

108TH CONGRESS
1ST SESSION

S. 1110

To amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, Mrs. MURRAY, Ms. CANTWELL, Mr. DAYTON, Mr. LIEBERMAN, Mrs. LINCOLN, and Mrs. FEINSTEIN) 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 provide trade adjustment assistance for 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.**

4 This Act may be cited as the “Trade Adjustment As-
5 sistance for Communities Act of 2003”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to assist communities neg-
8 atively impacted by trade with economic adjustment
9 through the integration of political and economic organiza-

1 tions, the coordination of Federal, State, and local re-
 2 sources, the creation of community-based development
 3 strategies, and the provision of economic transition assist-
 4 ance.

5 **SEC. 3. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
 6 **NITIES.**

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

9 **“CHAPTER 4—TRADE ADJUSTMENT**
 10 **ASSISTANCE FOR COMMUNITIES**

11 **“SEC. 271. DEFINITIONS.**

12 “In this chapter:

13 “(1) **AFFECTED DOMESTIC PRODUCER.**—The
 14 term ‘affected domestic producer’ means any manu-
 15 facturer, producer, farmer, rancher, fisherman or
 16 worker representative (including associations of such
 17 persons) that was affected by a finding under the
 18 Antidumping Act of 1921, or by an antidumping or
 19 countervailing duty order issued under title VII of
 20 the Tariff Act of 1930.

21 “(2) **AGRICULTURAL COMMODITY PRODUCER.**—
 22 The term ‘agricultural commodity producer’ has the
 23 same meaning as the term ‘person’ as prescribed by
 24 regulations promulgated under section 1001(5) of
 25 the Food Security Act of 1985 (7 U.S.C. 1308(5)).

1 “(3) COMMUNITY.—The term ‘community’
 2 means a city, county, or other political subdivision of
 3 a State or a consortium of political subdivisions of
 4 a State that the Secretary certifies as being nega-
 5 tively impacted by trade.

6 “(4) COMMUNITY NEGATIVELY IMPACTED BY
 7 TRADE.—A community negatively impacted by trade
 8 means a community with respect to which a deter-
 9 mination has been made under section 273.

10 “(5) ELIGIBLE COMMUNITY.—The term ‘eligible
 11 community’ means a community certified under sec-
 12 tion 273 for assistance under this chapter.

13 “(6) FISHERMAN.—

14 “(A) IN GENERAL.—The term ‘fisherman’
 15 means any person who—

16 “(i) is engaged in commercial fishing;

17 or

18 “(ii) is a United States fish processor.

19 “(B) COMMERCIAL FISHING, FISH, FISH-
 20 ERY, FISHING, FISHING VESSEL, PERSON, AND
 21 UNITED STATES FISH PROCESSOR.—The terms
 22 ‘commercial fishing’, ‘fish’, ‘fishery’, ‘fishing’,
 23 ‘fishing vessel’, ‘person’, and ‘United States fish
 24 processor’ have the same meanings as such
 25 terms have in the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C.
2 1802).

3 “(7) JOB LOSS.—The term ‘job loss’ means the
4 total or partial separation of an individual, as those
5 terms are defined in section 247.

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

8 **“SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE**
9 **PROGRAM.**

10 “(a) ESTABLISHMENT.—Within 6 months after the
11 date of enactment of the Trade Adjustment Assistance for
12 Communities Act of 2003, the Secretary shall establish a
13 Trade Adjustment Assistance for Communities Program
14 at the Department of Commerce.

15 “(b) PERSONNEL.—The Secretary shall designate
16 such staff as may be necessary to carry out the respon-
17 sibilities described in this chapter.

18 “(c) COORDINATION OF FEDERAL RESPONSE.—The
19 Secretary shall—

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

23 “(2) coordinate the Federal response to an eli-
24 gible community—

1 “(A) by identifying all Federal, State, and
2 local resources that are available to assist the
3 eligible community in recovering from economic
4 distress;

5 “(B) by ensuring that all Federal agencies
6 offering assistance to an eligible community do
7 so in a targeted, integrated manner that en-
8 sures that an eligible community has access to
9 all available Federal assistance;

10 “(C) by assuring timely consultation and
11 cooperation between Federal, State, and re-
12 gional officials concerning economic adjustment
13 for an eligible community; and

14 “(D) by identifying and strengthening ex-
15 isting agency mechanisms designed to assist eli-
16 gible communities in their efforts to achieve
17 economic adjustment and workforce reemploy-
18 ment;

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

22 “(A) identify serious economic problems in
23 the community that are the result of negative
24 impacts from trade;

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

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

7 “(D) diversify and strengthen the commu-
8 nity economy; and

9 “(E) develop a community-based strategic
10 plan to address economic development and
11 workforce dislocation, including unemployment
12 among agricultural commodity producers, and
13 fishermen;

14 “(4) establish specific criteria for submission
15 and evaluation of a strategic plan submitted under
16 section 274(d);

17 “(5) establish specific criteria for submitting
18 and evaluating applications for grants under section
19 275;

20 “(6) administer the grant programs established
21 under sections 274 and 275; and

22 “(7) establish an interagency Trade Adjustment
23 Assistance for Communities Working Group, con-
24 sisting of the representatives of any Federal depart-
25 ment or agency with responsibility for economic ad-

1 justment assistance, including the Department of
 2 Agriculture, the Department of Education, the De-
 3 partment of Labor, the Department of Housing and
 4 Urban Development, the Department of Health and
 5 Human Services, the Small Business Administra-
 6 tion, the Department of the Treasury, the Depart-
 7 ment of Commerce, and any other Federal, State, or
 8 regional department or agency the Secretary deter-
 9 mines necessary or appropriate.

10 **“SEC. 273. CERTIFICATION AND NOTIFICATION.**

11 “(a) CERTIFICATION.—Not later than 45 days after
 12 an event described in subsection (c)(1), the Secretary of
 13 Commerce shall determine if a community described in
 14 subsection (b)(1) is negatively impacted by trade, and if
 15 a positive determination is made, shall certify the commu-
 16 nity for assistance under this chapter.

17 “(b) DETERMINATION THAT COMMUNITY IS ELIGI-
 18 BLE.—

19 “(1) COMMUNITY DESCRIBED.—A community
 20 described in this paragraph means a community
 21 with respect to which on or after October 1, 2003—

22 “(A) the Secretary of Labor certifies a
 23 group of workers (or their authorized represent-
 24 ative) in the community as eligible for assist-
 25 ance pursuant to section 223;

1 “(B) the Secretary of Commerce certifies a
 2 firm located in the community as eligible for
 3 adjustment assistance under section 251;

4 “(C) the Secretary of Agriculture certifies
 5 a group of agricultural commodity producers
 6 (or their authorized representative) in the com-
 7 munity as eligible for adjustment assistance
 8 under section 293;

9 “(D) an affected domestic producer is lo-
 10 cated in the community; or

11 “(E) the Secretary determines that a sig-
 12 nificant number of fishermen in the community
 13 is negatively impacted by trade.

14 “(2) NEGATIVELY IMPACTED BY TRADE.—The
 15 Secretary shall determine that a community is nega-
 16 tively impacted by trade, after taking into consider-
 17 ation—

18 “(A) the number of jobs affected compared
 19 to the size of workforce in the community;

20 “(B) the severity of the rates of unemploy-
 21 ment in the community and the duration of the
 22 unemployment in the community;

23 “(C) the income levels and the extent of
 24 underemployment in the community;

1 “(D) the outmigration of population from
 2 the community and the extent to which the out-
 3 migration is causing economic injury in the
 4 community; and

5 “(E) the unique problems and needs of the
 6 community.

7 “(c) DEFINITION AND SPECIAL RULES.—

8 “(1) EVENT DESCRIBED.—An event described
 9 in this paragraph means one of the following:

10 “(A) A notification described in paragraph
 11 (2).

12 “(B) A certification of a firm under section
 13 251.

14 “(C) A finding under the Antidumping Act
 15 of 1921, or an antidumping or countervailing
 16 duty order issued under title VII of the Tariff
 17 Act of 1930.

18 “(D) A determination by the Secretary
 19 that a significant number of fishermen in a
 20 community have been negatively impacted by
 21 trade.

22 “(2) NOTIFICATION.—The Secretary of Labor,
 23 immediately upon making a determination that a
 24 group of workers is eligible for trade adjustment as-
 25 sistance under section 223, (or the Secretary of Ag-

1 riculture, immediately upon making a determination
 2 that a group of agricultural commodity producers is
 3 eligible for adjustment assistance under section 293,
 4 as the case may be) shall notify the Secretary of
 5 Commerce of the determination.

6 “(3) LOOK BACK.—In any case in which an
 7 event described in paragraph (1) occurred on or
 8 after January 1, 1998, and before the effective date
 9 of this chapter, the Secretary shall, not later than
 10 45 days after such effective date, determine whether
 11 the community is negatively impacted by trade, and
 12 if a positive determination is made, shall certify the
 13 community for assistance under this chapter.

14 “(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—
 15 Immediately upon certification by the Secretary of Com-
 16 merce that a community is eligible for assistance under
 17 subsection (b), the Secretary shall notify the community—

18 “(1) of the determination under subsection (b);

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

20 “(3) how to access the clearinghouse established
 21 by the Department of Commerce regarding available
 22 economic assistance;

23 “(4) how to obtain technical assistance provided
 24 under section 272(c)(3); and

1 “(5) how to obtain grants, tax credits, low in-
2 come loans, and other appropriate economic assist-
3 ance.

4 **“SEC. 274. STRATEGIC PLANS.**

5 “(a) IN GENERAL.—An eligible community may de-
6 velop a strategic plan for community economic adjustment
7 and diversification.

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

10 “(1) A description and justification of the ca-
11 pacity for economic adjustment, including the meth-
12 od of financing to be used.

13 “(2) A description of the commitment of the
14 community to the strategic plan over the long term
15 and the participation and input of groups affected
16 by economic dislocation.

17 “(3) A description of the projects to be under-
18 taken by the eligible community.

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

23 “(5) A description of how the plan will achieve
24 economic adjustment and diversification.

1 “(6) A description of how the plan and the
2 projects will contribute to establishing or maintain-
3 ing a level of public services necessary to attract and
4 retain economic investment.

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

8 “(8) A description of how the plan will address
9 the occupational and workforce conditions in the eli-
10 gible community.

11 “(9) A description of the educational programs
12 available for workforce training and future employ-
13 ment needs.

14 “(10) A description of how the plan will adapt
15 to changing markets and business cycles.

16 “(11) A description and justification for the
17 cost and timing of the total funds required by the
18 community for economic assistance.

19 “(12) 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.—The
23 Secretary, upon receipt of an application from an eligible
24 community, may award a grant to that community to be
25 used to develop the strategic plan.

1 “(d) SUBMISSION OF PLAN.—A strategic plan devel-
 2 oped under subsection (a) shall be submitted to the Sec-
 3 retary for evaluation and approval.

4 **“SEC. 275. GRANTS FOR ECONOMIC DEVELOPMENT.**

5 “(a) IN GENERAL.—The Secretary, upon approval of
 6 a strategic plan from an eligible community, may award
 7 a grant to that community to carry out any project or
 8 program that is certified by the Secretary to be included
 9 in the strategic plan approved under section 274(d), or
 10 consistent with that plan.

11 “(b) ADDITIONAL GRANTS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
 13 in order to assist eligible communities to obtain
 14 funds under Federal grant programs, other than the
 15 grants provided for in section 274(c) or subsection
 16 (a), the Secretary may, on the application of an eli-
 17 gible community, make a supplemental grant to the
 18 community if—

19 “(A) the purpose of the grant program
 20 from which the grant is made is to provide
 21 technical or other assistance for planning, con-
 22 structing, or equipping public works facilities or
 23 to provide assistance for public service projects;
 24 and

1 “(B) the grant is 1 for which the commu-
 2 nity is eligible except for the community’s in-
 3 ability to meet the non-Federal share require-
 4 ments of the grant program.

5 “(2) USE AS NON-FEDERAL SHARE.—A supple-
 6 mental grant made under this subsection may be
 7 used to provide the non-Federal share of a project,
 8 unless the total Federal contribution to the project
 9 for which the grant is being made exceeds 80 per-
 10 cent and that excess is not permitted by law.

11 “(c) RURAL COMMUNITY PREFERENCE.—The Sec-
 12 retary shall develop guidelines to ensure that rural com-
 13 munities receive preference in the allocation of resources.

14 **“SEC. 276. GENERAL PROVISIONS.**

15 “(a) REGULATIONS.—The Secretary shall prescribe
 16 such regulations as are necessary to carry out the provi-
 17 sions of this chapter. Before implementing any regulation
 18 or guideline proposed by the Secretary with respect to this
 19 chapter, the Secretary shall submit the regulation or
 20 guideline to the Committee on Finance of the Senate and
 21 the Committee on Ways and Means of the House of Rep-
 22 resentatives for approval.

23 “(b) SUPPLEMENT NOT SUPPLANT.—Funds appro-
 24 priated under this chapter shall be used to supplement and
 25 not supplant other Federal, State, and local public funds

1 expended to provide economic development assistance for
2 communities.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary
5 \$350,000,000 for each of fiscal years 2004 through 2007,
6 to carry out this chapter. Amounts appropriated pursuant
7 to this subsection shall remain available until expended.”.

8 **SEC. 4. CONFORMING AMENDMENTS.**

9 (a) TERMINATION.—Section 285(b) of the Trade Act
10 of 1974 (19 U.S.C. 2271 note) is amended by adding at
11 the end the following new paragraph:

12 “(3) ASSISTANCE FOR COMMUNITIES.—Tech-
13 nical assistance and other payments may not be pro-
14 vided under chapter 4 after September 30, 2007.”.

15 (b) TABLE OF CONTENTS.—The table of contents for
16 title II of the Trade Act of 1974 is amended by striking
17 the items relating to chapter 4 of title II and inserting
18 after the items relating to chapter 3 the following new
19 items:

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Sec. 271. Definitions.

“Sec. 272. Community Trade Adjustment Assistance Program.

“Sec. 273. Certification and notification.

“Sec. 274. Strategic plans.

“Sec. 275. Grants for economic development.

“Sec. 276. General provisions.”.

1 (c) JUDICIAL REVIEW.—Section 284(a) of the Trade
2 Act of 1974 (19 U.S.C. 2395(a)) is amended by striking
3 “section 271” and inserting “section 273”.

4 **SEC. 5. EFFECTIVE DATE.**

5 The provisions of this Act shall take effect on October
6 1, 2003.

○