

Employment and Training Administration ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA
	CORRESPONDENCE SYMBOL ONR
	DATE October 9, 2008

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 3-08

TO: ALL STATE WORKFORCE AGENCIES
 ALL STATE WORKFORCE LIAISONS
 ALL ONE-STOP CENTER SYSTEM LEADS

FROM: BRENT R. ORRELL /s/
 Deputy Assistant Secretary

SUBJECT: Continuation of Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) Programs

1. Purpose. To provide State Workforce Agencies with guidance for the continuation of the TAA and ATAA programs beyond September 30, 2008, the end of the period of operations authorized by the Consolidated Appropriations Act, 2008 (Pub.L. No. 110-161).

2. References. Sections 249(b) and 285(c) of the Trade Act of 1974, as amended; the Consolidated Appropriations Act, 2008; and the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. No. 110-329, Sept. 30, 2008).

3. Background. In September of 2007, Section 285(c) of the Trade Act was amended to set the termination date for the TAA program at the close of December 31, 2007. However, the Consolidated Appropriations Act, 2008, continued the operation of the TAA program past this termination date by appropriating funds to fully fund the program through the full FY 2008, that is, September 30, 2008.

Further, Section 246(b) of the Trade Act provides that no ATAA payments may be made by a state to new participants after the date that is five years after the program is implemented by that State. Under this provision, termination dates for some States would be reached in FY 2009 and would require those states to cease enrolling new participants when those dates were reached.

RESCISSIONS	EXPIRATION DATE Continuing
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However, Section 154 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, provides:

Activities authorized by chapters 2 . . . title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) [TAA], including Section 246 of such Act [ATAA], shall continue through the date specified in section 106(3) of this joint resolution.

Section 106 provides:

Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2009, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2009 without any provision for such project or activity; or (3) March 6, 2009.

This language authorizes the continuing operation of the TAA and ATAA programs, including the Employment and Training Administration's (ETA) continuing issuance of certifications of eligibility of new groups of workers to apply for assistance, through March 6, 2009.

4. Action Required. States are instructed to continue operation of the TAA and ATAA programs through March 6, 2009. ETA will advise the states of further developments as they occur.

5. Inquiries. Inquiries regarding these instructions should be directed to the appropriate Regional Office.