDS.—

20 “(A) APPLICATIONS.—A State desiring a
21 grant under subsection (a)(2) shall submit an
22 application to the Secretary at such time, in
23 such manner, and containing such information
24 as the Secretary may require.

1 “(B) EXPEDITED PROCEDURES.—With re-
2 spect to applications submitted by States for
3 grants under subsection (a)(2), the Secretary
4 shall—

5 “(i) not later than 15 days after the
6 date on which the Secretary receives a
7 completed application from a State, notify
8 the State of the determination of the Sec-
9 retary with respect to the approval or dis-
10 approval of such application;

11 “(ii) in the case of a State application
12 that is disapproved by the Secretary, pro-
13 vide technical assistance, at the request of
14 the State, in a timely manner to enable the
15 State to submit an approved application;
16 and

17 “(iii) develop procedures to expedite
18 the provision of funds to States with ap-
19 proved applications.

20 “(C) AVAILABILITY AND DISTRIBUTION OF
21 FUNDS.—The Secretary shall ensure that funds
22 made available under subsection (d)(2) to make
23 grants under subsection (a)(2) are available to
24 States throughout the period described in sub-
25 section (d)(2)(B).

1 “(5) DEFINITION OF ELIGIBLE WORKER.—In
2 this subsection, the term ‘eligible worker’ means an
3 individual who is a member of a group of workers
4 certified after April 1, 2002, under chapter 2 of title
5 II of the Trade Act of 1974 (as in effect on the day
6 before the effective date of the Trade Adjustment
7 Assistance Improvement Act of 2002) and is partici-
8 pating in the trade adjustment allowance program
9 under such chapter (as so in effect) or who would
10 be determined to be participating in such program
11 under such chapter (as so in effect) if such chapter
12 were applied without regard to section 231(a)(3)(B)
13 of the Trade Act of 1974 (as so in effect).

14 “(d) APPROPRIATIONS.—

15 “(1) IN GENERAL.—Out of any money in the
16 Treasury of the United States not otherwise appro-
17 priated, there are appropriated—

18 “(A) to make grants under subsection

19 (a)(1)—

20 “(i) \$10,000,000 for fiscal year 2002;

21 and

22 “(ii) \$60,000,000 for each of fiscal
23 years 2003 through 2007; and

24 “(B) to make grants under subsection

25 (a)(2)—

1 “(i) \$50,000,000 for fiscal year 2002;

2 “(ii) \$100,000,000 for fiscal year

3 2003; and

4 “(iii) \$50,000,000 for fiscal year

5 2004.

6 “(2) AVAILABILITY OF FUNDS.—Funds appro-
7 priated under—

8 “(A) paragraph (1)(A) for each fiscal year
9 shall remain available for obligation during the
10 pendency of any outstanding claim under the
11 Trade Act of 1974, as amended by the Trade
12 Adjustment Assistance Improvement Act of
13 2002; and

14 “(B) paragraph (1)(B), for each fiscal year
15 shall remain available during the period that
16 begins on the date of enactment of the Trade
17 Adjustment Assistance Improvement Act of
18 2002 and ends on September 30, 2004.”.

19 (b) TEMPORARY EXTENSION OF COBRA ELECTION
20 PERIOD FOR CERTAIN INDIVIDUALS.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, the election period for COBRA con-
23 tinuation coverage (as defined in section
24 6429(d)(3)(A) of the Internal Revenue Code of
25 1986) with respect to any eligible individual (as de-

1 adjustment assistance benefits under section 231, or
2 as eligible to apply for adjustment assistance under
3 section 251”.

4 (2) GENERAL ACCOUNTING OFFICE REPORT.—
5 Section 280 of the Trade Act of 1974 (19 U.S.C.
6 2391) is amended to read as follows:

7 **“SEC. 280. GENERAL ACCOUNTING OFFICE REPORT.**

8 “(a) STUDY AND REPORT.—The Comptroller General
9 of the United States shall conduct a study of the adjust-
10 ment assistance programs established under chapters 2,
11 3, 4, 6, and 7 of this title and shall report the results
12 of such study to the Congress no later than January 31,
13 2005. Such report shall include an evaluation of—

14 “(1) the effectiveness of such programs in aid-
15 ing workers, farmers, fishermen, firms, and commu-
16 nities to adjust to changed economic conditions re-
17 sulting from changes in the patterns of international
18 trade; and

19 “(2) the coordination of the administration of
20 such programs and other Government programs
21 which provide unemployment compensation and re-
22 lief to depressed areas.

23 “(b) ASSISTANCE OF OTHER DEPARTMENTS AND
24 AGENCIES.—In carrying out his responsibilities under
25 this section, the Comptroller General shall, to the extent

1 practical, avail himself of the assistance of the Depart-
2 ments of Labor, Commerce, and Agriculture and the
3 Small Business Administration. The Secretaries of
4 Labor, Commerce, and Agriculture and the Adminis-
5 trator of the Small Business Administration shall make
6 available to the Comptroller General any assistance nec-
7 essary for an effective evaluation of the adjustment as-
8 sistance programs established under this title.”.

9 (3) COORDINATION.—Section 281 of the Trade
10 Act of 1974 (19 U.S.C. 2392) is amended by strik-
11 ing “Departments of Labor and Commerce” and in-
12 sserting “Departments of Labor, Commerce, and Ag-
13 riculture”.

14 (4) TRADE MONITORING SYSTEM.—Section 282
15 of the Trade Act of 1974 (19 U.S.C. 2393) is
16 amended by striking “The Secretary of Commerce
17 and the Secretary of Labor” and inserting “The
18 Secretaries of Commerce, Labor, and Agriculture”.

19 (5) JUDICIAL REVIEW.—

20 (A) Section 284(a) of the Trade Act of
21 1974 (19 U.S.C. 2395(a)) is amended by strik-
22 ing “under section 223 or section 250(c)” and
23 all that follows through “the Secretary of Com-
24 merce under section 271” and inserting “under
25 section 231, a firm or its representative, or any

1 other interested domestic party aggrieved by a
2 final determination of the Secretary of Com-
3 merce under section 251, an agricultural com-
4 modity producer (as defined in section 291(2))
5 aggrieved by a determination of the Secretary
6 of Agriculture under section 293, or a producer
7 (as defined in section 299(2)) aggrieved by a
8 determination of the Secretary of Commerce
9 under section 299B”.

10 (B) Section 284 of such Trade Act of 1974
11 is amended in the second sentence of subsection
12 (a) and in subsections (b) and (c), by inserting
13 “or the Secretary of Agriculture” after “Sec-
14 retary of Commerce” each place it appears.

15 (6) TERMINATION.—Section 285 of the Trade
16 Act of 1974 is amended to read as follows:

17 **“SEC. 285. TERMINATION.**

18 “(a) ASSISTANCE FOR WORKERS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), trade adjustment assistance, vouchers, al-
21 lowances, and other payments or benefits may not be
22 provided under chapter 2 after September 30, 2007.

23 “(2) EXCEPTION.—Notwithstanding paragraph
24 (1), a worker shall continue to receive trade adjust-
25 ment assistance benefits and other benefits under

1 chapter 2 for any week for which the worker meets
2 the eligibility requirements of that chapter, if on or
3 before September 30, 2007, the worker is—

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

6 “(B) otherwise eligible to receive trade ad-
7 justment assistance benefits under chapter 2.

8 “(b) OTHER ASSISTANCE.—

9 “(1) ASSISTANCE FOR FIRMS.—Technical as-
10 sistance may not be provided under chapter 3 after
11 September 30, 2007.

12 “(2) ASSISTANCE FOR COMMUNITIES.—Tech-
13 nical assistance and other payments may not be pro-
14 vided under chapter 4 after September 30, 2007.

15 “(3) ASSISTANCE FOR FARMERS AND FISHER-
16 MEN.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), adjustment assistance,
19 vouchers, allowances, and other payments or
20 benefits may not be provided under chapter 6
21 or 7 after September 30, 2007.

22 “(B) EXCEPTION.—Notwithstanding sub-
23 paragraph (A), an agricultural commodity pro-
24 ducer (as defined in section 291(2)) or producer
25 (as defined in section 299(2)), shall continue to

1 receive adjustment assistance benefits and other
 2 benefits under chapter 6 or 7, whichever ap-
 3 plies, for any week for which the agricultural
 4 commodity producer or producer meets the eli-
 5 gibility requirements of chapter 6 or 7, which-
 6 ever applies, if on or before September 30,
 7 2007, the agricultural commodity producer or
 8 producer is—

9 “(i) certified as eligible for adjustment
 10 assistance benefits under chapter 6 or 7,
 11 whichever applies; and

12 “(ii) is otherwise eligible to receive ad-
 13 justment assistance benefits under such
 14 chapter 6 or 7.”.

15 (7) TABLE OF CONTENTS.—

16 (A) IN GENERAL.—The table of contents
 17 for chapters 2, 3, and 4 of title II of the Trade
 18 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.

“Sec. 226. Report by Secretary of Labor on likely impact of trade agree-
 ments.

“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; wage insurance.

“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 Trade 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) CHAPTERS 6 AND 7.—The table of
 2 contents for title II of the Trade Act of 1974,
 3 as amended by subparagraph (A), is amended
 4 by inserting after the items relating to chapter
 5 5 the following:

“CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

- “Sec. 291. Definitions.
- “Sec. 292. Petitions; group eligibility.
- “Sec. 293. Determinations by Secretary of Agriculture.
- “Sec. 294. Study by Secretary of Agriculture 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.

“CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

- “Sec. 299. Definitions.
- “Sec. 299A. Petitions; group eligibility.
- “Sec. 299B. Determinations by Secretary.
- “Sec. 299C. Study by Secretary when International Trade Commission begins investigation.
- “Sec. 299D. Benefit information to producers.
- “Sec. 299E. Qualifying requirements for producers.
- “Sec. 299F. Fraud and recovery of overpayments.
- “Sec. 299G. Authorization of appropriations.”.

6 (b) INTERNAL REVENUE CODE.—

7 (1) ADJUSTED GROSS INCOME.—Section
 8 62(a)(12) of the Internal Revenue Code of 1986 (re-
 9 lating to the definition of adjusted gross income) is
 10 amended by striking “trade readjustment allowances
 11 under section 231 or 232” and inserting “trade ad-
 12 justment allowances under section 235 or 236”.

13 (2) FEDERAL UNEMPLOYMENT.—

1 (A) IN GENERAL.—Section 3304(a)(8) of
2 the Internal Revenue Code of 1986 (relating to
3 the approval of State unemployment insurance
4 laws) is amended to read as follows:

5 “(8) compensation shall not be denied to an in-
6 dividual for any week because the individual is in
7 training with the approval of the State agency, or in
8 training approved by the Secretary of Labor pursu-
9 ant to chapter 2 of title II of the Trade Act of 1974
10 (or because of the application, to any such week in
11 training, of State law provisions relating to avail-
12 ability for work, active search for work, or refusal to
13 accept work);”.

14 (B) EFFECTIVE DATE.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), the amendments made by
17 this paragraph shall apply in the case of
18 compensation paid for weeks beginning on
19 or after the date that is 90 days after the
20 date of enactment of this Act.

21 (ii) MEETING OF STATE LEGISLA-
22 TURE.—

23 (I) IN GENERAL.—If the Sec-
24 retary of Labor identifies a State as
25 requiring a change to its statutes or

1 regulations in order to comply with
2 the amendments made by subpara-
3 graph (A), the amendments made by
4 subparagraph (A) shall apply in the
5 case of compensation paid for weeks
6 beginning after the earlier of—

7 (aa) the date the State
8 changes its statutes or regula-
9 tions in order to comply with the
10 amendments made by this sec-
11 tion; or

12 (bb) the end of the first ses-
13 sion of the State legislature
14 which begins after the date of en-
15 actment of this Act or which
16 began prior to such date and re-
17 mained in session for at least 25
18 calendar days after such date;

19 except that in no case shall the
20 amendments made by this Act apply
21 before the date described in clause (i).

22 (II) SESSION DEFINED.—In this
23 clause, the term “session” means a
24 regular, special, budget, or other ses-
25 sion of a State legislature.

1 (c) AMENDMENTS TO TITLE 28.—

2 (1) CIVIL ACTIONS AGAINST THE UNITED
3 STATES.—Section 1581(d) of title 28, United States
4 Code, is amended—

5 (A) in paragraph (1), by striking “section
6 223” and inserting “section 231”;

7 (B) in paragraph (2), by striking “and”;
8 and

9 (C) by striking paragraph (3), and insert-
10 ing the following:

11 “(3) any final determination of the Secretary of
12 Agriculture under section 293 of the Trade Act of
13 1974 with respect to the eligibility of an agricultural
14 commodity producer (as defined in section 291(2))
15 for adjustment assistance under such Act; and

16 “(4) any final determination of the Secretary of
17 Commerce under section 299B of the Trade Act of
18 1974 with respect to the eligibility of a producer (as
19 defined in section 299(2)) for adjustment assistance
20 under such Act.”.

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

24 (A) by amending paragraph (1) to read as
25 follows:

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

10 (B) by striking paragraph (3), and insert-
11 ing the following:

12 “(3) A civil action to review any final determination
13 of the Secretary of Agriculture under section 293 of the
14 Trade Act of 1974 with respect to the eligibility of an agri-
15 cultural commodity producer for adjustment assistance
16 may be commenced in the Court of International Trade
17 by an agricultural commodity producer that applies for as-
18 sistance under such Act and is aggrieved by such final
19 determination, or by any other interested party that is ag-
20 grieved by such final determination.”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(4) A civil action to review any final determination
24 of the Secretary of Commerce under section 299B of the
25 Trade Act of 1974 with respect to the eligibility of an pro-

1 ducer (as defined in section 299(2)) for adjustment assist-
2 ance may be commenced in the Court of International
3 Trade by a producer that applies for assistance under such
4 Act and is aggrieved by such final determination, or by
5 any other interested party that is aggrieved by such final
6 determination.”.

7 (3) TIME FOR COMMENCEMENT OF ACTION.—
8 Section 2636(d) of title 28, United States Code, is
9 amended by striking “under section 223 of the
10 Trade Act of 1974 or a final determination of the
11 Secretary of Commerce under section 251 or section
12 271 of such Act” and inserting “under section 231
13 of the Trade Act of 1974, a final determination of
14 the Secretary of Commerce under section 251 of
15 that Act, a final determination of the Secretary of
16 Agriculture under section 293 of that Act, or a final
17 determination of the Secretary of Commerce under
18 section 299B of that Act”.

19 (4) SCOPE AND STANDARD OF REVIEW.—Sec-
20 tion 2640(c) of title 28, United States Code, is
21 amended by striking “under section 223 of the
22 Trade Act of 1974 or any final determination of the
23 Secretary of Commerce under section 251 or section
24 271 of such Act” and inserting “under section 231
25 of the Trade Act of 1974, a final determination of

1 the Secretary of Commerce under section 251 of
 2 that Act, a final determination of the Secretary of
 3 Agriculture under section 293 of that Act, or a final
 4 determination of the Secretary of Commerce under
 5 section 299B of that Act”.

6 (5) RELIEF.—Section 2643(c)(2) of title 28,
 7 United States Code, is amended by striking “under
 8 section 223 of the Trade Act of 1974 or any final
 9 determination of the Secretary of Commerce under
 10 section 251 or section 271 of such Act” and insert-
 11 ing “under section 231 of the Trade Act of 1974,
 12 a final determination of the Secretary of Commerce
 13 under section 251 of that Act, a final determination
 14 of the Secretary of Agriculture under section 293 of
 15 that Act, or a final determination of the Secretary
 16 of Commerce under section 299B of that Act”.

17 (d) AMENDMENT TO THE FOOD STAMP ACT OF
 18 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977
 19 (7 U.S.C. 2015(o)(1)(B)) is amended by striking “section
 20 236” and inserting “section 240”.

21 **TITLE VIII—SAVINGS PROVI-**
 22 **SIONS AND EFFECTIVE DATE**

23 **SEC. 801. SAVINGS PROVISIONS.**

24 (a) PROCEEDINGS NOT AFFECTED.—

1 (1) IN GENERAL.—The provisions of this Act
2 shall not affect any petition for certification for ben-
3 efits under chapter 2 of title II of the Trade Act of
4 1974 that was in effect on September 30, 2001. De-
5 terminations shall be issued, appeals shall be taken
6 therefrom, and payments shall be made under those
7 determinations, as if this Act had not been enacted,
8 and orders issued in any proceeding shall continue
9 in effect until modified, terminated, superseded, or
10 revoked by a duly authorized official, by a court of
11 competent jurisdiction, or by operation of law.

12 (2) MODIFICATION OR DISCONTINUANCE.—
13 Nothing in this subsection shall be deemed to pro-
14 hibit the discontinuance or modification of any pro-
15 ceeding under the same terms and conditions and to
16 the same extent that the proceeding could have been
17 discontinued or modified if this Act had not been en-
18 acted.

19 (b) SUITS NOT AFFECTED.—The provisions of this
20 Act shall not affect any suit commenced before October
21 1, 2001, and in all those suits, proceedings shall be had,
22 appeals taken, and judgments rendered in the same man-
23 ner and with the same effect as if this Act had not been
24 enacted.

1 (c) NONABATEMENT OF ACTIONS.—No suit, action,
2 or other proceeding commenced by or against the Federal
3 Government, or by or against any individual in the official
4 capacity of that individual as an officer of the Federal
5 Government, shall abate by reason of enactment of this
6 Act.

7 **SEC. 802. EFFECTIVE DATE.**

8 (a) IN GENERAL.—Except as otherwise provided in
9 sections 401(b), 501(b), and 701(b)(2)(B), title IX, and
10 subsections (b), (c), and (d) of this section, the amend-
11 ments made by this Act shall apply to—

12 (1) petitions for certification filed under chapter
13 2 or 3 of title II of the Trade Act of 1974 on or
14 after the date that is 90 days after the date of en-
15 actment of this Act; and

16 (2) certifications for assistance under chapter 4
17 of title II of the Trade Act of 1974 issued on or
18 after the date that is 90 days after the date of en-
19 actment of this Act.

20 (b) WORKERS CERTIFIED AS ELIGIBLE BEFORE EF-
21 FECTIVE DATE.—Notwithstanding subsection (a), a work-
22 er shall continue to receive (or be eligible to receive) trade
23 adjustment assistance and other benefits under chapter 2
24 of title II of the Trade Act of 1974, as in effect on Sep-
25 tember 30, 2001, for any week for which the worker meets

1 the eligibility requirements of such chapter 2 as in effect
2 on such date, if on or before such date, the worker—

3 (1) was certified as eligible for trade adjust-
4 ment assistance benefits under such chapter as in
5 effect on such date; and

6 (2) would otherwise be eligible to receive trade
7 adjustment assistance benefits under such chapter
8 as in effect on such date.

9 (c) WORKERS WHO BECAME ELIGIBLE DURING
10 QUALIFIED PERIOD.—

11 (1) IN GENERAL.—Notwithstanding subsection
12 (a) or any other provision of law, including section
13 285 of the Trade Act of 1974, any worker who
14 would have been eligible to receive trade adjustment
15 assistance or other benefits under chapter 2 of title
16 II of the Trade Act of 1974 during the qualified pe-
17 riod if such chapter 2 had been in effect during such
18 period, shall be eligible to receive trade adjustment
19 assistance and other benefits under chapter 2 of title
20 II of the Trade Act of 1974, as in effect on Sep-
21 tember 30, 2001, for any week during the qualified
22 period for which the worker meets the eligibility re-
23 quirements of such chapter 2 as in effect on Sep-
24 tember 30, 2001.

1 (2) QUALIFIED PERIOD.—For purposes of this
2 subsection, the term “qualified period” means the
3 period beginning on January 11, 2002 and ending
4 on the date that is 90 days after the date of enact-
5 ment of this Act.

6 (d) ADJUSTMENT ASSISTANCE FOR FIRMS.—

7 (1) IN GENERAL.—Notwithstanding subsection
8 (a) or any other provision of law, including section
9 285 of the Trade Act of 1974, and except as pro-
10 vided in paragraph (2) any firm that would have
11 been eligible to receive adjustment assistance under
12 chapter 3 of title II of the Trade Act if 1974 during
13 the qualified period if such chapter 3 had been in ef-
14 fect during such period, shall be eligible to receive
15 adjustment assistance under chapter 3 of title II of
16 the Trade Act of 1974, as in effect on September
17 30, 2001, for any week during the qualified period
18 for which the firm meets the eligibility requirements
19 of such chapter 3 as in effect on September 30,
20 2001.

21 (2) QUALIFIED PERIOD.—For purposes of this
22 subsection, the term “qualified period” means the
23 period beginning on October 1, 2001 and ending on
24 the date that is 90 days after the date of enactment
25 of this Act.

1 **TITLE IX—REVENUE**
2 **PROVISIONS**

3 **SEC. 901. CUSTOM USER FEES.**

4 Section 13031(j)(3) of the Consolidated Omnibus
5 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3))
6 is amended by striking “2003” and inserting “2012”.

○