

AMENDMENT NO. _____ Calendar No. _____

Purpose: 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.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 1

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment (No. 98) proposed by Mr. INOUE (for himself and Mr. BAUCUS)

Viz:

- 1 Beginning on page 565, strike line 4 and all that fol-
- 2 lows through page 566, line 22, and insert the following:

1 **Subtitle H—Trade Adjustment**
 2 **Assistance**

3 **SEC. 1700. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This subtitle may be cited as the
 5 “Trade and Globalization Adjustment Assistance Act of
 6 2009”.

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

Subtitle H—Trade Adjustment Assistance

Sec. 1700. Short title; table of contents.

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SUBPART A—TRADE ADJUSTMENT ASSISTANCE FOR SERVICE SECTOR
 WORKERS

- Sec. 1701. Extension of trade adjustment assistance to service sector and public agency workers; shifts in production.
 Sec. 1702. Separate basis for certification.
 Sec. 1703. Determinations by Secretary of Labor.
 Sec. 1704. Monitoring and reporting relating to service sector.

SUBPART B—INDUSTRY NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE
 DETERMINATIONS

- Sec. 1711. Notifications following certain affirmative determinations.
 Sec. 1712. Notification to Secretary of Commerce.

SUBPART C—PROGRAM BENEFITS

- Sec. 1721. Qualifying Requirements for Workers.
 Sec. 1722. Weekly amounts.
 Sec. 1723. Limitations on trade readjustment allowances; allowances for extended training and breaks in training.
 Sec. 1724. Special rules for calculation of eligibility period.
 Sec. 1725. Application of State laws and regulations on good cause for waiver of time limits or late filing of claims.
 Sec. 1726. Employment and case management services.
 Sec. 1727. Administrative expenses and employment and case management services.
 Sec. 1728. Training funding.
 Sec. 1729. Prerequisite education; approved training programs.
 Sec. 1730. Pre-layoff and part-time training.
 Sec. 1731. On-the-job training.
 Sec. 1732. Eligibility for unemployment insurance and program benefits while in training.

3

Sec. 1733. Job search and relocation allowances.

SUBPART D—REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM

Sec. 1741. Reemployment trade adjustment assistance program.

SUBPART E—OTHER MATTERS

Sec. 1751. Office of trade adjustment assistance.

Sec. 1752. Accountability of State agencies; collection and publication of program data; agreements with States.

Sec. 1753. Verification of eligibility for program benefits.

Sec. 1754. Collection of data and reports; information to workers.

Sec. 1755. Fraud and recovery of overpayments.

Sec. 1756. Sense of Congress on application of trade adjustment assistance.

Sec. 1757. Consultations in promulgation of regulations.

Sec. 1758. Technical corrections.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 1761. Expansion to service sector firms.

Sec. 1762. Modification of requirements for certification.

Sec. 1763. Basis for determinations.

Sec. 1764. Oversight and administration; authorization of appropriations.

Sec. 1765. Increased penalties for false statements.

Sec. 1766. Annual report on trade adjustment for firms.

Sec. 1767. Technical corrections.

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 1771. Purpose.

Sec. 1772. Trade adjustment assistance for communities.

Sec. 1773. Conforming amendments.

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 1781. Definitions.

Sec. 1782. Eligibility.

Sec. 1783. Benefits.

Sec. 1784. Report.

Sec. 1785. Fraud and recovery of overpayments.

Sec. 1786. Determination of increases of imports for certain fishermen.

Sec. 1787. Extension of trade adjustment assistance for farmers.

PART V—GENERAL PROVISIONS

Sec. 1791. Effective date.

Sec. 1792. Extension of trade adjustment assistance programs.

Sec. 1793. Government Accountability Office report.

Sec. 1794. Emergency designation.

PART VI—HEALTH COVERAGE IMPROVEMENT

Sec. 1799. Short title.

Sec. 1799A. Improvement of the affordability of the credit.

Sec. 1799B. Payment for monthly premiums paid prior to commencement of advance payments of credit.

1 “(II) imports of articles like or directly competi-
2 tive with articles—

3 “(aa) into which one or more component
4 parts produced by such firm are directly incor-
5 porated, or

6 “(bb) which are produced directly using
7 services supplied by such firm,
8 have increased; or

9 “(III) imports of articles directly incorporating
10 one or more component parts produced outside the
11 United States that are like or directly competitive
12 with imports of articles incorporating one or more
13 component parts produced by such firm have in-
14 creased; and”; and

15 (B) by amending subparagraph (B) to read
16 as follows:

17 “(B)(i)(I) there has been a shift by such work-
18 ers’ firm to a foreign country in the production of
19 articles or the supply of services like or directly com-
20 petitive with articles which are produced or services
21 which are supplied by such firm; or

22 “(II) such workers’ firm has acquired articles
23 or services described in subclause (I) from a foreign
24 country; and

1 “(ii) the shift described in clause (i)(I) or the
2 acquisition of articles or services described in clause
3 (i)(II) contributed importantly to such workers’ sep-
4 aration or threat of separation.”;

5 (2) by redesignating subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

7 (3) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) ADVERSELY AFFECTED WORKERS IN PUBLIC
10 AGENCIES.—A group of workers in a public agency shall
11 be certified by the Secretary as eligible to apply for adjust-
12 ment assistance under this chapter pursuant to a petition
13 filed under section 221 if the Secretary determines that—

14 “(1) a significant number or proportion of the
15 workers in the public agency have become totally or
16 partially separated, or are threatened to become to-
17 tally or partially separated;

18 “(2) the public agency has acquired from a for-
19 eign country services like or directly competitive with
20 services which are supplied by such agency; and

21 “(3) the acquisition of services described in
22 paragraph (2) contributed importantly to such work-
23 ers’ separation or threat of separation.”.

24 (c) BASIS FOR SECRETARY’S DETERMINATIONS.—
25 Section 222 of the Trade Act of 1974 (19 U.S.C. 2272),

1 as amended, is further amended by adding at the end the
2 following:

3 “(e) BASIS FOR SECRETARY’S DETERMINATIONS.—

4 “(1) IN GENERAL.—The Secretary shall, in de-
5 termining whether to certify a group of workers
6 under section 223, obtain from the workers’ firm or
7 a customer of the workers’ firm, information the
8 Secretary determines to be necessary to make the
9 certification, through questionnaires and in such
10 other manner as the Secretary determines appro-
11 priate.

12 “(2) ADDITIONAL INFORMATION.—The Sec-
13 retary may seek additional information to determine
14 whether to certify a group of workers under sub-
15 section (a), (b), or (c)—

16 “(A) by contacting—

17 “(i) officials or employees of the work-
18 ers’ firm;

19 “(ii) officials of customers of the
20 workers’ firm;

21 “(iii) officials of certified or recog-
22 nized unions or other duly authorized rep-
23 resentatives of the group of workers; or

24 “(iv) one-stop operators or one-stop
25 partners (as defined in section 101 of the

1 Workforce Investment Act of 1998 (29
2 U.S.C. 2801)); or

3 “(B) by using other available sources of in-
4 formation.

5 “(3) VERIFICATION OF INFORMATION.—

6 “(A) CERTIFICATION.—The Secretary shall
7 require a firm or customer to certify—

8 “(i) all information obtained under
9 paragraph (1) from the firm or customer
10 (as the case may be) through question-
11 naires; and

12 “(ii) all other information obtained
13 under paragraph (1) from the firm or cus-
14 tomer (as the case may be) on which the
15 Secretary relies in making a determination
16 under section 223, unless the Secretary
17 has a reasonable basis for determining that
18 such information is accurate and complete
19 without being certified.

20 “(B) USE OF SUBPOENAS.—The Secretary
21 shall require a workers’ firm or a customer of
22 a workers’ firm to provide information re-
23 quested by the Secretary under paragraph (1)
24 by subpoena pursuant to section 249 if the firm
25 or customer (as the case may be) fails to pro-

1 vide the information within 20 days of the Sec-
2 retary's request, unless the firm or customer
3 (as the case may be) demonstrates to the satis-
4 faction of the Secretary that the firm or cus-
5 tomer (as the case may be) will provide the in-
6 formation within a reasonable period of time.

7 “(C) PROTECTION OF CONFIDENTIAL IN-
8 FORMATION.—The Secretary may not release
9 information obtained under paragraph (1) that
10 the Secretary considers to be confidential busi-
11 ness information unless the firm or customer
12 (as the case may be) submitting the confidential
13 business information had notice, at the time of
14 submission, that the information would be re-
15 leased by the Secretary, or the firm or customer
16 (as the case may be) subsequently consents to
17 the release of the information. Nothing in this
18 subparagraph shall be construed to prohibit the
19 Secretary from providing such confidential busi-
20 ness information to a court in camera or to an-
21 other party under a protective order issued by
22 a court.”.

23 (d) PENALTIES.—Section 244 of the Trade Act of
24 1974 (19 U.S.C. 2316) is amended to read as follows:

1 **“SEC. 244. PENALTIES.**

2 “Whoever—

3 “(1) makes a false statement of a material fact
4 knowing it to be false, or knowingly fails to disclose
5 a material fact for the purpose of obtaining or in-
6 creasing for himself or for any other person any pay-
7 ment authorized to be furnished under this chapter
8 or pursuant to an agreement under section 239, or

9 “(2) makes a false statement of a material fact
10 knowing it to be false, or knowingly fails to disclose
11 a material fact when providing information to the
12 Secretary during an investigation of a petition under
13 section 221,

14 shall be imprisoned for not more than one year, fined
15 under title 18, United States Code, or both.”.

16 (e) CONFORMING AMENDMENTS.—

17 (1) Section 221(a) of the Trade Act of 1974
18 (19 U.S.C. 2271(a)) is amended—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A)—

22 (I) by striking “Secretary” and
23 inserting “Secretary of Labor”; and

24 (II) by striking “or subdivision”
25 and inserting “(as defined in section
26 247)”; and

1 (ii) in subparagraph (A), by striking
2 “(including workers in an agricultural firm
3 or subdivision of any agricultural firm)”;

4 (B) in paragraph (2)(A), by striking
5 “rapid response assistance” and inserting
6 “rapid response activities”; and

7 (C) in paragraph (3), by inserting “and on
8 the website of the Department of Labor” after
9 “Federal Register”.

10 (2) Section 222 of the Trade Act of 1974 (19
11 U.S.C. 2272), as amended, is further amended—

12 (A) by striking “(including workers in any
13 agricultural firm or subdivision of an agricul-
14 tural firm)” each place it appears;

15 (B) in subsection (a)—

16 (i) in paragraph (1), by striking “, or
17 an appropriate subdivision of the firm,”;
18 and

19 (ii) in paragraph (2), by striking “or
20 subdivision” each place it appears;

21 (C) in subsection (c) (as redesignated)—

22 (i) in paragraph (2)—

23 (I) by striking “(or subdivision)”
24 each place it appears;

1 (II) by inserting “or service”
2 after “the article”; and

3 (III) by striking “(c) (3)” and in-
4 serting “(d) (3)”; and

5 (ii) in paragraph (3), by striking “(or
6 subdivision)” each place it appears; and

7 (D) in subsection (d) (as redesignated)—

8 (i) by striking “For purposes” and in-
9 serting “DEFINITIONS.—For purposes”;

10 (ii) in paragraph (2), by striking “, or
11 appropriate subdivision of a firm,” each
12 place it appears;

13 (iii) by amending paragraph (3) to
14 read as follows:

15 “(3) DOWNSTREAM PRODUCER.—

16 “(A) IN GENERAL.—The term ‘down-
17 stream producer’ means a firm that performs
18 additional, value-added production processes or
19 services directly for another firm for articles or
20 services with respect to which a group of work-
21 ers in such other firm has been certified under
22 subsection (a).

23 “(B) VALUE-ADDED PRODUCTION PROC-
24 ESSES OR SERVICES.—For purposes of subpara-
25 graph (A), value-added production processes or

1 services include final assembly, finishing, test-
2 ing, packaging, or maintenance or transpor-
3 tation services.”;

4 (iv) in paragraph (4)—

5 (I) by striking “(or subdivision)”;

6 and

7 (II) by inserting “, or services,
8 used in the production of articles or in
9 the supply of services, as the case may
10 be,” after “for articles”; and

11 (v) by adding at the end the following:

12 “(5) REFERENCE TO FIRM.—For purposes of
13 subsection (a), the term ‘firm’ does not include a
14 public agency.”.

15 (3) Section 231(a)(2) of the Trade Act of 1974
16 (19 U.S.C. 2291(a)(2)) is amended—

17 (A) in the matter preceding subparagraph

18 (A), by striking “or subdivision of a firm”; and

19 (B) in subparagraph (C), by striking “or
20 subdivision”.

21 **SEC. 1702. SEPARATE BASIS FOR CERTIFICATION.**

22 Section 222 of the Trade Act of 1974 (19 U.S.C.
23 2272) is amended by adding at the end the following:

24 “(f) FIRMS IDENTIFIED BY THE INTERNATIONAL
25 TRADE COMMISSION.—Notwithstanding any other provi-

1 sion of this chapter, a group of workers covered by a peti-
2 tion filed under section 221 shall be certified under sub-
3 section (a) as eligible to apply for adjustment assistance
4 under this chapter if—

5 “(1) the workers’ firm is publicly identified by
6 name by the International Trade Commission as a
7 member of a domestic industry in an investigation
8 resulting in—

9 “(A) an affirmative determination of seri-
10 ous injury or threat thereof under section
11 202(b)(1);

12 “(B) an affirmative determination of mar-
13 ket disruption or threat thereof under section
14 421(b)(1); or

15 “(C) an affirmative final determination of
16 material injury or threat thereof under section
17 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act
18 of 1930 (19 U.S.C. 1671d(b)(1)(A) and
19 1673d(b)(1)(A));

20 “(2) the petition is filed during the 1-year pe-
21 riod beginning on the date on which—

22 “(A) a summary of the report submitted to
23 the President by the International Trade Com-
24 mission under section 202(f)(1) with respect to
25 the affirmative determination described in para-

1 graph (1)(A) is published in the Federal Reg-
2 ister under section 202(f)(3); or

3 “(B) notice of an affirmative determination
4 described in subparagraph (B) or (C) of para-
5 graph (1) is published in the Federal Register;
6 and

7 “(3) the workers have become totally or par-
8 tially separated from the workers’ firm within—

9 “(A) the 1-year period described in para-
10 graph (2); or

11 “(B) notwithstanding section 223(b)(1),
12 the 1-year period preceding the 1-year period
13 described in paragraph (2).”.

14 **SEC. 1703. DETERMINATIONS BY SECRETARY OF LABOR.**

15 Section 223 of the Trade Act of 1974 (19 U.S.C.
16 2273) is amended—

17 (1) in subsection (b), by striking “or appro-
18 priate subdivision of the firm before his application”
19 and all that follows and inserting “before the work-
20 ers’ application under section 231 occurred more
21 than one year before the date of the petition on
22 which such certification was granted.”;

23 (2) in subsection (c), by striking “together with
24 his reasons” and inserting “and on the website of

1 the Department of Labor, together with the Sec-
2 retary's reasons”;

3 (3) in subsection (d)—

4 (A) by striking “or subdivision of the
5 firm” and all that follows through “he shall”
6 and inserting “, that total or partial separations
7 from such firm are no longer attributable to the
8 conditions specified in section 222, the Sec-
9 retary shall”; and

10 (B) by striking “together with his reasons”
11 and inserting “and on the website of the De-
12 partment of Labor, together with the Sec-
13 retary's reasons”; and

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

15 “(e) STANDARDS FOR INVESTIGATIONS AND DETER-
16 MINATIONS.—

17 “(1) IN GENERAL.—The Secretary shall estab-
18 lish standards, including data requirements, for in-
19 vestigations of petitions filed under section 221 and
20 criteria for making determinations under subsection
21 (a).

22 “(2) CONSULTATIONS.—Not less than 90 days
23 before issuing a final rule with respect to the stand-
24 ards required under paragraph (1), the Secretary
25 shall consult with the Committee on Finance of the

1 Senate and the Committee on Ways and Means of
2 the House of Representatives with respect to such
3 rule.”.

4 **SEC. 1704. MONITORING AND REPORTING RELATING TO**
5 **SERVICE SECTOR.**

6 (a) IN GENERAL.—Section 282 of the Trade Act of
7 1974 (19 U.S.C. 2393) is amended—

8 (1) in the heading, by striking “**SYSTEM**” and
9 inserting “**AND DATA COLLECTION**”;

10 (2) in the first sentence—

11 (A) by striking “The Secretary” and in-
12 serting “(a) MONITORING PROGRAMS.—The
13 Secretary”;

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

16 (C) by inserting “and domestic supply of
17 services” after “domestic production”;

18 (D) by inserting “or supplying services”
19 after “producing articles”; and

20 (E) by inserting “, or supply of services,”
21 after “changes in production”; and

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

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

1 “(1) SECRETARY OF LABOR.—Not later than
2 90 days after the date of the enactment of this sub-
3 section, the Secretary of Labor shall implement a
4 system to collect data on adversely affected workers
5 employed in the service sector that includes the
6 number of workers by State and industry, and by
7 the cause of the dislocation of each worker, as iden-
8 tified in the certification.

9 “(2) SECRETARY OF COMMERCE.—Not later
10 than 1 year after such date of enactment, the Sec-
11 retary of Commerce shall, in consultation with the
12 Secretary of Labor, conduct a study and submit to
13 the Committee on Finance of the Senate and the
14 Committee on Ways and Means of the House of
15 Representatives a report on ways to improve the
16 timeliness and coverage of data on trade in services,
17 including methods to identify increased imports due
18 to the relocation of United States firms to foreign
19 countries, and increased imports due to United
20 States firms acquiring services from firms in foreign
21 countries.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 of the Trade Act of 1974 is amended by striking the item
24 relating to section 282 and inserting the following:

“Sec. 282. Trade monitoring and data collection.”.

1 **Subpart B—Industry Notifications Following Certain**
2 **Affirmative Determinations**

3 **SEC. 1711. NOTIFICATIONS FOLLOWING CERTAIN AFFIRMA-**
4 **TIVE DETERMINATIONS.**

5 (a) IN GENERAL.—Section 224 of the Trade Act of
6 1974 (19 U.S.C. 2274) is amended—

7 (1) by amending the heading to read as follows:

8 **“SEC. 224. STUDY AND NOTIFICATIONS REGARDING CER-**
9 **TAIN AFFIRMATIVE DETERMINATIONS; IN-**
10 **DUSTRY NOTIFICATION OF ASSISTANCE.”;**

11 (2) in subsection (a), by striking “Whenever”
12 and inserting “STUDY OF DOMESTIC INDUSTRY.—
13 Whenever”;

14 (3) in subsection (b)—

15 (A) by striking “The report” and inserting
16 “REPORT BY THE SECRETARY.—The report”;
17 and

18 (B) by inserting “and on the website of the
19 Department of Labor” after “Federal Reg-
20 ister”; and

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

22 **“(c) NOTIFICATIONS FOLLOWING AFFIRMATIVE**
23 **GLOBAL SAFEGUARD DETERMINATIONS.—**Upon making
24 an affirmative determination under section 202(b), the
25 Commission shall promptly notify the Secretary of Labor
26 and the Secretary of Commerce and, in the case of a deter-

1 mination with respect to an agricultural commodity, the
2 Secretary of Agriculture, of the determination.

3 “(d) NOTIFICATIONS FOLLOWING AFFIRMATIVE BI-
4 LATERAL OR PLURILATERAL SAFEGUARD DETERMINA-
5 TIONS.—

6 “(1) NOTIFICATIONS OF DETERMINATIONS OF
7 MARKET DISRUPTION.—Upon making an affirmative
8 determination under section 421, the Commission
9 shall promptly notify the Secretary of Labor and the
10 Secretary of Commerce and, in the case of a deter-
11 mination with respect to an agricultural commodity,
12 the Secretary of Agriculture, of the determination.

13 “(2) NOTIFICATIONS REGARDING TRADE
14 AGREEMENT SAFEGUARDS.—Upon making an af-
15 firmative determination in a proceeding initiated
16 under an applicable safeguard provision (other than
17 a provision described in paragraph (3)) that is en-
18 acted to implement a trade agreement to which the
19 United States is a party, the Commission shall
20 promptly notify the Secretary of Labor and the Sec-
21 retary of Commerce and, in the case of a determina-
22 tion with respect to an agricultural commodity, the
23 Secretary of Agriculture, of the determination.

24 “(3) NOTIFICATIONS REGARDING TEXTILE AND
25 APPAREL SAFEGUARDS.—Upon making an affirma-

1 tive determination in a proceeding initiated under
2 any safeguard provision relating to textile and ap-
3 parel articles that is enacted to implement a trade
4 agreement to which the United States is a party, the
5 President shall promptly notify the Secretary of
6 Labor and the Secretary of Commerce of the deter-
7 mination.

8 “(e) NOTIFICATIONS FOLLOWING CERTAIN AFFIRM-
9 ATIVE DETERMINATIONS UNDER TITLE VII OF THE TAR-
10 IFF ACT OF 1930.—Upon making an affirmative deter-
11 mination under section 705(b)(1)(A) or 735(b)(1)(A) of
12 the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and
13 1673d(b)(1)(A)), the Commission shall promptly notify
14 the Secretary of Labor and the Secretary of Commerce
15 and, in the case of a determination with respect to an agri-
16 cultural commodity, the Secretary of Agriculture, of the
17 determination.

18 “(f) INDUSTRY NOTIFICATION OF ASSISTANCE.—
19 Upon receiving a notification of a determination under
20 subsection (c), (d), or (e) with respect to an industry—

21 “(1) the Secretary of Labor shall—

22 “(A) notify the representatives of the do-
23 mestic industry affected by the determination,
24 firms publicly identified by name during the
25 course of the proceeding relating to the deter-

1 mination, and any certified or recognized union
2 or, to the extent practicable, other duly author-
3 ized representative of workers employed by such
4 representatives of the domestic industry, of—

5 “(i) the allowances, training, employ-
6 ment services, and other benefits available
7 under this chapter;

8 “(ii) the manner in which to file a pe-
9 tition and apply for such benefits; and

10 “(iii) the availability of assistance in
11 filing such petitions;

12 “(B) notify the Governor of each State in
13 which one or more firms in the industry de-
14 scribed in subparagraph (A) are located of the
15 Commission’s determination and the identity of
16 the firms; and

17 “(C) upon request, provide any assistance
18 that is necessary to file a petition under section
19 221;

20 “(2) the Secretary of Commerce shall—

21 “(A) notify the representatives of the do-
22 mestic industry affected by the determination
23 and any firms publicly identified by name dur-
24 ing the course of the proceeding relating to the
25 determination of—

1 **Subpart C—Program Benefits**

2 **SEC. 1721. QUALIFYING REQUIREMENTS FOR WORKERS.**

3 (a) IN GENERAL.—Section 231(a)(5)(A)(ii) of the
4 Trade Act of 1974 (19 U.S.C. 2291 (a)(5)(A)(ii)) is
5 amended—

6 (1) by striking subclauses (I) and (II) and in-
7 serting the following:

8 “(I) in the case of a worker whose
9 most recent total separation from adversely
10 affected employment that meets the re-
11 quirements of paragraphs (1) and (2) oc-
12 curs after the date on which the Secretary
13 issues a certification covering the worker,
14 the last day of the 26th week after such
15 total separation,

16 “(II) in the case of a worker whose
17 most recent total separation from adversely
18 affected employment that meets the re-
19 quirements of paragraphs (1) and (2) oc-
20 curs before the date on which the Sec-
21 retary issues a certification covering the
22 worker, the last day of the 26th week after
23 the date of such certification.”.

24 (2) in subclause (III)—

25 (A) by striking “later of the dates specified
26 in subclause (I) or (II)” and inserting “date

1 specified in subclause (I) or (II), as the case
2 may be”; and

3 (B) by striking “or” at the end;

4 (3) by redesignating subclause (IV) as sub-
5 clause (V); and

6 (4) by inserting after subclause (III) the fol-
7 lowing:

8 “(IV) in the case of a worker who
9 fails to enroll by the date required by sub-
10 clause (I), (II), or (III), as the case may
11 be, due to the failure to provide the worker
12 with timely information regarding the date
13 specified in such subclause, the last day of
14 a period determined by the Secretary, or”.

15 (b) WAIVERS OF TRAINING REQUIREMENTS.—Sec-
16 tion 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c))
17 is amended—

18 (1) in paragraph (1)(B)—

19 (A) by striking “The worker possesses”
20 and inserting the following:

21 “(i) IN GENERAL.—The worker pos-
22 sesses”; and

23 (B) by adding at the end the following:

24 “(ii) MARKETABLE SKILLS DE-
25 FINED.—For purposes of clause (i), the

1 term ‘marketable skills’ may include the
2 possession of a postgraduate degree from
3 an institution of higher education (as de-
4 fined in section 102 of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1002)) or
6 an equivalent institution, or the possession
7 of an equivalent postgraduate certification
8 in a specialized field.”;

9 (2) in paragraph (2)(A), by striking “A waiver”
10 and inserting “Except as provided in paragraph
11 (3)(B), a waiver”; and

12 (3) in paragraph (3)—

13 (A) in subparagraph (A), by striking “Pur-
14 suant to an agreement under section 239, the
15 Secretary may authorize a” and inserting “An
16 agreement under section 239 shall authorize a”;

17 (B) by redesignating subparagraph (B) as
18 subparagraph (C); and

19 (C) by inserting after subparagraph (A)
20 the following:

21 “(B) REVIEW OF WAIVERS.—An agree-
22 ment under section 239 shall require a cooper-
23 ating State to review each waiver issued by the
24 State under subparagraph (A), (B), (D), (E),
25 or (F) of paragraph (1)—

1 “(i) 3 months after the date on which
2 the State issues the waiver; and

3 “(ii) on a monthly basis thereafter.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Section 231 of the Trade Act of 1974 (19
6 U.S.C. 2291), as amended, is further amended—

7 (A) in subsection (a), in the matter pre-
8 ceding paragraph (1), by striking “more than
9 60 days” and all that follows through “section
10 221” and inserting “on or after the date of
11 such certification”; and

12 (B) in subsection (b)—

13 (i) by striking paragraph (2); and

14 (ii) in paragraph (1)—

15 (I) by striking “(1)”;

16 (II) by redesignating subpara-
17 graphs (A) and (B) as paragraphs (1)
18 and (2), respectively;

19 (III) by redesignating clauses (i)
20 and (ii) as subparagraphs (A) and
21 (B), respectively; and

22 (IV) by redesignating subclauses
23 (I) and (II) as clauses (i) and (ii), re-
24 spectively.

1 (2) Section 233 of the Trade Act of 1974 (19
2 U.S.C. 2293) is amended—

3 (A) by striking subsection (b); and

4 (B) by redesignating subsections (c)
5 through (g) as subsections (b) through (f), re-
6 spectively.

7 **SEC. 1722. WEEKLY AMOUNTS.**

8 Section 232 of the Trade Act of 1974 (19 U.S.C.
9 2292) is amended—

10 (1) in subsection (a)—

11 (A) by striking “subsections (b) and (c)”
12 and inserting “subsections (b), (c), and (d)”;

13 (B) by striking “total unemployment” the
14 first place it appears and inserting “unemploy-
15 ment”; and

16 (C) in paragraph (2), by adding at the end
17 before the period the following: “, except that
18 in the case of an adversely affected worker who
19 is participating in training under this chapter,
20 such income shall not include earnings from
21 work for such week that are equal to or less
22 than the most recent weekly benefit amount of
23 the unemployment insurance payable to the
24 worker for a week of total unemployment pre-
25 ceding the worker’s first exhaustion of unem-

1 ployment insurance (as determined for purposes
2 of section 231(a)(3)(B))”; and

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

4 “(d) **ELECTION OF TRADE READJUSTMENT ALLOW-**
5 **ANCE OR UNEMPLOYMENT INSURANCE.**—Notwith-
6 standing section 231(a)(3)(B), an adversely affected work-
7 er may elect to receive a trade readjustment allowance in-
8 stead of unemployment insurance during any week with
9 respect to which the worker—

10 “(1) is entitled to receive unemployment insur-
11 ance as a result of the establishment by the worker
12 of a new benefit year under State law, based in
13 whole or in part upon part-time or short-term em-
14 ployment in which the worker engaged after the
15 worker’s most recent total separation from adversely
16 affected employment; and

17 “(2) is otherwise entitled to a trade readjust-
18 ment allowance.”.

19 **SEC. 1723. LIMITATIONS ON TRADE READJUSTMENT AL-**
20 **LOWANCES; ALLOWANCES FOR EXTENDED**
21 **TRAINING AND BREAKS IN TRAINING.**

22 Section 233(a) of the Trade Act of 1974 (19 U.S.C.
23 2293(a)) is amended—

1 (1) in paragraph (2), by inserting “under para-
2 graph (1)” after “trade readjustment allowance”;
3 and

4 (2) in paragraph (3)—

5 (A) in the matter preceding subparagraph
6 (A)—

7 (i) by striking “training” and insert-
8 ing “a training program”;

9 (ii) by striking “52 additional weeks”
10 and inserting “78 additional weeks”; and

11 (iii) by striking “52-week” and insert-
12 ing “91-week”; and

13 (B) in the matter following subparagraph
14 (B), by striking “52-week” and inserting “91-
15 week”.

16 **SEC. 1724. SPECIAL RULES FOR CALCULATION OF ELIGI-**
17 **BILITY PERIOD.**

18 Section 233 of the Trade Act of 1974 (19 U.S.C.
19 2293), as amended, is further amended by adding at the
20 end the following:

21 “(g) SPECIAL RULE FOR CALCULATING SEPARA-
22 TION.—Notwithstanding any other provision of this chap-
23 ter, any period during which a judicial or administrative
24 appeal is pending with respect to the denial by the Sec-
25 retary of a petition under section 223 shall not be counted

1 for purposes of calculating the period of separation under
2 subsection (a)(2).

3 “(h) SPECIAL RULE FOR JUSTIFIABLE CAUSE.—If
4 the Secretary determines that there is justifiable cause,
5 the Secretary may extend the period during which a trade
6 readjustment allowance is payable to an adversely affected
7 worker under paragraphs (2) and (3) of subsection (a)
8 (but not the maximum amounts of such allowance that
9 are payable under this section).

10 “(i) SPECIAL RULE WITH RESPECT TO MILITARY
11 SERVICE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of this chapter, the Secretary may waive
14 any requirement of this chapter that the Secretary
15 determines is necessary to ensure that an adversely
16 affected worker who is a member of a reserve com-
17 ponent of the Armed Forces and serves a period of
18 duty described in paragraph (2) is eligible to receive
19 a trade readjustment allowance, training, and other
20 benefits under this chapter in the same manner and
21 to the same extent as if the worker had not served
22 the period of duty.

23 “(2) PERIOD OF DUTY DESCRIBED.—An ad-
24 versely affected worker serves a period of duty de-

1 scribed in this paragraph if, before completing train-
2 ing under section 236, the worker—

3 “(A) serves on active duty for a period of
4 more than 30 days under a call or order to ac-
5 tive duty of more than 30 days; or

6 “(B) in the case of a member of the Army
7 National Guard of the United States or Air Na-
8 tional Guard of the United States, performs
9 full-time National Guard duty under section
10 502(f) of title 32, United States Code, for 30
11 consecutive days or more when authorized by
12 the President or the Secretary of Defense for
13 the purpose of responding to a national emer-
14 gency declared by the President and supported
15 by Federal funds.”.

16 **SEC. 1725. APPLICATION OF STATE LAWS AND REGULA-**
17 **TIONS ON GOOD CAUSE FOR WAIVER OF TIME**
18 **LIMITS OR LATE FILING OF CLAIMS.**

19 Section 234 of the Trade Act of 1974 (19 U.S.C.
20 2294) is amended—

21 (1) by striking “Except where inconsistent” and
22 inserting “(a) IN GENERAL.—Except where incon-
23 sistent”; and

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

1 “(b) SPECIAL RULE WITH RESPECT TO STATE LAWS
2 AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF
3 TIME LIMITS OR LATE FILING OF CLAIMS.—Any law,
4 regulation, policy, or practice of a cooperating State that
5 allows for a waiver for good cause of any time limitation
6 relating to the administration of the State unemployment
7 insurance law shall, in the administration of the program
8 under this chapter by the State, apply to any time limita-
9 tion with respect to an application for readjustment allow-
10 ance or enrollment in training under this chapter.”.

11 **SEC. 1726. EMPLOYMENT AND CASE MANAGEMENT SERV-**
12 **ICES.**

13 (a) IN GENERAL.—Section 235 of the Trade Act of
14 1974 (19 U.S.C. 2295) is amended to read as follows:

15 **“SEC. 235. EMPLOYMENT AND CASE MANAGEMENT SERV-**
16 **ICES.**

17 “The Secretary shall make available, directly or
18 through agreements with States under section 239, to ad-
19 versely affected workers and adversely affected incumbent
20 workers covered by a certification under subchapter A of
21 this chapter the following employment and case manage-
22 ment services:

23 “(1) Comprehensive and specialized assessment
24 of skill levels and service needs, including through—

1 “(A) diagnostic testing and use of other
2 assessment tools; and

3 “(B) in-depth interviewing and evaluation
4 to identify employment barriers and appropriate
5 employment goals.

6 “(2) Development of an individual employment
7 plan to identify employment goals and objectives,
8 and appropriate training to achieve those goals and
9 objectives.

10 “(3) Information on training available in local
11 and regional areas, information on individual coun-
12 seling to determine which training is suitable train-
13 ing, and information on how to apply for such train-
14 ing.

15 “(4) Information on how to apply for financial
16 aid, including referring workers to educational op-
17 portunity centers described in section 402F of the
18 Higher Education Act of 1965 (20 U.S.C. 1070a-
19 16), where applicable, and notifying workers that the
20 workers may request financial aid administrators at
21 institutions of higher education (as defined in sec-
22 tion 102 of such Act (20 U.S.C. 1002)) to use the
23 administrators’ discretion under section 479A of
24 such Act (20 U.S.C. 1087tt) to use current year in-
25 come data, rather than preceding year income data,

1 for determining the amount of need of the workers
2 for Federal financial assistance under title IV of
3 such Act (20 U.S.C. 1070 et seq.).

4 “(5) Short-term prevocational services, includ-
5 ing development of learning skills, communications
6 skills, interviewing skills, punctuality, personal main-
7 tenance skills, and professional conduct to prepare
8 individuals for employment or training.

9 “(6) Individual career counseling, including job
10 search and placement counseling, during the period
11 in which the individual is receiving a trade adjust-
12 ment allowance or training under this chapter, and
13 for purposes of job placement after receiving such
14 training.

15 “(7) Provision of employment statistics infor-
16 mation, including the provision of accurate informa-
17 tion relating to local, regional, and national labor
18 market areas, including—

19 “(A) job vacancy listings in such labor
20 market areas;

21 “(B) information on jobs skills necessary
22 to obtain jobs identified in job vacancy listings
23 described in subparagraph (A);

1 “(1) IN GENERAL.—In addition to any funds
2 made available to a State to carry out section 236
3 for a fiscal year, the State shall receive for the fiscal
4 year a payment in an amount that is equal to 15
5 percent of the amount of such funds.

6 “(2) USE OF FUNDS.—A State that receives a
7 payment under paragraph (1) shall—

8 “(A) use not more than $\frac{2}{3}$ of such pay-
9 ment for the administration of the trade adjust-
10 ment assistance for workers program under this
11 chapter, including for—

12 “(i) processing waivers of training re-
13 quirements under section 231;

14 “(ii) collecting, validating, and report-
15 ing data required under this chapter; and

16 “(iii) providing reemployment trade
17 adjustment assistance under section 246;
18 and

19 “(B) use not less than $\frac{1}{3}$ of such pay-
20 ment for employment and case management
21 services under section 235.

22 “(b) ADDITIONAL FUNDING FOR EMPLOYMENT AND
23 CASE MANAGEMENT SERVICES.—

24 “(1) IN GENERAL.—In addition to the funds
25 made available to a State to carry out section 236

1 and the payment under subsection (a)(1) for a fiscal
2 year, the Secretary shall provide to the State for the
3 fiscal year a payment in the amount of \$350,000.

4 “(2) USE OF FUNDS.—A State that receives a
5 payment under paragraph (1) shall use such pay-
6 ment for the purpose of providing employment and
7 case management services under section 235.

8 “(3) VOLUNTARY RETURN OF FUNDS.—A State
9 that receives a payment under paragraph (1) may
10 decline or otherwise return such payment to the Sec-
11 retary.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 of the Trade Act of 1974 is amended by inserting after
14 the item relating to section 235 the following:

“Sec. 235A. Funding for administrative expenses and employment and case
management services.”.

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

18 **SEC. 1728. TRAINING FUNDING.**

19 (a) IN GENERAL.—Section 236(a)(2) of the Trade
20 Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read
21 as follows:

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

1 “(i) for each of the fiscal years 2009 and 2010,
2 \$575,000,000; and

3 “(ii) for the period beginning October 1, 2010,
4 and ending December 31, 2010, \$143,750,000.

5 “(B)(i) The Secretary shall, as soon as practicable
6 after the beginning of each fiscal year, make an initial dis-
7 tribution of the funds made available to carry out this sec-
8 tion, in accordance with the requirements of subparagraph
9 (C).

10 “(ii) The Secretary shall ensure that not less than
11 90 percent of the funds made available to carry out this
12 section for a fiscal year are distributed to the States by
13 not later than July 15 of that fiscal year.

14 “(C)(i) In making the initial distribution of funds
15 pursuant to subparagraph (B)(i) for a fiscal year, the Sec-
16 retary shall hold in reserve 35 percent of the funds made
17 available to carry out this section for that fiscal year for
18 additional distributions during the remainder of the fiscal
19 year.

20 “(ii) Subject to clause (iii), in determining how to ap-
21 portion the initial distribution of funds pursuant to sub-
22 paragraph (B)(i) in a fiscal year, the Secretary shall take
23 into account, with respect to each State—

24 “(I) the trend in the number of workers covered
25 by certifications of eligibility under this chapter dur-

1 ing the most recent 4 consecutive calendar quarters
2 for which data are available;

3 “(II) the trend in the number of workers par-
4 ticipating in training under this section during the
5 most recent 4 consecutive calendar quarters for
6 which data are available;

7 “(III) the number of workers estimated to be
8 participating in training under this section during
9 the fiscal year;

10 “(IV) the amount of funding estimated to be
11 necessary to provide training approved under this
12 section to such workers during the fiscal year; and

13 “(V) such other factors as the Secretary con-
14 siders appropriate relating to the provision of train-
15 ing under this section.

16 “(iii) In no case may the amount of the initial dis-
17 tribution to a State pursuant to subparagraph (B)(i) in
18 a fiscal year be less than 25 percent of the initial distribu-
19 tion to the State in the preceding fiscal year.

20 “(D) The Secretary shall establish procedures for the
21 distribution of the funds that remain available for the fis-
22 cal year after the initial distribution required under sub-
23 paragraph (B). Such procedures may include the distribu-
24 tion of funds pursuant to requests submitted by States
25 in need of such funds.

1 “(E) If, during a fiscal year, the Secretary estimates
2 that the amount of funds necessary to pay the costs of
3 training approved under this section will exceed the dollar
4 amount limitation specified in subparagraph (A), the Sec-
5 retary shall decide how the amount of funds made avail-
6 able to carry out this section that have not been distrib-
7 uted at the time of the estimate will be apportioned among
8 the States for the remainder of the fiscal year.”.

9 (b) DETERMINATIONS REGARDING TRAINING.—Sec-
10 tion 236(a)(9) of the Trade Act of 1974 (19 U.S.C.
11 2296(a)(9)) is amended—

12 (1) by striking “The Secretary” and inserting
13 “(A) Subject to subparagraph (B), the Secretary”;
14 and

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

16 “(B)(i) In determining under paragraph (1)(E)
17 whether a worker is qualified to undertake and complete
18 training, the Secretary may approve training for a period
19 longer than the worker’s period of eligibility for trade re-
20 adjustment allowances under part I if the worker dem-
21 onstrates a financial ability to complete the training after
22 the expiration of the worker’s period of eligibility for such
23 trade readjustment allowances.

24 “(ii) In determining the reasonable cost of training
25 under paragraph (1)(F) with respect to a worker, the Sec-

1 retary may consider whether other public or private funds
2 are reasonably available to the worker, except that the
3 Secretary may not require a worker to obtain such funds
4 as a condition of approval of training under paragraph
5 (1).”.

6 (c) REGULATIONS.—Section 236 of the Trade Act of
7 1974 (19 U.S.C. 2296) is amended by adding at the end
8 the following:

9 “(g) REGULATIONS WITH RESPECT TO APPORTION-
10 MENT OF TRAINING FUNDS TO STATES.—

11 “(1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this subsection, the
13 Secretary shall issue such regulations as may be nec-
14 essary to carry out the provisions of subsection
15 (a)(2).

16 “(2) CONSULTATIONS.—The Secretary shall
17 consult with the Committee on Finance of the Sen-
18 ate and the Committee on Ways and Means of the
19 House of Representatives not less than 90 days be-
20 fore issuing any final rule or regulation pursuant to
21 paragraph (1).”.

22 (d) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect upon the expi-
24 ration of the 90-day period beginning on the date of the
25 enactment of this Act, except that—

1 (1) subparagraph (A) of section 236(a)(2) of
2 the Trade Act of 1974, as amended by subsection
3 (a) of this section, shall take effect on the date of
4 the enactment of this Act; and

5 (2) subparagraphs (B), (C), and (D) of such
6 section 236(a)(2) shall take effect on October 1,
7 2009.

8 **SEC. 1729. PREREQUISITE EDUCATION; APPROVED TRAIN-**
9 **ING PROGRAMS.**

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

12 (1) in subparagraph (A)—

13 (A) by striking “and” at the end of clause
14 (i);

15 (B) by adding “and” at the end of clause
16 (ii); and

17 (C) by inserting after clause (ii) the fol-
18 lowing:

19 “(iii) apprenticeship programs registered
20 under the Act of August 16, 1937 (commonly
21 known as the ‘National Apprenticeship Act’; 50
22 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),”;

23 (2) by redesignating subparagraphs (E) and
24 (F) as subparagraphs (F) and (G), respectively;

1 (3) by inserting after subparagraph (D) the fol-
2 lowing:

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

6 (4) in subparagraph (F)(ii), as redesignated by
7 paragraph (2), by striking “and” at the end;

8 (5) in subparagraph (G), as redesignated by
9 paragraph (2), by striking the period at the end and
10 inserting “, and”; and

11 (6) by adding at the end the following:

12 “(H) any training program or coursework at an
13 accredited institution of higher education (described
14 in section 102 of the Higher Education Act of 1965
15 (20 U.S.C. 1002)), including a training program or
16 coursework for the purpose of—

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

18 “(ii) completing a degree or certification
19 that the worker had previously begun at an ac-
20 credited institution of higher education.

21 The Secretary may not limit approval of a training pro-
22 gram under paragraph (1) to a program provided pursu-
23 ant to title I of the Workforce Investment Act of 1998
24 (29 U.S.C. 2801 et seq.).”.

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

3 (1) in subsection (a)(2), by inserting “pre-
4 requisite education or” after “requires a program
5 of”; and

6 (2) in subsection (f) (as redesignated by section
7 1721(e) of this subtitle), by inserting “prerequisite
8 education or” after “includes a program of”.

9 (c) TECHNICAL CORRECTIONS.—Section 236 of the
10 Trade Act of 1974 (19 U.S.C. 2296) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), in the flush text, by
13 striking “his behalf” and inserting “the work-
14 er’s behalf”; and

15 (B) in paragraph (3), by striking “this
16 paragraph (1)” and inserting “paragraph (1)”;
17 and

18 (2) in subsection (b)(2), by striking “, and”
19 and inserting a period.

20 **SEC. 1730. PRE-LAYOFF AND PART-TIME TRAINING.**

21 (a) PRE-LAYOFF TRAINING.—

22 (1) IN GENERAL.—Section 236(a) of the Trade
23 Act of 1974 (19 U.S.C. 2296(a)) is amended—

24 (A) in paragraph (1), by inserting after
25 “determines” the following: “, with respect to

1 an adversely affected worker or an adversely af-
2 fected incumbent worker,”;

3 (B) in paragraph (4)—

4 (i) in subparagraphs (A) and (B), by
5 inserting “or an adversely affected incum-
6 bent worker” after “an adversely affected
7 worker” each place it appears; and

8 (ii) in subparagraph (C), by inserting
9 “or adversely affected incumbent worker”
10 after “adversely affected worker” each
11 place it appears;

12 (C) in paragraph (5), in the matter pre-
13 ceding subparagraph (A), by striking “The
14 training programs” and inserting “Except as
15 provided in paragraph (10), the training pro-
16 grams”; and

17 (D) in paragraph (6)(B), by inserting “or
18 adversely affected incumbent worker” after
19 “adversely affected worker”;

20 (E) in paragraph (7)(B), by inserting “or
21 adversely affected incumbent worker” after
22 “adversely affected worker”; and

23 (F) by inserting after paragraph (9) the
24 following:

1 “(10) In the case of an adversely affected incumbent
2 worker, the Secretary may not approve—

3 “(A) on-the-job training under paragraph
4 (5)(A)(i); or

5 “(B) customized training under paragraph
6 (5)(A)(ii), unless such training is for a position
7 other than the worker’s adversely affected employ-
8 ment.

9 “(11) If the Secretary determines that an adversely
10 affected incumbent worker for whom the Secretary ap-
11 proved training under this section is no longer threatened
12 with a total or partial separation, the Secretary shall ter-
13minate the approval of such training.”.

14 (2) DEFINITIONS.—Section 247 of the Trade
15 Act of 1974 (19 U.S.C. 2319), as amended, is fur-
16ther amended by adding at the end the following:

17 “(19) The term ‘adversely affected incumbent
18 worker’ means a worker who—

19 “(A) is a member of a group of workers
20 who have been certified as eligible to apply for
21 adjustment assistance under subchapter A;

22 “(B) has not been totally or partially sepa-
23rated from adversely affected employment; and

1 “(C) the Secretary determines, on an indi-
2 vidual basis, is threatened with total or partial
3 separation.”.

4 (b) **PART-TIME TRAINING.**—Section 236 of the
5 Trade Act of 1974 (19 U.S.C. 2296), as amended, is fur-
6 ther amended by adding at the end the following:

7 “(h) **PART-TIME TRAINING.**—

8 “(1) **IN GENERAL.**—The Secretary may approve
9 full-time or part-time training for a worker under
10 subsection (a).

11 “(2) **REFERENCES TO TRAINING.**—Notwith-
12 standing paragraph (1), for purposes of determining
13 the eligibility of a worker for a trade readjustment
14 allowance under section 231 or the amount of such
15 allowance or the number of weeks during which a
16 worker may receive such allowance under section
17 232 or 233, any reference to training or a training
18 program in such sections shall be deemed to be a
19 reference to full-time training or a full-time training
20 program (as the case may be).”.

21 **SEC. 1731. ON-THE-JOB TRAINING.**

22 (a) **IN GENERAL.**—Section 236(c) of the Trade Act
23 of 1974 (19 U.S.C. 2296(c)) is amended—

1 “(iv) can be measured by benchmarks
2 that indicate that the worker is gaining
3 such knowledge or skills; and

4 “(C) the State determines that the on-the-
5 job training program meets the requirements of
6 clauses (iii) and (iv) of subparagraph (B).

7 “(2) MONTHLY PAYMENTS.—The Secretary
8 shall pay the costs of on-the-job training approved
9 under paragraph (1) in monthly installments.

10 “(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

11 “(A) IN GENERAL.—The Secretary shall
12 ensure, in entering into a contract with an em-
13 ployer to provide on-the-job training to a work-
14 er under this subsection, that the skill require-
15 ments of the job for which the worker is being
16 trained, the academic and occupational skill
17 level of the worker, and the work experience of
18 the worker are taken into consideration.

19 “(B) TERM OF CONTRACT.—Training
20 under any such contract shall be limited to the
21 period of time required for the worker receiving
22 on-the-job training to become proficient in the
23 job for which the worker is being trained, but
24 in no case shall exceed 104 weeks.

1 “(4) EXCLUSION OF CERTAIN EMPLOYERS.—
2 The Secretary shall not enter into a contract for on-
3 the-job training with an employer that exhibits a
4 pattern of failing to provide workers receiving on-
5 the-job training from the employer with—

6 “(A) continued, long-term employment as
7 regular employees; and

8 “(B) wages, benefits, and working condi-
9 tions that are equivalent to the wages, benefits,
10 and working conditions provided to regular em-
11 ployees who have worked a similar period of
12 time and are doing the same type of work as
13 workers receiving on-the-job training from the
14 employer.

15 “(5) LABOR STANDARDS.—The Secretary may
16 pay the costs of on-the-job training;” and

17 (3) in paragraph (5), as redesignated—

18 (A) in subparagraph (I), as redesignated
19 by paragraph (1) of this section, by striking
20 “paragraphs (1), (2), (3), (4), (5), and (6)”
21 and inserting “subparagraphs (A), (B), (C),
22 (D), (E), and (F)” and

23 (B) in subparagraph (J), as redesignated
24 by paragraph (1) of this section, by striking

1 “paragraph (8)” and inserting “subparagraph
2 (H)”.

3 (b) REPEAL OF PREFERENCE FOR TRAINING ON THE
4 JOB.—Section 236(a)(1) of the Trade Act of 1974 (19
5 U.S.C. 2296(a)(1)) is amended by striking the last sen-
6 tence.

7 **SEC. 1732. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE**
8 **AND PROGRAM BENEFITS WHILE IN TRAIN-**
9 **ING.**

10 Section 236(d) of the Trade Act of 1974 (19 U.S.C.
11 2296(d)) is amended to read as follows:

12 “(d) ELIGIBILITY.—An adversely affected worker
13 may not be determined to be ineligible or disqualified for
14 unemployment insurance or program benefits under this
15 subchapter—

16 “(1) because the worker—

17 “(A) is enrolled in training approved under
18 subsection (a);

19 “(B) left work—

20 “(i) that was not suitable employment
21 in order to enroll in such training; or

22 “(ii) that the worker engaged in on a
23 temporary basis during a break in such
24 training or a delay in the commencement
25 of such training; or

1 “(C) left on-the-job training not later than
2 30 days after commencing such training be-
3 cause the training did not meet the require-
4 ments of subsection (c)(1)(B); or

5 “(2) because of the application to any such
6 week in training of the provisions of State law or
7 Federal unemployment insurance law relating to
8 availability for work, active search for work, or re-
9 fusal to accept work.”.

10 **SEC. 1733. JOB SEARCH AND RELOCATION ALLOWANCES.**

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

13 (1) in subsection (a)(2)(C)(ii), by striking “,
14 unless the worker received a waiver under section
15 231(c)”;

16 (2) in subsection (b)—

17 (A) in paragraph (1), by striking “90 per-
18 cent of the cost of” and inserting “all”;

19 (B) in paragraph (2), by striking “\$1,250”
20 and inserting “\$1,500”.

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

23 (1) in subsection (a)(2)(E)(ii), by striking “,
24 unless the worker received a waiver under section
25 231(c)”;

1 (2) in subsection (b)—

2 (A) in paragraph (1), by striking “90 per-
3 cent of the” and inserting “all”; and

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

6 **Subpart D—Reemployment Trade Adjustment**

7 **Assistance Program**

8 **SEC. 1741. REEMPLOYMENT TRADE ADJUSTMENT ASSIST-**
9 **ANCE PROGRAM.**

10 (a) IN GENERAL.—Section 246 of the Trade Act of
11 1974 (19 U.S.C. 2318) is amended—

12 (1) by amending the heading to read as follows:

13 **“SEC. 246. REEMPLOYMENT TRADE ADJUSTMENT ASSIST-**
14 **ANCE PROGRAM.”;**

15 (2) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) by striking “Not later than” and
18 all that follows through “2002, the Sec-
19 retary” and inserting “The Secretary”;
20 and

21 (ii) by striking “an alternative trade
22 adjustment assistance program for older
23 workers” and inserting “a reemployment
24 trade adjustment assistance program”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause
3 (i), by striking “for a period not to
4 exceed 2 years” and inserting “for the
5 eligibility period under subparagraph
6 (A) or (B) of paragraph (4) (as the
7 case may be)”; and

8 (II) by striking clauses (i) and
9 (ii) and inserting the following:

10 “(i) the wages received by the worker
11 at the time of separation; and

12 “(ii) the wages received by the worker
13 from reemployment.”;

14 (ii) in subparagraph (B)—

15 (I) by striking “for a period not
16 to exceed 2 years” and inserting “for
17 the eligibility period under subpara-
18 graph (A) or (B) of paragraph (4) (as
19 the case may be)”; and

20 (II) by striking “, as added by
21 section 201 of the Trade Act of
22 2002”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(C) TRAINING AND OTHER SERVICES.—A
2 worker described in paragraph (3)(B) partici-
3 pating in the program established under para-
4 graph (1) is eligible to receive training approved
5 under section 236 and employment and case
6 management services under section 235.”; and

7 (C) by striking paragraphs (3) through (5)
8 and inserting the following:

9 “(3) ELIGIBILITY.—

10 “(A) IN GENERAL.—A group of workers
11 certified under subchapter A as eligible for ad-
12 justment assistance under subchapter A is eligi-
13 ble for benefits described in paragraph (2)
14 under the program established under paragraph
15 (1).

16 “(B) INDIVIDUAL ELIGIBILITY.—A worker
17 in a group of workers described in subpara-
18 graph (A) may elect to receive benefits de-
19 scribed in paragraph (2) under the program es-
20 tablished under paragraph (1) if the worker—

21 “(i) is at least 50 years of age;

22 “(ii) earns not more than \$55,000
23 each year in wages from reemployment;

24 “(iii)(I) is employed on a full-time
25 basis as defined by the law of the State in

1 which the worker is employed and is not
2 enrolled in a training program approved
3 under section 236; or

4 “(II) is employed at least 20 hours
5 per week and is enrolled in a training pro-
6 gram approved under section 236; and

7 “(iv) is not employed at the firm from
8 which the worker was separated.

9 “(C) CALCULATION OF AMOUNT OF PAY-
10 MENTS FOR CERTAIN WORKERS.—

11 “(i) IN GENERAL.—In the case of a
12 worker described in subparagraph
13 (B)(iii)(II), paragraph (2)(A) shall be ap-
14 plied by substituting the percentage de-
15 scribed in clause (ii) for ‘50 percent’.

16 “(ii) PERCENTAGE DESCRIBED.—The
17 percentage described in this clause is the
18 percentage—

19 “(I) equal to $\frac{1}{2}$ of the ratio of—

20 “(aa) the number of weekly
21 hours of employment of the
22 worker referred to in subpara-
23 graph (B)(iii)(II), to

24 “(bb) the number of weekly
25 hours of employment of the

1 worker at the time of separation,
2 but
3 “(II) in no case more than 50
4 percent.

5 “(4) ELIGIBILITY PERIOD FOR PAYMENTS.—

6 “(A) WORKER WHO HAS NOT RECEIVED
7 TRADE READJUSTMENT ALLOWANCE.—In the
8 case of a worker described in paragraph (3)(B)
9 who has not received a trade readjustment al-
10 lowance under part I of subchapter B pursuant
11 to the certification described in paragraph
12 (3)(A), the worker may receive benefits de-
13 scribed in paragraph (2) for a period not to ex-
14 ceed 2 years beginning on the earlier of—

15 “(i) the date on which the worker ex-
16 hausts all rights to unemployment insur-
17 ance based on the separation of the worker
18 from the adversely affected employment
19 that is the basis of the certification; or

20 “(ii) the date on which the worker ob-
21 tains reemployment described in paragraph
22 (3)(B).

23 “(B) WORKER WHO HAS RECEIVED TRADE
24 READJUSTMENT ALLOWANCE.—In the case of a
25 worker described in paragraph (3)(B) who has

1 received a trade readjustment allowance under
2 part I of subchapter B pursuant to the certifi-
3 cation described in paragraph (3)(A), the work-
4 er may receive benefits described in paragraph
5 (2) for a period of 104 weeks beginning on the
6 date on which the worker obtains reemployment
7 described in paragraph (3)(B), reduced by the
8 total number of weeks for which the worker re-
9 ceived such trade readjustment allowance.

10 “(5) TOTAL AMOUNT OF PAYMENTS.—

11 “(A) IN GENERAL.—The payments de-
12 scribed in paragraph (2)(A) made to a worker
13 may not exceed—

14 “(i) \$12,000 per worker during the
15 eligibility period under paragraph (4)(A);
16 or

17 “(ii) the amount described in subpara-
18 graph (B) per worker during the eligibility
19 period under paragraph (4)(B).

20 “(B) AMOUNT DESCRIBED.—The amount
21 described in this subparagraph is the amount
22 equal to the product of—

23 “(i) \$12,000, and

24 “(ii) the ratio of—

1 “(I) the total number of weeks in
2 the eligibility period under paragraph
3 (4)(B) with respect to the worker, to
4 “(II) 104 weeks.

5 “(6) LIMITATION ON OTHER BENEFITS.—A
6 worker described in paragraph (3)(B) may not re-
7 ceive a trade readjustment allowance under part I of
8 subchapter B pursuant to the certification described
9 in paragraph (3)(A) during any week for which the
10 worker receives a payment described in paragraph
11 (2)(A).”; and

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

14 (b) EXTENSION OF PROGRAM.—Section 246(b)(1) of
15 the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended
16 by striking “the date that is 5 years” and all that follows
17 through the end period and inserting “December 31,
18 2010.”.

19 (c) CLERICAL AMENDMENT.—The table of contents
20 of the Trade Act of 1974 is amended by striking the item
21 relating to section 246 and inserting the following:

 “Sec. 246. Reemployment trade adjustment assistance program.”.

1 **Subpart E—Other Matters**

2 **SEC. 1751. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

3 (a) IN GENERAL.—Subchapter C of chapter 2 of title
4 II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) is
5 amended by adding at the end the following:

6 **“SEC. 249A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Department of Labor an office to be known as the Office
9 of Trade Adjustment Assistance (in this section referred
10 to as the ‘Office’).

11 “(b) HEAD OF OFFICE.—The head of the Office shall
12 be an administrator, who shall report directly to the Dep-
13 uty Assistant Secretary for Employment and Training.

14 “(c) PRINCIPAL FUNCTIONS.—The principal func-
15 tions of the administrator of the Office shall be—

16 “(1) to oversee and implement the administra-
17 tion of trade adjustment assistance for workers
18 under this chapter; and

19 “(2) to carry out functions delegated to the
20 Secretary of Labor under this chapter, including—

21 “(A) making determinations under section
22 223;

23 “(B) providing information under section
24 225 about trade adjustment assistance to work-
25 ers and assisting such workers to prepare peti-
26 tions or applications for program benefits;

1 “(C) providing assistance to employers of
2 groups of workers that have filed petitions
3 under section 221 in submitting information re-
4 quired by the Secretary related to the petitions;

5 “(D) ensuring workers covered by a certifi-
6 cation of eligibility under subchapter A receive
7 the employment and case management services
8 described in section 235;

9 “(E) ensuring that States fully comply
10 with agreements entered into under section
11 239;

12 “(F) advocating for workers applying for
13 assistance under this chapter;

14 “(G) establishing and overseeing a hotline
15 that workers, employers, and other entities may
16 call to obtain information regarding eligibility
17 criteria, procedural requirements, and benefits
18 available under this chapter; and

19 “(H) carrying out such other duties with
20 respect to this chapter as the Secretary speci-
21 fies for purposes of this section.

22 “(d) ADMINISTRATION.—

23 “(1) DESIGNATION.—The administrator shall
24 designate an employee of the Department of Labor

1 with appropriate experience and expertise to carry
2 out the duties described in paragraph (2).

3 “(2) DUTIES.—The officer or employee des-
4 ignated under paragraph (1) shall—

5 “(A) receive complaints and requests for
6 assistance related to the trade adjustment as-
7 sistance program under this chapter;

8 “(B) resolve such complaints and requests
9 for assistance, in coordination with other em-
10 ployees of the Office;

11 “(C) compile basic information concerning
12 such complaints and requests for assistance;
13 and

14 “(D) carry out such other duties with re-
15 spect to this chapter as the Secretary specifies
16 for purposes of this section.”.

17 (b) ESTABLISHMENT OF DEPUTY ASSISTANT SEC-
18 RETARY FOR EMPLOYMENT AND TRAINING.—

19 (1) IN GENERAL.—There is established in the
20 Department of Labor a Deputy Assistant Secretary
21 for Employment and Training, who shall report di-
22 rectly to the Assistant Secretary for Employment
23 and Training Administration.

24 (2) APPOINTMENT.—

1 (A) IN GENERAL.—The Deputy Assistant
2 Secretary for Employment and Training shall
3 be appointed by the President, by and with the
4 advice and consent of the Senate.

5 (B) COMMITTEE REFERRAL.—As an exer-
6 cise of the rulemaking power of the Senate, a
7 nomination for Deputy Assistant Secretary for
8 Employment and Training shall be referred to
9 the Committee on Finance. If the Committee on
10 Finance has not reported such nomination at
11 the close of the 30th day after its referral to
12 such Committee, the Committee shall be auto-
13 matically discharged from further consideration
14 of such nomination and such nomination shall
15 be referred to the Committee on Health, Edu-
16 cation, Labor and Pensions.

17 (3) DUTIES.—The Deputy Assistant Secretary
18 for Employment and Training shall—

19 (A) oversee the operation of the Office of
20 Trade Adjustment Assistance, established under
21 section 249A(a) of the Trade Act of 1974, as
22 added by subsection (a) of this section; and

23 (B) carry out such other duties as the Sec-
24 retary of Labor may assign.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of the Trade Act of 1974 is amended by inserting after
3 the item relating to section 249 the following:

“Sec. 249A. Office of Trade Adjustment Assistance.”.

4 **SEC. 1752. ACCOUNTABILITY OF STATE AGENCIES; COLLEC-**
5 **TION AND PUBLICATION OF PROGRAM DATA;**
6 **AGREEMENTS WITH STATES.**

7 (a) IN GENERAL.—Section 239(a) of the Trade Act
8 of 1974 (19 U.S.C. 2311(a)) is amended—

9 (1) by amending clause (2) to read as follows:

10 “(2) in accordance with subsection (f), shall make
11 available to adversely affected workers and adversely
12 affected incumbent workers covered by a certifi-
13 cation under subchapter A the employment and case
14 management services described in section 235,”; and

15 (2) by striking “will” each place it appears and
16 inserting “shall”.

17 (b) FORM AND MANNER OF DATA.—Section 239 of
18 the Trade Act of 1974 (19 U.S.C. 2311) is amended—

19 (1) by redesignating subsections (c) through (g)
20 as subsections (d) through (h), respectively; and

21 (2) by inserting after subsection (b) the fol-
22 lowing:

23 “(c) FORM AND MANNER OF DATA.—Each agree-
24 ment under this subchapter shall—

1 “(1) provide the Secretary with the authority to
2 collect any data the Secretary determines necessary
3 to meet the requirements of this chapter; and

4 “(2) specify the form and manner in which any
5 such data requested by the Secretary shall be re-
6 ported.”.

7 (c) STATE ACTIVITIES.—Section 239(g) of the Trade
8 Act of 1974 (as redesignated) is amended—

9 (1) in paragraph (3), by striking “and” at the
10 end;

11 (2) by amending paragraph (4) to read as fol-
12 lows:

13 “(4) perform outreach, intake, and orientation
14 for assistance and benefits available under this chap-
15 ter for adversely affected workers and adversely af-
16 fected incumbent workers covered by a certification
17 under subchapter A, and”; and

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

19 “(5) make employment and case management
20 services described in section 235 available to ad-
21 versely affected workers and adversely affected in-
22 cumbent workers covered by a certification under
23 subchapter A and, if funds provided to carry out this
24 chapter are insufficient to make such services avail-

1 able, make arrangements to make such services
2 available through other Federal programs.”.

3 (d) REPORTING REQUIREMENT.—Section 239(h) of
4 the Trade Act of 1974 (as redesignated) is amended by
5 striking “1998.” and inserting “1998 and a description
6 of the State’s rapid response activities under section
7 221(a)(2)(A).”.

8 (e) CONTROL MEASURES.—Section 239 of the Trade
9 Act of 1974 (19 U.S.C. 2311), as amended, is further
10 amended by adding at the end the following:

11 “(i) CONTROL MEASURES.—

12 “(1) IN GENERAL.—The Secretary shall require
13 each cooperating State and cooperating State agency
14 to implement effective control measures and to effec-
15 tively oversee the operation and administration of
16 the trade adjustment assistance program under this
17 chapter, including by means of monitoring the oper-
18 ation of control measures to improve the accuracy
19 and timeliness of the data being collected and re-
20 ported.

21 “(2) DEFINITION.—For purposes of paragraph
22 (1), the term ‘control measures’ means measures
23 that—

24 “(A) are internal to a system used by a
25 State to collect data; and

1 “(B) are designed to ensure the accuracy
2 and verifiability of such data.

3 “(j) DATA REPORTING.—

4 “(1) IN GENERAL.—Any agreement entered
5 into under this section shall require the cooperating
6 State or cooperating State agency to report to the
7 Secretary on a quarterly basis comprehensive per-
8 formance accountability data, to consist of—

9 “(A) the core indicators of performance de-
10 scribed in paragraph (2)(A);

11 “(B) the additional indicators of perform-
12 ance described in paragraph (2)(B), if any; and

13 “(C) a description of efforts made to im-
14 prove outcomes for workers under the trade ad-
15 justment assistance program.

16 “(2) CORE INDICATORS DESCRIBED.—

17 “(A) IN GENERAL.—The core indicators of
18 performance described in this paragraph are—

19 “(i) the percentage of workers receiv-
20 ing benefits under this chapter who are
21 employed during the second calendar quar-
22 ter following the calendar quarter in which
23 the workers cease receiving such benefits;

24 “(ii) the percentage of such workers
25 who are employed in each of the third and

1 fourth calendar quarters following the cal-
2 endar quarter in which the workers cease
3 receiving such benefits; and

4 “(iii) the earnings of such workers in
5 each of the third and fourth calendar quar-
6 ters following the calendar quarter in
7 which the workers cease receiving such
8 benefits.

9 “(B) ADDITIONAL INDICATORS.—The Sec-
10 retary and a cooperating State or cooperating
11 State agency may agree upon additional indica-
12 tors of performance for the trade adjustment
13 assistance program under this chapter, as ap-
14 propriate.

15 “(3) STANDARDS WITH RESPECT TO RELI-
16 ABILITY OF DATA.—In preparing the quarterly re-
17 port required by paragraph (1), each cooperating
18 State or cooperating State agency shall establish
19 procedures that are consistent with guidelines to be
20 issued by the Secretary to ensure that the data re-
21 ported are valid and reliable.”.

1 **SEC. 1753. VERIFICATION OF ELIGIBILITY FOR PROGRAM**
2 **BENEFITS.**

3 Section 239 of the Trade Act of 1974 (19 U.S.C.
4 2311), as amended, is further amended by adding at the
5 end the following:

6 “(k) VERIFICATION OF ELIGIBILITY FOR PROGRAM
7 BENEFITS.—

8 “(1) IN GENERAL.—An agreement under this
9 subchapter shall provide that the State shall periodi-
10 cally redetermine that a worker receiving benefits
11 under this subchapter who is not a citizen or na-
12 tional of the United States remains in a satisfactory
13 immigration status. Once satisfactory immigration
14 status has been initially verified through the immi-
15 gration status verification system described in sec-
16 tion 1137(d) of the Social Security Act (42 U.S.C.
17 1320b-7(d)) for purposes of establishing a worker’s
18 eligibility for unemployment compensation, the State
19 shall reverify the worker’s immigration status if the
20 documentation provided during initial verification
21 will expire during the period in which that worker is
22 potentially eligible to receive benefits under this sub-
23 chapter. The State shall conduct such redetermina-
24 tion in a timely manner, utilizing the immigration
25 status verification system described in section

1 1137(d) of the Social Security Act (42 U.S.C.
2 1320b-7(d)).

3 “(2) PROCEDURES.—The Secretary shall estab-
4 lish procedures to ensure the uniform application by
5 the States of the requirements of this subsection.”.

6 **SEC. 1754. COLLECTION OF DATA AND REPORTS; INFORMA-**
7 **TION TO WORKERS.**

8 (a) IN GENERAL.—Subchapter C of chapter 2 of title
9 II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.),
10 as amended, is further amended by adding at the end the
11 following:

12 **“SEC. 249B. COLLECTION AND PUBLICATION OF DATA AND**
13 **REPORTS; INFORMATION TO WORKERS.**

14 “(a) IN GENERAL.—Not later than 180 days after
15 the date of the enactment of this section, the Secretary
16 shall implement a system to collect and report the data
17 described in subsection (b), as well as any other informa-
18 tion that the Secretary considers appropriate to effectively
19 carry out this chapter.

20 “(b) DATA TO BE INCLUDED.—The system required
21 under subsection (a) shall include collection of and report-
22 ing on the following data for each fiscal year:

23 “(1) DATA ON PETITIONS FILED, CERTIFIED,
24 AND DENIED.—

1 “(A) The number of petitions filed, cer-
2 tified, and denied under this chapter.

3 “(B) The number of workers covered by
4 petitions filed, certified, and denied.

5 “(C) The number of petitions, classified
6 by—

7 “(i) the basis for certification, includ-
8 ing increased imports, shifts in production,
9 and other bases of eligibility; and

10 “(ii) congressional district.

11 “(D) The average time for processing such
12 petitions.

13 “(2) DATA ON BENEFITS RECEIVED.—

14 “(A) The number of workers receiving ben-
15 efits under this chapter.

16 “(B) The number of workers receiving
17 each type of benefit, including training, trade
18 readjustment allowances, employment and case
19 management services, and relocation and job
20 search allowances, and, to the extent feasible,
21 credits for health insurance costs under section
22 35 of the Internal Revenue Code of 1986.

23 “(C) The average time during which such
24 workers receive each such type of benefit.

25 “(3) DATA ON TRAINING.—

1 “(A) The number of workers enrolled in
2 training approved under section 236, classified
3 by major types of training, including classroom
4 training, training through distance learning, on-
5 the-job training, and customized training.

6 “(B) The number of workers enrolled in
7 full-time training and part-time training.

8 “(C) The average duration of training.

9 “(D) The number of training waivers
10 granted under section 231(c), classified by type
11 of waiver.

12 “(E) The number of workers who complete
13 training and the duration of such training.

14 “(F) The number of workers who do not
15 complete training.

16 “(4) DATA ON OUTCOMES.—

17 “(A) A summary of the quarterly reports
18 required under section 239(j).

19 “(B) The sectors in which workers are em-
20 ployed after receiving benefits under this chap-
21 ter.

22 “(5) DATA ON RAPID RESPONSE ACTIVITIES.—

23 Whether rapid response activities were provided with
24 respect to each petition filed under section 221.

1 “(c) CLASSIFICATION OF DATA.—To the extent pos-
2 sible, in collecting and reporting the data described in sub-
3 section (b), the Secretary shall classify the data by indus-
4 try, State, and national totals.

5 “(d) REPORT.—Not later than December 15 of each
6 year, the Secretary shall submit to the Committee on Fi-
7 nance of the Senate and the Committee on Ways and
8 Means of the House of Representatives a report that in-
9 cludes—

10 “(1) a summary of the information collected
11 under this section for the preceding fiscal year;

12 “(2) information on the distribution of funds to
13 each State pursuant to section 236(a)(2); and

14 “(3) any recommendations of the Secretary
15 with respect to changes in eligibility requirements,
16 benefits, or training funding under this chapter
17 based on the data collected under this section.

18 “(e) AVAILABILITY OF DATA.—

19 “(1) IN GENERAL.—The Secretary shall make
20 available to the public, by publishing on the website
21 of the Department of Labor and by other means, as
22 appropriate—

23 “(A) the report required under subsection
24 (d);

1 “(B) the data collected under this section,
2 in a searchable format; and

3 “(C) a list of cooperating States and co-
4 operating State agencies that failed to submit
5 the data required by this section to the Sec-
6 retary in a timely manner.

7 “(2) UPDATES.—The Secretary shall update
8 the data under paragraph (1) on a quarterly basis.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of the Trade Act of 1974 is amended by inserting after
11 the item relating to section 249A the following:

 “Sec. 249B. Collection and publication of data and reports; information to
 workers.”.

12 **SEC. 1755. FRAUD AND RECOVERY OF OVERPAYMENTS.**

13 Section 243(a)(1) of the Trade Act of 1974 (19
14 U.S.C. 2315(a)(1)) is amended—

15 (1) in the matter preceding subparagraph (A)—

16 (A) by striking “may waive” and inserting
17 “shall waive”; and

18 (B) by striking “, in accordance with
19 guidelines prescribed by the Secretary,”; and

20 (2) in subparagraph (B), by striking “would be
21 contrary to equity and good conscience” and insert-
22 ing “would cause a financial hardship for the indi-
23 vidual (or the individual’s household, if applicable)
24 when taking into consideration the income and re-

1 sources reasonably available to the individual (or
2 household) and other ordinary living expenses of the
3 individual (or household)”.
4

5 **SEC. 1756. SENSE OF CONGRESS ON APPLICATION OF**
6 **TRADE ADJUSTMENT ASSISTANCE.**

7 (a) IN GENERAL.—Chapter 5 of title II of the Trade
8 Act of 1974 (19 U.S.C. 2391 et seq.) is amended by add-
9 ing at the end the following:

10 **“SEC. 288. SENSE OF CONGRESS.**

11 “It is the sense of Congress that the Secretaries of
12 Labor, Commerce, and Agriculture should apply the provi-
13 sions of chapter 2 (relating to adjustment assistance for
14 workers), chapter 3 (relating to adjustment assistance for
15 firms), chapter 4 (relating to adjustment assistance for
16 communities), and chapter 6 (relating to adjustment as-
17 sistance for farmers), respectively, with the utmost regard
18 for the interests of workers, firms, communities, and farm-
19 ers petitioning for benefits under such chapters.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 of the Trade Act of 1974 is amended by inserting after
22 the item relating to section 287 the following:

“Sec. 288. Sense of Congress.”.

23 **SEC. 1757. CONSULTATIONS IN PROMULGATION OF REGU-**
24 **LATIONS.**

25 Section 248 of the Trade Act of 1974 (19 U.S.C.
26 2320) is amended—

1 (1) by striking “The Secretary shall” and in-
2 serting the following:

3 “(a) IN GENERAL.—The Secretary shall”; and

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

5 “(b) CONSULTATIONS.—Not later than 90 days be-
6 fore issuing a final rule or regulation under subsection (a),
7 the Secretary shall consult with the Committee on Finance
8 of the Senate and the Committee on Ways and Means of
9 the House of Representatives with respect to the final rule
10 or regulation.”.

11 **SEC. 1758. TECHNICAL CORRECTIONS.**

12 (a) DETERMINATIONS BY SECRETARY OF LABOR.—
13 Section 223(c) of the Trade Act of 1974 (19 U.S.C.
14 2273(c)) is amended by striking “his determination” and
15 inserting “a determination”.

16 (b) QUALIFYING REQUIREMENTS FOR WORKERS.—
17 Section 231(a) of the Trade Act of 1974 (19 U.S.C.
18 2291(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “his application” and inserting
22 “the worker’s application”; and

23 (B) in subparagraph (A), by striking “he
24 is covered” and inserting “the worker is cov-
25 ered”;

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by striking the
3 period and inserting a comma; and

4 (B) in subparagraph (D), by striking “5
5 U.S.C. 8521(a)(1)” and inserting “section
6 8521(a)(1) of title 5, United States Code”; and

7 (3) in paragraph (3)—

8 (A) by striking “he” each place it appears
9 and inserting “the worker”; and

10 (B) in subparagraph (C), by striking
11 “him” and inserting “the worker”.

12 (c) SUBPOENA POWER.—Section 249 of the Trade
13 Act of 1974 (19 U.S.C. 2321) is amended—

14 (1) in the section heading, by striking “**SUB-**
15 **PENA**” and inserting “**SUBPOENA**”; and

16 (2) by striking “subpena” and inserting “sub-
17 poena” each place it appears.

18 (d) CLERICAL AMENDMENT.—The table of contents
19 of the Trade Act of 1974 is amended by striking the item
20 relating to section 249 and inserting the following:

“Sec. 249. Subpoena power.”.

21 **PART II—TRADE ADJUSTMENT ASSISTANCE FOR**
22 **FIRMS**

23 **SEC. 1761. EXPANSION TO SERVICE SECTOR FIRMS.**

24 (a) IN GENERAL.—Section 251 of the Trade Act of
25 1974 (19 U.S.C. 2341) is amended by inserting “or serv-

1 ice sector firm” after “agricultural firm” each place it ap-
2 pears.

3 (b) DEFINITION OF SERVICE SECTOR FIRM.—Sec-
4 tion 261 of the Trade Act of 1974 (19 U.S.C. 2351) is
5 amended—

6 (1) by striking “chapter,” and inserting “chap-
7 ter:”;

8 (2) by striking “the term ‘firm’” and inserting
9 the following:

10 “(1) FIRM.—The term ‘firm’”; and

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

12 “(2) SERVICE SECTOR FIRM.—The term ‘service
13 sector firm’ means a firm engaged in the business
14 of supplying services.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 251(c)(1)(C) of the Trade Act of
17 1974 (19 U.S.C. 2341(c)(1)(C)) is amended—

18 (A) by inserting “or services” after “arti-
19 cles” the first place it appears; and

20 (B) by inserting “or services which are
21 supplied” after “produced”.

22 (2) Section 251(c)(2)(B)(ii) of such Act is
23 amended to read as follows:

24 “(ii) Any firm that engages in exploration or
25 drilling for oil or natural gas, or otherwise produces

1 oil or natural gas, shall be considered to be pro-
2 ducing articles directly competitive with imports of
3 oil and with imports of natural gas.”.

4 **SEC. 1762. MODIFICATION OF REQUIREMENTS FOR CER-**
5 **TIFICATION.**

6 Section 251(c)(1)(B) of the Trade Act of 1974 (19
7 U.S.C. 2341(c)(1)(B)) is amended to read as follows:

8 “(B) that—

9 “(i) sales or production, or both, of the
10 firm have decreased absolutely,

11 “(ii) sales or production, or both, of an ar-
12 ticle or service that accounted for not less than
13 25 percent of the total sales or production of
14 the firm during the 12-month period preceding
15 the most recent 12-month period for which data
16 are available have decreased absolutely,

17 “(iii) sales or production, or both, of the
18 firm during the most recent 12-month period
19 for which data are available have decreased
20 compared to—

21 “(I) the average annual sales or pro-
22 duction for the firm during the 24-month
23 period preceding that 12-month period, or

24 “(II) the average annual sales or pro-
25 duction for the firm during the 36-month

1 period preceding that 12-month period,
2 and.

3 “(iv) sales or production, or both, of an ar-
4 ticle or service that accounted for not less than
5 25 percent of the total sales or production of
6 the firm during the most recent 12-month pe-
7 riod for which data are available have decreased
8 compared to—

9 “(I) the average annual sales or pro-
10 duction for the article or service during the
11 24-month period preceding that 12-month
12 period, or

13 “(II) the average annual sales or pro-
14 duction for the article or service during the
15 36-month period preceding that 12-month
16 period, and”.

17 **SEC. 1763. BASIS FOR DETERMINATIONS.**

18 Section 251 of the Trade Act of 1974 (19 U.S.C.
19 2341), as amended, is further amended by adding at the
20 end the following:

21 “(e) BASIS FOR SECRETARY’S DETERMINATIONS.—
22 For purposes of subsection (c)(1)(C), the Secretary may
23 determine that there are increased imports of like or di-
24 rectly competitive articles or services, if customers ac-
25 counting for a significant percentage of the decrease in

1 the sales of the firm certify to the Secretary that such
2 customers have increased their imports of such articles or
3 services from a foreign country, either absolutely or rel-
4 ative to their acquisition of such articles or services from
5 suppliers located in the United States.

6 “(f) NOTIFICATION TO FIRMS OF AVAILABILITY OF
7 BENEFITS.—Upon receiving notice from the Secretary of
8 Labor under section 225 of the identity of a firm that
9 is covered by a certification issued under section 223, the
10 Secretary of Commerce shall notify the firm of the avail-
11 ability of adjustment assistance under this chapter.”.

12 **SEC. 1764. OVERSIGHT AND ADMINISTRATION; AUTHORIZA-**
13 **TION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—Chapter 3 of title II of the Trade
15 Act of 1974 (19 U.S.C. 2341 et seq.) is amended—

16 (1) by striking sections 254, 255, 256, and 257;

17 (2) by redesignating sections 258, 259, 260,
18 261, 262, 264, and 265, as sections 256, 257, 258,
19 259, 260, 261, and 262, respectively; and

20 (3) by inserting after section 253 the following:

21 **“SEC. 254. OVERSIGHT AND ADMINISTRATION.**

22 “(a) IN GENERAL.—The Secretary shall, to such ex-
23 tent and in such amounts as are provided in appropria-
24 tions Acts, provide grants to intermediary organizations
25 (referred to in section 253(b)(1)) throughout the United

1 States pursuant to agreements with such intermediary or-
2 ganizations. Each such agreement shall require the inter-
3 mediary organization to provide benefits to firms certified
4 under section 251. The Secretary shall, to the maximum
5 extent practicable, provide by October 1, 2010, that con-
6 tracts entered into with intermediary organizations be for
7 a 12-month period and that all such contracts have the
8 same beginning date and the same ending date.

9 “(b) DISTRIBUTION OF FUNDS.—

10 “(1) IN GENERAL.—Not later than 60 days
11 after the date of the enactment of this section, the
12 Secretary shall develop a methodology for the dis-
13 tribution of funds among the intermediary organiza-
14 tions described in subsection (a).

15 “(2) PROMPT INITIAL DISTRIBUTION.—The
16 methodology described in paragraph (1) shall ensure
17 the prompt initial distribution of funds and establish
18 additional criteria governing the apportionment and
19 distribution of the remainder of such funds among
20 the intermediary organizations.

21 “(3) CRITERIA.—The methodology described in
22 paragraph (1) shall include criteria based on the
23 data in the annual report on trade adjustment for
24 firms program described in section 1766.

1 “(c) REQUIREMENTS FOR CONTRACTS.—An agree-
2 ment with an intermediary organization described in sub-
3 section (a) shall require the intermediary organization to
4 contract for the supply of services to carry out grants
5 under this chapter in accordance with terms and condi-
6 tions that are consistent with guidelines established by the
7 Secretary.

8 “(d) CONSULTATIONS.—

9 “(1) CONSULTATIONS REGARDING METHOD-
10 OLOGY.—The Secretary shall consult with the Com-
11 mittee on Finance of the Senate and the Committee
12 on Ways and Means of the House of Representatives
13 not less than 60 days before finalizing the method-
14 ology described in subsection (b) or adopting any
15 changes to such methodology.

16 “(2) CONSULTATIONS REGARDING GUIDE-
17 LINES.—The Secretary shall consult with the Com-
18 mittee on Finance of the Senate and the Committee
19 on Ways and Means of the House of Representatives
20 not less than 60 days before finalizing the guidelines
21 described in subsection (c) or adopting any subse-
22 quent changes to such guidelines.

23 **“SEC. 255. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—There are authorized to be ap-
25 propriated to the Secretary \$50,000,000 for each of the

1 fiscal years 2009 through 2010, and \$12,501,000 for the
2 period beginning October 1, 2010, and ending December
3 31, 2010, to carry out the provisions of this chapter.

4 Amounts appropriated pursuant to this subsection shall—

5 “(1) be available to provide adjustment assist-
6 ance to firms that file a petition for such assistance
7 pursuant to this chapter on or before December 31,
8 2010; and

9 “(2) otherwise remain available until expended.

10 “(b) PERSONNEL.—Of the amounts appropriated
11 pursuant to this section for each fiscal year, \$350,000
12 shall be available for full-time positions in the Department
13 of Commerce to administer the provisions of this chapter.
14 Of such funds the Secretary shall make available to the
15 Economic Development Administration such sums as may
16 be necessary to establish the position of Director of Ad-
17 justment Assistance for Firms and such other full-time po-
18 sitions as may be appropriate to administer the provisions
19 of this chapter.”.

20 (b) RESIDUAL AUTHORITY.—The Secretary of Com-
21 merce shall have the authority to modify, terminate, re-
22 solve, liquidate, or take any other action with respect to
23 a loan, guarantee, contract, or any other financial assist-
24 ance that was extended under section 254, 255, 256, or
25 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345,

1 2346, and 2347), as in effect on the day before the effective date set forth in section 1791.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 256 of the Trade Act of 1974, as
5 redesignated by subsection (a) of this section, is
6 amended by striking subsection (d).

7 (2) Section 258 of the Trade Act of 1974, as
8 redesignated by subsection (a) of this section, is
9 amended—

10 (A) in the first sentence, by striking “and
11 financial”; and

12 (B) in the last sentence—

13 (i) by striking “sections 253 and 254”
14 and inserting “section 253”; and

15 (ii) by striking “title 28 of the United
16 States Code” and inserting “title 28,
17 United States Code”.

18 (d) CLERICAL AMENDMENTS.—The table of contents
19 of the Trade Act of 1974 is amended by striking the items
20 relating to sections 254, 255, 256, 257, 258, 259, 260,
21 261, 262, 264, and 265, and inserting the following:

“Sec. 254. Oversight and administration.

“Sec. 255. Authorization of appropriations.

“Sec. 256. Protective provisions.

“Sec. 257. Penalties.

“Sec. 258. Civil actions.

“Sec. 259. Definitions.

“Sec. 260. Regulations.

“Sec. 261. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.

“Sec. 262. Assistance to industries.”.

1 **SEC. 1765. INCREASED PENALTIES FOR FALSE STATE-**
2 **MENTS.**

3 Section 257 of the Trade Act of 1974, as redesignig-
4 nated by section 1764(a), is amended to read as follows:

5 **“SEC. 257. PENALTIES.**

6 “Whoever—

7 “(1) makes a false statement of a material fact
8 knowing it to be false, or knowingly fails to disclose
9 a material fact, or willfully overvalues any security,
10 for the purpose of influencing in any way a deter-
11 mination under this chapter, or for the purpose of
12 obtaining money, property, or anything of value
13 under this chapter, or

14 “(2) makes a false statement of a material fact
15 knowing it to be false, or knowingly fails to disclose
16 a material fact, when providing information to the
17 Secretary during an investigation of a petition under
18 this chapter,

19 shall be imprisoned for not more than 2 years, or fined
20 under title 18, United States Code, or both.”.

1 **SEC. 1766. ANNUAL REPORT ON TRADE ADJUSTMENT FOR**
2 **FIRMS.**

3 (a) ANNUAL REPORT ON TRADE ADJUSTMENT FOR
4 FIRMS PROGRAM.—Not later than December 15, 2009,
5 and each year thereafter, the Secretary of Commerce shall
6 prepare a report containing data regarding the trade ad-
7 justment for firms program provided for in chapter 3 of
8 title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.)
9 for the preceding fiscal year. The data shall be classified
10 by intermediary organization, State, and national totals
11 and include the following:

12 (1) The number of firms that inquired about
13 the program.

14 (2) The number of petitions filed.

15 (3) The number of petitions certified and de-
16 nied.

17 (4) The date each petition was filed, the date
18 on which a determination was made on the petition,
19 and the average time for processing petitions.

20 (5) The number of petitions filed and firms cer-
21 tified for each congressional district of the United
22 States.

23 (6) The number of firms that received assist-
24 ance in preparing their petitions.

25 (7) The number of firms that received assist-
26 ance developing business recovery plans.

1 (8) The number of business recovery plans ap-
2 proved and denied by the Secretary of Commerce.

3 (9) Sales, employment, and productivity at each
4 firm participating in the program at the time of cer-
5 tification.

6 (10) Sales, employment, and productivity at
7 each firm upon completion of the program and each
8 year for the 2-year period following completion.

9 (11) The financial assistance received by each
10 firm participating in the program.

11 (12) The financial contribution made by each
12 firm participating in the program.

13 (13) The types of technical assistance included
14 in the business recovery plans of firms participating
15 in the program.

16 (14) The number of firms leaving the program
17 before completing the project or projects in their
18 business recovery plans, classified by the general
19 cause for early termination.

20 (b) REPORT TO CONGRESS; PUBLICATION.—The Sec-
21 retary of Commerce shall—

22 (1) submit the report described in subsection
23 (a) to the Committee on Finance of the Senate and
24 the Committee on Ways and Means of the House of
25 Representatives; and

1 (2) publish the report in the Federal Register
2 and on the website of the Department of Commerce.

3 (c) PROTECTION OF CONFIDENTIAL INFORMA-
4 TION.—The Secretary of Commerce may not release infor-
5 mation described in subsection (a) that the Secretary con-
6 siders to be confidential business information unless the
7 person submitting the confidential business information
8 had notice, at the time of submission, that such informa-
9 tion would be released by the Secretary, or such person
10 subsequently consents to the release of the information.
11 Nothing in this subparagraph shall be construed to pro-
12 hibit the Secretary from providing such confidential busi-
13 ness information to a court in camera or to another party
14 under a protective order issued by a court.

15 **SEC. 1767. TECHNICAL CORRECTIONS.**

16 (a) IN GENERAL.—Section 251 of the Trade Act of
17 1974 (19 U.S.C. 2341), as amended, is further amend-
18 ed—

19 (1) in subsection (a), by striking “he has” and
20 inserting “the Secretary has”; and

21 (2) in subsection (d), by striking “60 days” and
22 inserting “40 days”.

23 (b) TECHNICAL ASSISTANCE.—Section 253(a)(3) of
24 the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended

1 by striking “of a certified firm” and inserting “to a cer-
2 tified firm”.

3 **PART III—TRADE ADJUSTMENT ASSISTANCE FOR**
4 **COMMUNITIES**

5 **SEC. 1771. PURPOSE.**

6 The purpose of this part is to assist communities im-
7 pacted by trade with economic adjustment through the co-
8 ordination of Federal, State, and local resources, the cre-
9 ation of community-based development strategies, and the
10 development and provision of programs that meet the
11 training needs of workers covered by certifications under
12 section 223.

13 **SEC. 1772. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
14 **NITIES.**

15 (a) IN GENERAL.—Chapter 4 of title II of the Trade
16 Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read
17 as follows:

18 **“CHAPTER 4—TRADE ADJUSTMENT**
19 **ASSISTANCE FOR COMMUNITIES**
20 **“Subchapter A—Trade Adjustment Assistance**
21 **for Communities**

22 **“SEC. 271. DEFINITIONS.**

23 “In this subchapter:

1 “(1) AGRICULTURAL COMMODITY PRODUCER.—
2 The term ‘agricultural commodity producer’ has the
3 meaning given that term in section 291.

4 “(2) COMMUNITY.—The term ‘community’
5 means a city, county, or other political subdivision of
6 a State or a consortium of political subdivisions of
7 a State.

8 “(3) COMMUNITY IMPACTED BY TRADE.—The
9 term ‘community impacted by trade’ means a com-
10 munity described in section 273(b)(2).

11 “(4) ELIGIBLE COMMUNITY.—The term ‘eligible
12 community’ means a community that the Secretary
13 has determined under section 273(b)(1) is eligible to
14 apply for assistance under this subchapter.

15 “(5) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Commerce.

17 **“SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT AS-**
18 **SISTANCE FOR COMMUNITIES PROGRAM.**

19 “Not later than August 1, 2009, the Secretary shall
20 establish a trade adjustment assistance for communities
21 program at the Department of Commerce under which the
22 Secretary shall—

23 “(1) provide technical assistance under section
24 274 to communities impacted by trade to facilitate
25 the economic adjustment of those communities; and

1 “(2) award grants to communities impacted by
2 trade to carry out strategic plans developed under
3 section 276.

4 **“SEC. 273. ELIGIBILITY; NOTIFICATION.**

5 “(a) PETITION.—

6 “(1) IN GENERAL.—A community may submit
7 a petition to the Secretary for an affirmative deter-
8 mination under subsection (b)(1) that the commu-
9 nity is eligible to apply for assistance under this sub-
10 chapter if—

11 “(A) on or after August 1, 2009, one or
12 more certifications described in subsection
13 (b)(3) are made with respect to the community;
14 and

15 “(B) the community submits the petition
16 not later than 180 days after the date of the
17 most recent certification.

18 “(2) SPECIAL RULE WITH RESPECT TO CER-
19 TAIN COMMUNITIES.—In the case of a community
20 with respect to which one or more certifications de-
21 scribed in subsection (b)(3) were made on or after
22 January 1, 2007, and before August 1, 2009, the
23 community may submit a petition to the Secretary
24 for an affirmative determination under subsection
25 (b)(1) not later than February 1, 2010.

1 “(b) AFFIRMATIVE DETERMINATION.—

2 “(1) IN GENERAL.—The Secretary shall make
3 an affirmative determination that a community is el-
4 igible to apply for assistance under this subchapter
5 if the Secretary determines that the community is a
6 community impacted by trade.

7 “(2) COMMUNITY IMPACTED BY TRADE.—A
8 community is a community impacted by trade if—

9 “(A) one or more certifications described
10 in paragraph (3) are made with respect to the
11 community; and

12 “(B) the Secretary determines that the
13 community is significantly affected by the
14 threat to, or the loss of, jobs associated with
15 that certification.

16 “(3) CERTIFICATION DESCRIBED.—A certifi-
17 cation described in this paragraph is a certifi-
18 cation—

19 “(A) by the Secretary of Labor that a
20 group of workers in the community is eligible to
21 apply for assistance under section 223;

22 “(B) by the Secretary of Commerce that a
23 firm located in the community is eligible to
24 apply for adjustment assistance under section
25 251; or

1 “(C) by the Secretary of Agriculture that
2 a group of agricultural commodity producers in
3 the community is eligible to apply for adjust-
4 ment assistance under section 293.

5 “(c) NOTIFICATIONS.—

6 “(1) NOTIFICATION TO THE GOVERNOR.—The
7 Governor of a State shall be notified promptly—

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

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

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

20 “(2) NOTIFICATION TO COMMUNITY.—Upon
21 making an affirmative determination under sub-
22 section (b)(1) that a community is eligible to apply
23 for assistance under this subchapter, the Secretary
24 shall promptly notify the community and the Gov-

1 error of the State in which the community is lo-
2 cated—

3 “(A) of the affirmative determination;

4 “(B) of the applicable provisions of this
5 subchapter; and

6 “(C) of the means for obtaining assistance
7 under this subchapter and other appropriate
8 economic assistance that may be available to
9 the community.

10 **“SEC. 274. TECHNICAL ASSISTANCE.**

11 “(a) IN GENERAL.—The Secretary shall provide com-
12 prehensive technical assistance to an eligible community
13 to assist the community to—

14 “(1) diversify and strengthen the economy in
15 the community;

16 “(2) identify significant impediments to eco-
17 nomic development that result from the impact of
18 trade on the community; and

19 “(3) develop a strategic plan under section 276
20 to address economic adjustment and workforce dis-
21 location in the community , including unemployment
22 among agricultural commodity producers.

23 “(b) COORDINATION OF FEDERAL RESPONSE.—The
24 Secretary shall coordinate the Federal response to an eligi-
25 ble community by—

1 “(1) identifying Federal, State, and local re-
2 sources that are available to assist the community in
3 responding to economic distress; and

4 “(2) assisting the community in accessing avail-
5 able Federal assistance and ensuring that such as-
6 sistance is provided in a targeted, integrated man-
7 ner.

8 “(c) INTERAGENCY COMMUNITY ASSISTANCE WORK-
9 ING GROUP.—

10 “(1) IN GENERAL.—The Secretary shall estab-
11 lish an interagency Community Assistance Working
12 Group, to be chaired by the Secretary or the Sec-
13 retary’s designee, who shall assist the Secretary with
14 the coordination of the Federal response pursuant to
15 subsection (b).

16 “(2) MEMBERSHIP.—The Working Group shall
17 consist of representatives of any Federal department
18 or agency with responsibility for providing economic
19 adjustment assistance, including the Department of
20 Agriculture, the Department of Defense, the Depart-
21 ment of Education, the Department of Labor, the
22 Department of Housing and Urban Development,
23 the Department of Health and Human Services, the
24 Small Business Administration, the Department of
25 the Treasury, and any other Federal, State, or re-

1 regional public department or agency the Secretary de-
2 termines to be appropriate.

3 **“SEC. 275. GRANTS FOR ELIGIBLE COMMUNITIES.**

4 “(a) IN GENERAL.—The Secretary may award a
5 grant under this section to an eligible community to assist
6 the community in carrying out any project or program
7 that is included in a strategic plan developed by the com-
8 munity under section 276.

9 “(b) APPLICATION.—

10 “(1) IN GENERAL.—An eligible community
11 seeking to receive a grant under this section shall
12 submit a grant application to the Secretary that con-
13 tains—

14 “(A) the strategic plan developed by the
15 community under section 276(a)(1) and ap-
16 proved by the Secretary under section
17 276(a)(2); and

18 “(B) a description of the project or pro-
19 gram included in the strategic plan with respect
20 to which the community seeks the grant.

21 “(2) COORDINATION AMONG GRANT PRO-
22 GRAMS.—If an entity in an eligible community is
23 seeking or plans to seek a Community College and
24 Career Training Grant under section 278 or a Sec-
25 tor Partnership Grant under section 279A while the

1 eligible community is seeking a grant under this sec-
2 tion, the eligible community shall include in the
3 grant application a description of how the eligible
4 community will integrate any projects or programs
5 carried out using a grant under this section with any
6 projects or programs that may be carried out using
7 such other grants.

8 “(c) LIMITATION.—An eligible community may not
9 be awarded more than \$5,000,000 under this section.

10 “(d) COST-SHARING.—

11 “(1) FEDERAL SHARE.—The Federal share of a
12 project or program for which a grant is awarded
13 under this section may not exceed 95 percent of the
14 cost of such project or program.

15 “(2) COMMUNITY SHARE.—The Secretary shall
16 require, as a condition of awarding a grant to an eli-
17 gible community under this section, that the eligible
18 community contribute not less than an amount equal
19 to 5 percent of the amount of the grant toward the
20 cost of the project or program for which the grant
21 is awarded.

22 “(e) GRANTS TO SMALL- AND MEDIUM-SIZED COM-
23 MUNITIES.—The Secretary shall give priority to grant ap-
24 plications submitted under this section by eligible commu-
25 nities that are small- and medium-sized communities.

1 “(f) ANNUAL REPORT.—Not later than December 15
2 in each of the calendar years 2009 through 2013, the Sec-
3 retary shall submit to the Committee on Finance of the
4 Senate and the Committee on Ways and Means of the
5 House of Representatives a report—

6 “(1) describing each grant awarded under this
7 section during the preceding fiscal year; and

8 “(2) assessing the impact on the eligible com-
9 munity of each such grant awarded in a fiscal year
10 before the fiscal year referred to in paragraph (1).

11 **“SEC. 276. STRATEGIC PLANS.**

12 “(a) IN GENERAL.—

13 “(1) INVOLVEMENT OF PRIVATE AND PUBLIC
14 ENTITIES.—An eligible community that intends to
15 apply for a grant under section 275 shall—

16 “(A) develop a strategic plan for the com-
17 munity’s economic adjustment to the impact of
18 trade with the entities described in paragraph
19 (2) to the extent practicable; and

20 “(B) submit the plan to the Secretary for
21 evaluation and approval.

22 “(2) ENTITIES DESCRIBED.—Entities described
23 in this paragraph are public and private representa-
24 tives, firms, and other entities within the eligible
25 community, including—

1 “(A) local, county, or State government
2 serving the community;

3 “(B) firms, including small- and medium-
4 sized firms, within the community;

5 “(C) local workforce investment boards es-
6 tablished under section 117 of the Workforce
7 Investment Act of 1998 (29 U.S.C. 2832);

8 “(D) labor organizations, including State
9 labor federations and labor-management initia-
10 tives, representing workers in the community;
11 and

12 “(E) educational institutions, local edu-
13 cational agencies, or other training providers
14 serving the community.

15 “(b) CONTENTS.—The strategic plan shall, at a min-
16 imum, contain the following:

17 “(1) A description and analysis of the capacity
18 of the eligible community to achieve economic ad-
19 justment to the impact of trade.

20 “(2) An analysis of the economic development
21 challenges and opportunities facing the community
22 as well as the strengths and weaknesses of the econ-
23 omy of the community.

24 “(3) An assessment of the commitment of the
25 eligible community to the strategic plan over the

1 long term and the participation and input of mem-
2 bers of the community affected by economic disloca-
3 tion.

4 “(4) A description of the role and the participa-
5 tion of the entities described in subsection (a)(2) in
6 developing the strategic plan.

7 “(5) A description of the projects to be under-
8 taken by the eligible community under the strategic
9 plan.

10 “(6) A description of how the strategic plan
11 and the projects to be undertaken by the eligible
12 community will facilitate the community’s economic
13 adjustment.

14 “(7) A description of the educational and train-
15 ing programs available to workers in the eligible
16 community and the future employment needs of the
17 community.

18 “(8) An assessment of the cost and timing of
19 funds required by the eligible community to imple-
20 ment the strategic plan, including the method of fi-
21 nancing to be used.

22 “(9) A strategy for continuing the economic ad-
23 justment of the eligible community after the comple-
24 tion of the projects described in paragraph (4).

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

1 “(2) CONSULTATIONS.—The Secretary shall
2 consult with the Committee on Finance of the Sen-
3 ate and the Committee on Ways and Means of the
4 House of Representatives not less than 90 days
5 prior to promulgating any final rule or regulation
6 pursuant to paragraph (1).

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

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary \$150,000,000 for each
13 of the fiscal years 2009 and 2010, and \$37,500,000
14 for the period beginning October 1, 2010, and end-
15 ing December 31, 2010, to carry out this sub-
16 chapter.

17 “(2) AVAILABILITY.—Amounts appropriated
18 pursuant to this subchapter—

19 “(A) shall be available to provide adjust-
20 ment assistance to communities that have peti-
21 tioned or applied for assistance pursuant to this
22 chapter on or before December 31, 2010; and

23 “(B) shall otherwise remain available until
24 expended.

1 “(3) SUPPLEMENT NOT SUPPLANT.—Funds ap-
2 propriated pursuant to this subchapter shall be used
3 to supplement and not supplant other Federal,
4 State, and local public funds expended to provide
5 economic development assistance for communities.

6 **“Subchapter B—Community College and**
7 **Career Training Grant Program**

8 **“SEC. 278. COMMUNITY COLLEGE AND CAREER TRAINING**
9 **GRANT PROGRAM.**

10 “(a) GRANTS AUTHORIZED.—

11 “(1) IN GENERAL.—Beginning August 1, 2009,
12 the Secretary may award Community College and
13 Career Training Grants to eligible institutions for
14 the purpose of developing, offering, or improving
15 educational or career training programs for workers
16 eligible for training under section 236.

17 “(2) LIMITATIONS.—An eligible institution may
18 not be awarded—

19 “(A) more than 1 grant under this section;

20 or

21 “(B) a grant under this section in excess
22 of \$1,000,000.

23 “(b) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
25 ble institution’ means—

1 “(A) an institution described in section
2 203(a)(1)(B) of the Carl D. Perkins Career and
3 Technical Education Act of 2006 (20 U.S.C.
4 2373(a)(1)(B)) or in section 101(b) of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1001(b)); and

7 “(B) an institution described in section
8 236(a)(5)(H), but only with respect to a pro-
9 gram offered by the institution that can be
10 completed in not more than 2 years.

11 “(2) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Labor.

13 “(c) GRANT PROPOSALS.—

14 “(1) IN GENERAL.—An eligible institution seek-
15 ing to receive a grant under this section shall submit
16 a grant proposal to the Secretary at such time, in
17 such manner, and containing such information as
18 the Secretary may require.

19 “(2) GUIDELINES.—Not later than June 1,
20 2009, the Secretary shall—

21 “(A) promulgate guidelines for the submis-
22 sion of grant proposals under this section; and

23 “(B) publish and maintain such guidelines
24 on the website of the Department of Labor.

1 “(3) ASSISTANCE.—The Secretary shall offer
2 assistance in preparing a grant proposal to any eligi-
3 ble institution that requests such assistance.

4 “(4) GENERAL REQUIREMENTS FOR GRANT
5 PROPOSALS.—

6 “(A) IN GENERAL.—A grant proposal sub-
7 mitted to the Secretary under this section shall
8 include a detailed description of—

9 “(i) the specific project for which the
10 grant proposal is submitted, including the
11 manner in which the grant will be used to
12 develop, offer, or improve an educational
13 or career training program that is suited
14 to workers eligible for training under sec-
15 tion 236;

16 “(ii) the extent to which the project
17 for which the grant proposal is submitted
18 will meet the educational or career training
19 needs of workers in the community served
20 by the eligible institution who are eligible
21 for training under section 236;

22 “(iii) the extent to which the project
23 for which the grant proposal is submitted
24 fits within any overall strategic plan devel-

1 oped by an eligible community under sec-
2 tion 276;

3 “(iv) the extent to which the project
4 for which the grant proposal is submitted
5 relates to any project funded by a Sector
6 Partnership Grant awarded under section
7 279A; and

8 “(v) any previous experience of the el-
9 igible institution in providing educational
10 or career training programs to workers eli-
11 gible for training under section 236.

12 “(B) ABSENCE OF EXPERIENCE.—The ab-
13 sence of any previous experience in providing
14 educational or career training programs de-
15 scribed in subparagraph (A)(iv) shall not auto-
16 matically disqualify an eligible institution from
17 receiving a grant under this section.

18 “(5) COMMUNITY OUTREACH REQUIRED.—In
19 order to be considered by the Secretary, a grant pro-
20 posal submitted by an eligible institution under this
21 section shall—

22 “(A) demonstrate that the eligible institu-
23 tion—

1 “(i) reached out to employers, and
2 other entities described in section
3 276(a)(2) to identify—

4 “(I) any shortcomings in existing
5 educational and career training oppor-
6 tunities available to workers in the
7 community; and

8 “(II) any future employment op-
9 portunities within the community and
10 the educational and career training
11 skills required for workers to meet the
12 future employment demand;

13 “(ii) reached out to other similarly sit-
14 uated institutions in an effort to benefit
15 from any best practices that may be shared
16 with respect to providing educational or ca-
17 reer training programs to workers eligible
18 for training under section 236; and

19 “(iii) reached out to any eligible part-
20 nership in the community that has sought
21 or received Sector Partnership Grants
22 under section 279A to enhance the effec-
23 tiveness of each grant and avoid duplica-
24 tion of efforts; and

25 “(B) include a detailed description of—

1 “(i) the extent and outcome of the
2 outreach conducted under subparagraph
3 (A);

4 “(ii) the extent to which the project
5 for which the grant proposal is submitted
6 will contribute to meeting any short-
7 comings identified under subparagraph
8 (A)(i)(I) or any educational or career
9 training needs identified under subpara-
10 graph (A)(i)(II); and

11 “(iii) the extent to which employers,
12 including small- and medium-sized enter-
13 prises within the community, have dem-
14 onstrated a commitment to employing
15 workers who would benefit from the project
16 for which the grant proposal is submitted.

17 “(d) CRITERIA FOR AWARD OF GRANTS.—

18 “(1) IN GENERAL.—Subject to the appropria-
19 tion of funds, the Secretary shall award a grant
20 under this section based on—

21 “(A) a determination of the merits of the
22 grant proposal submitted by the eligible institu-
23 tion to develop, offer, or improve educational or
24 career training programs to be made available

1 to workers eligible for training under section
2 236;

3 “(B) an evaluation of the likely employ-
4 ment opportunities available to workers who
5 complete an educational or career training pro-
6 gram that the eligible institution proposes to
7 develop, offer, or improve; and

8 “(C) an evaluation of prior demand for
9 training programs by workers eligible for train-
10 ing under section 236 in the community served
11 by the eligible institution, as well as the avail-
12 ability and capacity of existing training pro-
13 grams to meet future demand for training pro-
14 grams.

15 “(2) PRIORITY FOR CERTAIN COMMUNITIES.—
16 In awarding grants under this section, the Secretary
17 shall give priority to eligible institutions that serve
18 communities that the Secretary of Commerce has
19 determined under section 273 are eligible to apply
20 for assistance under subchapter A within the 5-year
21 period preceding the date on which the grant pro-
22 posals are submitted to the Secretary under this sec-
23 tion.

24 “(3) MATCHING REQUIREMENTS.—A grant
25 awarded under this section may not be used to sat-

1 isfy any private matching requirement under any
2 other provision of law.

3 “(e) ANNUAL REPORT.—Not later than December 15
4 in each of the calendar years 2009 through 2013, the Sec-
5 retary shall submit to the Committee on Finance of the
6 Senate and the Committee on Ways and Means of the
7 House of Representatives a report—

8 “(1) describing each grant awarded under this
9 section during the preceding fiscal year; and

10 “(2) assessing the impact of each award of a
11 grant under this section in a fiscal year preceding
12 the fiscal year referred to in paragraph (1) on work-
13 ers receiving training under section 236.

14 **“SEC. 279. AUTHORIZATION OF APPROPRIATIONS.**

15 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary of
17 Labor \$40,000,000 for each of the fiscal years 2009 and
18 2010, and \$10,000,000 for the period beginning October
19 1, 2010 and ending December 31, 2010, to fund the Com-
20 munity College and Career Training Grant Program.
21 Funds appropriated pursuant to this section shall remain
22 available until expended, except that no such funds may
23 be expended after December 31, 2010.

24 “(b) SUPPLEMENT NOT SUPPLANT.—Funds appro-
25 priated pursuant to this section shall be used to supple-

1 ment and not supplant other Federal, State, and local
2 public funds expended to support community college and
3 career training programs.

4 **“Subchapter C—Industry or Sector Partner-**
5 **ship Grant Program for Communities Im-**
6 **acted by Trade**

7 **“SEC. 279A. INDUSTRY OR SECTOR PARTNERSHIP GRANT**
8 **PROGRAM FOR COMMUNITIES IMPACTED BY**
9 **TRADE.**

10 “(a) PURPOSE.—The purpose of this subchapter is
11 to facilitate efforts by industry or sector partnerships to
12 strengthen and revitalize industries and create employ-
13 ment opportunities for workers in communities impacted
14 by trade.

15 “(b) DEFINITIONS.—In this subchapter:

16 “(1) COMMUNITY IMPACTED BY TRADE.—The
17 term ‘community impacted by trade’ has the mean-
18 ing given that term in section 271.

19 “(2) DISLOCATED WORKER.—The term ‘dis-
20 located worker’ means a worker who has been totally
21 or partially separated, or is threatened with total or
22 partial separation, from employment in an industry
23 or sector in a community impacted by trade.

24 “(3) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
25 ble partnership’ means a voluntary partnership com-

1 posed of public and private persons, firms, or other
2 entities within a community impacted by trade, that
3 shall include representatives of—

4 “(A) an industry or sector within the com-
5 munity, including an industry association;

6 “(B) local, county, or State government;

7 “(C) multiple firms in the industry or sec-
8 tor, including small- and medium-sized firms,
9 within the community;

10 “(D) local workforce investment boards es-
11 tablished under section 117 of the Workforce
12 Investment Act of 1998 (29 U.S.C. 2832);

13 “(E) labor organizations, including State
14 labor federations and labor-management initia-
15 tives, representing workers in the community;
16 and

17 “(F) educational institutions, local edu-
18 cational agencies, or other training providers
19 serving the community.

20 “(4) LEAD ENTITY.—The term ‘lead entity’
21 means—

22 “(A) an entity designated by the eligible
23 partnership to be responsible for submitting a
24 grant proposal under subsection (e) and serving
25 as the eligible partnership’s fiscal agent in ex-

1 pending any Sector Partnership Grant awarded
2 under this section; or

3 “(B) a State agency designated by the
4 Governor of the State to carry out the respon-
5 sibilities described in subparagraph (A).

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

8 “(6) TARGETED INDUSTRY OR SECTOR.—The
9 term ‘targeted industry or sector’ means the indus-
10 try or sector represented by an eligible partnership.

11 “(c) SECTOR PARTNERSHIP GRANTS AUTHOR-
12 IZED.—Beginning on August 1, 2009, and subject to the
13 appropriation of funds, the Secretary shall award Sector
14 Partnership Grants to eligible partnerships to assist the
15 eligible partnerships in carrying out projects, over periods
16 of not more than 3 years, to strengthen and revitalize in-
17 dustries and sectors and create employment opportunities
18 for dislocated workers.

19 “(d) USE OF SECTOR PARTNERSHIP GRANTS.—An
20 eligible partnership may use a Sector Partnership Grant
21 to carry out any project that the Secretary determines will
22 further the purpose of this subchapter, which may in-
23 clude—

24 “(1) identifying the skill needs of the targeted
25 industry or sector and any gaps in the available sup-

1 ply of skilled workers in the community impacted by
2 trade, and developing strategies for filling the gaps,
3 including by—

4 “(A) developing systems to better link
5 firms in the targeted industry or sector to avail-
6 able skilled workers;

7 “(B) helping firms in the targeted industry
8 or sector to obtain access to new sources of
9 qualified job applicants;

10 “(C) retraining dislocated and incumbent
11 workers; or

12 “(D) facilitating the training of new skilled
13 workers by aligning the instruction provided by
14 local suppliers of education and training serv-
15 ices with the needs of the targeted industry or
16 sector;

17 “(2) analyzing the skills and education levels of
18 dislocated and incumbent workers and developing
19 training to address skill gaps that prevent such
20 workers from obtaining jobs in the targeted industry
21 or sector;

22 “(3) helping firms, especially small- and me-
23 dium-sized firms, in the targeted industry or sector
24 increase their productivity and the productivity of
25 their workers;

1 “(4) helping such firms retain incumbent work-
2 ers;

3 “(5) developing learning consortia of small- and
4 medium-sized firms in the targeted industry or sec-
5 tor with similar training needs to enable the firms
6 to combine their purchases of training services, and
7 thereby lower their training costs;

8 “(6) providing information and outreach activi-
9 ties to firms in the targeted industry or sector re-
10 garding the activities of the eligible partnership and
11 other local service suppliers that could assist the
12 firms in meeting needs for skilled workers;

13 “(7) seeking, applying, and disseminating best
14 practices learned from similarly situated commu-
15 nities impacted by trade in the development and im-
16 plementation of economic growth and revitalization
17 strategies; and

18 “(8) identifying additional public and private
19 resources to support the activities described in this
20 subsection, which may include the option to apply
21 for a community grant under section 275 or a Com-
22 munity College and Career Training Grant under
23 section 278 (subject to meeting any additional re-
24 quirements of those sections).

25 “(e) GRANT PROPOSALS.—

1 “(1) IN GENERAL.—The lead entity of an eligi-
2 ble partnership seeking to receive a Sector Partner-
3 ship Grant under this section shall submit a grant
4 proposal to the Secretary at such time, in such man-
5 ner, and containing such information as the Sec-
6 retary may require.

7 “(2) GENERAL REQUIREMENTS OF GRANT PRO-
8 POSALS.—A grant proposal submitted under para-
9 graph (1) shall, at a minimum—

10 “(A) identify the members of the eligible
11 partnership;

12 “(B) identify the targeted industry or sec-
13 tor for which the eligible partnership intends to
14 carry out projects using the Sector Partnership
15 Grant;

16 “(C) describe the goals that the eligible
17 partnership intends to achieve to promote the
18 targeted industry or sector;

19 “(D) describe the projects that the eligible
20 partnership will undertake to achieve such
21 goals;

22 “(E) demonstrate that the eligible partner-
23 ship has the organizational capacity to carry
24 out the projects described in subparagraph (D);

25 “(F) explain—

1 “(i) whether—

2 “(I) the community impacted by
3 trade has sought or received a com-
4 munity grant under section 275;

5 “(II) an eligible institution in the
6 community has sought or received a
7 Community College and Career Train-
8 ing Grant under section 278; or

9 “(III) any other entity in the
10 community has received funds pursu-
11 ant to any other federally funded
12 training project; and

13 “(ii) how the eligible partnership will
14 coordinate its use of a Sector Partnership
15 Grant with the use of such other grants or
16 funds in order to enhance the effectiveness
17 of each grant and any such funds and
18 avoid duplication of efforts; and

19 “(G) include performance measures, devel-
20 oped based on the performance measures issued
21 by the Secretary under subsection (g)(2), and a
22 timeline for measuring progress toward achiev-
23 ing the goals described in subparagraph (C).

24 “(f) AWARD OF GRANTS.—

1 “(1) Upon application by the lead entity of an
2 eligible partnership, the Secretary may award a Sec-
3 tor Partnership Grant to the eligible partnership to
4 assist the partnership in carrying out any of the
5 projects in the grant proposal that the Secretary de-
6 termines will further the purposes of this sub-
7 chapter.

8 “(2) An eligible partnership may not be award-
9 ed—

10 “(A) more than 1 Sector Partnership
11 Grant; or

12 “(B) a total grant award under this sub-
13 chapter in excess of—

14 “(i) except as provided in clause (ii),
15 \$2,500,000; or

16 “(ii) in the case of an eligible partner-
17 ship located within a community impacted
18 by trade that is not served by an institu-
19 tion receiving a Community College and
20 Career Training Grant under section 278,
21 \$3,000,000.

22 “(g) ADMINISTRATION BY THE SECRETARY.—

23 “(1) TECHNICAL ASSISTANCE AND OVER-
24 SIGHT.—

1 “(A) IN GENERAL.—The Secretary shall
2 provide technical assistance to, and oversight
3 of, the lead entity of an eligible partnership in
4 applying for and administering Sector Partner-
5 ship Grants awarded under this section.

6 “(B) TECHNICAL ASSISTANCE.—Technical
7 assistance provided under subparagraph (A)
8 shall include providing conferences and such
9 other methods of collecting and disseminating
10 information on best practices developed by eligi-
11 ble partnerships as the Secretary determines
12 appropriate.

13 “(C) GRANTS OR CONTRACTS FOR TECH-
14 NICAL ASSISTANCE.—The Secretary may award
15 a grant or contract to 1 or more national or
16 State organizations to provide technical assist-
17 ance to foster the planning, formation, and im-
18 plementation of eligible partnerships.

19 “(2) PERFORMANCE MEASURES.—The Sec-
20 retary shall issue a range of performance measures,
21 with quantifiable benchmarks, and methodologies
22 that eligible partnerships may use to measure
23 progress toward the goals described in subsection
24 (e). In developing such measures, the Secretary shall
25 consider the benefits of the eligible partnership and

1 its activities for workers, firms, industries, and com-
2 munities.

3 “(h) REPORTS.—

4 “(1) PROGRESS REPORT.—Not later than 1
5 year after receiving a Sector Partnership Grant, and
6 3 years thereafter, the lead entity shall submit to
7 the Secretary, on behalf of the eligible partnership,
8 a report containing—

9 “(A) a detailed description of the progress
10 made toward achieving the goals described in
11 subsection (e)(2)(C), using the performance
12 measures required under subsection (e)(2)(G);

13 “(B) a detailed evaluation of the impact of
14 the grant award on workers and employers in
15 the community impacted by trade; and

16 “(C) a detailed description of all expendi-
17 tures of funds awarded to the eligible partner-
18 ship under the Sector Partnership Grant ap-
19 proved by the Secretary under this subchapter.

20 “(2) ANNUAL REPORT.—Not later than Decem-
21 ber 15 in each of the calendar years 2009 through
22 2013, the Secretary shall submit to the Committee
23 on Finance of the Senate and the Committee on
24 Ways and Means of the House of Representatives a
25 report—

1 “(A) describing each Sector Partnership
2 Grant awarded to an eligible partnership during
3 the preceding fiscal year; and

4 “(B) assessing the impact of each Sector
5 Partnership Grant awarded in a fiscal year pre-
6 ceding the fiscal year referred to in subpara-
7 graph (A) on workers and employers in commu-
8 nities impacted by trade.

9 **“SEC. 279B. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—There are authorized to be ap-
11 propriated to the Secretary of Labor \$40,000,000 for each
12 of the fiscal years 2009 and 2010, and \$10,000,000 for
13 the period beginning October 1, 2010, and ending Decem-
14 ber 31, 2010, to carry out the Sector Partnership Grant
15 program under section 279A. Funds appropriated pursu-
16 ant to this section shall remain available until expended,
17 except that no such funds may be expended after Decem-
18 ber 31, 2010.

19 “(b) SUPPLEMENT NOT SUPPLANT.—Funds appro-
20 priated pursuant to this section shall be used to supple-
21 ment and not supplant other Federal, State, and local
22 public funds expended to support the economic develop-
23 ment of local communities.

24 “(c) ADMINISTRATIVE COSTS.—The Secretary may
25 retain not more than 5 percent of the funds appropriated

1 pursuant to the authorization of appropriations under this
 2 section for each fiscal year to administer the Sector Part-
 3 nership Grant program under section 279A.

4 **“Subchapter D—General Provisions**

5 **“SEC. 279C. RULE OF CONSTRUCTION.**

6 “Nothing in this title prevents a worker from receiv-
 7 ing trade adjustment assistance under chapter 2 of this
 8 title at the same time the worker is receiving assistance
 9 in any manner from—

10 “(1) a community receiving a community grant
 11 under subchapter A;

12 “(2) an eligible institution receiving a Commu-
 13 nity College and Career Training Grant under sub-
 14 chapter B; or

15 “(3) an eligible partnership receiving a Sector
 16 Partnership Grant under subchapter C.”.

17 **SEC. 1773. CONFORMING AMENDMENTS.**

18 (a) TABLE OF CONTENTS.—The table of contents of
 19 the Trade Act of 1974 is amended by striking the items
 20 relating to chapter 4 of title II and inserting the following:

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Subchapter A—Trade Adjustment Assistance for Communities

“Sec. 271. Definitions.

“Sec. 272. Establishment of trade adjustment assistance for communities pro-
 gram.

“Sec. 273. Eligibility; notification.

“Sec. 274. Technical assistance.

“Sec. 275. Grants for eligible communities.

“Sec. 276. Strategic plans.

“Sec. 277. General provisions.

“Subchapter B—Community College and Career Training Grant Program

“Sec. 278. Community college and career training grant program.

“Sec. 279. Authorization of appropriations.

“Subchapter C—Industry or Sector Partnership Grant Program for
Communities Impacted by Trade

“Sec. 279A. Industry or sector partnership grant program for communities im-
pacted by trade.

“Sec. 279B. Authorization of appropriations.

“Subchapter D—General Provisions

“Sec. 279C. Rule of construction.”

1 (b) JUDICIAL REVIEW.—

2 (1) Section 284(a) of the Trade Act of 1974

3 (19 U.S.C. 2395(a)) is amended—

4 (A) by inserting “or 296” after “section
5 293”;

6 (B) by striking “or any other interested
7 domestic party” and inserting “or authorized
8 representative of a community”; and

9 (C) by striking “section 271” and inserting
10 “section 273”.

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

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

15 (B) in paragraph (3)—

16 (i) by striking “271” and inserting
17 “273”; and

18 (ii) by striking the period and insert-
19 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 **PART IV—TRADE ADJUSTMENT ASSISTANCE FOR**
8 **FARMERS**

9 **SEC. 1781. DEFINITIONS.**

10 Section 291 of the Trade Act of 1974 (19 U.S.C.
11 2401) is amended—

12 (1) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) **AGRICULTURAL COMMODITY.**—The term
15 ‘agricultural commodity’ means—

16 “(A) any agricultural commodity (includ-
17 ing livestock) in its raw or natural state; and

18 “(B) any class of goods within an agricul-
19 tural commodity.”;

20 (2) by amending paragraph (2) to read as fol-
21 lows:

22 “(2) **AGRICULTURAL COMMODITY PRODUCER.**—
23 The term ‘agricultural commodity producer’
24 means—

1 “(A) a person that shares in the risk of
2 producing an agricultural commodity and that
3 is entitled to a share of the commodity for mar-
4 keting, including an operator, a sharecropper,
5 or a person that owns or rents the land on
6 which the commodity is produced; or

7 “(B) a person that reports gain or loss
8 from the trade or business of fishing on the
9 person’s annual Federal income tax return for
10 the taxable year that most closely corresponds
11 to the marketing year with respect to which a
12 petition is filed under section 292.”; and

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

14 “(7) **MARKETING YEAR.**—The term ‘marketing
15 year’ means—

16 “(A) a marketing year designated by the
17 Secretary with respect to an agricultural com-
18 modity; or

19 “(B) in the case of an agricultural com-
20 modity with respect to which the Secretary does
21 not designate a marketing year, a calendar
22 year.”.

1 **SEC. 1782. ELIGIBILITY.**

2 (a) IN GENERAL.—Section 292 of the Trade Act of
3 1974 (19 U.S.C. 2401a) is amended by striking sub-
4 sections (c) through (e) and inserting the following:

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

9 “(1)(A) the national average price of the agri-
10 cultural commodity produced by the group during
11 the most recent marketing year for which data are
12 available is less than 85 percent of the average of
13 the national average price for the commodity in the
14 3 marketing years preceding such marketing year;

15 “(B) the quantity of production of the agricul-
16 tural commodity produced by the group during such
17 marketing year is less than 85 percent of the aver-
18 age of the quantity of production of the commodity
19 produced by the group in the 3 marketing years pre-
20 ceeding such marketing year;

21 “(C) the value of production of the agricultural
22 commodity produced by the group during such mar-
23 keting year is less than 85 percent of the average
24 value of production of the commodity produced by
25 the group in the 3 marketing years preceding such
26 marketing year; or

1 “(D) the cash receipts for the agricultural com-
2 modity produced by the group during such mar-
3 keting year are less than 85 percent of the average
4 of the cash receipts for the commodity produced by
5 the group in the 3 marketing years preceding such
6 marketing year;

7 “(2) the volume of imports of articles like or di-
8 rectly competitive with the agricultural commodity
9 produced by the group in the marketing year with
10 respect to which the group files the petition in-
11 creased compared to the average volume of such im-
12 ports during the 3 marketing years preceding such
13 marketing year; and

14 “(3) the increase in such imports contributed
15 importantly to the decrease in the national average
16 price, quantity of production, or value of production
17 of, or cash receipts for, the agricultural commodity,
18 as described in paragraph (1).

19 “(d) ELIGIBILITY OF CERTAIN OTHER PRO-
20 DUCERS.—An agricultural commodity producer or group
21 of producers that resides outside of the State or region
22 identified in the petition filed under subsection (a) may
23 file a request to become a party to that petition not later
24 than 15 days after the date the notice is published in the

1 Federal Register under subsection (a) with respect to that
2 petition.

3 “(e) TREATMENT OF CLASSES OF GOODS WITHIN A
4 COMMODITY.—In any case in which there are separate
5 classes of goods within an agricultural commodity, the
6 Secretary shall treat each class as a separate commodity
7 in determining under subsection (c)—

8 “(1) group eligibility;

9 “(2) the national average price, quantity of pro-
10 duction, or value of production, or cash receipts; and

11 “(3) the volume of imports.”.

12 (b) CONFORMING AMENDMENTS.—Section 293 of the
13 Trade Act of 1974 (19 U.S.C. 2401b) is amended—

14 (1) in subsection (a), by striking “section 292
15 (c) or (d), as the case may be,” and inserting “sec-
16 tion 292(c)”; and

17 (2) in subsection (c), by striking “decline in
18 price for” and inserting “decrease in the national
19 average price, quantity of production, or value of
20 production of, or cash receipts for”.

21 **SEC. 1783. BENEFITS.**

22 (a) IN GENERAL.—Section 296 of the Trade Act of
23 1974 (19 U.S.C. 2401e) is amended to read as follows:

1 **“SEC. 296. QUALIFYING REQUIREMENTS AND BENEFITS**
2 **FOR AGRICULTURAL COMMODITY PRO-**
3 **DUCERS.**

4 “(a) IN GENERAL.—

5 “(1) REQUIREMENTS.—

6 “(A) IN GENERAL.—Benefits under this
7 chapter shall be available to an agricultural
8 commodity producer covered by a certification
9 under this chapter who files an application for
10 such benefits not later than 90 days after the
11 date on which the Secretary makes a deter-
12 mination and issues a certification of eligibility
13 under section 293, if the producer submits to
14 the Secretary sufficient information to establish
15 that—

16 “(i) the producer produced or har-
17 vested the agricultural commodity covered
18 by the application filed under this sub-
19 section in the marketing year with respect
20 to which the petition is filed and in at least
21 1 of the 3 marketing years preceding that
22 marketing year;

23 “(ii)(I) there has been a decrease in
24 the amount of the agricultural commodity
25 produced by the producer based on the
26 amount of the agricultural commodity that

1 was produced by the producer in the mar-
2 keting year with respect to which the peti-
3 tion is filed and the most recent marketing
4 year preceding that marketing year for
5 which data are available; or

6 “(II) there has been a decrease in the
7 price of the agricultural commodity based
8 on—

9 “(aa) the price received for the
10 agricultural commodity by the pro-
11 ducer during the marketing year with
12 respect to which the petition is filed
13 and the average price for the com-
14 modity received by the producer in the
15 3 marketing years preceding that
16 marketing year; or

17 “(bb) the county level price main-
18 tained by the Secretary for the agri-
19 cultural commodity on the date on
20 which the petition is filed and the av-
21 erage county level price for the com-
22 modity in the 3 marketing years pre-
23 ceding the date on which the petition
24 is filed; and

25 “(iii) the producer is not receiving—

1 “(I) cash benefits under chapter
2 2 or 3; or

3 “(II) benefits based on the pro-
4 duction of an agricultural commodity
5 covered by another petition filed
6 under this chapter.

7 “(B) SPECIAL RULE WITH RESPECT TO
8 CROPS NOT GROWN EVERY YEAR.—For pur-
9 poses of subparagraph (A)(ii)(II)(aa), if a peti-
10 tion is filed with respect to an agricultural com-
11 modity that is not produced by the producer
12 every year, an agricultural commodity producer
13 producing that commodity may establish the av-
14 erage price received for the commodity by the
15 producer in the 3 marketing years preceding
16 the year with respect to which the petition is
17 filed by using average price data for the 3 most
18 recent marketing years in which the producer
19 produced the commodity and for which data are
20 available.

21 “(2) LIMITATIONS BASED ON ADJUSTED GROSS
22 INCOME.—

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

1 sistance under this chapter in any year in which
2 the average adjusted gross income (as defined
3 in section 1001D(a) of the Food Security Act
4 of 1985 (7 U.S.C. 1308–3a(a)) of the producer
5 exceeds the level set forth in subparagraph (A)
6 or (B) of section 1001D(b)(1) of the Food Se-
7 curity Act of 1985 (7 U.S.C. 1308–3a(b)(1)),
8 whichever is applicable.

9 “(B) DEMONSTRATION OF COMPLIANCE.—
10 An agricultural commodity producer shall pro-
11 vide to the Secretary such information as the
12 Secretary determines necessary to demonstrate
13 that the producer is in compliance with the lim-
14 itation under subparagraph (A).

15 “(C) COUNTER-CYCLICAL AND ACRE PAY-
16 MENTS.—The total amount of payments made
17 to an agricultural commodity producer under
18 this chapter during any crop year may not ex-
19 ceed the limitations on payments set forth in
20 subsections (b)(2), (b)(3), (c)(2), and (c)(3) of
21 section 1001 of the Food Security Act of 1985
22 (7 U.S.C. 1308).

23 “(b) TECHNICAL ASSISTANCE.—

24 “(1) INITIAL TECHNICAL ASSISTANCE.—

1 “(A) IN GENERAL.—An agricultural com-
2 modity producer that files an application and
3 meets the requirements under subsection (a)(1)
4 shall be entitled to receive initial technical as-
5 sistance designed to improve the competitive-
6 ness of the production and marketing of the ag-
7 ricultural commodity with respect to which the
8 producer was certified under this chapter. Such
9 assistance shall include information regarding—

10 “(i) improving the yield and mar-
11 keting of that agricultural commodity; and

12 “(ii) the feasibility and desirability of
13 substituting one or more alternative agri-
14 cultural commodities for that agricultural
15 commodity.

16 “(B) TRANSPORTATION AND SUBSISTENCE
17 EXPENSES.—

18 “(i) IN GENERAL.—The Secretary
19 may authorize supplemental assistance
20 necessary to defray reasonable transpor-
21 tation and subsistence expenses incurred
22 by an agricultural commodity producer in
23 connection with initial technical assistance
24 under subparagraph (A) if such assistance
25 is provided at facilities that are not within

1 normal commuting distance of the regular
2 place of residence of the producer.

3 “(ii) EXCEPTIONS.—The Secretary
4 may not authorize payments to an agricul-
5 tural commodity producer under clause
6 (i)—

7 “(I) for subsistence expenses that
8 exceed the lesser of—

9 “(aa) the actual per diem
10 expenses for subsistence incurred
11 by a producer; or

12 “(bb) the prevailing per
13 diem allowance rate authorized
14 under Federal travel regulations;
15 or

16 “(II) for travel expenses that ex-
17 ceed the prevailing mileage rate au-
18 thorized under the Federal travel reg-
19 ulations.

20 “(2) INTENSIVE TECHNICAL ASSISTANCE.—A
21 producer that has completed initial technical assist-
22 ance under paragraph (1) shall be eligible to partici-
23 pate in intensive technical assistance. Such assist-
24 ance shall consist of—

1 “(A) a series of courses to further assist
2 the producer in improving the competitiveness
3 of the producer in producing—

4 “(i) the agricultural commodity with
5 respect to which the producer was certified
6 under this chapter; or

7 “(ii) another agricultural commodity;
8 and

9 “(B) assistance in developing an initial
10 business plan based on the courses completed
11 under subparagraph (A).

12 “(3) INITIAL BUSINESS PLAN.—

13 “(A) APPROVAL BY SECRETARY.—The Sec-
14 retary shall approve an initial business plan de-
15 veloped under paragraph (2)(B) if the plan—

16 “(i) reflects the skills gained by the
17 producer through the courses described in
18 paragraph (2)(A); and

19 “(ii) demonstrates how the producer
20 will apply those skills to the circumstances
21 of the producer.

22 “(B) FINANCIAL ASSISTANCE FOR IMPLE-
23 MENTING INITIAL BUSINESS PLAN.—Upon ap-
24 proval of the producer’s initial business plan by
25 the Secretary under subparagraph (A), a pro-

1 ducer shall be entitled to an amount not to ex-
2 ceed \$4,000 to—

3 “(i) implement the initial business
4 plan; or

5 “(ii) develop a long-term business ad-
6 justment plan under paragraph (4).

7 “(4) LONG-TERM BUSINESS ADJUSTMENT
8 PLAN.—

9 “(A) IN GENERAL.—A producer that has
10 completed intensive technical assistance under
11 paragraph (2) and whose initial business plan
12 has been approved under paragraph (3)(A)
13 shall be eligible for, in addition to the amount
14 under subparagraph (C), assistance in devel-
15 oping a long-term business adjustment plan.

16 “(B) APPROVAL OF LONG-TERM BUSINESS
17 ADJUSTMENT PLANS.—The Secretary shall ap-
18 prove a long-term business adjustment plan de-
19 veloped under subparagraph (A) if the Sec-
20 retary determines that the plan—

21 “(i) includes steps reasonably cal-
22 culated to materially contribute to the eco-
23 nomic adjustment of the producer to
24 changing market conditions;

1 “(ii) takes into consideration the in-
2 terests of the workers employed by the pro-
3 ducer; and

4 “(iii) demonstrates that the producer
5 will have sufficient resources to implement
6 the business plan.

7 “(C) PLAN IMPLEMENTATION.—Upon ap-
8 proval of the producer’s long-term business ad-
9 justment plan under subparagraph (B), a pro-
10 ducer shall be entitled to an amount not to ex-
11 ceed \$8,000 to implement the long-term busi-
12 ness adjustment plan.

13 “(c) MAXIMUM AMOUNT OF ASSISTANCE.—An agri-
14 cultural commodity producer may receive not more than
15 \$12,000 under paragraphs (3) and (4) of subsection (b)
16 in the 36-month period following certification under sec-
17 tion 293.

18 “(d) LIMITATIONS ON OTHER ASSISTANCE.—An ag-
19 ricultural commodity producer that receives benefits under
20 this chapter (other than initial technical assistance under
21 subsection (b)(1)) shall not be eligible for cash benefits
22 under chapter 2 or 3.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of the Trade Act of 1974 is amended by striking the item
25 relating to section 296 and inserting the following:

“Sec. 296. Qualifying requirements and benefits for agricultural commodity producers.”.

1 **SEC. 1784. REPORT.**

2 Section 293 of the Trade Act of 1974 (19 U.S.C.
3 2401b) is amended by adding at the end the following:

4 “(d) **REPORT BY THE SECRETARY.**—Not later than
5 January 30, 2010, and annually thereafter, the Secretary
6 of Agriculture shall submit to the Committee on Finance
7 of the Senate and the Committee on Ways and Means of
8 the House of Representatives a report containing the fol-
9 lowing information with respect to adjustment assistance
10 provided under this chapter during the preceding fiscal
11 year:

12 “(1) A list of the agricultural commodities cov-
13 ered by a certification under this chapter.

14 “(2) The States or regions in which such com-
15 modities are produced and the aggregate amount of
16 such commodities produced in each such State or re-
17 gion.

18 “(3) The total number of agricultural com-
19 modity producers, by congressional district, receiving
20 benefits under this chapter.

21 “(4) The total number of agricultural com-
22 modity producers, by congressional district, receiving
23 technical assistance under this chapter.”.

1 **SEC. 1785. FRAUD AND RECOVERY OF OVERPAYMENTS.**

2 Section 297(a)(1) of the Trade Act of 1974 (19
3 U.S.C. 2401f(a)(1)) is amended by inserting “or has ex-
4 pended funds received under this chapter for a purpose
5 that was not approved by the Secretary,” after “entitled,”.

6 **SEC. 1786. DETERMINATION OF INCREASES OF IMPORTS**
7 **FOR CERTAIN FISHERMEN.**

8 Notwithstanding any other provision of law, for pur-
9 poses of chapters 2 and 6 of title II of the Trade Act
10 of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricul-
11 tural commodity producer that—

12 (1) is a fisherman or aquaculture producer, and

13 (2) is otherwise eligible for adjustment assist-
14 ance under chapter 2 or 6, as the case may be,

15 the increase in imports of articles like or directly competi-
16 tive with the agricultural commodity produced by such
17 producer may be based on imports of wild-caught seafood,
18 farm-raised seafood, or both.

19 **SEC. 1787. EXTENSION OF TRADE ADJUSTMENT ASSIST-**
20 **ANCE FOR FARMERS.**

21 Section 298(a) of the Trade Act of 1974 (19 U.S.C.
22 2401g(a)) is amended by striking “fiscal years 2003
23 through 2007” and all that follows through the end period
24 and inserting “fiscal years 2009 and 2010 and
25 \$22,500,000 for the period beginning October 1, 2010,
26 and ending December 31, 2010, to carry out the purposes

1 of this chapter, including administrative costs, and sala-
2 ries and expenses of employees of the Department of Agri-
3 culture.”.

4 **PART V—GENERAL PROVISIONS**

5 **SEC. 1791. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as otherwise provided in
7 this subtitle, and subsection (b) of this section, this sub-
8 title and the amendments made by this subtitle—

9 (1) shall take effect upon the expiration of the
10 90-day period beginning on the date of the enact-
11 ment of this Act; and

12 (2) shall apply to—

13 (A) petitions for certification filed under
14 chapter 2, 3, or 6 of title II of the Trade Act
15 of 1974 on or after the effective date described
16 in paragraph (1); and

17 (B) petitions for assistance filed under
18 chapter 4 of title II of the Trade Act of 1974
19 on or after such effective date.

20 (b) CERTIFICATIONS MADE BEFORE EFFECTIVE
21 DATE.—Notwithstanding subsection (a)—

22 (1) a worker shall continue to receive (or be eli-
23 gible to receive) trade adjustment assistance and
24 other benefits under subchapter B of chapter 2 of
25 title II of the Trade Act of 1974, as in effect on the

1 day before the effective date described in subsection
2 (a)(1), for any week for which the worker meets the
3 eligibility requirements of such chapter 2 as in effect
4 on the day before such effective date, if the work-
5 er—

6 (A) is certified as eligible for trade adjust-
7 ment assistance benefits under such chapter 2
8 pursuant to a petition filed under section 221
9 of the Trade Act of 1974 on or before such ef-
10 fective date; and

11 (B) would otherwise be eligible to receive
12 trade adjustment assistance benefits under such
13 chapter as in effect on the day before such ef-
14 fective date;

15 (2) a worker shall continue to receive (or be eli-
16 gible to receive) benefits under section 246(a)(2) of
17 the Trade Act of 1974, as in effect on the day be-
18 fore the effective date described in subsection (a)(1),
19 for such period for which the worker meets the eligi-
20 bility requirements of section 246 of that Act as in
21 effect on the day before such effective date, if the
22 worker—

23 (A) is certified as eligible for benefits
24 under such section 246 pursuant to a petition

1 filed under section 221 of the Trade Act of
2 1974 on or before such effective date; and

3 (B) would otherwise be eligible to receive
4 benefits under such section 246(a)(2) as in ef-
5 fect on the day before such effective date; and

6 (3) a firm shall continue to receive (or be eligi-
7 ble to receive) adjustment assistance under chapter
8 3 of title II of the Trade Act if 1974, as in effect
9 on the day before the effective date described in sub-
10 section (a)(1), for such period for which the firm
11 meets the eligibility requirements of such chapter 3
12 as in effect on the day before such effective date, if
13 the firm—

14 (A) is certified as eligible for benefits
15 under such chapter 3 pursuant to a petition
16 filed under section 251 of the Trade Act of
17 1974 on or before such effective date; and

18 (B) would otherwise be eligible to receive
19 benefits under such chapter 3 as in effect on
20 the day before such effective date.

21 **SEC. 1792. EXTENSION OF TRADE ADJUSTMENT ASSIST-**
22 **ANCE PROGRAMS.**

23 (a) FOR WORKERS.—Section 245(a) of the Trade Act
24 of 1974 (19 U.S.C. 2317(a)) is amended by striking “De-
25 cember 31, 2007” and inserting “December 31, 2010”.

1 (b) TERMINATION.—Section 285 of the Trade Act of
2 1974 (19 U.S.C. 2271 note prec.) is amended—

3 (1) by striking “December 31, 2007” each
4 place it appears (other than subsection (b)(1)) and
5 inserting “December 31, 2010”; and

6 (2) in subsection (b)—

7 (A) by amending paragraph (1) to read as
8 follows:

9 “(1) ASSISTANCE FOR FIRMS.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), technical assistance and
12 grants may not be provided under chapter 3
13 after December 31, 2010.

14 “(B) EXCEPTION.—Notwithstanding sub-
15 paragraph (A), any technical assistance or
16 grant approved under chapter 3 on or before
17 December 31, 2010, may be provided—

18 “(i) to the extent funds are available
19 pursuant to such chapter for such purpose;
20 and

21 “(ii) to the extent the recipient of the
22 technical assistance or grant is otherwise
23 eligible to receive such technical assistance
24 or grant, as the case may be.”; and

25 (B) by adding at the end the following:

1 “(3) ASSISTANCE FOR COMMUNITIES.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), technical assistance and
4 grants may not be provided under chapter 4
5 after December 31, 2010.

6 “(B) EXCEPTION.—Notwithstanding sub-
7 paragraph (A), any technical assistance or
8 grant approved under chapter 4 on or before
9 December 31, 2010, may be provided—

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

13 “(ii) to the extent the recipient of the
14 technical assistance or grant is otherwise
15 eligible to receive such technical assistance
16 or grant, as the case may be.”.

17 **SEC. 1793. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
18 **PORT.**

19 Not later than September 30, 2012, the Comptroller
20 General of the United States shall prepare and submit to
21 the Committee on Finance of the Senate and the Com-
22 mittee on Ways and Means of the House of Representa-
23 tives a comprehensive report on the operation and effec-
24 tiveness of the amendments made by this subtitle to chap-
25 ters 2, 3, 4, and 6 of the Trade Act of 1974.

1 **SEC. 1794. EMERGENCY DESIGNATION.**

2 Amounts appropriated pursuant to this subtitle are
3 designated as an emergency requirement and necessary to
4 meet emergency needs pursuant to section 204(a) of S.
5 Con. Res. 21 (110th Congress) and section 301(b)(2) of
6 S. Con. Res. 70 (110th Congress), the concurrent resolu-
7 tions on the budget for fiscal years 2008 and 2009.

8 **PART VI—HEALTH COVERAGE IMPROVEMENT**

9 **SEC. 1799. SHORT TITLE.**

10 This part may be cited as the “TAA Health Coverage
11 Improvement Act of 2009”.

12 **SEC. 1799A. IMPROVEMENT OF THE AFFORDABILITY OF**
13 **THE CREDIT.**

14 (a) IMPROVEMENT OF AFFORDABILITY.—

15 (1) IN GENERAL.—Section 35(a) of the Internal
16 Revenue Code of 1986 (relating to credit for health
17 insurance costs of eligible individuals) is amended by
18 striking “65” and inserting “80”.

19 (2) CONFORMING AMENDMENT.—Section
20 7527(b) of such Code (relating to advance payment
21 of credit for health insurance costs of eligible indi-
22 viduals) is amended by striking “65” and inserting
23 “80”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 this section shall apply to taxable years beginning on or

1 after the first day of the first month beginning 60 days
2 after the date of the enactment of this Act.

3 **SEC. 1799B. PAYMENT FOR MONTHLY PREMIUMS PAID**
4 **PRIOR TO COMMENCEMENT OF ADVANCE**
5 **PAYMENTS OF CREDIT.**

6 (a) PAYMENT FOR PREMIUMS DUE PRIOR TO COM-
7 MENCEMENT OF ADVANCE PAYMENTS OF CREDIT.—Sec-
8 tion 7527 of the Internal Revenue Code of 1986 (relating
9 to advance payment of credit for health insurance costs
10 of eligible individuals) is amended by adding at the end
11 the following new subsection:

12 “(e) PAYMENT FOR PREMIUMS DUE PRIOR TO COM-
13 MENCEMENT OF ADVANCE PAYMENTS.—

14 “(1) IN GENERAL.—The program established
15 under subsection (a) shall provide that the Secretary
16 shall make 1 or more retroactive payments on behalf
17 of a certified individual in an aggregate amount
18 equal to 80 percent of the premiums for coverage of
19 the taxpayer and qualifying family members under
20 qualified health insurance for eligible coverage
21 months (as defined in section 35(b)) occurring prior
22 to the first month for which an advance payment is
23 made on behalf of such individual under subsection
24 (a).

1 “(2) REDUCTION OF PAYMENT FOR AMOUNTS
2 RECEIVED UNDER NATIONAL EMERGENCY
3 GRANTS.—The amount of any payment determined
4 under paragraph (1) shall be reduced by the amount
5 of any payment made to the taxpayer for the pur-
6 chase of qualified health insurance under a national
7 emergency grant pursuant to section 173(f) of the
8 Workforce Investment Act of 1998 for a taxable
9 year including the eligible coverage months described
10 in paragraph (1).”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to eligible coverage months begin-
13 ning on the date that is 9 months after the date of the
14 enactment of this Act, in taxable years ending after such
15 date.

16 **SEC. 1799C. TAA RECIPIENTS NOT ENROLLED IN TRAINING**
17 **PROGRAMS ELIGIBLE FOR CREDIT.**

18 (a) IN GENERAL.—Paragraph (2) of section 35(c) of
19 the Internal Revenue Code of 1986 (defining eligible TAA
20 recipient) is amended to read as follows:

21 “(2) ELIGIBLE TAA RECIPIENT.—The term ‘eli-
22 gible TAA recipient’ means, with respect to any
23 month, any individual who—

1 “(A) is receiving for any day of such
2 month a trade adjustment allowance under
3 chapter 2 of title II of the Trade Act of 1974,

4 “(B) would be eligible to receive such al-
5 lowance except that such individual is in a
6 break in training provided under a training pro-
7 gram approved under section 236 of such Act
8 that exceeds the period specified in section
9 233(e) of such Act, but is within the period for
10 receiving such allowances provided under sec-
11 tion 233(a) of such Act, or

12 “(C) is receiving unemployment compensa-
13 tion (as defined in section 85(b)) for such
14 month and who would be eligible to receive such
15 allowance for such month if section 231 of such
16 Act were applied without regard to subsections
17 (a)(3)(B) and (a)(5) thereof.

18 An individual shall continue to be treated as an eli-
19 gible TAA recipient during the first month that such
20 individual would otherwise cease to be an eligible
21 TAA recipient by reason of the preceding sentence.”.

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

1 **SEC. 1799D. TAA PRE-CERTIFICATION PERIOD RULE FOR**
2 **PURPOSES OF DETERMINING WHETHER**
3 **THERE IS A 63-DAY LAPSE IN CREDITABLE**
4 **COVERAGE.**

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

10 “(D) TAA-ELIGIBLE INDIVIDUALS.—

11 “(i) TAA PRE-CERTIFICATION PERIOD
12 RULE.—In the case of a TAA-eligible indi-
13 vidual, the period beginning on the date
14 the individual has a TAA-related loss of
15 coverage and ending on the date which is
16 5 days after the date of the issuance by
17 the Secretary (or by any person or entity
18 designated by the Secretary) of a qualified
19 health insurance costs credit eligibility cer-
20 tificate for such individual for purposes of
21 section 7527 shall not be taken into ac-
22 count in determining the continuous period
23 under subparagraph (A).

24 “(ii) DEFINITIONS.—The terms ‘TAA-
25 eligible individual’, and ‘TAA-related loss

1 of coverage’ have the meanings given such
2 terms in section 4980B(f)(5)(C)(iv).”.

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

7 “(C) TAA-ELIGIBLE INDIVIDUALS.—

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

22 “(ii) DEFINITIONS.—The terms ‘TAA-
23 eligible individual’, and ‘TAA-related loss
24 of coverage’ have the meanings given such
25 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 issuance by the
12 Secretary (or by any person or entity des-
13 ignated by the Secretary) of a qualified
14 health insurance costs credit eligibility cer-
15 tificate for such individual for purposes of
16 section 7527 of the Internal Revenue Code
17 of 1986 shall not be taken into account in
18 determining the continuous period under
19 subparagraph (A).

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

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after the
3 date of the enactment of this Act.

4 **SEC. 1799E. CONTINUED QUALIFICATION OF FAMILY MEM-**
5 **BERS AFTER CERTAIN EVENTS.**

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

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

12 “(A) ELIGIBLE INDIVIDUAL BECOMES
13 MEDICARE ELIGIBLE.—In the case of a month
14 which would be an eligible coverage month with
15 respect to an eligible individual described in
16 subparagraph (A) or (B) of subsection (c)(1)
17 but for subsection (f)(2)(A), such month shall
18 be treated as an eligible coverage month with
19 respect to such eligible individual solely for pur-
20 poses of determining the amount of the credit
21 under this section with respect to any qualifying
22 family 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 any qualifying family member of such eligible
16 individual.”

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

21 “(8) CONTINUED QUALIFICATION OF FAMILY
22 MEMBERS AFTER CERTAIN EVENTS.—

23 “(A) ELIGIBLE INDIVIDUAL BECOMES
24 MEDICARE ELIGIBLE.—In the case of a month
25 which would be an eligible coverage month with

1 respect to an eligible individual described in
2 subparagraph (A) or (B) of paragraph (4) but
3 for paragraph (7)(B)(i), such month shall be
4 treated as an eligible coverage month with re-
5 spect to such eligible individual solely for pur-
6 poses of determining the amount of the credit
7 under this section with respect to any qualifying
8 family member of such individual.

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

18 “DEATH.—In the case of a month which
19 occurs after the death of an eligible individual
20 and which would be an eligible coverage month
21 with respect to such eligible individual if the in-
22 dividual had survived and met any applicable
23 eligibility requirements for the maximum per-
24 missible period, such month shall be treated as

1 an eligible coverage month with respect to the
2 spouse of such eligible individual.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to months beginning after Decem-
5 ber 31, 2009.

6 **SEC. 1799F. ALIGNMENT OF COBRA COVERAGE WITH TAA**
7 **PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.**

8 (a) INTERNAL REVENUE CODE OF 1986.—Section
9 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is
10 amended—

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

13 (2) in clause (ii)—

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

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

22 (b) ERISA.—Section 605(b) of the Employee Retire-
23 ment Income Security Act of 1974 (29 U.S.C. 1165(b))
24 is amended—

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

3 (2) in paragraph (2)—

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

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

12 (c) PUBLIC HEALTH SERVICE ACT.—Section
13 2205(b) of the Public Health Service Act (42 U.S.C.
14 300bb–5(b)) is amended—

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

17 (2) in paragraph (2)—

18 (A) in the paragraph 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 section 2202(2)(A) with re-
23 spect to such continuation coverage be less than
24 the period during which the individual is a
25 TAA-eligible individual.”.

1 **SEC. 1799G. ADDITION OF COVERAGE THROUGH VOL-**
2 **UNTARY EMPLOYEES' BENEFICIARY ASSOCIA-**
3 **TIONS.**

4 Paragraph (1) of section 35(e) of the Internal Rev-
5 enue Code of 1986 is amended by adding at the end the
6 following new subparagraph:

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

14 **SEC. 1799H. NOTICE REQUIREMENTS.**

15 (a) **IN GENERAL.**—Subsection (d) of section 7527 of
16 the Internal Revenue Code of 1986 (relating to qualified
17 health insurance costs credit eligibility certificate) is
18 amended to read as follows:

19 “(d) **QUALIFIED HEALTH INSURANCE COSTS ELIGI-**
20 **BILITY CERTIFICATE.**—

21 “(1) **IN GENERAL.**—For purposes of this sec-
22 tion, the term ‘qualified health insurance costs eligi-
23 bility certificate’ means any written statement that
24 an individual is an eligible individual (as defined in
25 section 35(c)) if such statement provides the infor-
26 mation described in paragraph (2) and—

1 “(A) in the case of an eligible TAA recipi-
2 ent (as defined in section 35(c)(2)) or an eligi-
3 ble alternative TAA recipient (as defined in sec-
4 tion 35(c)(3)), is certified by the Secretary of
5 Labor (or by any other person or entity des-
6 ignated by the Secretary), or

7 “(B) in the case of an eligible PBGC pen-
8 sion recipient (as defined in section 35(c)(4)), is
9 certified by the Pension Benefit Guaranty Cor-
10 poration (or by any other person or entity des-
11 ignated by the Secretary).

12 “(2) INCLUSION OF CERTAIN INFORMATION.—
13 The qualified health insurance costs credit eligibility
14 certificate described in paragraph (1) with respect to
15 an eligible individual shall include—

16 “(A) the name, address, and telephone
17 number of the State office or offices responsible
18 for providing the individual with assistance with
19 enrollment in qualified health insurance (as de-
20 fined in section 35(e)),

21 “(B) a list of the coverage options that are
22 treated as qualified health insurance (as so de-
23 fined) by the State in which the individual re-
24 sides,

1 “(C) in the case of a TAA-eligible indi-
2 vidual (as defined in section
3 4980B(f)(5)(C)(iv)(II)), a statement informing
4 the individual that the individual has 63 days
5 from the date that is 5 days after the date of
6 the issuance of such certificate to enroll in such
7 insurance without a lapse in creditable coverage
8 (as defined in section 9801(e)), and

9 “(D) such other information as the Sec-
10 retary may require.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply to certificates issued after the date
13 that is 6 months after the date of the enactment of this
14 Act.

15 **SEC. 1799I. SURVEY AND REPORT ON ENHANCED HEALTH**
16 **COVERAGE TAX CREDIT PROGRAM.**

17 (a) SURVEY.—

18 (1) IN GENERAL.—The Secretary of the Treas-
19 ury shall conduct a biennial survey of eligible indi-
20 viduals (as defined in section 35(e) of the Internal
21 Revenue Code of 1986) relating to the health cov-
22 erage tax credit under section 35 of the Internal
23 Revenue Code of 1986 (hereinafter in this section
24 referred to as the “health coverage tax credit”).

1 (B) NON-HCTC PARTICIPANTS.—In the
2 case of eligible individuals not receiving the
3 health coverage tax credit—

4 (i) demographic information of each
5 individual, including income and education
6 levels,

7 (ii) whether the individual was aware
8 of the health coverage tax credit or the
9 HCTC program,

10 (iii) the reasons the individual has not
11 enrolled in the HCTC program, including
12 whether such reasons include the burden of
13 the process of enrollment and the afford-
14 ability of coverage,

15 (iv) whether the individual has health
16 insurance coverage, and, if so, the source
17 of such coverage, and

18 (v) any other information that the
19 Secretary determines is appropriate.

20 (3) REPORT.—Not later than December 31 of
21 each year in which a survey is conducted under
22 paragraph (1) (beginning in 2010), the Secretary of
23 the Treasury shall report to the Committee on Fi-
24 nance and the Committee on Health, Education,
25 Labor, and Pensions of the Senate and the Com-

1 mittee on Ways and Means and the Committee on
2 Education and Labor of the House of Representa-
3 tives the findings of the most recent survey con-
4 ducted under subsection (a).

5 (b) REPORT.—Not later than October 1 of each year
6 (beginning in 2010), the Secretary of the Treasury (after
7 consultation with the Secretary of Labor, in the case of
8 the information required under paragraph (7)) shall re-
9 port to the Committee on Finance and the Committee on
10 Health, Education, Labor, and Pensions of the Senate and
11 the Committee on Ways and Means and the Committee
12 on Education and Labor of the House of Representatives
13 the following information with respect to the most recent
14 taxable year ending before such date:

15 (1) In each State and nationally—

16 (A) the total number of eligible individuals
17 (as defined in section 35(c) of the Internal Rev-
18 enue Code of 1986) and the number of eligible
19 individuals receiving the health coverage tax
20 credit,

21 (B) the total number of such eligible indi-
22 viduals who receive an advance payment of the
23 health coverage tax credit through the HCTC
24 program,

1 (C) the average length of the time period
2 of the participation of eligible individuals in the
3 HCTC program, and

4 (D) the total number of participating eligi-
5 ble individuals in the HCTC program who are
6 enrolled in each category of coverage as de-
7 scribed in section 35(e)(1) of such Code,
8 with respect to each category of eligible individuals
9 described in section 35(e)(1) of such Code.

10 (2) In each State and nationally, an analysis
11 of—

12 (A) the range of monthly health insurance
13 premiums, for self-only coverage and for family
14 coverage, for individuals receiving the health
15 coverage tax credit, and

16 (B) the average and median monthly
17 health insurance premiums, for self-only cov-
18 erage and for family coverage, for individuals
19 receiving the health coverage tax credit,

20 with respect to each category of coverage as de-
21 scribed in section 35(e)(1) of such Code.

22 (3) In each State and nationally, an analysis of
23 the following information with respect to the health
24 insurance coverage of individuals receiving the
25 health coverage tax credit who are enrolled in cov-

1 erage described in subparagraphs (B) through (H)
2 of section 35(e)(1) of such Code:

3 (A) Deductible amounts.

4 (B) Other out-of-pocket cost-sharing
5 amounts.

6 (C) A description of any annual or lifetime
7 limits on coverage or any other significant lim-
8 its on coverage services, or benefits.

9 The information required under this paragraph shall
10 be reported with respect to each category of coverage
11 described in such subparagraphs.

12 (4) In each State and nationally, the gender
13 and average age of eligible individuals (as defined in
14 section 35(c) of such Code) who receive the health
15 coverage tax credit, in each category of coverage de-
16 scribed in section 35(e)(1) of such Code, with re-
17 spect to each category of eligible individuals de-
18 scribed in such section.

19 (5) The steps taken by the Secretary of the
20 Treasury to increase the participation rates in the
21 HCTC program among eligible individuals, including
22 outreach and enrollment activities.

23 (6) The cost of administering the HCTC pro-
24 gram by function, including the cost of subcontractors,
25 and recommendations on ways to reduce ad-

1 PROTECTIONS.—Funds made available to a
2 State or entity under paragraph (4)(A) of sub-
3 section (a) may be used to provide an eligible
4 individual described in paragraph (4)(C) and
5 such individual’s qualifying family members
6 with health insurance coverage for the 3-month
7 period that immediately precedes the first eligi-
8 ble coverage month (as defined in section 35(b)
9 of the Internal Revenue Code of 1986) in which
10 such eligible individual and such individual’s
11 qualifying family members are covered by quali-
12 fied health insurance that meets the require-
13 ments described in clauses (i) through (v) of
14 section 35(e)(2)(A) of the Internal Revenue
15 Code of 1986 (or such longer minimum period
16 as is necessary in order for such eligible indi-
17 vidual and such individual’s qualifying family
18 members to be covered by qualified health in-
19 surance that meets such requirements).

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

24 “(i) HEALTH INSURANCE COV-
25 ERAGE.—To assist an eligible individual

1 and such individual's qualifying family
2 members with enrolling in health insurance
3 coverage and qualified health insurance or
4 paying premiums for such coverage or in-
5 surance.

6 “(ii) ADMINISTRATIVE EXPENSES AND
7 START-UP EXPENSES TO ESTABLISH
8 GROUP HEALTH PLAN COVERAGE OPTIONS
9 FOR QUALIFIED HEALTH INSURANCE.—To
10 pay the administrative expenses related to
11 the enrollment of eligible individuals and
12 such individuals' qualifying family mem-
13 bers in health insurance coverage and
14 qualified health insurance, including—

15 “(I) eligibility verification activi-
16 ties;

17 “(II) the notification of eligible
18 individuals of available health insur-
19 ance and qualified health insurance
20 options;

21 “(III) processing qualified health
22 insurance costs credit eligibility cer-
23 tificates provided for under section
24 7527 of the Internal Revenue Code of
25 1986;

1 “(IV) providing assistance to eli-
2 gible individuals in enrolling in health
3 insurance coverage and qualified
4 health insurance;

5 “(V) the development or installa-
6 tion of necessary data management
7 systems; and

8 “(VI) any other expenses deter-
9 mined appropriate by the Secretary,
10 including start-up costs and on going
11 administrative expenses, in order for
12 the State to treat the coverage de-
13 scribed in subparagraphs (C) through
14 (H) of section 35(e)(1) of the Internal
15 Revenue Code of 1986 as qualified
16 health insurance under that section.

17 “(iii) OUTREACH.—To pay for out-
18 reach to eligible individuals to inform such
19 individuals of available health insurance
20 and qualified health insurance options, in-
21 cluding outreach consisting of notice to eli-
22 gible individuals of such options made
23 available after the date of enactment of
24 this clause and direct assistance to help
25 potentially eligible individuals and such in-

1 individual's qualifying family members qual-
2 ify and remain eligible for the credit estab-
3 lished under section 35 of the Internal
4 Revenue Code of 1986 and advance pay-
5 ment of such credit under section 7527 of
6 such Code.

7 “(iv) BRIDGE FUNDING.—To assist
8 potentially eligible individuals to purchase
9 qualified health insurance coverage prior to
10 issuance of a qualified health insurance
11 costs credit eligibility certificate under sec-
12 tion 7527 of the Internal Revenue Code of
13 1986 and commencement of advance pay-
14 ment, and receipt of expedited payment,
15 under subsections (a) and (e), respectively,
16 of that section.

17 “(C) RULE OF CONSTRUCTION.—The in-
18 clusion of a permitted use under this paragraph
19 shall not be construed as prohibiting a similar
20 use of funds permitted under subsection (g).”;
21 and

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

24 “(2) QUALIFIED HEALTH INSURANCE.—For
25 purposes of this subsection and subsection (g), the

1 term ‘qualified health insurance’ has the meaning
2 given that term in section 35(e) of the Internal Rev-
3 enue Code of 1986.”.

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

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

10 (2) by striking subparagraph (A) and inserting
11 the following new subparagraph:

12 “(A) to carry out subsection (a)(4)(A) of
13 section 173—

14 “(i) \$10,000,000 for fiscal year 2002;

15 and

16 “(ii) \$150,000,000 for the period of
17 fiscal years 2009 through 2010; and”.