



July 2019

TAA Program Legislative History



1962 - 2015

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“... those injured by that competition should not be required to bear the full brunt of the impact.”

”

➤ **President John F. Kennedy**

Special Message to Congress – January 25, 1962

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Trade Expansion Act of 1962

Pub. L. 87-764

- TRA and UI may be paid concurrently
- Worker earned wages of at least \$15 per week in 78 weeks of employment in the preceding 156 weeks from the qualifying separation AND at least 26 weeks of employment in the preceding 52 weeks with wages of a least \$15 per week
- TRA WBA lesser of
 - 65% of average weekly wage or
 - 65% of average manufacturing wage
- TRA WBA reduced by
 - the UI WBA received or would receive
 - 50% of earnings for services performed during the week

- Basic TRA payable for 52 weeks
- Additional TRA payable for:
 - 26 weeks to assist worker complete approved TAA training or
 - 13 weeks if worker attained age of 60 years on or before qualifying separation
- Eligibility Period
 - Basic TRA – payable up to 2 yrs from most recent qualifying separation
 - Additional TRA – payable up to 3 yrs from most recent qualifying separation
- Relocation Allowances
- FIRST CERTIFICATION COVERING A WORKER GROUP - 1969

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Trade Act of 1974

Pub. L. 93-618

- TRA and UI may be paid concurrently
- Worker earned wages of at least \$30 per week in 26 weeks in the 52 week period immediately preceding the qualifying separation within a single firm or subdivision
- TRA WBA
 - 70% of average weekly wage not in excess of average weekly manufacturing wage
- TRA reduced by
 - the UI WBA received or would receive
 - 50% of earnings for services performed during the week

- Basic TRA payable for 52 weeks
- Additional TRA payable for:
 - 26 weeks to assist worker complete approved TAA training but only if worker made a bonafide application within 180 days of the certification or the qualifying separation; or
 - 26 weeks if worker attained age of 60 years on or before qualifying separation
- Eligibility Period
 - Basic TRA – payable up to 2 yrs from most recent qualifying separation
 - Additional TRA – payable up to 3 yrs from most recent qualifying separation
- Maximum TRA payable 78 weeks
- Relocation Allowances
- Job Search Allowances

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Customs Courts Act of 1980

Pub. L. 96-417

- Allows for judicial review of “final determinations” issued under Section 223 of the Act
 - ▶ Allows aggrieved parties to appeal a negative determination to the U.S. Court of International Trade

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Omnibus Budget and Reconciliation Act of 1981

Pub. L. 97-35

- Requires Benefit Information to Workers on Program Benefits
- TRA payable 60 days after the petition filing date of petition
- Worker earned wages of at least \$30 per week in 26 weeks in the 52 week period immediately preceding the qualifying separation within a single firm or subdivision
 - Allows a limited number of weeks to count for employer-authorized leave, disability, or full-time representative for a labor organization
- Requires UI entitlement
- Requires UI exhaustion

- EB Work Test
- TRA WBA equal to the UI WBA in the first exhaustion of UI reduced by income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law
- Maximum Basic TRA payable is the product of 52 multiplied by the TRA WBA reduced by the UI entitlement in the first benefit period
 - ▶ Payable in the 52-week period which follows exhaustion of regular compensation

- Additional TRA payable up to 26 weeks to assist worker complete TAA approved training following exhaustion of basic TRA
 - ▶ Worker must have made a bonafide application within the later of 210 days of the certification or the qualifying separation
 - ▶ Payable in a 26 consecutive week period while engaged in TAA training and achieving satisfactory progress
- If Benefit year ends within an EB period, the number of weeks of EB entitlement in that EB period shall be reduced (but not below zero) by the number of weeks for which the worker was entitled to TRA during such benefit year.
- Worker may not be determined ineligible or disqualified for UI or TRA because the individual is in TAA approved training or
 - For leaving work which is not suitable employment to enter such training,
 - By the application to any such week in training of State law or provisions related to availability for work, active search for work, or refusal to accept work.

- Requires overpayment recovery unless waived for equity and good conscience
- Recover overpayment by deductions from any sums payable under any Federal or State unemployment compensation program administered by the State agency for the payment of unemployment
- No single deduction for the recovery of a TAA overpayment shall exceed 50%
- Penalties for Fraud
 - ▶ Permanent ban on all TAA benefits including future entitlement

International Coffee Agreement Act of 1980, as amended (1983)

Pub. L. 98-120

- Establishes the “contributed importantly” standard for certification of worker groups
 - ▶ Replaced “were a substantial cause”

Omnibus Trade and Competitiveness Act of 1988

Pub. L. 100-148

- TAA-approved training becomes a requirement for TRA eligibility
 - Basic TRA available if TAA training is waived
 - ❖ Waiver if TAA training is not feasible/appropriate
 - Additional TRA requires participation in TAA training
 - ❖ Bonafide application required within the later 210 days from certification or qualifying separation
- Basic TRA payable during the 104-week period that begins on the later of the week following
 - the most recent total separation, or
 - the TAA certification



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1988

- Additional TRA payable in a 26 consecutive week period that begins
 - After exhaustion of basic TRA or
 - If training begins after exhaustion of basic TRA, the first week of approved TAA training
- TRA payable during breaks in TAA training not exceeding 14 days
- No TRA is payable during OJT

North American Free Trade Act (Agreement) – 1993 – NAFTA

Pub. L. 103-361

- Establishes NAFTA-TAA program
 - ▶ Specific eligibility for workers impacted due to increase imports from or a shift of production to Canada or Mexico
 - ▶ Investigation process initially carried out by the states
- Establishes 8/16 week deadline for enrollment in training to receive TRA

Trade Reform Act of 2002

Pub. L. 107-210

- ▶ Enrollment in TAA training deadlines (8/16)
- ▶ 130 weeks of TAA training (by policy)
- ▶ Eliminated “Other” category for waivers (6 types)
- ▶ Additional weeks of TRA increased from 26 to 52
- ▶ Additional weeks of TRA for remedial education (26 weeks)
- ▶ TRA payable during breaks in TAA training not exceeding 30 days
- ▶ Alternative Trade Adjustment Assistance (ATAA)
- ▶ Health Coverage Tax Credit (HCTC)
- ▶ Repealed NAFTA-TAA

Trade and Globalization Adjustment Assistance Act of 2009

Pub. L. 111-5

- ▶ Enrollment in TAA training deadlines (26/26)
- ▶ 156 weeks of TAA training (by policy)
- ▶ Additional weeks of TRA increased from 52 to 78
- ▶ Additional weeks of TRA for prerequisite or remedial education (26 weeks)
- ▶ Reemployment Trade Adjustment Assistance (RTAA) replaces ATAA
- ▶ Provides dedicated funding for employment and case management services
- ▶ Health Coverage Tax Credit (HCTC)

Trade Adjustment Assistance Extension Act of 2011

Pub. L. 112-40

- ▶ 130 weeks of TAA training (reduced from 156)
 - ▶ By policy
- ▶ Additional weeks of TRA (reduced from 78 to 65)
- ▶ Establishes Completion TRA (13 weeks)
- ▶ Eliminates TRA for prerequisite or remedial education
- ▶ Reduced RTAA benefit levels
- ▶ Waivers of TAA training (reduced from 6 to 3 types)

Trade Adjustment Assistance Reauthorization Act of 2015

Pub. L. 114-27

- ▶ Enacted June 29, 2015
- ▶ Authorized for 6 years
- ▶ Uses 2011 Program for benefits and services
 - 130 weeks of TAA training
 - Additional weeks of TRA (65)
 - Completion TRA (13 weeks)
 - RTAA benefit up to \$10,000
 - Waivers of TAA training (3 types)
 - HCTC



Resources:

■ TAA Program Website

USDOL/ETA OTAA

⇒ www.doleta.gov/tradeact

■ U.S. Code

19 USC Chapter 12 (Trade Act)

⇒ uscode.house.gov

■ Federal Regulations

20 CFR 617, 618, etc.

⇒ gov.ecfr.io

■ Administrative Guidance

TEGL, UIPL, TEN...

⇒ wdr.doleta.gov/directives

■ Community of Practice

TAA Program on WorkforceGPS

⇒ taa.workforcegps.org

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