

110TH CONGRESS
1ST SESSION

S. 1848

To amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2007

Mr. BAUCUS (for himself, Ms. SNOWE, Mr. WYDEN, Mr. COLEMAN, Ms. STABENOW, Ms. CANTWELL, Mr. SALAZAR, Mrs. MURRAY, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. LEVIN, and Mr. OBAMA) 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 address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, 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 and Globalization Adjustment Assistance Act of
6 2007”.

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

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Subtitle A—Trade Adjustment Assistance for Services Sector; Shifts in
 Production Overseas

Sec. 101. Extension of trade adjustment assistance to services sector; shifts in
 production.

Sec. 102. Monitoring and reporting.

Sec. 103. Effective date.

Subtitle B—Industry-Wide Trade Adjustment Assistance

Sec. 111. Other methods of requesting investigation.

Sec. 112. Notification.

Sec. 113. Industry-wide determination.

Sec. 114. Regulations.

Subtitle C—Training

Sec. 121. Prerequisite education; approved training programs.

Sec. 122. Enrollment period; waivers.

Sec. 123. Temporary employment and on-the-job training accountability.

Sec. 124. Training funds.

Subtitle D—Health Coverage Improvement

Sec. 131. Short title.

Sec. 132. Improvement of the affordability of the credit.

Sec. 133. Payment for monthly premiums paid prior to certification of eligi-
 bility for credit.

Sec. 134. TAA recipients not enrolled in training programs eligible for credit.

Sec. 135. TAA pre-certification period rule for purposes of determining whether
 there is a 63-day lapse in creditable coverage.

Sec. 136. Continued qualification of family members after certain events.

Sec. 137. Preservation of State-based ratings laws.

Sec. 138. Alignment of COBRA coverage with TAA period for TAA-eligible in-
 dividuals.

Sec. 139. Addition of coverage through voluntary employees' beneficiary asso-
 ciations.

Sec. 140. Notice requirements.

Sec. 141. Annual report on enhanced TAA benefits.

Sec. 142. Extension of national emergency grants.

Subtitle E—Wage Insurance

Sec. 151. Wage insurance.

Subtitle F—Other Trade Adjustment Assistance Matters

Sec. 161. Calculation of eligibility period for allowance to accommodate ex-
 tended training, allowable breaks in training, litigation, and
 military service.

- Sec. 162. Job search and relocation allowances.
 Sec. 163. Certification of submissions; transparency.
 Sec. 164. Establishment of the Office of the Ombudsman for the Trade Adjustment Assistance program.
 Sec. 165. Data collection; information to workers.
 Sec. 166. Pilot program for distribution of information to workers.
 Sec. 167. Technical and conforming amendments.
 Sec. 168. Extension of authorization of trade adjustment assistance for workers.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR RURAL AND
DISTRESSED COMMUNITIES

- Sec. 201. Purpose.
 Sec. 202. Trade Adjustment Assistance for communities.
 Sec. 203. Conforming amendments.
 Sec. 204. Effective date.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

- Sec. 301. Trade adjustment assistance for firms.
 Sec. 302. Extension of authorization of trade adjustment assistance for firms.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS AND
FISHERMEN

- Sec. 401. Clarification of marketing year.
 Sec. 402. Application to fisherman.
 Sec. 403. Eligibility.
 Sec. 404. Benefits.
 Sec. 405. Audits and reports.
 Sec. 406. Extension of authorization of trade adjustment assistance for farmers.

1 **TITLE I—TRADE ADJUSTMENT**
 2 **ASSISTANCE FOR WORKERS**
 3 **Subtitle A—Trade Adjustment As-**
 4 **sistance for Services Sector;**
 5 **Shifts in Production Overseas**

6 **SEC. 101. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**
 7 **TO SERVICES SECTOR; SHIFTS IN PRODUC-**
 8 **TION.**

9 (a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Sec-
 10 tion 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.
 11 2271(a)(1)(A)) is amended by striking “firm)” and insert-

1 ing “firm, and workers in a service sector firm or subdivi-
2 sion of a service sector firm, or public agency)”.

3 (b) GROUP ELIGIBILITY REQUIREMENTS; SERVICE
4 WORKERS; SHIFTS IN PRODUCTION.—Section 222 of the
5 Trade Act of 1974 (19 U.S.C. 2272) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “agricultural firm)” and inserting
9 “agricultural firm, and workers in a service sec-
10 tor firm or subdivision of a service sector firm,
11 or public agency)”;

12 (B) in paragraph (1), by inserting “or
13 public agency” after “of the firm”; and

14 (C) in paragraph (2)—

15 (i) in subparagraph (A)(ii), by strik-
16 ing “like or directly competitive with arti-
17 cles produced” and inserting “or services
18 like or directly competitive with articles
19 produced or services provided”; and

20 (ii) by striking subparagraph (B) and
21 inserting the following:

22 “(B)(i) there has been a shift, by such
23 workers’ firm, subdivision, or public agency to
24 a foreign country, of production of articles, or
25 in provision of services, like or directly competi-

1 tive with articles which are produced, or serv-
2 ices which are provided by such firm, subdivi-
3 sion, or public agency; or

4 “(ii) such workers’ firm, subdivision, or
5 public agency has obtained or is likely to obtain
6 such services from a foreign country.”;

7 (2) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
9 by striking “agricultural firm)” and inserting
10 “agricultural firm, and workers in a service sec-
11 tor firm or subdivision of a service sector firm,
12 or public agency)”;

13 (B) in paragraph (2), by inserting “or
14 service” after “related to the article”; and

15 (C) in paragraph (3)(A), by inserting “or
16 services” after “component parts”;

17 (3) in subsection (c)—

18 (A) in paragraph (3)—

19 (i) by inserting “or services” after
20 “value-added production processes”;

21 (ii) by striking “or finishing” and in-
22 serting “, finishing, testing, packaging, or
23 maintenance or transportation services”;

24 (iii) by inserting “or services” after
25 “for articles”;

1 (iv) by inserting “(or subdivision)”
2 after “such other firm”; and

3 (v) by striking “, if the certification of
4 eligibility” and all that follows through
5 “Canada or Mexico”; and

6 (B) in paragraph (4)—

7 (i) by striking “for articles” and in-
8 serting “, or services, used in the produc-
9 tion of articles or in the provision of serv-
10 ices”; and

11 (ii) by inserting “(or subdivision)”
12 after “such other firm”; and

13 (4) by adding at the end the following:

14 “(d) BASIS FOR SECRETARY’S DETERMINATIONS.—

15 “(1) INCREASED IMPORTS.—For purposes of
16 subsection (a)(2)(A)(ii), the Secretary may deter-
17 mine that increased imports of like or directly com-
18 petitive articles or services exist if the workers’ firm
19 or subdivision, or customers of the workers’ firm or
20 subdivision accounting for not less than 20 percent
21 of the sales of the workers’ firm or subdivision, cer-
22 tify to the Secretary that such customers are obtain-
23 ing such articles or services from a foreign country.

24 “(2) OBTAINING SERVICES ABROAD.—For pur-
25 poses of subsection (a)(2)(B)(ii), the Secretary may

1 determine that the workers' firm, subdivision, or
2 public agency has obtained or is likely to obtain like
3 or directly competitive services from a foreign coun-
4 try based on a certification thereof from the work-
5 ers' firm, subdivision, or public agency.

6 “(3) AUTHORITY OF THE SECRETARY.—The
7 Secretary may obtain the certifications under para-
8 graphs (1) and (2) through questionnaires or in
9 such other manner as the Secretary determines is
10 appropriate.

11 “(e) ADDITIONAL INFORMATION.—In determining
12 whether to certify a group of workers under subsection
13 (a) or (b) pursuant to a petition filed under section 221,
14 the Secretary should confirm information furnished in the
15 petition and elicit other relevant information by con-
16 tacting—

17 “(1) officials of firms and unions;

18 “(2) employees and any other persons;

19 “(3) Federal and State agencies; and

20 “(4) public and private organizations.”.

21 (c) DEFINITIONS.—Section 247 of the Trade Act of
22 1974 (19 U.S.C. 2319) is amended—

23 (1) in paragraph (1)—

24 (A) by inserting “or public agency” after

25 “of a firm”; and

1 (B) by inserting “or public agency” after
2 “or subdivision”;

3 (2) in paragraph (2)(B), by inserting “or public
4 agency” after “the firm”;

5 (3) by redesignating paragraphs (8) through
6 (17) as paragraphs (9) through (18), respectively;
7 and

8 (4) by inserting after paragraph (6) the fol-
9 lowing:

10 “(7) The term ‘public agency’ means a depart-
11 ment or agency of a State or local government or of
12 the Federal Government.

13 “(8) The term ‘service sector firm’ means an
14 entity engaged in the business of providing serv-
15 ices.”.

16 **SEC. 102. MONITORING AND REPORTING.**

17 Section 282 of the Trade Act of 1974 (19 U.S.C.
18 2393) is amended—

19 (1) in the first sentence—

20 (A) by striking “The Secretary” and in-
21 serting the following:

22 “(a) MONITORING PROGRAMS.—The Secretary”;

23 (B) by inserting “and services” after “im-
24 ports of articles”;

1 (C) by inserting “and domestic provision of
2 services” after “domestic production”;

3 (D) by inserting “or providing services”
4 after “producing articles”; and

5 (E) by inserting “, or provision of serv-
6 ices,” after “changes in production”; and

7 (2) by adding at the end the following:

8 “(b) COLLECTION OF DATA AND REPORTS ON SERV-
9 ICE SECTOR.—

10 “(1) SECRETARY OF LABOR.—Not later than
11 90 days after the date of the enactment of the Trade
12 and Globalization Adjustment Assistance Act of
13 2007, the Secretary of Labor shall implement a sys-
14 tem to collect data on adversely affected service
15 workers that includes the number of workers by
16 State, industry, and cause of dislocation of each
17 worker.

18 “(2) SECRETARY OF COMMERCE.—Not later
19 than 180 days after such date of enactment, the
20 Secretary of Commerce shall, in consultation with
21 the Secretary of Labor, conduct a study and report
22 to Congress on ways to improve the timeliness and
23 coverage of data on trade in services, including
24 methods to identify increased imports due to the re-
25 location of United States firms to foreign countries,

1 and increased imports due to United States firms
 2 obtaining services from firms in foreign countries.”.

3 **SEC. 103. EFFECTIVE DATE.**

4 The amendments made by this subtitle shall take ef-
 5 fect on the date that is 90 days after the date of the enact-
 6 ment of this Act.

7 **Subtitle B—Industry-Wide Trade**
 8 **Adjustment Assistance**

9 **SEC. 111. OTHER METHODS OF REQUESTING INVESTIGA-**
 10 **TION.**

11 Section 221 of the Trade Act of 1974 (19 U.S.C.
 12 2271) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (2), by inserting “or a
 15 request or resolution filed under subsection
 16 (c),” after “paragraph (1),”; and

17 (B) in paragraph (3), by inserting “, re-
 18 quest, or resolution” after “petition” each place
 19 it appears; and

20 (2) by adding at the end the following:

21 “(c) OTHER METHODS OF INITIATING A PETITION.—

22 Upon the request of the President or the United States
 23 Trade Representative, or the resolution of either the Com-
 24 mittee on Finance of the Senate or the Committee on
 25 Ways and Means of the House of Representatives, the

1 Secretary shall promptly initiate an investigation under
2 this chapter to determine the eligibility for adjustment as-
3 sistance of—

4 “(1) a group of workers (which may include
5 workers from more than one facility or employer); or

6 “(2) all workers in an occupation as that occu-
7 pation is defined in the Bureau of Labor Statistics
8 Standard Occupational Classification System.”.

9 **SEC. 112. NOTIFICATION.**

10 Section 224 of the Trade Act of 1974 (19 U.S.C.
11 2274) is amended to read as follows:

12 **“SEC. 224. NOTIFICATIONS REGARDING AFFIRMATIVE DE-**
13 **TERMINATIONS AND SAFEGUARDS.**

14 “(a) NOTIFICATIONS REGARDING CHAPTER 1 INVES-
15 TIGATIONS AND DETERMINATIONS.—Whenever the Inter-
16 national Trade Commission makes a report under section
17 202(f) containing an affirmative finding regarding serious
18 injury, or the threat thereof, to a domestic industry, the
19 Commission shall immediately—

20 “(1) notify the Secretary of Labor of that find-
21 ing; and

22 “(2) in the case of a finding with respect to an
23 agricultural commodity, as defined in section 291,
24 notify the Secretary of Agriculture of that finding.

1 “(b) NOTIFICATION REGARDING BILATERAL SAFE-
2 GUARDS.—The International Trade Commission shall im-
3 mediately notify the Secretary of Labor and, in an inves-
4 tigation with respect to an agricultural commodity, the
5 Secretary of Agriculture, whenever the Commission makes
6 an affirmative determination pursuant to one of the fol-
7 lowing provisions:

8 “(1) Section 421 of this Act.

9 “(2) Section 312 of the United States-Australia
10 Free Trade Agreement Implementation Act (19
11 U.S.C. 3805 note).

12 “(3) Section 312 of the United States-Morocco
13 Free Trade Agreement Implementation Act (19
14 U.S.C. 3805 note).

15 “(4) Section 312 of the United States-Singapore
16 Free Trade Agreement Implementation Act (19
17 U.S.C. 3805 note).

18 “(5) Section 312 of the United States-Chile
19 Free Trade Agreement Implementation Act (19
20 U.S.C. 3805 note).

21 “(6) Section 302(b) of the North American
22 Free Trade Agreement Implementation Act (19
23 U.S.C. 3352(b)).

1 “(7) Section 212 of the United States-Jordan
2 Free Trade Area Implementation Act (19 U.S.C.
3 2112 note).

4 “(8) Section 312 of the Dominican Republic-
5 Central America-United States Free Trade Agree-
6 ment Implementation Act (19 U.S.C. 4062).

7 “(9) Section 312 of the United States-Bahrain
8 Free Trade Agreement Implementation Act (19
9 U.S.C. 3805 note).

10 “(10) Section 312 of the United States-Oman
11 Free Trade Agreement Implementation Act (19
12 U.S.C. 3805 note).

13 “(c) AGRICULTURAL SAFEGUARDS.—The Commis-
14 sioner of U.S. Customs and Border Protection of the De-
15 partment of Homeland Security shall immediately notify
16 the Secretary of Labor and, in the case of an agricultural
17 commodity, the Secretary of Agriculture, whenever the
18 Commissioner assesses additional duties on a product pur-
19 suant to one of the following provisions:

20 “(1) Section 202 of the United States-Australia
21 Free Trade Agreement Implementation Act (19
22 U.S.C. 3805 note).

23 “(2) Section 202 of the United States-Morocco
24 Free Trade Agreement Implementation Act (19
25 U.S.C. 3805 note).

1 “(3) Section 201(c) of the United States-Chile
2 Free Trade Agreement Implementation Act (19
3 U.S.C. 3805 note).

4 “(4) Section 309 of the North American Free
5 Trade Agreement Implementation Act (19 U.S.C.
6 3358).

7 “(5) Section 301(a) of the United States-Can-
8 ada Free Trade Agreement Implementation Act of
9 1988 (19 U.S.C. 2112 note).

10 “(6) Section 404 of the United States-Israel
11 Free Trade Area Implementation Act of 1985 (19
12 U.S.C. 2112 note).

13 “(7) Section 202 of the Dominican Republic-
14 Central America-United States Free Trade Agree-
15 ment Implementation Act (19 U.S.C. 4032).

16 “(d) TEXTILE SAFEGUARDS.—The President shall
17 immediately notify the Secretary of Labor whenever the
18 President makes a positive determination pursuant to one
19 of the following provisions:

20 “(1) Section 322 of the United States-Australia
21 Free Trade Agreement Implementation Act (19
22 U.S.C. 3805 note).

23 “(2) Section 322 of the United States-Morocco
24 Free Trade Agreement Implementation Act (19
25 U.S.C. 3805 note).

1 “(3) Section 322 of the United States-Chile
2 Free Trade Agreement Implementation Act (19
3 U.S.C. 3805 note).

4 “(4) Section 322 of the United States-Singapore
5 Free Trade Agreement Implementation Act (19
6 U.S.C. 3805 note).

7 “(5) Section 322 of the Dominican Republic-
8 Central America-United States Free Trade Agree-
9 ment Implementation Act (19 U.S.C. 4082).

10 “(6) Section 322 of the United States-Bahrain
11 Free Trade Agreement Implementation Act (19
12 U.S.C. 3805 note).

13 “(7) Section 322 of the United States-Oman
14 Free Trade Agreement Implementation Act (19
15 U.S.C. 3805 note).

16 “(e) ANTIDUMPING AND COUNTERVAILING DU-
17 TIES.—Whenever the International Trade Commission
18 makes a final affirmative determination pursuant to sec-
19 tion 705 or 735 of the Tariff Act of 1930 (19 U.S.C.
20 1671d and 1673d), the Commission shall immediately no-
21 tify the Secretary of Labor and, in the case of an agricul-
22 tural commodity, the Secretary of Agriculture, of that de-
23 termination.”.

1 **SEC. 113. INDUSTRY-WIDE DETERMINATION.**

2 Section 223 of the Trade Act of 1974 (19 U.S.C.
3 2273) is amended by adding at the end the following:

4 “(e) DETERMINATION REGARDING INDUSTRY-WIDE
5 CERTIFICATION.—

6 “(1) DETERMINATION.—If the Secretary re-
7 ceives a request or a resolution under section 221(c)
8 on behalf of workers in a domestic industry or occu-
9 pation (described in section 221(c)(2)) or certifies 3
10 or more petitions under section 221(a) within a 180-
11 day period on behalf of groups of workers in a do-
12 mestic industry or occupation, the Secretary shall—

13 “(A) make a determination, under sub-
14 section (a), of the eligibility of all adversely af-
15 fected workers in that domestic industry or oc-
16 cupation; or

17 “(B) make a determination, under sub-
18 section (a), of the eligibility of all adversely af-
19 fected workers in that domestic industry or oc-
20 cupation who are located in one or more States
21 or regions of the United States.

22 “(2) PUBLICATION.—Upon making a deter-
23 mination of the eligibility for adjustment assistance
24 under this chapter of a group of workers or all work-
25 ers in an industry or occupation under paragraph
26 (1), the Secretary shall—

1 “(A) notify each State in which the work-
2 ers are located of the determination; and

3 “(B) promptly publish a summary of the
4 determination, together with a summary of the
5 basis for the determination, in the Federal Reg-
6 ister and on the website of the Department of
7 Labor.”.

8 **SEC. 114. REGULATIONS.**

9 The Secretary of Labor may promulgate such regula-
10 tions as may be necessary to carry out the amendments
11 made by this subtitle.

12 **Subtitle C—Training**

13 **SEC. 121. PREREQUISITE EDUCATION; APPROVED TRAIN-**
14 **ING PROGRAMS.**

15 (a) IN GENERAL.—Section 236(a)(5) of the Trade
16 Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

17 (1) by redesignating subparagraphs (E) and
18 (F) as subparagraphs (F) and (G), respectively;

19 (2) by inserting after subparagraph (D) the fol-
20 lowing:

21 “(E) any program of prerequisite education or
22 coursework required to enroll in training that may
23 be approved under this section,”;

24 (3) in subparagraph (F)(ii), as redesignated by
25 paragraph (1), by striking “and” at the end;

1 (4) in subparagraph (G), as redesignated by
 2 paragraph (1), by striking the period at the end and
 3 inserting “, and”; and

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

5 “(H) any training program or coursework at an
 6 accredited institution of higher education (as defined
 7 in section 101(a) of the Higher Education Act of
 8 1965) if there is a reasonable expectation of reem-
 9 ployment upon completion of the training program
 10 or coursework, including a training program or
 11 coursework for the purpose of—

12 “(i) obtaining a degree or certification; or

13 “(ii) completing a degree or certification

14 that the worker had previously begun at an ac-
 15 credited institution of higher education.”.

16 (b) CONFORMING AMENDMENTS.—Section 233 of the
 17 Trade Act of 1974 (19 U.S.C. 2293) is amended—

18 (1) in subsection (a)(2), by inserting “pre-
 19 requisite education or” after “requires a program
 20 of”; and

21 (2) in subsection (g), by inserting “prerequisite
 22 education or” after “includes a program of”.

23 **SEC. 122. ENROLLMENT PERIOD; WAIVERS.**

24 (a) IN GENERAL.—Section 231 of the Trade Act of
 25 1974 (19 U.S.C. 2291) is amended—

1 (1) in subsection (a)(5)(A)(ii)—

2 (A) in subclause (I), by striking “16th”
3 and inserting “26th”; and

4 (B) in subclause (II), by striking “8th”
5 and inserting “26th”; and

6 (2) in subsection (c)(1), by adding at the end
7 the following:

8 “(G) ADVANCED DEGREE OR CERTIFI-
9 CATION.—The worker possesses a postgraduate
10 degree from an institution of higher education
11 (as defined in section 101(a) of the Higher
12 Education Act of 1965) and there is a reason-
13 able expectation of reemployment.

14 “(H) ADMINISTRATIVE ERROR.—The
15 worker did not enroll in training before the date
16 described in subsection (a)(5) as a result of an
17 administrative error made by a State.”.

18 (b) CONFORMING AMENDMENT.—Section 233(b) of
19 the Trade Act of 1974 (19 U.S.C. 2293(b)) is amended
20 by striking “within 210 days after the date of the worker’s
21 first certification” and all that follows through the end
22 period and inserting “in accordance with section
23 231(a)(5).”.

1 **SEC. 123. TEMPORARY EMPLOYMENT AND ON-THE-JOB**
2 **TRAINING ACCOUNTABILITY.**

3 Section 236(d) of the Trade Act of 1974 (19 U.S.C.
4 2296(d)) is amended to read as follows:

5 “(d) ELIGIBILITY.—

6 “(1) IN GENERAL.—A worker may not be deter-
7 mined to be ineligible or disqualified for unemploy-
8 ment insurance or benefits under this subchapter—

9 “(A) because the worker—

10 “(i) is in training approved under sub-
11 section (a);

12 “(ii) left work that was not suitable
13 employment to enter such training;

14 “(iii) left work that the worker en-
15 gaged in on a temporary basis during a
16 break in such training or a delay in the
17 commencement of such training;

18 “(iv) left or refused on-the-job train-
19 ing that was not suitable on-the-job train-
20 ing; or

21 “(v) refused on-the-job training to at-
22 tend a classroom training course approved
23 under subsection (a); or

24 “(B) because the provisions of State law or
25 Federal unemployment insurance law relating
26 to availability for work, active search for work,

1 or refusal to accept work apply to a week of
2 training approved under subsection (a).

3 “(2) ELECTION OF TRADE READJUSTMENT AL-
4 LOWANCE OVER UNEMPLOYMENT INSURANCE.—A
5 worker may elect to receive benefits under this sub-
6 chapter instead of receiving unemployment insurance
7 if—

8 “(A) the worker leaves work that the work-
9 er engaged in on a temporary basis during a
10 break in training, as described in paragraph
11 (1)(A)(iii);

12 “(B) the worker is eligible for benefits
13 under this subchapter for which the worker was
14 eligible before engaging in such work; and

15 “(C) the worker is eligible for unemploy-
16 ment insurance based on leaving such work.

17 “(3) SUITABLE ON-THE-JOB TRAINING.—For
18 purposes of this subsection, the term ‘suitable on-
19 the-job training’ means on-the-job training—

20 “(A) that can reasonably be expected to
21 lead to suitable employment;

22 “(B) that is compatible with the skills of
23 the worker;

24 “(C) that—

1 “(i) involves a curriculum through
2 which the worker learns the skills nec-
3 essary for the job for which the worker is
4 being trained; and

5 “(ii) can be measured by benchmarks
6 that indicate that the worker is learning
7 such skills; and

8 “(D) that is certified by the State as an
9 on-the-job training program that meets the re-
10 quirements of subparagraph (C).”.

11 **SEC. 124. TRAINING FUNDS.**

12 Section 236(a)(2) of the Trade Act of 1974 (19
13 U.S.C. 2296(a)(2)) is amended to read as follows:

14 “(2) TOTAL PAYMENTS; ALLOCATION OF PAY-
15 MENTS.—

16 “(A) TOTAL PAYMENTS FOR FISCAL YEAR
17 2008 AND SUCCEEDING FISCAL YEARS.—

18 “(i) FISCAL YEAR 2008.—The total
19 amount of payments that may be made
20 under paragraph (1) for fiscal year 2008
21 shall not exceed \$440,000,000.

22 “(ii) FISCAL YEAR 2009 AND SUC-
23 CEEDING FISCAL YEARS.—The following
24 shall apply to fiscal year 2009 and each
25 fiscal year thereafter:

1 “(I) IN GENERAL.—The amount
2 of the total payments that may be
3 made for a fiscal year shall be 110
4 percent of the total payments author-
5 ized to be made for the preceding fis-
6 cal year, if during the preceding fiscal
7 year the total amount obligated or ex-
8 pended by States was equivalent to 90
9 percent or more of the total payments
10 authorized to be made for such pre-
11 ceding fiscal year.

12 “(II) EXCEPTION.—The amount
13 of the total payments that may be
14 made for a fiscal year shall be 100
15 percent of the total payments author-
16 ized to be made for the preceding fis-
17 cal year, if during the preceding fiscal
18 year the total amount obligated or ex-
19 pended by States was equivalent to
20 less than 90 percent of the total pay-
21 ments authorized to be made for such
22 preceding fiscal year.

23 “(B) ALLOCATION OF TOTAL PAYMENTS.—

24 “(i) PLAN AND RULEMAKING.—

1 “(I) PLAN.—Not later than 90
2 days after the date of the enactment
3 of the Trade and Globalization Ad-
4 justment Assistance Act of 2007, the
5 Secretary shall submit to Congress a
6 plan—

7 “(aa) for allocating and dis-
8 bursing payments among States
9 in a manner that takes into ac-
10 count—

11 “(AA) historic trends in
12 the number of workers cov-
13 ered by certifications under
14 this chapter in each State,
15 including the most recent 6-
16 month period for which data
17 are available;

18 “(BB) historic trends
19 in the number of workers
20 enrolled in training under
21 this section in each State,
22 including the most recent 6-
23 month period for which data
24 are available;

1 “(CC) the obligations of
2 States to make payments
3 with respect to training
4 under this section for work-
5 ers in the following fiscal
6 year; and

7 “(DD) the ability of
8 States to respond to unan-
9 ticipated demands for train-
10 ing under this section; and

11 “(bb) for ensuring that
12 States collect and report accurate
13 information on the trends, obliga-
14 tions, and demands described in
15 subclause (I).

16 “(II) RULEMAKING.—

17 “(aa) IN GENERAL.—The
18 Secretary shall prescribe regula-
19 tions, pursuant to section 553 of
20 title 5, United States Code, to
21 carry out the plan required by
22 subclause (I).

23 “(bb) TIMING OF RULE-
24 MAKING.—The Secretary shall
25 issue the notice of proposed rule-

1 making with respect to the regu-
2 lations required by item (aa) not
3 earlier than the date that is 90
4 days after the date on which the
5 Secretary submits the plan under
6 subelause (I).

7 “(ii) DISTRIBUTION OF REMAINING
8 FUNDS.—If, in any fiscal year, the Sec-
9 retary does not distribute all of the funds
10 authorized for payments under subpara-
11 graph (A), the Secretary shall distribute
12 the remaining funds in a manner to be de-
13 termined by the Secretary—

14 “(I) to any State that requests
15 the distribution of such funds and
16 has—

17 “(aa) expended more than
18 50 percent of the funds already
19 distributed; or

20 “(bb) obligated more than
21 75 percent of the funds already
22 distributed; and

23 “(II) to any State that the Sec-
24 retary determines needs additional
25 funds.

1 “(iii) ALLOCATION OF PAYMENTS IF
2 COSTS ESTIMATED TO EXCEED TOTAL PAY-
3 MENTS.—If, during a fiscal year, the Sec-
4 retary estimates that the amount of funds
5 necessary to pay the costs of training ap-
6 proved under this section will exceed the
7 amount of limitations imposed under sub-
8 paragraph (A), the Secretary shall decide
9 how the portion of such limitations that
10 has not been expended at the time of such
11 estimate is to be apportioned among the
12 States for the remainder of such fiscal
13 year.

14 “(C) USE OF TRAINING FUNDS FOR CASE-
15 WORKER SERVICES.—Notwithstanding any
16 other provision of law, a State may expend not
17 more than 5 percent of the funds allocated to
18 the State in a fiscal year for the costs of train-
19 ing approved under this section to provide serv-
20 ices related to benefits under this chapter.

21 “(D) REPORT.—Not later than 90 days
22 after the date of the enactment of the Trade
23 and Globalization Adjustment Assistance Act of
24 2007, and every 90 days thereafter, the Sec-
25 retary shall submit to the Committee on Fi-

1 nance of the Senate and the Committee on
2 Ways and Means of the House of Representa-
3 tives a report on—

4 “(i) the allocation among States of
5 funds for training approved under section
6 236;

7 “(ii) the amount of funds obligated or
8 expended to provide training under sub-
9 section (a), including obligations accrued
10 for the following fiscal year, during the
11 preceding quarter and cumulatively during
12 the fiscal year;

13 “(iii) the demand for such funds an-
14 ticipated for any remaining quarters in the
15 fiscal year; and

16 “(iv) the efforts of the Department of
17 Labor to ensure that each State receives
18 funds sufficient to provide training ap-
19 proved under section 236 to all eligible
20 workers.”.

21 **Subtitle D—Health Coverage** 22 **Improvement**

23 **SEC. 131. SHORT TITLE.**

24 This title may be cited as the “TAA Health Coverage
25 Improvement Act of 2007”.

1 **SEC. 132. IMPROVEMENT OF THE AFFORDABILITY OF THE**
 2 **CREDIT.**

3 (a) IMPROVEMENT OF AFFORDABILITY.—

4 (1) IN GENERAL.—Section 35(a) of the Internal
 5 Revenue Code of 1986 (relating to credit for health
 6 insurance costs of eligible individuals) is amended by
 7 striking “65” and inserting “85”.

8 (2) CONFORMING AMENDMENT.—Section
 9 7527(b) of such Code (relating to advance payment
 10 of credit for health insurance costs of eligible indi-
 11 viduals) is amended by striking “65” and inserting
 12 “85”.

13 (b) EFFECTIVE DATE.—The amendments made by
 14 this section apply to taxable years beginning after Decem-
 15 ber 31, 2007.

16 **SEC. 133. PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR**
 17 **TO CERTIFICATION OF ELIGIBILITY FOR**
 18 **CREDIT.**

19 (a) PAYMENT FOR PREMIUMS DUE PRIOR TO CER-
 20 TIFICATION OF ELIGIBILITY FOR THE CREDIT.—Section
 21 7527 of the Internal Revenue Code of 1986 (relating to
 22 advance payment of credit for health insurance costs of
 23 eligible individuals) is amended by adding at the end the
 24 following new subsection:

25 “(e) PAYMENT FOR PREMIUMS DUE PRIOR TO
 26 ISSUANCE OF CERTIFICATE.—The program established

1 under subsection (a) shall provide that the Secretary shall
2 make 1 or more retroactive payments on behalf of a cer-
3 tified individual in an aggregate amount equal to 85 per-
4 cent of the premiums for coverage of the taxpayer and
5 qualifying family members under qualified health insur-
6 ance for eligible coverage months (as defined in section
7 35(b)) occurring prior to the issuance of a qualified health
8 insurance costs credit eligibility certificate.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to months beginning after the date
11 of the enactment of this Act in taxable years ending after
12 such date.

13 **SEC. 134. TAA RECIPIENTS NOT ENROLLED IN TRAINING**
14 **PROGRAMS ELIGIBLE FOR CREDIT.**

15 (a) IN GENERAL.—Paragraph (2) of section 35(e) of
16 the Internal Revenue Code of 1986 (defining eligible TAA
17 recipient) is amended by inserting “or (a)(5)” after “sub-
18 section (a)(3)(B)”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to months beginning after the date
21 of the enactment of this Act in taxable years ending after
22 such date.

1 **SEC. 135. TAA PRE-CERTIFICATION PERIOD RULE FOR PUR-**
 2 **POSES OF DETERMINING WHETHER THERE IS**
 3 **A 63-DAY LAPSE IN CREDITABLE COVERAGE.**

4 (a) IRC AMENDMENT.—Section 9801(c)(2) of the In-
 5 ternal Revenue Code of 1986 (relating to not counting pe-
 6 riods before significant breaks in creditable coverage) is
 7 amended by adding at the end the following new subpara-
 8 graph:

9 “(D) TAA-ELIGIBLE INDIVIDUALS.—

10 “(i) TAA PRE-CERTIFICATION PERIOD
 11 RULE.—In the case of a TAA-eligible indi-
 12 vidual, the period beginning on the date
 13 the individual has a TAA-related loss of
 14 coverage and ending on the date which is
 15 5 days after the date of the notice by the
 16 Secretary (or by any person or entity des-
 17 ignated by the Secretary) that the indi-
 18 vidual is eligible for a qualified health in-
 19 surance costs credit eligibility certificate
 20 for purposes of section 7527 shall not be
 21 taken into account in determining the con-
 22 tinuous period under subparagraph (A).

23 “(ii) DEFINITIONS.—The terms ‘TAA-
 24 eligible individual’, and ‘TAA-related loss
 25 of coverage’ have the meanings given such
 26 terms in section 4980B(f)(5)(C)(iv).”.

1 (b) ERISA AMENDMENT.—Section 701(c)(2) of the
2 Employee Retirement Income Security Act of 1974 (29
3 U.S.C. 1181(c)(2)) is amended by adding at the end the
4 following new subparagraph:

5 “(C) TAA-ELIGIBLE INDIVIDUALS.—

6 “(i) TAA PRE-CERTIFICATION PERIOD
7 RULE.—In the case of a TAA-eligible indi-
8 vidual, the period beginning on the date
9 the individual has a TAA-related loss of
10 coverage and ending on the date that is 5
11 days after the date of the notice by the
12 Secretary of the Treasury (or by any per-
13 son or entity designated by the Secretary
14 of the Treasury) that the individual is eli-
15 gible for a qualified health insurance costs
16 credit eligibility certificate for purposes of
17 section 7527 of the Internal Revenue Code
18 of 1986 shall not be taken into account in
19 determining the continuous period under
20 subparagraph (A).

21 “(ii) DEFINITIONS.—The terms ‘TAA-
22 eligible individual’, and ‘TAA-related loss
23 of coverage’ have the meanings given such
24 terms in section 605(b)(4).”.

1 (c) PHSA AMENDMENT.—Section 2701(c)(2) of the
2 Public Health Service Act (42 U.S.C. 300gg(c)(2)) is
3 amended by adding at the end the following new subpara-
4 graph:

5 “(C) TAA-ELIGIBLE INDIVIDUALS.—

6 “(i) TAA PRE-CERTIFICATION PERIOD
7 RULE.—In the case of a TAA-eligible indi-
8 vidual, the period beginning on the date
9 the individual has a TAA-related loss of
10 coverage and ending on the date that is 5
11 days after the date of the notice by the
12 Secretary of the Treasury (or by any per-
13 son or entity designated by the Secretary
14 of the Treasury) that the individual is eli-
15 gible for a qualified health insurance costs
16 credit eligibility certificate for purposes of
17 section 7527 of the Internal Revenue Code
18 of 1986 shall not be taken into account in
19 determining the continuous period under
20 subparagraph (A).

21 “(ii) DEFINITIONS.—The terms ‘TAA-
22 eligible individual’, and ‘TAA-related loss
23 of coverage’ have the meanings given such
24 terms in section 2205(b)(4).”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to months beginning after the date
 3 of the enactment of this Act in taxable years ending after
 4 such date.

5 **SEC. 136. CONTINUED QUALIFICATION OF FAMILY MEM-**
 6 **BERS AFTER CERTAIN EVENTS.**

7 (a) IN GENERAL.—Subsection (g) of section 35 of the
 8 Internal Revenue Code of 1986 is amended by redesignig-
 9 nating paragraph (9) as paragraph (10) and inserting
 10 after paragraph (8) the following new paragraph:

11 “(9) CONTINUED QUALIFICATION OF FAMILY
 12 MEMBERS AFTER CERTAIN EVENTS.—

13 “(A) ELIGIBLE INDIVIDUAL BECOMES
 14 MEDICARE ELIGIBLE.—In the case of a month
 15 which would be an eligible coverage month with
 16 respect to an eligible individual but for sub-
 17 section (f)(2)(A), such month shall be treated
 18 as an eligible coverage month with respect to
 19 such eligible individual solely for purposes of
 20 determining the amount of the credit under this
 21 section with respect to any qualifying family
 22 member of such individual.

23 “(B) DIVORCE.—In the case of a month
 24 which would be an eligible coverage month with
 25 respect to a former spouse of a taxpayer but for

1 the finalization of a divorce between the spouse
2 and the taxpayer that occurs during the period
3 in which the taxpayer is an eligible individual,
4 such month shall be treated as an eligible cov-
5 erage month with respect to such former
6 spouse.

7 “(C) DEATH.—In the case of a month
8 which occurs after the death of an eligible indi-
9 vidual and which would be an eligible coverage
10 month with respect to such eligible individual if
11 the individual had survived and met any appli-
12 cable eligibility requirements for the maximum
13 permissible period, such month shall be treated
14 as an eligible coverage month with respect to
15 the spouse of such eligible individual.”.

16 (b) CONFORMING AMENDMENT.—Section 173(f) of
17 the Workforce Investment Act of 1998 (29 U.S.C.
18 2918(f)) is amended by adding at the end the following:

19 “(8) CONTINUED QUALIFICATION OF FAMILY
20 MEMBERS AFTER CERTAIN EVENTS.—

21 “(A) ELIGIBLE INDIVIDUAL BECOMES
22 MEDICARE ELIGIBLE.—In the case of a month
23 which would be an eligible coverage month with
24 respect to an eligible individual but for para-
25 graph (7)(B)(i), such month shall be treated as

1 an eligible coverage month with respect to such
2 eligible individual solely for purposes of deter-
3 mining the amount of the credit under this sec-
4 tion with respect to any qualifying family mem-
5 ber of such individual.

6 “(B) DIVORCE.—In the case of a month
7 which would be an eligible coverage month with
8 respect to a former spouse of a taxpayer but for
9 the finalization of a divorce between the spouse
10 and the taxpayer that occurs during the period
11 in which the taxpayer is an eligible individual,
12 such month shall be treated as an eligible cov-
13 erage month with respect to such former
14 spouse.

15 “(C) DEATH.—In the case of a month
16 which would be an eligible coverage month with
17 respect to an eligible individual but for the
18 death of such individual, such month shall be
19 treated as an eligible coverage month with re-
20 spect to the spouse of such eligible individual.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to months beginning after the date
23 of the enactment of this Act in taxable years ending after
24 such date.

1 **SEC. 137. PRESERVATION OF STATE-BASED RATINGS LAWS.**

2 (a) RATINGS REQUIREMENT.—Subparagraph (A) of
3 section 35(e)(2) of the Internal Revenue Code of 1986 is
4 amended by adding at the end the following new clause:

5 “(v) RISK RATING.—If risk rating is
6 used to determine premiums for insurance
7 provided under any subparagraph of para-
8 graph (1) to which this subparagraph ap-
9 plies, the issuer of the insurance meets,
10 with respect to such insurance, any re-
11 quirements with respect to risk rating
12 which are applicable under the laws of the
13 State in which the insurance is issued to
14 health insurance coverage provided to em-
15 ployees by an employer who normally em-
16 ploys between 2 and 50 employees on a
17 typical business day.”.

18 (b) CONFORMING AMENDMENT.—Section
19 173(f)(2)(B)(i) of the Workforce Investment Act of 1998
20 (29 U.S.C. 2918(f)(2)(B)(i)) is amended by adding at the
21 end the following new subclause:

22 “(V) RISK RATING.—If risk rat-
23 ing is used to determine premiums for
24 insurance provided under any clause
25 of subparagraph (A) to which this
26 clause applies, the issuer of the insur-

1 ance meets, with respect to such in-
 2 surance, any requirements with re-
 3 spect to risk rating which are applica-
 4 ble under the laws of the State in
 5 which the insurance is issued to
 6 health insurance coverage provided to
 7 employees by an employer who nor-
 8 mally employs between 2 and 50 em-
 9 ployees on a typical business day.”.

10 **SEC. 138. ALIGNMENT OF COBRA COVERAGE WITH TAA PE-**
 11 **RIOD FOR TAA-ELIGIBLE INDIVIDUALS.**

12 (a) INTERNAL REVENUE CODE OF 1986.—Section
 13 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is
 14 amended—

15 (1) in the subparagraph heading, by inserting
 16 “AND COVERAGE” after “ELECTION”; and

17 (2) in clause (ii)—

18 (A) in the clause heading, by inserting
 19 “AND PERIOD” after “COMMENCEMENT”; and

20 (B) by adding at the end the following new
 21 sentence: “In no event shall the maximum pe-
 22 riod required under paragraph (2)(B)(i) with
 23 respect to such continuation coverage be less
 24 than the period during which the individual is
 25 a TAA-eligible individual.”.

1 (b) ERISA.—Section 605(b) of the Employee Retirement
2 ment Income Security Act of 1974 (29 U.S.C. 1165(b))
3 is amended—

4 (1) in the subsection heading, by inserting
5 “AND COVERAGE” after “ELECTION”; and

6 (2) in paragraph (2)—

7 (A) in the paragraph heading, by inserting
8 “AND PERIOD” after “COMMENCEMENT”; and

9 (B) by adding at the end the following new
10 sentence: “In no event shall the maximum pe-
11 riod required under section 602(2)(A) with re-
12 spect to such continuation coverage be less than
13 the period during which the individual is a
14 TAA-eligible individual.”.

15 (c) PUBLIC HEALTH SERVICE ACT.—Section
16 2205(b) of the Public Health Service Act (42 U.S.C.
17 300bb–5(b)) is amended—

18 (1) in the subsection heading, by inserting
19 “AND COVERAGE” after “ELECTION”; and

20 (2) in paragraph (2)—

21 (A) in the paragraph heading, by inserting
22 “AND PERIOD” after “COMMENCEMENT”; and

23 (B) by adding at the end the following new
24 sentence: “In no event shall the maximum pe-
25 riod required under section 2202(2)(A) with re-

1 spect to such continuation coverage be less than
2 the period during which the individual is a
3 TAA-eligible individual.”.

4 **SEC. 139. ADDITION OF COVERAGE THROUGH VOLUNTARY**
5 **EMPLOYEES’ BENEFICIARY ASSOCIATIONS.**

6 (a) IN GENERAL.—Paragraph (1) of section 35(e) of
7 the Internal Revenue Code of 1986 is amended by adding
8 at the end the following new subparagraph:

9 “(K) Coverage under an employee benefit
10 plan funded by a voluntary employees’ bene-
11 ficiary association (as defined in section
12 501(c)(9)) established pursuant to an order of
13 a bankruptcy court, or by agreement with an
14 authorized representative, as provided in section
15 1114 of title 11, United States Code.”.

16 (b) CONFORMING AMENDMENT.—Section
17 173(f)(2)(A) of the Workforce Investment Act of 1998 (29
18 U.S.C. 2918(f)(2)(A)) is amended by adding at the end
19 the following new clause:

20 “(xi) Coverage under an employee
21 benefit plan funded by a voluntary employ-
22 ees’ beneficiary association (as defined in
23 section 501(c)(9) of the Internal Revenue
24 Code of 1986) established pursuant to an
25 order of a bankruptcy court, or by agree-

1 ment with an authorized representative, as
2 provided in section 1114 of title 11, United
3 States Code.”.

4 **SEC. 140. NOTICE REQUIREMENTS.**

5 Section 7527 of the Internal Revenue Code of 1986
6 (relating to advance payment of credit for health insur-
7 ance costs of eligible individuals), as amended by this Act,
8 is amended by adding at the end the following new sub-
9 section:

10 “(f) INCLUSION OF CERTAIN INFORMATION.—The
11 notice by the Secretary (or by any person or entity des-
12 ignated by the Secretary) that an individual is eligible for
13 a qualified health insurance costs credit eligibility certifi-
14 cate shall include—

15 “(1) the name, address, and telephone number
16 of the State office or offices responsible for deter-
17 mining that the individual is eligible for such certifi-
18 cate and for providing the individual with assistance
19 with enrollment in qualified health insurance (as de-
20 fined in section 35(e)),

21 “(2) a list of the coverage options that are
22 treated as qualified health insurance (as so defined)
23 by the State in which the individual resides, and

24 “(3) in the case of a TAA-eligible individual (as
25 defined in section 4980B(f)(5)(C)(iv)(II)), a state-

1 ment informing the individual that the individual
2 has 63 days from the date that is 5 days after the
3 date of such notice to enroll in such insurance with-
4 out a lapse in creditable coverage (as defined in sec-
5 tion 9801(c)).”.

6 **SEC. 141. ANNUAL REPORT ON ENHANCED TAA BENEFITS.**

7 Not later than October 1 of each year (beginning in
8 2007) the Secretary of the Treasury, after consultation
9 with the Secretary of Labor, shall report to the Committee
10 on Finance and the Committee on Health, Education,
11 Labor, and Pensions of the Senate and the Committee on
12 Ways and Means and the Committee on Education and
13 Labor of the House of Representatives the following infor-
14 mation with respect to the most recent taxable year ending
15 before such date:

16 (1) The total number of participants utilizing
17 the health insurance tax credit under section 35 of
18 the Internal Revenue Code of 1986, including a
19 measurement of such participants identified—

20 (A) by State, and

21 (B) by coverage under COBRA continu-
22 ation provisions (as defined in section
23 9832(d)(1) of such Code) and by non-COBRA
24 coverage (further identified by group and indi-
25 vidual market).

1 (2) The range of monthly health insurance pre-
2 miums offered and the average and median monthly
3 health insurance premiums offered to TAA-eligible
4 individuals (as defined in section
5 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA
6 continuation provisions (as defined in section
7 9832(d)(1) of such Code), State-based continuation
8 coverage provided under a State law that requires
9 such coverage, and each category of coverage de-
10 scribed in section 35(e)(1) of such Code, identified
11 by State and by the actuarial value of such coverage
12 and the specific benefits provided and cost-sharing
13 imposed under such coverage.

14 (3) The number of States applying for and re-
15 ceiving national emergency grants under section
16 173(f) of the Workforce Investment Act of 1998 (29
17 U.S.C. 2918(f)) and the time necessary for applica-
18 tion approval of such grants.

19 (4) The cost of administering the health credit
20 program under section 35 of such Code, by function,
21 including the cost of subcontractors.

22 **SEC. 142. EXTENSION OF NATIONAL EMERGENCY GRANTS.**

23 (a) IN GENERAL.—Section 173(f) of the Workforce
24 Investment Act of 1998 (29 U.S.C. 2918(f)), as amended
25 by this Act, is amended—

1 (1) by striking paragraph (1) and inserting the
2 following new paragraph:

3 “(1) USE OF FUNDS.—

4 “(A) HEALTH INSURANCE COVERAGE FOR
5 ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN
6 QUALIFIED HEALTH INSURANCE THAT HAS
7 GUARANTEED ISSUE AND OTHER CONSUMER
8 PROTECTIONS.—Funds made available to a
9 State or entity under paragraph (4)(A) of sub-
10 section (a) shall be used to provide an eligible
11 individual described in paragraph (4)(C) and
12 such individual’s qualifying family members
13 with health insurance coverage for the 3-month
14 period that immediately precedes the first eligi-
15 ble coverage month (as defined in section 35(b)
16 of the Internal Revenue Code of 1986) in which
17 such eligible individual and such individual’s
18 qualifying family members are covered by quali-
19 fied health insurance that meets the require-
20 ments described in clauses (i) through (v) of
21 section 35(e)(2)(A) of the Internal Revenue
22 Code of 1986 (or such longer minimum period
23 as is necessary in order for such eligible indi-
24 vidual and such individual’s qualifying family

1 members to be covered by qualified health in-
2 surance that meets such requirements).

3 “(B) ADDITIONAL USES.—Funds made
4 available to a State or entity under paragraph
5 (4)(A) of subsection (a) may be used by the
6 State or entity for the following:

7 “(i) HEALTH INSURANCE COV-
8 ERAGE.—To assist an eligible individual
9 and such individual’s qualifying family
10 members with enrolling in health insurance
11 coverage and qualified health insurance or
12 paying premiums for such coverage or in-
13 surance.

14 “(ii) ADMINISTRATIVE EXPENSES AND
15 START-UP EXPENSES TO ESTABLISH
16 GROUP HEALTH PLAN COVERAGE OPTIONS
17 FOR QUALIFIED HEALTH INSURANCE.—To
18 pay the administrative expenses related to
19 the enrollment of eligible individuals and
20 such individuals’ qualifying family mem-
21 bers in health insurance coverage and
22 qualified health insurance, including—

23 “(I) eligibility verification activi-
24 ties;

1 “(II) the notification of eligible
2 individuals of available health insur-
3 ance and qualified health insurance
4 options;

5 “(III) processing qualified health
6 insurance costs credit eligibility cer-
7 tificates provided for under section
8 7527 of the Internal Revenue Code of
9 1986;

10 “(IV) providing assistance to eli-
11 gible individuals in enrolling in health
12 insurance coverage and qualified
13 health insurance;

14 “(V) the development or installa-
15 tion of necessary data management
16 systems; and

17 “(VI) any other expenses deter-
18 mined appropriate by the Secretary,
19 including start-up costs and on going
20 administrative expenses, in order for
21 the State to treat the coverage de-
22 scribed in subparagraphs (C) through
23 (H) of section 35(e)(1) of the Internal
24 Revenue Code of 1986 as qualified
25 health insurance under that section.

1 “(iii) OUTREACH.—To pay for out-
2 reach to eligible individuals to inform such
3 individuals of available health insurance
4 and qualified health insurance options, in-
5 cluding outreach consisting of notice to eli-
6 gible individuals of such options made
7 available after the date of enactment of
8 this clause and direct assistance to help
9 potentially eligible individuals and such in-
10 dividual’s qualifying family members qual-
11 ify and remain eligible for the credit estab-
12 lished under section 35 of the Internal
13 Revenue Code of 1986 and advance pay-
14 ment of such credit under section 7527 of
15 such Code.

16 “(iv) BRIDGE FUNDING.—To assist
17 potentially eligible individuals purchase
18 qualified health insurance coverage prior to
19 issuance of a qualified health insurance
20 costs credit eligibility certificate under sec-
21 tion 7527 of the Internal Revenue Code of
22 1986 and commencement of advance pay-
23 ment, and receipt of expedited payment,
24 under subsections (a) and (e), respectively,
25 of that section.

1 “(C) RULE OF CONSTRUCTION.—The in-
 2 clusion of a permitted use under this paragraph
 3 shall not be construed as prohibiting a similar
 4 use of funds permitted under subsection (g).”;
 5 and

6 (2) by striking paragraph (2) and inserting the
 7 following new paragraph:

8 “(2) QUALIFIED HEALTH INSURANCE.—For
 9 purposes of this subsection and subsection (g), the
 10 term ‘qualified health insurance’ has the meaning
 11 given that term in section 35(e) of the Internal Rev-
 12 enue Code of 1986.”.

13 (b) FUNDING.—Section 174(c)(1) of the Workforce
 14 Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amend-
 15 ed—

16 (1) in the paragraph heading, by striking “AU-
 17 THORIZATION AND APPROPRIATION FOR FISCAL
 18 YEAR 2002” and inserting “APPROPRIATIONS”; and

19 (2) by striking subparagraph (A) and inserting
 20 the following new subparagraph:

21 “(A) to carry out subsection (a)(4)(A) of
 22 section 173—

23 “(i) \$10,000,000 for fiscal year 2002;
 24 and

1 “(ii) \$300,000,000 for the period of
2 fiscal years 2008 through 2010; and”.

3 (c) REPORT REGARDING FAILURE TO COMPLY WITH
4 REQUIREMENTS FOR EXPEDITED APPROVAL PROCE-
5 DURES.—Section 173(f) of the Workforce Investment Act
6 of 1998 (29 U.S.C. 2918(f)), as amended by section 6,
7 is amended by adding at the end the following new para-
8 graph:

9 “(9) REPORT FOR FAILURE TO COMPLY WITH
10 REQUIREMENTS FOR EXPEDITED APPROVAL PROCE-
11 DURES.—If the Secretary fails to make the notifica-
12 tion required under clause (i) of paragraph (3)(A)
13 within the 15-day period required under that clause,
14 or fails to provide the technical assistance required
15 under clause (ii) of such paragraph within a timely
16 manner so that a State or entity may submit an ap-
17 proved application within 2 months of the date on
18 which the State or entity’s previous application was
19 disapproved, the Secretary shall submit a report to
20 Congress explaining such failure.”.

21 (d) TECHNICAL AMENDMENT.—Effective as if in-
22 cluded in the enactment of the Trade Act of 2002 (Public
23 Law 107–210; 116 Stat. 933), subsection (f) of section
24 203 of that Act is repealed.

1 **Subtitle E—Wage Insurance**

2 **SEC. 151. WAGE INSURANCE.**

3 (a) IN GENERAL.—Section 246 of the Trade Act of
4 1974 (19 U.S.C. 2318) is amended—

5 (1) in the heading, by striking “**ALTERNATIVE**
6 **TRADE ADJUSTMENT ASSISTANCE FOR OLDER**
7 **WORKERS**” and inserting “**WAGE INSURANCE**”;

8 (2) by striking “alternative trade adjustment
9 assistance” each place it appears and inserting
10 “wage insurance”;

11 (3) in subsection (a)—

12 (A) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) by striking “for a period not
15 to exceed 2 years” and inserting “for
16 the eligibility period under paragraph
17 (4)”;

18 (II) by striking “paragraph
19 (3)(B)” and inserting “paragraph
20 (3)”;

21 (ii) in subparagraph (B)—

22 (I) by striking “for a period not
23 to exceed 2 years” and inserting “for
24 the eligibility period under paragraph
25 (4)”;

1 (II) by striking “paragraph
2 (3)(B)” and inserting “paragraph
3 (3)”;

4 (iii) by adding at the end the fol-
5 lowing:

6 “(C) TRAINING.—A worker described in
7 paragraph (3) shall be eligible to receive train-
8 ing approved under section 236.”;

9 (B) by striking paragraphs (3) through (5)
10 and inserting the following:

11 “(3) ELIGIBILITY.—A worker in a group that
12 the Secretary has certified as eligible to apply for
13 adjustment assistance under section 223 may elect
14 to receive benefits under the wage insurance pro-
15 gram if the worker—

16 “(A) is at least 40 years of age;

17 “(B) does not earn more than \$60,000 a
18 year in wages from reemployment; and

19 “(C) does not return to the employment
20 from which the worker was separated and—

21 “(i) obtains reemployment on a full-
22 time basis as defined by State law in the
23 State in which the worker is employed;

1 “(ii) obtains reemployment of not less
2 than 20 hours a week and is enrolled in
3 training approved under section 236; or

4 “(iii) received a trade readjustment
5 allowance under part I of subchapter B for
6 less than the total number of weeks for
7 which the worker was eligible to receive
8 such allowance under section 233 and ob-
9 tains reemployment not later than 26
10 weeks after successfully completing a train-
11 ing program approved under section 236.

12 “(4) ELIGIBILITY PERIOD.—

13 “(A) WORKER WHO HAS NOT RECEIVED
14 TRADE ADJUSTMENT ALLOWANCE.—In the case
15 of a worker described in paragraph (3) who has
16 not received a trade readjustment allowance
17 under part I of subchapter B, the worker may
18 receive wage insurance under this section for a
19 period not to exceed 2 years from the date that
20 is the earlier of—

21 “(i) the date on which the worker ex-
22 hausts all rights to unemployment insur-
23 ance based on the separation of the worker
24 from adversely affected employment; or

1 “(ii) the date on which the worker ob-
2 tains reemployment.

3 “(B) WORKER WHO HAS RECEIVED TRADE
4 ADJUSTMENT ALLOWANCE.—In the case of a
5 worker described in paragraph (3) who received
6 a trade readjustment allowance under part I of
7 subchapter B, the worker may receive wage in-
8 surance under this section for a period—

9 “(i) beginning on the date on which
10 the worker obtains reemployment; and

11 “(ii) not to exceed—

12 “(I) the total number of weeks
13 for which the worker is eligible for
14 such allowance, less

15 “(II) the total number of weeks
16 for which the worker received such al-
17 lowance.

18 “(5) TOTAL AMOUNT OF PAYMENTS.—The pay-
19 ments described in paragraph (2)(A) made to a
20 worker may not exceed \$12,000 per worker during
21 the eligibility period under paragraph (4).

22 “(6) LIMITATION ON TRADE READJUSTMENT
23 ALLOWANCES.—A worker described in paragraph (3)
24 may not receive a trade readjustment allowance
25 under part I of subchapter B during any week for

1 which the worker receives a payment described in
2 paragraph (2)(A).”; and

3 (4) in subsection (b)(2), by striking “subsection
4 (a)(3)(B)” and inserting “subsection (a)(3)”.

5 (b) EXTENSION OF PROGRAM.—Section 246(b)(1) of
6 the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended
7 by striking “5” and inserting “10”.

8 (c) TECHNICAL AMENDMENT.—The table of contents
9 for title II of the Trade Act of 1974 is amended by amend-
10 ing the item relating to section 246 to read as follows:
“Sec. 246. Demonstration project for wage insurance.”.

11 **Subtitle F—Other Trade** 12 **Adjustment Assistance Matters**

13 **SEC. 161. CALCULATION OF ELIGIBILITY PERIOD FOR AL-** 14 **LOWANCE TO ACCOMMODATE EXTENDED** 15 **TRAINING, ALLOWABLE BREAKS IN TRAIN-** 16 **ING, LITIGATION, AND MILITARY SERVICE.**

17 Section 233 of the Trade Act of 1974 (19 U.S.C.
18 2293), as amended by sections 121(b) and 122(b), is fur-
19 ther amended—

20 (1) in subsection (f), by striking “30” and in-
21 serting “90”; and

22 (2) by adding at the end the following:

23 “(h) EXTENSION OF ALLOWANCE.—Notwithstanding
24 any other provision of this section, a trade readjustment
25 allowance may be paid to a worker for a period equivalent

1 to the period the worker's enrollment in training was ex-
2 tended beyond the deadline applicable under section
3 231(a)(5)(A)(ii) pursuant to a waiver granted under sub-
4 paragraph (D), (E), or (F) of section 231(e)(1).

5 “(i) SPECIAL RULE FOR CALCULATING SEPARA-
6 TION.—Notwithstanding any other provision of this chap-
7 ter, any period during which a judicial or administrative
8 appeal is pending with respect to the denial by the Sec-
9 retary of a petition under section 223 shall not be counted
10 for purposes of calculating the period of separation under
11 subsection (a)(2) and an adversely affected worker that
12 would otherwise be entitled to a trade readjustment allow-
13 ance shall not be denied such allowance because of such
14 appeal.

15 “(j) SPECIAL RULE FOR ACTIVE DUTY MILITARY
16 SERVICE.—

17 “(1) IN GENERAL.—Notwithstanding any other
18 provision of this section, an adversely affected work-
19 er described in paragraph (2) shall be eligible for a
20 trade readjustment allowance and other benefits
21 under this subchapter in the same manner and to
22 the same extent as if a petition that resulted in a
23 certification under section 223 for that worker was
24 filed on the date described in paragraph (3).

1 “(2) WORKER DESCRIBED.—A worker described
2 in this paragraph means a worker who—

3 “(A) is a member of a reserve component
4 of the Armed Forces; and

5 “(B) serves on active duty—

6 “(i) after the date on which the work-
7 er became totally separated, or partially
8 separated, from the adversely affected em-
9 ployment; and

10 “(ii) before the worker completes
11 training approved under section 236.

12 “(3) DATE DESCRIBED.—The date described in
13 this paragraph is a date that is on or before the
14 30th day after the worker returns from active duty
15 or such later date as determined on a case-by-case
16 basis by the Secretary.”.

17 **SEC. 162. JOB SEARCH AND RELOCATION ALLOWANCES.**

18 (a) JOB SEARCH ALLOWANCES.—Section 237(b) of
19 the Trade Act of 1974 (19 U.S.C. 2297(b)) is amended—

20 (1) in paragraph (1), by striking “90 percent of
21 the cost of” and inserting “all”; and

22 (2) in paragraph (2), by striking “\$1,250” and
23 inserting “\$1,500”.

24 (b) RELOCATION ALLOWANCES.—Section 238(b) of
25 the Trade Act of 1974 (19 U.S.C. 2298(b)) is amended—

1 (1) in paragraph (1), by striking “90 percent of
2 the” and inserting “all”; and

3 (2) in paragraph (2), by striking “\$1,250” and
4 inserting “\$1,500”.

5 **SEC. 163. CERTIFICATION OF SUBMISSIONS; TRANS-**
6 **PARENCY.**

7 Section 223 of the Trade Act of 1974 (19 U.S.C.
8 2273), as amended by section 113, is further amended by
9 adding at the end the following:

10 “(f) SUBMISSIONS.—

11 “(1) CERTIFICATION.—If an employer submits
12 a petition on behalf of a group of workers pursuant
13 to section 221(a)(1) or if the Secretary requests evi-
14 dence or information from an employer in order to
15 make a determination under this section, the accu-
16 racy and completeness of any evidence or informa-
17 tion submitted by the employer shall be certified by
18 the employer’s legal counsel or by an officer of the
19 employer.

20 “(2) SUBPOENAS.—It is the sense of Congress
21 that the Secretary should require an employer to
22 provide evidence or information requested by the
23 Secretary under paragraph (1) by subpoena pursu-
24 ant to section 249 if, within 20 days of such request,
25 the employer does not—

1 “(A) provide such evidence or information;

2 or

3 “(B) demonstrate to the satisfaction of the
4 Secretary that the employer will provide such
5 evidence or information within a reasonable
6 time.

7 “(g) STANDARDS FOR INVESTIGATIONS AND DETER-
8 MINATIONS.—

9 “(1) PLAN.—Not later than 90 days after the
10 date of the enactment of the Trade and
11 Globalization Adjustment Assistance Act of 2007,
12 the Secretary shall submit to Congress a plan for es-
13 tablishing standards, including data requirements,
14 for investigations of petitions filed under section 221
15 and criteria for making determinations under sub-
16 section (a).

17 “(2) RULEMAKING.—

18 “(A) IN GENERAL.—The Secretary shall
19 prescribe regulations, pursuant to section 553
20 of title 5, United States Code, to carry out the
21 plan required by paragraph (1).

22 “(B) TIMING OF RULEMAKING.—The Sec-
23 retary shall issue the notice of proposed rule-
24 making with respect to the regulations required
25 by subparagraph (A) not earlier than the date

1 that is 90 days after the date on which the Sec-
2 retary submits the plan under paragraph (1).”.

3 **SEC. 164. ESTABLISHMENT OF THE OFFICE OF THE OM-**
4 **BUDSMAN FOR THE TRADE ADJUSTMENT AS-**
5 **SISTANCE PROGRAM.**

6 (a) IN GENERAL.—Subchapter A of chapter 2 of title
7 II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is
8 amended by inserting after section 221 the following:

9 **“SEC. 221A. ESTABLISHMENT OF THE OFFICE OF THE**
10 **TRADE ADJUSTMENT ASSISTANCE OMBUDS-**
11 **MAN.**

12 “(a) ESTABLISHMENT.—There is established in the
13 Department of Labor an office to be known as the ‘Office
14 of the Trade Adjustment Assistance Ombudsman’ (in this
15 section referred to as the ‘Office’).

16 “(b) HEAD.—The head of the Office shall be the Om-
17 budsman. The individual serving as Ombudsman shall be
18 either of the following:

19 “(1) An officer or employee of the Department
20 of Labor designated by the Secretary from among
21 officers and employees of the Department who have
22 experience and expertise necessary to carry out the
23 duties of the Office specified in subsection (c).

24 “(2) An individual employed by the Secretary
25 from the private sector from among individuals in

1 the private sector who have experience and expertise
2 necessary to carry out the duties of the Office speci-
3 fied in subsection (c).

4 “(c) DUTIES.—The duties of the Office shall be as
5 follows:

6 “(1) To provide information on—

7 “(A) the benefits available under this chap-
8 ter;

9 “(B) the requirements and procedures ap-
10 plicable to the provision of such benefits; and

11 “(C) the tax credit for health insurance
12 costs under section 35 of the Internal Revenue
13 Code of 1986.

14 “(2) To provide technical assistance to individ-
15 uals, groups of workers, and other parties seeking to
16 file petitions with the Secretary for benefits under
17 section 221.

18 “(3) To provide assistance to employers to pro-
19 vide information required by the Secretary related to
20 a pending petition.

21 “(4) To receive complaints, grievances, and re-
22 quests for assistance from workers seeking benefits
23 under this chapter with respect to the administra-
24 tion of such benefits.

1 “(5) To carry out such other duties with re-
2 spect to this chapter as the Secretary shall specify
3 for purposes of this section.

4 “(d) INDEPENDENT OFFICE.—The Secretary shall
5 take appropriate actions to ensure the independence of the
6 Office within the Department of Labor, including inde-
7 pendence from other officers and employees of the Depart-
8 ment engaged in activities relating to the administration
9 of the provisions of this chapter.

10 “(e) ANNUAL REPORT.—

11 “(1) IN GENERAL.—Not later than February
12 15 each year, the Ombudsman shall submit to Con-
13 gress a report on the activities of the Office under
14 this section.

15 “(2) CONTENTS.—Each report under para-
16 graph (1) shall set forth the following:

17 “(A) The number and types of complaints,
18 grievances, and requests for assistance received
19 by the Ombudsman under this chapter during
20 the preceding year.

21 “(B) An assessment of the most common
22 difficulties encountered by workers seeking ben-
23 efits under this chapter during the preceding
24 year.

1 “(3) INITIAL REPORT.—The first report under
2 paragraph (1) shall be the report submitted in 2008.

3 “(f) OUTREACH.—The Secretary of Labor (and the
4 Secretary of the Treasury, with respect to the tax credit
5 for health insurance costs under section 35 of the Internal
6 Revenue Code of 1986) shall undertake outreach to advise
7 the public of the existence and duties of the Office.”.

8 (b) TECHNICAL AMENDMENT.—The table of contents
9 for title II of the Trade Act of 1974 is amended by insert-
10 ing after the item relating to section 221 the following:

 “Sec. 221A. Establishment of the Office of the Trade Adjustment Assistance
 Ombudsman.”.

11 **SEC. 165. DATA COLLECTION; INFORMATION TO WORKERS.**

12 (a) DATA COLLECTION.—Subchapter C of chapter 2
13 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et
14 seq.) is amended by adding at the end the following:

15 **“SEC. 250. DATA COLLECTION; REPORT.**

16 “(a) DATA COLLECTION.—The Secretary shall, pur-
17 suant to regulations prescribed by the Secretary, collect
18 any data necessary to meet the requirements of this chap-
19 ter. The Secretary shall collect and publish, on an annual
20 basis, the following:

21 “(1) The number of workers certified and the
22 number of workers actually participating in the
23 trade adjustment assistance program.

1 “(2) The time for processing petitions filed
2 under section 221.

3 “(3) The number of training waivers granted
4 under section 231(c), classified by the type of waiver
5 granted.

6 “(4) The number of workers receiving benefits
7 and the type of benefits being received.

8 “(5) The number of workers enrolled in, and
9 the duration of, training approved under section 236
10 by major types of training.

11 “(6) Earnings history of workers that reflects
12 wages before separation and wages in any job ob-
13 tained after receiving benefits under this chapter.

14 “(7) Reemployment rates and sectors in which
15 dislocated workers have been employed.

16 “(8) The cause of dislocation identified in each
17 petition that resulted in a certification under this
18 chapter.

19 “(9) The number of petitions filed and workers
20 certified in each congressional district of the United
21 States.

22 “(b) STATE PARTICIPATION.—The Secretary shall
23 ensure, to the extent practicable, through oversight and
24 effective internal control measures, the following:

1 “(1) STATE PARTICIPATION.—Participation by
2 each State in the collection of data required under
3 subsection (a) and incentives for States to supple-
4 ment employment and wage data obtained through
5 the use of unemployment insurance wage records.

6 “(2) MONITORING.—Monitoring by each State
7 of internal control measures with respect to program
8 measurement data collected by each State.

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

13 “(c) REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of the Trade and
16 Globalization Adjustment Assistance Act of 2007,
17 and annually thereafter, the Secretary shall submit
18 to the Committee on Finance of the Senate and the
19 Committee on Ways and Means of the House of
20 Representatives a report that includes the informa-
21 tion collected under this section.

22 “(2) AVAILABILITY.—The Secretary shall make
23 a report required by paragraph (1) available to each
24 State and to the public.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) COORDINATION.—Section 281 of the Trade
2 Act of 1974 (19 U.S.C. 2392) is amended by strik-
3 ing “Departments of Labor and Commerce” and in-
4 sserting “Departments of Labor, Commerce, and Ag-
5 riculture”.

6 (2) TRADE MONITORING SYSTEM.—Section 282
7 of the Trade Act of 1974 (19 U.S.C. 2393) is
8 amended by striking “The Secretary of Commerce
9 and the Secretary of Labor” and inserting “The
10 Secretaries of Commerce, Labor, and Agriculture”.

11 (3) TABLE OF CONTENTS.—The table of con-
12 tents for title II of the Trade Act of 1974 is amend-
13 ed by inserting after the item relating to section 249
14 the following:

“Sec. 250. Data collection; report.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date that is 60 days
17 after the date of the enactment of this Act.

18 **SEC. 166. PILOT PROGRAM FOR DISTRIBUTION OF INFOR-**
19 **MATION TO WORKERS.**

20 (a) IN GENERAL.—Not later than September 30,
21 2008, the Secretary of Labor shall fully implement a pilot
22 program to provide information on the availability of trade
23 adjustment assistance under chapter 2 of title II of the
24 Trade Act of 1974 (19 U.S.C. 2271 et seq.) to workers
25 who inquire about or receive unemployment insurance ben-

1 efits. The pilot program shall use telephone, Internet, and
2 in-person communication to distribute such information to
3 workers.

4 (b) STUDY AND REPORT BY COMPTROLLER GEN-
5 ERAL.—Not later than March 31, 2011, the Comptroller
6 General of the United States shall—

7 (1) conduct a study of the implementation and
8 outcomes of the pilot program under subsection (a);
9 and

10 (2) submit to the Committee on Finance of the
11 Senate and the Committee on Ways and Means of
12 the House of Representatives a report on the find-
13 ings of the study conducted under paragraph (1).

14 (c) REGULATIONS.—The Secretary of Labor shall
15 prescribe such regulations as may be necessary to imple-
16 ment the pilot program under subsection (a), pursuant to
17 section 553 of title 5, United States Code.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be
20 necessary to carry out this section.

21 **SEC. 167. TECHNICAL AND CONFORMING AMENDMENTS.**

22 (a) TECHNICAL AMENDMENTS.—

23 (1) IN GENERAL.—Section 249 of the Trade
24 Act of 1974 (19 U.S.C. 2321) is amended by strik-

1 ing “subpena” and inserting “subpoena” each place
2 it appears in the heading and the text.

3 (2) TABLE OF CONTENTS.—The table of con-
4 tents for the Trade Act of 1974 is amended by strik-
5 ing “Subpena” in the item relating to section 249
6 and inserting “Subpoena”.

7 (b) CONFORMING AMENDMENT.—Section 265(a) of
8 the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended
9 by striking “new product development” and inserting “the
10 development of new products and services”.

11 **SEC. 168. EXTENSION OF AUTHORIZATION OF TRADE AD-**
12 **JUSTMENT ASSISTANCE FOR WORKERS.**

13 (a) IN GENERAL.—Section 245(a) of the Trade Act
14 of 1974 (19 U.S.C. 2317(a)) is amended by striking
15 “2007” and inserting “2012”.

16 (b) TERMINATION.—Section 285(a) of the Trade Act
17 of 1974 (19 U.S.C. 2271 note) is amended by striking
18 “2007” each place it appears and inserting “2012”.

19 **TITLE II—TRADE ADJUSTMENT**
20 **ASSISTANCE FOR RURAL AND**
21 **DISTRESSED COMMUNITIES**

22 **SEC. 201. PURPOSE.**

23 The purpose of this title is to assist communities neg-
24 atively impacted by trade with economic adjustment
25 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. 202. 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) **AGRICULTURAL COMMODITY PRODUCER.**—

14 The term ‘agricultural commodity producer’ has the
 15 same meaning as the term ‘person’ as prescribed by
 16 regulations promulgated under section 1001(e) of
 17 the Food Security Act of 1985 (7 U.S.C. 1308(e)).

18 “(2) **COMMUNITY.**—The term ‘community’
 19 means a city, county, or other political subdivision of
 20 a State or a consortium of political subdivisions of
 21 a State that the Secretary certifies as being nega-
 22 tively impacted by trade.

23 “(3) **COMMUNITY NEGATIVELY IMPACTED BY**
 24 **TRADE.**—A community negatively impacted by trade

1 means a community with respect to which a positive
2 determination has been made under section 273.

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

6 “(5) FISHERMAN.—

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

9 “(i) is engaged in commercial fishing;

10 or

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

12 “(B) COMMERCIAL FISHING, FISH, FISH-
13 ERY, FISHING, FISHING VESSEL, PERSON, AND
14 UNITED STATES FISH PROCESSOR.—The terms
15 ‘commercial fishing’, ‘fish’, ‘fishery’, ‘fishing’,
16 ‘fishing vessel’, ‘person’, and ‘United States fish
17 processor’ have the same meanings as such
18 terms have in section 3 of the Magnuson-Ste-
19 vens Fishery Conservation and Management
20 Act (16 U.S.C. 1802).

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

1 **“SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE**
2 **PROGRAM.**

3 “(a) ESTABLISHMENT.—Within 6 months after the
4 date of the enactment of the Trade and Globalization Ad-
5 justment Assistance Act of 2007, the Secretary shall es-
6 tablish a trade adjustment assistance for communities pro-
7 gram at the Department of Commerce.

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

11 “(c) COORDINATION OF FEDERAL RESPONSE.—The
12 Secretary shall—

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

16 “(2) coordinate the Federal response to an eli-
17 gible community—

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

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

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

5 “(D) by identifying and strengthening ex-
6 isting agency mechanisms designed to assist eli-
7 gible communities in their efforts to achieve
8 economic adjustment and workforce reemploy-
9 ment;

10 “(3) provide comprehensive technical assistance
11 to any eligible community in the efforts of that com-
12 munity to—

13 “(A) identify serious economic problems in
14 the community that are the result of negative
15 impacts from trade;

16 “(B) integrate the major groups and orga-
17 nizations significantly affected by the economic
18 adjustment;

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

22 “(D) diversify and strengthen the commu-
23 nity economy; and

24 “(E) develop a community-based strategic
25 plan to address economic development and

1 workforce dislocation, including unemployment
2 among agricultural commodity producers and
3 fishermen;

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

7 “(5) establish specific criteria for submitting
8 and evaluating applications for grants under section
9 275;

10 “(6) administer the grant programs established
11 under sections 274 and 275; and

12 “(7) establish an interagency Trade Adjustment
13 Assistance for Communities Working Group, chaired
14 by the Secretary or a designee of the Secretary, con-
15 sisting of the representatives of any Federal depart-
16 ment or agency with responsibility for economic ad-
17 justment assistance, including the Department of
18 Agriculture, the Department of Education, the De-
19 partment of Labor, the Department of Housing and
20 Urban Development, the Department of Health and
21 Human Services, the Small Business Administra-
22 tion, the Department of the Treasury, the Depart-
23 ment of Commerce, and any other Federal, State, or
24 regional department or agency the Secretary deter-
25 mines necessary or appropriate.

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

2 “(a) CERTIFICATION.—Not later than 180 days after
3 an event described in subsection (c)(1), a community de-
4 scribed in subsection (b)(1) may submit a petition to the
5 Secretary for a determination under subsection (b)(2) that
6 the community is negatively impacted by trade, as de-
7 scribed in subsection (b)(2). If the Secretary makes a posi-
8 tive determination, the Secretary shall certify the commu-
9 nity as eligible for assistance under this chapter.

10 “(b) DETERMINATION THAT COMMUNITY IS ELIGI-
11 BLE.—

12 “(1) COMMUNITY DESCRIBED.—A community
13 described in this paragraph means a community
14 with respect to which, on or after October 1, 2008—

15 “(A) the Secretary of Labor certifies a
16 group of workers (or their authorized represent-
17 ative) in the community as eligible to apply for
18 assistance pursuant to section 223;

19 “(B) the Secretary of Commerce certifies a
20 firm located in the community as eligible to
21 apply for adjustment assistance under section
22 251; or

23 “(C) the Secretary of Agriculture certifies
24 a group of agricultural commodity producers
25 (or their authorized representative) in the com-

1 munity as eligible to apply for adjustment as-
2 sistance under section 293.

3 “(2) NEGATIVELY IMPACTED BY TRADE.—The
4 Secretary shall determine that a community is nega-
5 tively impacted by trade, after taking into consider-
6 ation—

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

9 “(B) the severity of the rate of unemploy-
10 ment in the community and the duration of the
11 unemployment in the community;

12 “(C) the income levels and the extent of
13 underemployment in the community;

14 “(D) the out-migration of population from
15 the community and the extent to which the out-
16 migration is causing economic injury in the
17 community; and

18 “(E) the unique problems and needs of the
19 community.

20 “(c) DEFINITION AND SPECIAL RULES.—

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

23 “(A) A notification described in paragraph
24 (2).

1 “(B) A certification of a firm under section
2 251.

3 “(C) A determination by the Secretary
4 that a significant number of fishermen in a
5 community have been negatively impacted by
6 trade.

7 “(2) NOTIFICATION.—The Governor of a State
8 shall be notified immediately—

9 “(A) by the Secretary of Labor, upon mak-
10 ing a determination that a group of workers in
11 the State is eligible for trade adjustment assist-
12 ance under section 223;

13 “(B) by the Secretary of Commerce, upon
14 making a determination that a firm in the
15 State is eligible for adjustment assistance under
16 section 251; and

17 “(C) by the Secretary of Agriculture, upon
18 making a determination that a group of agricul-
19 tural commodity producers in the State is eligi-
20 ble for adjustment assistance under section
21 293.

22 “(3) LOOK BACK.—

23 “(A) IN GENERAL.—Not later than 210
24 days after the date described in clause (ii), a
25 community described in subsection (b)(1) may

1 petition the Secretary for a determination that
2 the community is negatively impacted by trade,
3 as described in subsection (b)(2), in any case in
4 which an event described in paragraph (1) oc-
5 curs—

6 “(i) on or after January 1, 2007; and

7 “(ii) before the date on which the Sec-
8 retary completes the implementation of the
9 program established pursuant to section
10 272(a).

11 “(B) NOTIFICATIONS.—

12 “(i) NOTIFICATIONS TO THE SEC-
13 RETARY OF COMMERCE.—If, during the pe-
14 riod described in subparagraph (A), the
15 Secretary of Labor makes a determination
16 that a group of workers is eligible for trade
17 adjustment assistance under section 223
18 (or the Secretary of Agriculture makes a
19 determination that a group of agricultural
20 commodity producers is eligible for adjust-
21 ment assistance under section 293, as the
22 case may be) the Secretary of Labor (or
23 the Secretary of Agriculture, as the case
24 may be) shall notify the Secretary of the

1 determination not later than 30 days after
2 the date described in subparagraph (A)(ii).

3 “(ii) NOTIFICATIONS TO STATES.—
4 The Secretary shall notify the Governor of
5 a State of—

6 “(I) a determination—

7 “(aa) described in clause (i)
8 made during the period described
9 in subparagraph (A) in the State
10 immediately upon receiving the
11 notification required by clause
12 (i); or

13 “(bb) made by the Secretary
14 during the period described in
15 subparagraph (A) that a firm in
16 the State is eligible for adjust-
17 ment assistance under section
18 251; and

19 “(II) the ability of a community
20 affected by such a determination to
21 petition under subparagraph (A) for a
22 determination that the community is
23 negatively impacted by trade.

24 “(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—
25 Immediately upon certification by the Secretary that a

1 community is eligible for assistance under subsection (b),
2 the Secretary shall notify the community—

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

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

5 “(3) how to access the clearinghouse established
6 by the Department of Commerce regarding available
7 economic assistance;

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

10 “(5) how to obtain grants, tax credits, low in-
11 come loans, and other appropriate economic assist-
12 ance.

13 **“SEC. 274. STRATEGIC PLANS.**

14 “(a) IN GENERAL.—An eligible community may de-
15 velop a strategic plan for community economic adjustment
16 and diversification.

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

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

22 “(2) A description of the commitment of the
23 community to the strategic plan over the long term
24 and the participation and input of groups affected
25 by economic dislocation.

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

3 “(4) A description of how the plan and the
4 projects to be undertaken by the eligible community
5 will lead to job creation and job retention in the
6 community.

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

9 “(6) A description of how the plan and the
10 projects will contribute to establishing or maintain-
11 ing a level of public services necessary to attract and
12 retain economic investment.

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

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

19 “(9) A description of the educational programs
20 available for workforce training and future employ-
21 ment needs.

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

1 “(11) A description and justification for the
2 cost and timing of the total funds required by the
3 community for economic assistance.

4 “(12) A graduation strategy through which the
5 eligible community demonstrates that the community
6 will terminate the need for Federal assistance.

7 “(c) GRANTS TO DEVELOP STRATEGIC PLANS.—The
8 Secretary, upon receipt of an application from an eligible
9 community, may award a grant to that community to be
10 used to develop the strategic plan under subsection (a).

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

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

15 “(a) IN GENERAL.—The Secretary, upon approval of
16 a strategic plan from an eligible community, may award
17 a grant to that community to carry out any project or
18 program that is certified by the Secretary to be included
19 in the strategic plan approved under section 274(d), or
20 consistent with that plan.

21 “(b) ADDITIONAL GRANTS.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 in order to assist eligible communities to obtain
24 funds under Federal grant programs, other than the
25 grants provided for in section 274(c) or subsection

1 (a) of this section, the Secretary may, upon the ap-
2 plication of an eligible community, make a supple-
3 mental grant to the community if—

4 “(A) the purpose of the grant program
5 from which the grant is made is to provide
6 technical or other assistance for planning, con-
7 structing, or equipping public works facilities or
8 to provide assistance for public service projects;
9 and

10 “(B) the grant is one for which the com-
11 munity is eligible except for the community’s in-
12 ability to meet the non-Federal share require-
13 ments of the grant program.

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

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

23 **“SEC. 276. GENERAL PROVISIONS.**

24 “(a) REGULATIONS.—The Secretary shall prescribe
25 such regulations as are necessary to carry out the provi-

1 sions of this chapter. The Secretary may not implement
2 any regulation or guideline proposed by the Secretary with
3 respect to this chapter, until the date that is 60 days after
4 the date the Secretary submits the regulation or guideline
5 to the Committee on Finance of the Senate and the Com-
6 mittee on Ways and Means of the House of Representa-
7 tives.

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

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary
15 \$300,000,000 for each of fiscal years 2009 through 2013
16 to carry out this chapter. Amounts appropriated pursuant
17 to this subsection shall remain available until expended.”.

18 **SEC. 203. CONFORMING AMENDMENTS.**

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

22 “(3) ASSISTANCE FOR COMMUNITIES.—Tech-
23 nical assistance and other payments may not be pro-
24 vided under chapter 4 after September 30, 2013.”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 the Trade Act of 1974 is amended by striking the items
 3 relating to chapter 4 of title II and inserting the following:

“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.”.

4 (c) JUDICIAL REVIEW.—

5 (1) Section 284(a) of the Trade Act of 1974
 6 (19 U.S.C. 2395(a)) is amended—

7 (A) by inserting “or 296” after “section
 8 293”;

9 (B) by striking “or any other interested
 10 domestic party” and inserting “or authorized
 11 representative of a community”; and

12 (C) by striking “section 271” and inserting
 13 “section 273”.

14 (2) Section 1581(d) of title 28, United States
 15 Code, is amended—

16 (A) in paragraph (2), by striking “; and”
 17 and inserting a semicolon;

18 (B) in paragraph (3)—

19 (i) by striking “271” and inserting
 20 “273”; and

21 (ii) by striking the period and insert-
 22 ing “; and”; and

1 (C) by adding at the end the following:

2 “(4) any final determination of the Secretary of
3 Agriculture under section 293 or 296 of the Trade
4 Act of 1974 (19 U.S.C. 2401b) with respect to the
5 eligibility of a group of agricultural commodity pro-
6 ducers for adjustment assistance under such Act.”.

7 **SEC. 204. EFFECTIVE DATE.**

8 The provisions of this title shall take effect on Octo-
9 ber 1, 2008.

10 **TITLE III—TRADE ADJUSTMENT**
11 **ASSISTANCE FOR FIRMS**

12 **SEC. 301. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**

13 (a) IN GENERAL.—Section 251 of the Trade Act of
14 1974 (19 U.S.C. 2341) is amended—

15 (1) in subsection (a), by inserting “or service
16 sector firm” after “(including any agricultural
17 firm”;

18 (2) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by inserting “or service sector
22 firm” after “any agricultural firm”;

23 (ii) in subparagraph (B)—

24 (I) in clause (i), by striking “,
25 or” and inserting a comma;

1 (II) in clause (ii)—

2 (aa) by inserting “or serv-
3 ice” after “of an article”; and

4 (bb) by striking “, and” and
5 inserting “, or”; and

6 (III) by adding at the end the
7 following:

8 “(iii) sales or production, or both, of
9 an article or service that accounted for not
10 less than 25 percent of the total produc-
11 tion or sales of the firm during the 60-
12 month period preceding the most recent
13 12-month period for which data are avail-
14 able have decreased absolutely, and”; and

15 (iii) in subparagraph (C), by striking
16 “increases of imports of articles like or di-
17 rectly competitive with articles which are
18 produced” and inserting “imports of arti-
19 cles or services like or directly competitive
20 with articles or services which are pro-
21 duced or provided”; and

22 (B) in paragraph (2), in the matter pre-
23 ceding subparagraph (A), by striking “para-
24 graph (1)(C)—” and inserting “paragraph
25 (1)(C):”; and

1 (3) by adding at the end the following:

2 “(e) BASIS FOR THE DETERMINATION OF THE SEC-
3 RETARY.—

4 “(1) INCREASED IMPORTS.—For purposes of
5 subsection (c)(1)(C), the Secretary may determine
6 that increases of imports of like or directly competi-
7 tive articles or services exist if customers accounting
8 for not less than 20 percent of the sales of the work-
9 ers’ firm certify to the Secretary that such cus-
10 tomers are obtaining such articles or services from
11 a foreign country.

12 “(2) AUTHORITY OF THE SECRETARY.—The
13 Secretary may obtain the certifications under para-
14 graph (1) through questionnaires or in such other
15 manner as the Secretary determines is appropriate.
16 The Secretary may exercise the authority under sec-
17 tion 249 in carrying out this subsection.”.

18 (b) DEFINITION.—Section 261 of the Trade Act of
19 1974 (19 U.S.C. 2351) is amended—

20 (1) by striking “For purposes of” and inserting

21 “(a) FIRM.—For purposes of”; and

22 (2) by adding at the end the following:

23 “(b) SERVICE SECTOR FIRM.—For purposes of this
24 chapter, the term ‘service sector firm’ means a firm en-
25 gaged in the business of providing services.”.

1 **SEC. 302. EXTENSION OF AUTHORIZATION OF TRADE AD-**
2 **JUSTMENT ASSISTANCE FOR FIRMS.**

3 (a) IN GENERAL.—Section 256(b) of the Trade Act
4 of 1974 (19 U.S.C. 2346(b)) is amended by inserting “and
5 \$50,000,000 for each of fiscal years 2008 through 2012,”
6 after “fiscal years 2003 through 2007,”.

7 (b) TERMINATION.—Section 285(b)(1) of the Trade
8 Act of 1974 (19 U.S.C. 2271 note) is amended by striking
9 “2007” and inserting “2012”.

10 **TITLE IV—TRADE ADJUSTMENT**
11 **ASSISTANCE FOR FARMERS**
12 **AND FISHERMEN**

13 **SEC. 401. CLARIFICATION OF MARKETING YEAR.**

14 Section 291(5) of the Trade Act of 1974 (19 U.S.C.
15 2401(5)) is amended to read as follows:

16 “(5) NATIONAL AVERAGE PRICE.—The term
17 ‘national average price’ means—

18 “(A) the national average price paid to an
19 agricultural commodity producer for an agricul-
20 tural commodity in a marketing year as deter-
21 mined by the Secretary; or

22 “(B) in the case of an agricultural com-
23 modity that has no officially designated mar-
24 keting year, the national average price paid to
25 an agricultural commodity producer for that

1 commodity in the 12-month period requested by
2 the petitioner.”.

3 **SEC. 402. APPLICATION TO FISHERMAN.**

4 Notwithstanding any other provision of law, for pur-
5 poses of chapter 2 of title II of the Trade Act of 1974
6 (19 U.S.C. 2271 et seq.), fishermen and aquaculture pro-
7 ducers shall be eligible for adjustment assistance without
8 regard to whether such fishermen seek such assistance
9 based on an increase in imports of wild stock or an in-
10 crease of imports of farm-raised stock.

11 **SEC. 403. ELIGIBILITY.**

12 (a) IN GENERAL.—Section 292(c)(1) of the Trade
13 Act of 1974 (19 U.S.C. 2401a(c)(1)) is amended to read
14 as follows:

15 “(1) that either—

16 “(A) the national average price for the ag-
17 ricultural commodity, or a class of goods within
18 the agricultural commodity, produced by the
19 group for the most recent marketing year for
20 which the national average price is available is
21 less than 90 percent of the average of the na-
22 tional average price for such agricultural com-
23 modity, or such class of goods, for the 5 mar-
24 keting years preceding the most recent mar-
25 keting year; or

1 “(B) the national average price for the ag-
2 ricultural commodity for the most recent 2 mar-
3 keting years for which the national average
4 price is available is less than 90 percent of the
5 average of the national average price for such
6 agricultural commodity, or such class of goods,
7 for the 3 marketing years preceding the 2 most
8 recent marketing years; and”.

9 (b) SPECIAL RULE FOR QUALIFIED SUBSEQUENT
10 YEARS.—Paragraph (2) of section 292(d) of the Trade
11 Act of 1974 (19 U.S.C. 2401a(d)(2)) is amended to read
12 as follows:

13 “(2) imports of articles like or directly competi-
14 tive with the agricultural commodity, or class of
15 goods within the agricultural commodity, produced
16 by the group, contributed importantly to the decline
17 in price determined under subsection (c)(1) without
18 regard to whether imports of such articles increased
19 in the year after the year the group was first cer-
20 tified.”.

21 (c) ELIGIBILITY OF CERTAIN OTHER PRODUCERS.—
22 Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a)
23 is amended by adding at the end the following:

24 “(f) ELIGIBILITY OF CERTAIN OTHER PRO-
25 DUCERS.—An agricultural commodity producer or group

1 of producers that resides outside of the State or region
2 identified in a petition filed under subsection (a) may file
3 a request to become a party to that petition not later than
4 15 days after the date notice is published in the Federal
5 Register with respect to that petition.”.

6 (d) NET FARM INCOME.—Section 296(a)(1)(C) of
7 the Trade Act of 1974 (19 U.S.C. 2401e(a)(1)(C)) is
8 amended—

9 (1) by striking “The producer’s” and inserting
10 “(i) The producer’s”;

11 (2) by striking the period and inserting “; or”;

12 and

13 (3) by adding at the end the following:

14 “(ii) the producer had no positive net farm
15 income for the 2 most recent consecutive years
16 in which no adjustment assistance was received
17 by the producer under this chapter.”.

18 **SEC. 404. BENEFITS.**

19 (a) AMOUNT OF CASH BENEFITS.—Section
20 296(b)(1) of the Trade Act of 1974 (19 U.S.C.
21 2401e(b)(1)) is amended—

22 (1) in subparagraph (A), by striking “one-half”
23 and inserting “85 percent”; and

24 (2) in clause (i) of subparagraph (A), by strik-
25 ing “80 percent” and inserting “90 percent”.

1 (b) INTENSIVE TECHNICAL ASSISTANCE.—Section
2 295 of the Trade Act of 1974 (19 U.S.C. 2401d) is
3 amended by adding at the end the following:

4 “(c) INTENSIVE TECHNICAL TRAINING.—

5 “(1) IN GENERAL.—An adversely affected agri-
6 cultural producer that fulfills the requirements set
7 forth in subparagraphs (A), (B), and (D) of section
8 296(a)(1) may opt to receive intensive technical as-
9 sistance from the Secretary for a period not to ex-
10 ceed 2 years from the date of certification of a peti-
11 tion described in section 292(a).

12 “(2) DESIGNATION OF AGRICULTURAL EXTEN-
13 SION SERVICE CENTER.—The Secretary shall des-
14 ignate a Cooperative State Research, Education, and
15 Extension Service to develop and coordinate an in-
16 tensive technical assistance curriculum for adversely
17 affected agricultural commodity producers.

18 “(3) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated \$5,000,000
20 in each of the fiscal years 2008 through 2012 to the
21 Secretary for the purpose of delivering the intensive
22 technical assistance described in paragraph (1).”.

23 (c) CLERICAL AMENDMENT.—Section 295(a) of the
24 Trade Act of 1974 (19 U.S.C. 2401d(a)) is amended by

1 striking “groups” and inserting “agricultural commodity
2 producers (or groups of such producers)”.

3 **SEC. 405. AUDITS AND REPORTS.**

4 Section 293 of the Trade Act of 1974 (19 U.S.C.
5 2401b) is amended by adding at the end the following:

6 “(d) AUDIT AND REPORT BY THE COMPTROLLER
7 GENERAL.—

8 “(1) IN GENERAL.—Not later than January 31,
9 2012, the Comptroller General of the United States
10 shall conduct an evaluation of the program under
11 this chapter and shall report the results of the eval-
12 uation to the Committee on Finance of the Senate
13 and the Committee on Ways and Means of the
14 House of Representatives.

15 “(2) CONTENTS OF EVALUATION AND RE-
16 PORT.—The evaluation and report shall include—

17 “(A) an assessment of the extent to which
18 the Department of Agriculture is fulfilling its
19 obligations under this chapter;

20 “(B) an assessment of the outreach to po-
21 tentially eligible agricultural commodity pro-
22 ducers and groups of such producers;

23 “(C) an assessment of the effectiveness
24 and outcomes of the benefits received; and

1 “(D) recommendations for improving the
2 program.

3 “(e) REPORT BY SECRETARY.—Not later than No-
4 vember 15, 2008, and annually thereafter, the Secretary
5 of Agriculture shall report to the Committee on Finance
6 of the Senate and the Committee on Ways and Means of
7 the House of Representatives on, for the 12-month period
8 ending October 31 of the current calendar year—

9 “(1) the agricultural commodities covered by a
10 certification under this chapter and the States or re-
11 gions in which such commodities are produced;

12 “(2) the total number of such commodities, by
13 State;

14 “(3) the total number of agricultural com-
15 modity producers, by congressional district, receiving
16 cash benefits under section 296(b); and

17 “(4) the total number of agricultural commodity
18 producers, by congressional district, receiving inten-
19 sive technical training under section 296(c).”.

20 **SEC. 406. EXTENSION OF AUTHORIZATION OF TRADE AD-**
21 **JUSTMENT ASSISTANCE FOR FARMERS.**

22 (a) IN GENERAL.—Section 298(a) of the Trade Act
23 of 1974 (19 U.S.C. 2401g(a)) is amended by striking
24 “2007” and inserting “2012”.

1 (b) TERMINATION.—Section 285(b)(2) of the Trade
2 Act of 1974 (19 U.S.C. 2271 note) is amended by striking
3 “2007” each place it appears and inserting “2012”.

○