

In the Senate of the United States,

December 22, 2010.

Resolved, That the bill from the House of Representatives (H.R. 6517) entitled “An Act to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Om-*
3 *nibus Trade Act of 2010”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

*TITLE I—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE AND
HEALTH COVERAGE IMPROVEMENT*

Subtitle A—Extension of Trade Adjustment Assistance

Sec. 101. Extension of trade adjustment assistance.

Sec. 102. Merit staffing for State administration of trade adjustment assistance.

Subtitle B—Health Coverage Improvement

Sec. 111. Improvement of the affordability of the credit.

Sec. 112. Payment for the monthly premiums paid prior to commencement of the advance payments of credit.

Sec. 113. TAA recipients not enrolled in training programs eligible for credit.

Sec. 114. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.

Sec. 115. Continued qualification of family members after certain events.

Sec. 116. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Sec. 117. Addition of coverage through voluntary employees' beneficiary associations.

Sec. 118. Notice requirements.

TITLE II—ANDEAN TRADE PREFERENCES ACT

Sec. 201. Extension of Andean Trade Preference Act.

TITLE III—OFFSETS

Sec. 301. Customs user fees.

Sec. 302. Time for payment of corporate estimated taxes.

TITLE IV—BUDGETARY EFFECTS

Sec. 401. Compliance with PAYGO.

1 **TITLE I—EXTENSION OF TRADE**
 2 **ADJUSTMENT ASSISTANCE**
 3 **AND HEALTH COVERAGE IM-**
 4 **PROVEMENT**

5 **Subtitle A—Extension of Trade**
 6 **Adjustment Assistance**

7 **SEC. 101. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.**

8 (a) *IN GENERAL.*—Section 1893(a) of the Trade and
 9 Globalization Adjustment Assistance Act of 2009 (Public
 10 Law 111–5; 123 Stat. 422) is amended by striking “Janu-
 11 ary 1, 2011” each place it appears and inserting “February
 12 13, 2011”.

1 **(b) APPLICATION OF PRIOR LAW.**—Section 1893(b) of
2 *the Trade and Globalization Adjustment Assistance Act of*
3 *2009 (Public Law 111–5; 123 Stat. 422 (19 U.S.C. 2271*
4 *note prec.)) is amended to read as follows:*

5 “(b) **APPLICATION OF PRIOR LAW.**—Chapters 2, 3, 4,
6 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C.
7 2271 *et seq.*) shall be applied and administered beginning
8 February 13, 2011, as if the amendments made by this sub-
9 title (other than part VI) had never been enacted, except
10 that in applying and administering such chapters—

11 “(1) section 245 of that Act shall be applied and
12 administered by substituting ‘February 12, 2012’ for
13 ‘December 31, 2007’;

14 “(2) section 246(b)(1) of that Act shall be ap-
15 plied and administered by substituting ‘February 12,
16 2012’ for ‘the date that is 5 years’ and all that follows
17 through ‘State’;

18 “(3) section 256(b) of that Act shall be applied
19 and administered by substituting ‘the 1-year period
20 beginning February 13, 2011, and ending February
21 12, 2012,’ for ‘each of fiscal years 2003 through 2007,
22 and \$4,000,000 for the 3-month period beginning on
23 October 1, 2007,’;

24 “(4) section 298(a) of that Act shall be applied
25 and administered by substituting ‘the 1-year period

1 *beginning February 13, 2011, and ending February*
2 *12, 2012,’ for ‘each of the fiscal years’ and all that*
3 *follows through ‘October 1, 2007’; and*

4 “(5) *subject to subsection (a)(2), section 285 of*
5 *that Act shall be applied and administered—*

6 “(A) *in subsection (a), by substituting ‘Feb-*
7 *ruary 12, 2011’ for ‘December 31, 2007’ each*
8 *place it appears; and*

9 “(B) *by applying and administering sub-*
10 *section (b) as if it read as follows:*

11 “‘(b) *OTHER ASSISTANCE.—*

12 “‘(1) *ASSISTANCE FOR FIRMS.—*

13 “‘(A) *IN GENERAL.—Except as provided in*
14 *subparagraph (B), assistance may not be pro-*
15 *vided under chapter 3 after February 12, 2012.*

16 “‘(B) *EXCEPTION.—Notwithstanding sub-*
17 *paragraph (A), any assistance approved under*
18 *chapter 3 on or before February 12, 2012, may*
19 *be provided—*

20 “‘(i) *to the extent funds are available*
21 *pursuant to such chapter for such purpose;*
22 *and*

23 “‘(ii) *to the extent the recipient of the*
24 *assistance is otherwise eligible to receive*
25 *such assistance.*

1 “(2) *FARMERS.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (B), assistance may not be pro-*
4 *vided under chapter 6 after February 12, 2012.*

5 “(B) *EXCEPTION.*—*Notwithstanding sub-*
6 *paragraph (A), any assistance approved under*
7 *chapter 6 on or before February 12, 2012, may*
8 *be provided—*

9 “(i) *to the extent funds are available*
10 *pursuant to such chapter for such purpose;*
11 *and*

12 “(ii) *to the extent the recipient of the*
13 *assistance is otherwise eligible to receive*
14 *such assistance.’.*”.

15 (c) *CONFORMING AMENDMENTS.*—

16 (1) *Section 236(a)(2)(A) of the Trade Act of*
17 *1974 (19 U.S.C. 2296(a)(2)(A)) is amended to read*
18 *as follows:*

19 “(2)(A) *The total amount of payments that may be*
20 *made under paragraph (1) shall not exceed—*

21 “(i) *\$575,000,000 for fiscal year 2010; and*

22 “(ii) *\$66,500,000 for the 6-week period beginning*
23 *January 1, 2011, and ending February 12, 2011.’.*”.

1 (2) *Section 245(a) of the Trade Act of 1974 (19*
2 *U.S.C. 2317(a)) is amended by striking “December*
3 *31, 2010” and inserting “February 12, 2011”.*

4 (3) *Section 246(b)(1) of the Trade Act of 1974*
5 *(19 U.S.C. 2318(b)(1)) is amended by striking “De-*
6 *cember 31, 2010” and inserting “February 12, 2011”.*

7 (4) *Section 255(a) of the Trade Act of 1974 (19*
8 *U.S.C. 2345(a)) is amended—*

9 (A) *in the first sentence to read as follows:*

10 *“There are authorized to be appropriated to the*
11 *Secretary to carry out the provisions of this*
12 *chapter \$50,000,000 for fiscal year 2010 and*
13 *\$5,800,000 for the 6-week period beginning Jan-*
14 *uary 1, 2011, and ending February 12, 2011.”;*
15 *and*

16 (B) *in paragraph (1), by striking “Decem-*
17 *ber 31, 2010” and inserting “February 12,*
18 *2011”.*

19 (5) *Section 275(f) of the Trade Act of 1974 (19*
20 *U.S.C. 2371d(f)) is amended by striking “2011” and*
21 *inserting “and annually thereafter”.*

22 (6) *Section 276(c)(2) of the Trade Act of 1974*
23 *(19 U.S.C. 2371e(c)(2)) is amended to read as follows:*

24 *“(2) FUNDS TO BE USED.—Of the funds appro-*
25 *priated pursuant to section 277(c), the Secretary may*

1 *make available, to provide grants to eligible commu-*
2 *nities under paragraph (1), not more than—*

3 *“(A) \$25,000,000 for fiscal year 2010; and*

4 *“(B) \$2,900,000 for the 6-week period be-*
5 *ginning January 1, 2011, and ending February*
6 *12, 2011.”.*

7 *(7) Section 277(c) of the Trade Act of 1974 (19*
8 *U.S.C. 2371f(c)) is amended—*

9 *(A) by amending paragraph (1) to read as*
10 *follows:*

11 *“(1) IN GENERAL.—There are authorized to be*
12 *appropriated to the Secretary to carry out this sub-*
13 *chapter—*

14 *“(A) \$150,000,000 for fiscal year 2010; and*

15 *“(B) \$17,3000 for the 6-week period begin-*
16 *ning January 1, 2011 and ending February 12,*
17 *2011.”; and*

18 *(B) in paragraph (2)(A), by striking “De-*
19 *ember 31, 2010” and inserting “February 12,*
20 *2011”.*

21 *(8) Section 278(e) of the Trade Act of 1974 (19*
22 *U.S.C. 2372(e)) is amended by striking “2011” and*
23 *inserting “and annually thereafter”.*

1 (9) *Section 279A(h)(2) of the Trade Act of 1974*
2 *(19 U.S.C. 2373(h)(2)) is amended by striking*
3 *“2011” and inserting “and annually thereafter”.*

4 (10) *Section 279B(a) of the Trade Act of 1974*
5 *(19 U.S.C. 2373a(a)) is amended to read as follows:*
6 *“(a) IN GENERAL.—*

7 *“(1) AUTHORIZATION.—There are authorized to*
8 *be appropriated to the Secretary of Labor to carry*
9 *out the Sector Partnership Grant program under sec-*
10 *tion 279A—*

11 *“(A) \$40,000,000 for fiscal year 2010; and*

12 *“(B) \$4,600,000 for the 6-week period be-*
13 *ginning January 1, 2011, and ending February*
14 *12, 2011.*

15 *“(2) AVAILABILITY OF APPROPRIATIONS.—Funds*
16 *appropriated pursuant to this section shall remain*
17 *available until expended.”.*

18 (11) *Section 285 of the Trade Act of 1974 (19*
19 *U.S.C. 2271 note) is amended—*

20 *(A) by striking “December 31, 2010” each*
21 *place it appears and inserting “February 12,*
22 *2011”; and*

23 *(B) in subsection (a)(2)(A), by inserting*
24 *“pursuant to petitions filed under section 221*
25 *before February 12, 2011” after “title”.*

1 (12) *Section 298(a) of the Trade Act of 1974 (19*
2 *U.S.C. 2401g(a)) is amended by striking*
3 *“\$90,000,000 for each of the fiscal years 2009 and*
4 *2010, and \$22,500,000 for the period beginning Octo-*
5 *ber 1, 2010, and ending December 31, 2010” and in-*
6 *serting “\$10,400,000 for the 6-week period beginning*
7 *January 1, 2011, and ending February 12, 2011”.*

8 (13) *The table of contents for the Trade Act of*
9 *1974 is amended by striking the item relating to sec-*
10 *tion 235 and inserting the following:*

“Sec. 235. Employment and case management services.”.

11 (d) *EFFECTIVE DATE.—The amendments made by this*
12 *section shall take effect on January 1, 2011.*

13 **SEC. 102. MERIT STAFFING FOR STATE ADMINISTRATION**
14 **OF TRADE ADJUSTMENT ASSISTANCE.**

15 (a) *IN GENERAL.—Notwithstanding section 618.890(b)*
16 *of title 20, Code of Federal Regulations, or any other provi-*
17 *sion of law, the single transition deadline for implementing*
18 *the merit-based State personnel staffing requirements con-*
19 *tained in section 618.890(a) of title 20, Code of Federal*
20 *Regulations, shall not be earlier than February 12, 2011.*

21 (b) *EFFECTIVE DATE.—This section shall take effect*
22 *on December 14, 2010.*

1 ***Subtitle B—Health Coverage***
2 ***Improvement***

3 ***SEC. 111. IMPROVEMENT OF THE AFFORDABILITY OF THE***
4 ***CREDIT.***

5 (a) *IN GENERAL.*—Section 35(a) of the Internal Rev-
6 *enue Code of 1986 is amended by striking “January 1,*
7 *2011” and inserting “February 13, 2011”.*

8 (b) *CONFORMING AMENDMENT.*—Section 7527(b) of
9 *such Code is amended by striking “January 1, 2011” and*
10 *inserting “February 13, 2011”.*

11 (c) *EFFECTIVE DATE.*—The amendments made by this
12 *section shall apply to coverage months beginning after De-*
13 *cember 31, 2010.*

14 ***SEC. 112. PAYMENT FOR THE MONTHLY PREMIUMS PAID***
15 ***PRIOR TO COMMENCEMENT OF THE ADVANCE***
16 ***PAYMENTS OF CREDIT.***

17 (a) *IN GENERAL.*—Section 7527(e) of the Internal
18 *Revenue Code of 1986 is amended by striking “January*
19 *1, 2011” and inserting “February 13, 2011”.*

20 (b) *EFFECTIVE DATE.*—The amendment made by this
21 *section shall apply to coverage months beginning after De-*
22 *cember 31, 2010.*

1 **SEC. 113. TAA RECIPIENTS NOT ENROLLED IN TRAINING**
2 **PROGRAMS ELIGIBLE FOR CREDIT.**

3 (a) *IN GENERAL.*—Section 35(c)(2)(B) of the Internal
4 Revenue Code of 1986 is amended by striking “January
5 1, 2011” and inserting “February 13, 2011”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this
7 section shall apply to coverage months beginning after De-
8 cember 31, 2010.

9 **SEC. 114. TAA PRE-CERTIFICATION PERIOD RULE FOR PUR-**
10 **POSES OF DETERMINING WHETHER THERE IS**
11 **A 63-DAY LAPSE IN CREDITABLE COVERAGE.**

12 (a) *IRC AMENDMENT.*—Section 9801(c)(2)(D) of the
13 Internal Revenue Code of 1986 is amended by striking
14 “January 1, 2011” and inserting “February 13, 2011”.

15 (b) *ERISA AMENDMENT.*—Section 701(c)(2)(C) of the
16 Employee Retirement Income Security Act of 1974 (29
17 U.S.C. 1181(c)(2)(C)) is amended by striking “January 1,
18 2011” and inserting “February 13, 2011”.

19 (c) *PHSA AMENDMENT.*—Section 2701(c)(2)(C) of the
20 Public Health Service Act (as in effect for plan years begin-
21 ning before January 1, 2014) is amended by striking “Jan-
22 uary 1, 2011” and inserting “February 13, 2011”.

23 (d) *EFFECTIVE DATE.*—The amendments made by this
24 section shall apply to plan years beginning after December
25 31, 2010.

1 **SEC. 115. CONTINUED QUALIFICATION OF FAMILY MEM-**
2 **BERS AFTER CERTAIN EVENTS.**

3 (a) *IN GENERAL.*—Section 35(g)(9) of the Internal
4 Revenue Code of 1986, as added by section 1899E(a) of the
5 American Recovery and Reinvestment Tax Act of 2009 (re-
6 lating to continued qualification of family members after
7 certain events), is amended by striking “January 1, 2011”
8 and inserting “February 13, 2011”.

9 (b) *CONFORMING AMENDMENT.*—Section 173(f)(8) of
10 the Workforce Investment Act of 1998 (29 U.S.C.
11 2918(f)(8)) is amended by striking “January 1, 2011” and
12 inserting “February 13, 2011”.

13 (c) *EFFECTIVE DATE.*—The amendments made by this
14 section shall apply to months beginning after December 31,
15 2010.

16 **SEC. 116. EXTENSION OF COBRA BENEFITS FOR CERTAIN**
17 **TAA-ELIGIBLE INDIVIDUALS AND PBGC RE-**
18 **CIPIENTS.**

19 (a) *ERISA AMENDMENTS.*—

20 (1) *PBGC RECIPIENTS.*—Section 602(2)(A)(v) of
21 the Employee Retirement Income Security Act of
22 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by strik-
23 ing “December 31, 2010” and inserting “February
24 12, 2011”.

25 (2) *TAA-ELIGIBLE INDIVIDUALS.*—Section
26 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi))

1 *is amended by striking “December 31, 2010” and in-*
2 *serting “February 12, 2011”.*

3 *(b) IRC AMENDMENTS.—*

4 *(1) PBGC RECIPIENTS.—Section*
5 *4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of*
6 *1986 is amended by striking “December 31, 2010”*
7 *and inserting “February 12, 2011”.*

8 *(2) TAA-ELIGIBLE INDIVIDUALS.—Section*
9 *4980B(f)(2)(B)(i)(VI) of such Code is amended by*
10 *striking “December 31, 2010” and inserting “Feb-*
11 *ruary 12, 2011”.*

12 *(c) PHSA AMENDMENTS.—Section 2202(2)(A)(iv) of*
13 *the Public Health Service Act (42 U.S.C. 300bb-*
14 *2(2)(A)(iv)) is amended by striking “December 31, 2010”*
15 *and inserting “February 12, 2011”.*

16 *(d) EFFECTIVE DATE.—The amendments made by this*
17 *section shall apply to periods of coverage which would*
18 *(without regard to the amendments made by this section)*
19 *end on or after December 31, 2010.*

20 **SEC. 117. ADDITION OF COVERAGE THROUGH VOLUNTARY**
21 **EMPLOYEES’ BENEFICIARY ASSOCIATIONS.**

22 *(a) IN GENERAL.—Section 35(e)(1)(K) of the Internal*
23 *Revenue Code of 1986 is amended by striking “January*
24 *1, 2011” and inserting “February 13, 2012”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to coverage months beginning after De-*
3 *cember 31, 2010.*

4 **SEC. 118. NOTICE REQUIREMENTS.**

5 (a) *IN GENERAL.*—*Section 7527(d)(2) of the Internal*
6 *Revenue Code of 1986 is amended by striking “January*
7 *1, 2011” and inserting “February 13, 2011”.*

8 (b) *EFFECTIVE DATE.*—*The amendment made by this*
9 *section shall apply to certificates issued after December 31,*
10 *2010.*

11 **TITLE II—ANDEAN TRADE**
12 **PREFERENCES ACT**

13 **SEC. 201. EXTENSION OF ANDEAN TRADE PREFERENCE**
14 **ACT.**

15 (a) *EXTENSION.*—*Section 208(a)(1) of the Andean*
16 *Trade Preference Act (19 U.S.C. 3206(a)(1)) is amended*
17 *to read as follows:*

18 “(1) remain in effect—

19 “(A) with respect to Colombia after Feb-

20 ruary 12, 2011; and

21 “(B) with respect to Peru after December

22 31, 2010;”.

23 (b) *ECUADOR.*—*Section 208(a)(2) of the Andean Trade*
24 *Preference Act (19 U.S.C. 3206(a)(2)) is amended by strik-*

1 ing “December 31, 2010” and inserting “February 12,
2 2011”.

3 (c) *TREATMENT OF CERTAIN APPAREL ARTICLES.*—
4 Section 204(b)(3)(E)(ii)(II) of the Andean Trade Preference
5 Act (19 U.S.C. 3203(b)(3)) is amended (ii)(II), by striking
6 “December 31, 2010” and inserting “February 12, 2011”.

7 (d) *ANNUAL REPORT.*—Section 203(f)(1) of the Ande-
8 an Trade Preference Act (19 U.S.C. 3202(f)(1)) is amended
9 by striking “every 2 years” and inserting “annually”.

10 **TITLE III—OFFSETS**

11 **SEC. 301. CUSTOMS USER FEES.**

12 Section 13031(j)(3) of the Consolidated Omnibus
13 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is
14 amended—

15 (1) in subparagraph (A), by striking “September
16 30, 2019” and inserting “January 7, 2020”; and

17 (2) in subparagraph (B)(i), by striking “Sep-
18 tember 30, 2019” and inserting “January 14, 2020”.

19 **SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED** 20 **TAXES.**

21 The percentage under paragraph (2) of section 561 of
22 the Hiring Incentives to Restore Employment Act in effect
23 on the date of the enactment of this Act is increased by
24 4.5 percentage points.

1 **TITLE IV—BUDGETARY EFFECTS**

2 **SEC. 401. COMPLIANCE WITH PAYGO.**

3 *The budgetary effects of this Act, for the purpose of*
4 *complying with the Statutory Pay-As-You-Go Act of 2010,*
5 *shall be determined by reference to the latest statement titled*
6 *“Budgetary Effects of PAYGO Legislation” for this Act,*
7 *submitted for printing in the Congressional Record by the*
8 *Chairman of the Senate Budget Committee, provided that*
9 *such statement has been submitted prior to the vote on pas-*
10 *sage.*

Attest:

Secretary.

11TH CONGRESS
2^D SESSION

H.R. 6517

AMENDMENT