

# Trade Adjustment Assistance: Reversion 2021

## Frequently Asked Questions

### GENERAL QUESTIONS

**1. Q: What is Trade Adjustment Assistance for Workers (TAA Program)?**

Answer: The Trade Act of 1974, as amended (Trade Act), established the TAA Program. The TAA for Workers Program provides federal assistance to workers who are adversely affected (i.e., workers who become unemployed or are threatened with job loss) by foreign trade. TAA includes resources and opportunities for affected workers to obtain the skills, credentials, and support necessary for successful reemployment. Any member of a worker group certified by the Department of Labor (Department) as trade-affected is potentially eligible to receive TAA Program benefits and services through a local American Job Center (AJC). These benefits and services include employment and case management services, training, income support in the form of Trade Readjustment Allowances (TRA), job search allowances, relocation allowances, and a Health Coverage Tax Credit (HCTC). The Reemployment TAA (RTAA) benefit is also available and provides wage supplements for eligible reemployed workers, age 50 and over, whose reemployment resulted in lower wages than those earned in their trade-affected employment.

**2. Q: What is Reversion 2021?**

Answer: Reversion 2021 refers to the version of the TAA program created by the reversion provisions of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015). These provisions require the TAA program to revert to a prior version of itself (the 2002 Program), with certain changes, as prescribed by the TAARA 2015 reversion provisions, beginning at midnight on July 1, 2021.

**3. Q: When does Reversion 2021 become effective and how long does it last?**

Answer: Petitions received and confirmed valid on and before 11:59 PM Eastern Time (ET), Wednesday, June 30, 2021, will be governed by the TAARA 2015 (prior to reversion), and workers covered by those petitions may be eligible for the benefits and services provided by that version of the TAA program. Reversion 2021 will govern petitions filed on and after 12:00 AM ET, Thursday, July 1, 2021, and workers covered by those petitions may be eligible for the benefits and services provided under Reversion 2021. Absent new legislation, the Reversion 2021 program will remain in effect until June 30, 2022. Effective July 1, 2022, TAA will begin a program termination under which the Department will not accept or certify new petitions on or after that date, unless Congress acts to extend or reauthorize TAA. Workers covered by certified petitions filed on or before 11:59 PM ET on June 30, 2022, will continue to be eligible for TAA benefits and services under the provisions that were in effect when their petition was filed.

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**4. Q: Why does the TAA Program revert? Has it ever reverted before?**

Answer: The program reversion is required by law, specifically the reversion provisions of TAARA 2015. Reversion provisions were first added to TAA authorizing legislation in 2009 under the American Recovery and Reinvestment Act (primarily for budget scoring purposes), and since then the program has undergone reversion twice, in 2011 and 2014. The program has never terminated.

**5. Q: What happens to petitioners that are denied certification under Reversion 2021 if the Program is reauthorized?**

Answer: Petitioners who are denied certification due to the more restrictive provisions of Reversion 2021 will not be eligible for the TAA program unless reauthorization enacts retroactive provisions that direct the Department to reopen investigations of all petitions denied under the Reversion 2021 program. Previous TAA reauthorizations have contained such provisions.

**6. Q: How does Reversion 2021 apply to current petitions covering worker groups certified before July 1, 2021? Does it affect current TAA participants?**

Answer: Current TAA participants and workers, covered by petitions filed **BEFORE** July 1, 2021, are not affected. Reversion 2021 only applies to petitions filed for adjustment assistance on or after 12:00 AM ET on July 1, 2021. Workers covered by certified petitions filed on or before 11:59 PM ET on June 30, 2021, will continue to be eligible for TAA benefits and services under the provisions that were in effect when their petition was filed.

**7. Q: Is the enactment of legislation the only way to prevent reversion from taking effect?**

Answer: Yes, enactment of legislation is required to reauthorize TAA. In the past, TAA reauthorizations have been included in legislation providing Trade Promotion Authority (fast track), implementing trade agreements, or extending Trade preferences. An exception is the 2009 reauthorization, which was enacted as part of the American Recovery and Reinvestment Act.

**8. Q: What was the most recent legislation enacted to reauthorize TAA?**

Answer: TAARA 2015, title IV of the Trade Preferences Extension Act of 2015 (Public Law 114-27), was signed into law on June 29, 2015. These amendments reauthorized the TAA program for six years, through June 30, 2021, and provided for a one-year period in which Reversion 2021 would be in effect.

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### **QUESTIONS ON REVERSION 2021 PROGRAM CHANGES**

**9. Q: What are some of the benefits available to those who qualify to apply for TAA?**

Answer: TAA will continue to offer a variety of benefits and services to eligible workers including job training, income support while in training, employment and case management services, job search allowances, relocation allowances, and a wage supplement to certain reemployed trade-affected workers 50 years of age and older.

**10. Q: How does Reversion 2021 change the benefits and services available to workers covered by petitions filed on and after July 1, 2021?**

Answer: The benefits available under Reversion 2021 are similar to those available under the 2002 Program, rather than the current 2015 Program, with some exceptions. The benefits and services available under Reversion 2021 are described on the TAA website at: <https://www.dol.gov/agencies/eta/tradeact/benefits/2021-reversion>. See Attachment II for a summary of the changes effective under Reversion 2021, *TAA Program Reversion Demystified: 14 Changes Effective under Reversion 2021*. The *Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015* are provided here: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=6175](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6175).

**11. Q: How does Reversion 2021 change group eligibility requirements?**

Answer: Under Reversion 2021, group eligibility requirements, including petition investigation criteria for workers covered by petitions filed on and after July 1, 2021, change to the more restrictive requirements that were in place under the 2002 program, with some minor exceptions. Under Reversion 2021, workers whose trade-impacted work is in the service sector will no longer be eligible under petitions filed on or after July 1, 2021. In addition, TAA-funded employment and case management services will not be available to workers certified on or after July 1, 2021. In addition, workers covered by petitions filed on and after July 1, 2021, will not be able to access TAA benefits and services prior to separation because adversely affected incumbent workers are not eligible for services under Reversion 2021. Production and/or sales declines due to increased imports or outsourcing to nations with Free Trade Agreements or to beneficiary countries, and automatic certifications for International Trade Commission (ITC) determinations discontinue under Reversion 2021.

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**12. Q: What is an ITC-related petition, and how does it differ from a TAA regular petition?**

Answer: An ITC-related petition is a petition for adjustment assistance associated with an industry that the ITC deems as trade injured. Under the TAAEA, ITC-related petitions, petitions filed by worker groups at firms named in the ITC findings as injured, have an automatic path to TAA certification, which means they often have shorter investigation periods than other types of petitions, as the ITC-related petitions are based on findings already determined by the Department of Commerce. Reversion 2021 eliminates this automatic certification path for ITC-related petitions filed on and after July 1, 2021. For more information on ITC-related petitions, see:  
[www.dol.gov/sites/dolgov/files/ETA/tradeact/pdfs/ITC\\_Petitions\\_FAQ.pdf](http://www.dol.gov/sites/dolgov/files/ETA/tradeact/pdfs/ITC_Petitions_FAQ.pdf)

**13. Q: How should workers file a petition under Reversion 2021? Does the process change under Reversion 2021?**

Answer: There is no change to the application process under Reversion 2021. The Department will still accept petitions online or through a printable form by email, fax, and mail available in both English and Spanish on the website. The Department will update Reversion 2021 petition language on July 1, 2021, and all filings will require the use of the new petition form. The Department strongly recommends filers submit petitions online at: <https://www.dol.gov/agencies/eta/tradeact/petitioners>.

**14. Q: Since the Department is working to reauthorize TAA, should workers delay the filing of petitions until after the program reauthorization?**

Answer: No, the Department does not recommend that workers delay filing their petitions. Petitioners should file for TAA at any time after worker separations or a threat of such separations begins, but not later than one year after the earliest date on which workers in the worker group lost their jobs with the employer (See Question 15).

**15. Q: Why must the petition be filed within one year of worker separations?**

Answer: The Trade Act regulations provide that a certification of eligibility to apply for TAA benefits does not apply to any worker who was separated from the trade-impacted firm more than one year before the date the petition was filed. This certification requirement means that workers laid off more than one year before the petition is filed are not eligible for benefits.

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#### **QUESTIONS ON THE OPERATIONAL CHANGES IN EFFECT UNDER REVERSION 2021**

**16. Q: How will the Department identify petitions filed under Reversion 2021?**

Answer: Consistent with the current process, the Department will use the postmark date on any petitions filed by mail and the auto-generated date received on any petition faxed or received on-line. After receiving a valid petition on and after July 1, 2021, the Department will assign the petition a numeric case number. To identify petitions filed under Reversion 2021, the Department will begin a new petition number series, “TA-W-98,000 and above” to indicate the petition was filed on or after July 1, 2021, and subject to reversion.

**17. Q: What happens after a worker, group of workers, or a state files a petition on and after July 1, 2021?**

Answer: There is no change to the petition filing process for those filing a petition. Reversion 2021 affects the group eligibility requirements and the set of benefits and services available to workers. After receiving a complete and valid petition, the Department initiates an investigation to determine whether the group of workers covered by the petition meets the group eligibility requirements of the version of the Trade Act under which the petition was filed. This investigation may include contacting the workers’ firm to collect data, contacting customers of the workers’ firm, the petitioners, unions, state workforce agencies, or other sources of relevant information as needed. The steps required to complete an investigation vary according to the circumstances specific to the worker’s firm.

If the worker group meets the group eligibility criteria set by the Trade Act, the Department will issue a certification of group eligibility. The Department will then notify the petitioners, the workers’ firm, and the state workforce agency of the determination. The Department will post the determination on the TAA website and publish a summary in the Federal Register. Workers covered by a certification of group eligibility will then be eligible to apply for individual benefits under the Reversion 2021 Program.

**18. Q: Under Reversion 2021, is there a change in the notification process, or the number of days for a petition determination? How will petitioners know whether their TAA petition is certified?**

Answer: Under Reversion 2021, there is no change to the notification process, or the number of days allowed for investigations of TAA petitions. After making a determination on a petition for group eligibility, the Department will notify the petitioners, the workers’ firm, and the state workforce agency of the determination. In addition, the determination

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will be posted on the TAA website and a summary published in the Federal Register. If a group of workers is certified eligible to apply for TAA, the state workforce agency will notify individual workers of the certification and help them access benefits and services.

**19. Q: Under reversion, what is the process to determine group and individual eligibility?**

Answer: Reversion does not change the process for determining group or individual eligibility. The process for determining eligibility of TAA petitions has two distinct phases:

Once a complete petition is filed, the Department initiates an investigation to determine whether the group of workers meets the eligibility requirements. If the worker group meets the necessary eligibility criteria, a group eligibility certification is issued. This certifies that the individuals within the certified worker group are eligible to apply for TAA benefits and services. More information about the group eligibility requirements may be found on the TAA website at [www.dol.gov/agencies/eta/tradeact/petitioners/petition-process](http://www.dol.gov/agencies/eta/tradeact/petitioners/petition-process).

After a group eligibility certification is issued, each worker in the group must apply individually for benefits and services through their local AJC. Case managers at the local AJC will issue a determination of each worker's individual eligibility for TAA benefits. Information on individual services and benefits available under Reversion 2021 is provided on the TAA website at <https://www.dol.gov/agencies/eta/tradeact/benefits/2021-reversion>.

**20. Q: Will the Department prioritize petitions filed before July 1, 2021, over petitions filed after Reversion 2021 is in effect? Is there anything a petitioner can do to get a faster response from the Department?**

Answer: The Department, through the Office of Trade Adjustment Assistance (OTAA), is committed to ensuring that benefits and services are provided to all eligible workers in a timely manner. The TAA petitions are investigated as quickly as possible, in the order in which the petitions are received.

Ensuring submission of a complete and valid petition will enable OTAA to begin the investigation without additional delay. Petitioners and all interested parties are encouraged to provide complete information describing the worker group, circumstances surrounding separations, and trade effect which led to separations or threatens to lead to separations.

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### QUESTIONS ON THE EFFECTS OF REVERSION ON THE TAA PROGRAM

**21. Q: Overall, how will Reversion 2021 affect workers who file for TAA after July 1, 2021?**

Answer: The Department estimates that 48,000 workers annually who could have been eligible under the current version of TAA will not be eligible under reversion, mainly in the service industries. The workers who remain eligible will receive significantly fewer services both in the amount of benefits, and in the type of benefits available.

Reversion 2021's strict group eligibility requirements eliminate a path to certification for service sector workers, incumbent workers, automatic certifications for ITC determinations, and limits eligibility to workers whose employment is affected by production and/or sales declines due to increased imports or outsourcing to only specific countries. This means that these service sector and other workers for whom the path to TAA certification is eliminated under Reversion 2021 will lose access to TAA due to the more restrictive eligibility reversion requirements. Service sector workers are represented in more than 50 percent of the petitions filed with the Department, and the Department notes that the service sector was hardest hit by the COVID pandemic, and employs high numbers of women, people of color, and older, high tenured American workers. In addition, incumbent workers will no longer be eligible for TAA prior to layoffs. Further, workers applying for individual TAA benefits and services may not be eligible due to the more restrictive deadlines for enrollment in training under reversion. These changes significantly reduce the number of workers entering the TAA program.

**22. Q: Regarding state operations, what is the major impact of Reversion 2021?**

Answer: A major impact of Reversion 2021 is its cut to training funds. Reversion 2021 reduces the level of the training cap to \$220 million per year from the \$450 million annual cap in place prior to Reversion 2021 coming into effect and eliminates funding for employment and case management services. This means TAA program funding is not available for employment and case management services, including job placement, testing, and counseling, to workers covered by petitions filed under Reversion 2021. States must use alternative funding sources, such as WIOA Title I, Dislocated Worker Grant, Rapid Response, and Wagner-Peyser funds to provide these employment and case management services to workers whose petitions are filed under the Reversion 2021 program. However, the Department considers initial assessments of workers part of the required initial interview. As a result, initial assessments of workers under Reversion 2021 may be provided using Trade Act funds. In addition, employment and case management services to workers covered by petitions filed **before** July 1, 2021, should continue to be provided with available Trade Act funds.

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In summary, the major impact of Reversion 2021 is the lack of funding for employment and case management services for workers certified under the Reversion 2021 program, which will impact state TAA staff, and is likely to create confusion and impede the program's effectiveness.

**23. Q: What are effects of the elimination of case management funding under Reversion 2021?**

Answer: Without employment and case management funding states will not have TAA funds to pay case managers to provide these services to workers certified under Reversion 2021. The Department found that under the 2014 Reversion, states reassigned staff due to lack of employment and case management funding. After Reversion 2014 ended, it took several years to reinstate the staff needed to support the TAA program. According to Participant Individual Record Layout (PIRL), Trade Act Participant Report (TAPR) and other historical data the Department collects to track and reports outcomes of TAA participants, comprehensive and ongoing employment and case management services are directly related to stronger results across TAA program participant outcomes. This means that outcomes for workers in the TAA program may suffer due to the absence of employment and case management services. Additional information on participant outcomes is available here: <https://www.dol.gov/agencies/eta/tradeact/data>.

**24. Q: If Reversion 2021 prohibits the use of TAA training funds for employment and case management services, what funding sources are available for the provision of testing, job placement, and counseling for workers covered by petitions filed during the reversion period?**

Answer: States are encouraged to make every reasonable effort to provide case management services, including testing, job placement and counseling, to these Reversion 2021 workers under other federal programs, including WIOA Title I, Dislocated Worker Grant, Rapid Response, and Wagner-Peyser funds. However, Trade Act funds may be used to provide the initial assessment that is part of the required initial interview of Reversion 2021 workers.

**25. Q: What is the Administration's position on TAA Reversion?**

Answer: The President strongly supports efforts by the House Committee on Ways and Means to reauthorize the Trade Adjustment Assistance (TAA) program. Under reversion, the TAA program has more restrictive eligibility criteria, covering only manufacturing workers and excluding those in service sectors, and a reduced annual cap on training funds. The TAA program will terminate entirely if it is not reauthorized before July 1, 2022. For this reason, the President looks forward to working collaboratively with the Ways and Means Committee and members in both chambers of Congress to quickly enact reauthorization legislation.



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- 26. Q: We understand reversion is disruptive to state operations and requires the Department to divert resources for implementation, but is Reversion 2021 (*really*) that bad?**

Answer: Each time the program reverts, the overall ability of the TAA program to assist adversely affected workers and its connection to the workforce system as a whole is diminished. TAA program changes are complex and require staff to spend time on implementation. In addition, Reversion 2021 requires states to administer five different versions of TAA (2002, 2009, 2011, 2015, and Reversion 2021). Most importantly, now, when the Department is working to rebuild the economy, the administrative resources required for implementation of reversion and the restrictions under Reversion 2021 impose great challenges to ensuring that trade-affected workers receive effective training, adequate supports, and the necessary services to transition to a good job.

- 27. Q: Where can I find Trade Adjustment Assistance statutes and regulations?**

Answer: This is the link to the TAA Final Rule page on the TAA website: <https://www.dol.gov/agencies/eta/tradeact/law/regulations>. The Final Rule was published in the Federal Register on August 21, 2020, and became effective on September 21, 2020. Please visit the TAA Community on WorkforceGPS for training and technical assistance opportunities at <https://taa.workforcegps.org/>.