

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA
	CORRESPONDENCE SYMBOL OTAA
	DATE December 23, 2014

ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 16-14**

TO: STATE WORKFORCE AGENCIES
 STATE WORKFORCE LIAISONS
 AFFILIATE AMERICAN JOB CENTER MANAGERS
 COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
 STATE WORKFORCE ADMINISTRATORS
 STATE AND LOCAL WORKFORCE BOARD CHAIRS AND
 DIRECTORS
 STATE LABOR COMMISSIONERS
 RAPID RESPONSE COORDINATORS
 TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: PORTIA WU /s/
 Assistant Secretary

SUBJECT: Appropriations to Continue the Trade Adjustment Assistance (TAA) for
 Workers and Alternative Trade Adjustment Assistance (ATAA) and
 Reemployment Trade Adjustment Assistance (RTAA) Program Operations
 for Fiscal Year (FY) 2015

1. Purpose. To provide State Workforce Agencies or agencies designated by Governors as “Cooperating State Agencies” (CSAs or “states”) with guidance to continue the TAA and ATAA and RTAA programs (collectively referred to as the TAA program) through the fiscal year ending on September 30, 2015 (FY 2015).

2. References.

- Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) (FY 2015 Omnibus Appropriations Act) and accompanying explanatory statement regarding the House Amendment to the Senate Amendment on H.R. 83, 160 Cong. Rec. H9307, H9827 (daily ed. Dec. 11, 2014);
- Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (1974 Act and, as amended, Trade Act);
- Trade Adjustment Assistance Reform Act of 2002, Division A, Title I, Subtitle A of the Trade Act of 2002 (Pub. L. 107-210), as amended by the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108-429) (TAARA);
- Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle

RESCISSIONS None	EXPIRATION DATE Continuing
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- I of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (TGAAA);
- Trade Adjustment Assistance Extension Act of 2011 (Pub. L. 112-40) (TAAEA);
- 20 Code of Federal Regulations (CFR) 617 and 618;
- 29 CFR 90;
- Training and Employment Guidance Letter (TEGL) No. 11-02, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002*, and its Changes 1, 2, and 3;
- TEGL No. 02-03, *Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002*, and its Changes 1 and 2;
- TEGL No. 22-08, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009*, and its Change 1;
- TEGL No. 10-11, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA)*, and its Changes 1 and 2;
- TEGL No. 7-13, *Operating Instructions for Implementing the Sunset Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA or the 2011 Amendments)*;
- TEGL No. 1-14 *Second Distribution of Fiscal Year (FY) 2014 Trade Adjustment Assistance (TAA) Training and Other Activities Funds and the Process for Requesting TAA Program Reserve Funds*; and
- TEGL No. 14-14, *Trade Adjustment Assistance (TAA) for Workers and Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA) program operations after December 31, 2014*.

3. **Background.** The TAAEA amended sections 245 (relating to authorization of appropriations) and 285 (relating to termination and phase-out) of the Trade Act, and provided for the phased-out termination of the TAA program on December 31, 2014; it also provided for the phased-out termination of ATAA and RTAA, under section 246(b), on the same date. These termination provisions are explained in TEGL No. 14-14, which provided notice that the authorization of appropriations for the TAA program expires on December 31, 2014, and termination provisions will take effect beginning on January 1, 2015, absent Congressional action. Congress took such action on December 13, 2014, by passing the FY 2015 Omnibus Appropriations Act, which was signed into law by President Barack Obama on December 16, 2014 (Pub. L. 113-235).

Therefore, the guidance on the operation of the TAA program after December 31, 2014, provided in TEGL No. 14-14 **does not apply** to the operation of the TAA program in FY 2015. This guidance document supersedes any guidance on the termination of TAA in FY 2015 that CSAs may have previously received.

4. **FY 2015 Appropriation to Continue the TAA Program.** Division G, title I of the FY 2015 Omnibus Appropriations Act appropriates \$710.6 million to carry out the TAA program during FY 2015, under chapter 2 of title II of the Trade Act of 1974, as amended by the TAARA (2002 program), TGAAA (2009 program), TAAEA (2011 program), and the sunset

provisions of the TAAEA (Reversion 2014). This appropriation is at the level requested by the President for the full operation of the TAA program. The appropriation reads as follows:

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES: For payments during fiscal year 2015 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) and section 233(b) of the Trade Adjustment Assistance Extension Act of 2011, \$710,600,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2015.

Further, section 4 of the FY 2015 Omnibus Appropriations Act provides that the explanatory statement regarding this Act, “shall have the same effect with respect to the allocation of funds and implementation of divisions A through K of this Act [including the TAA appropriation excerpt above from division G] as if it were a joint explanatory statement of a committee of conference.” The explanatory statement for division G, title I contains the following description of the intent of this appropriation for TAA:

The agreement provides funding to carry out the Trade Adjustment Assistance for Workers program at the requested level to allow for the full operation of the program throughout fiscal year 2015, including the provision of benefits to groups of workers certified after December 31, 2014.

Therefore, the effect of the appropriation is to allow the TAA program, as in effect since January 1, 2014, to continue through FY 2015.

5. Full Operation of the TAA Program in FY 2015. The FY 2015 Omnibus Appropriations Act has the effect of continuing the full operation of the TAA program through September 30, 2015. Full operation of the TAA program means:

- CSAs will continue to file and assist workers and others in filing a Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA), Form ETA-9042 (or Form ETA-9042A), Rev. January 2014.
- The Office of Trade Adjustment Assistance (OTAA) will continue to conduct investigations of petitions filed with the Department of Labor (Department) before and after December 31, 2014.
- OTAA will issue determinations of group eligibility for workers covered by petitions filed from January 1, 2014, through September 30, 2015, based on the requirements of section 222 of the Trade Act under the Reversion 2014 program.

- Certifications of petitions filed after December 31, 2014, will allow those new groups of workers to apply for TAA benefits and services under the Reversion 2014 program.
 - CSAs must continue to administer benefits (including ATAA and RTAA) and services to eligible workers under the 2002 program, the 2009 program, the 2011 program, and Reversion 2014, in accordance with: TEGL No. 11-02, and its Changes 1, 2, and 3; TEGL No. 02-03, and its Changes 1 and 2; TEGL No. 22-08, and its Change 1; TEGL No. 10-11, and its Changes 1 and 2; TEGL No. 7-13; and applicable guidance and regulations.
6. **Action Requested**. CSAs must inform all appropriate staff of the contents of these instructions. The Department will issue separate guidance on the allocation of FY 2015 funds. CSAs should continue to request reserve funds for program benefits, services and administration in accordance with existing procedures, as described in TEGL No. 1-14.
7. **Inquiries**. Inquiries about these instructions should be directed to the appropriate Regional Office.