

TAA Program Requirements

- A. **Overview.** The TAA Program includes training, employment and case management services, job search allowances, relocation allowances, Trade Readjustment Allowances (TRA), Alternative Trade Adjustment Assistance (ATAA), and Reemployment Trade Adjustment Assistance (RTAA). TAA Program Training and Other Activities (TaOA) funds provided under this grant award may be used for: the cost of training (and training related costs), employment and case management services including outreach activities, job search allowances, relocation allowances, and related state administration. Funds for TRA, ATAA, and RTAA are governed by the Trade Act of 1974, as amended, 20 CFR part 618, administrative guidance and, the terms and conditions of the Unemployment Insurance Annual Funding Agreement (AFA).
- B. **States' Responsibilities.** The Trade Act of 1974, as amended, 20 CFR part 618, and Agreements Between the Governor and Secretary of Labor, outline states' responsibilities for ensuring that Workforce Innovation and Opportunity Act (WIOA) partner programs are integrated into the American Job Center (AJC) network, also known as the one-stop system. The TAA Program is a required one-stop partner under the WIOA statute and regulations at WIOA sec. 121(b)(1)(B), 20 CFR 678.400, 34 CFR 361.400, and 34 CFR 463.400, respectively. As a WIOA required partner, the TAA Program is responsible for providing access to TAA benefits and services to adversely affected workers through the AJC network. As explained in the Required Elements for Submission of the Unified and Combined State Plan and Plan for Modifications under WIOA, states must integrate TAA Program services into their one-stop delivery system; provide rapid response and appropriate career services to worker groups on whose behalf a petition has been filed; and disseminate benefit information that provides workers an accurate understanding of the TAA Program's benefits and services. States must also use their AJCs as the main point of contact for participant intake and the delivery of TAA benefits and services. For additional information about this and other State Plan requirements, see *TEGL No. 04-21, Modification Requirements for Workforce Innovation and Opportunity Act (WIOA) State Plans for Program Years (PYs) 2022 and 2023*.

1) Program Access

If the TAA Program is carried out in a local area, the state must provide access to the TAA Program services in the local area's comprehensive one-stop centers in accordance with 20 CFR 678.305(d) and with WIOA sec. 121(b)(1)(A)(i). Access to the TAA Program occurs in one of three ways:

- a) Option 1: Having a TAA Program staff member, whether fully or partially funded by TAA, physically present at the one-stop center and responsible for TAA;
- b) Option 2: Having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to

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customers about the TAA Program, services, and activities available through all partner programs; or

- c) Option 3: Making available a direct linkage through technology to a TAA Program staff member who can provide meaningful information or services.

The options above offer a wide range of possibilities to partners. Option 2 could require a state to have varying levels of assistance depending on the trade-affected worker's needs. For example, this could be as simple as having an adequately trained one-stop center staff member providing basic program information to a one-stop customer regarding group and individual eligibility requirements of the TAA Program. In this example, the partner staff member has been trained on TAA Program eligibility requirements, as well as how to search for and file a TAA petition. Once the Department renders a determination on a petition, the partner staff member will connect the worker to appropriately trained one-stop center staff who can further assist them. If the petition is certified, the worker is eligible to apply for individual benefits and appropriately trained one-stop center staff must guide them through the application and enrollment process. This option allows the customer to receive high-quality service through the one-stop center in a timely manner.

The third option, Option 3, a direct linkage, can take many forms as well. As described in 20 CFR 678.305(d)(3), a "direct linkage" means providing a direct connection at the one-stop center within a reasonable time, by phone or through a real-time web-based communication, to a program staff member who can provide program information or services, including career services, to the customer. Solely providing a phone number, website, information, pamphlets, or materials does not constitute a "direct linkage."

The flexibility provided through the three optional methods for assuring customer access to required one-stop center partner services and activities at the comprehensive centers ensures that the TAA Program remains accessible through the one-stop center network.

2) Compliance with Regulations and Guidance

In performing its responsibilities under the Governor-Secretary Agreement, as a condition for receipt of funds, the state agrees to fully comply with all program regulations and administrative directives, including, but not limited to:

- a) Trade Adjustment Assistance Final Rule, 20 C.F.R. Part 618, published in the Federal Register at: <https://www.federalregister.gov/documents/2020/08/21/2020-13802/trade-adjustment-assistance-for-workers>, effective on September 21, 2020;
- b) Joint WIOA Final Rule, as applicable, published in the Federal Register at: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>;
- c) Department-Only WIOA Final Rule, as applicable, published in the Federal Register at: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>;
- d) Consolidated Appropriations Act, 2023, Division H, (Pub. L. 117-328), enacted December 29, 2022;

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- e) 2 CFR part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR part 2900 (Department's Supplement to 2 CFR part 200);
 - f) Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (Trade Act) (codified at 19 U.S.C. 2271 et seq.);
 - g) Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011 (BCA);
 - h) *Delivery of Benefits and Services to Trade Adjustment Assistance (TAA) Program Recipients through the American Job Center Network Delivery System*;
 - i) [TEGL No. 17-16](#), *Infrastructure Funding of the One-Stop Delivery System*;
 - j) [TEGL No. 03-19](#), *Real Property Under Employment and Training Administration-Funded Grants*;
 - k) [TEGL No. 13-20](#), *Fiscal Year (FY) 2021 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Grant Management Guidance*;
 - l) [TEGL No. 24-20](#) and Change 1: *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*;
 - m) [TEGL No. 13-21](#), *Trade Adjustment Assistance (TAA) for Workers and Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA) Program Operations after June 30, 2022*;
 - n) [TEGL No. 14-21](#), *Fiscal Year (FY) 2022 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Grant Management Guidance*; and
 - o) [TEGL No. 14-22](#), *Trade Adjustment Assistance (TAA) for Workers Program Phase-out Termination Frequently Asked Questions (FAQs)*.
- 3) Compliance with Requirements

In performing its responsibilities under this award, the state hereby certifies and assures that it will fully comply with the following requirements:

- a) Real Property. The requirements and restrictions related to real property in 2 CFR § 200.439(b)(3), provide that capital expenditures for improvements to land or buildings, which materially increase their value or useful life, are unallowable as a direct cost, except in cases where the Grant Officer has granted prior written approval. All requests for construction related expenses must come to the Secretary of Labor for prior approval.

The requirements relating to Real Property, above and explained in [TEGL No. 03-19, Real Property Under Employment and Training Administration-Funded Grants](#), also apply. This guidance provides information on using ETA grant funds for capital expenditures and other real property costs, depreciation, maintaining insurance, handling idle facilities and idle facility capacity, retaining records, disposing of real property acquired with ETA grant funds; renting real property, and using and disposing of SWA real property that has DOL equity or Reed Act equity.

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- b) Equipment. Equipment purchases under the TAA Program are subject to the provisions at 2 CFR § 200.313. Consistent with 20 CFR § 618.860(c)(1), the Department delegates the authority of prior approval to the Governor for equipment purchases made using TaOA funds.
- c) Oversight Roles and Responsibilities. Each recipient and subrecipient of funds under the Trade Act, as amended, must conduct regular oversight and monitoring of its program and those of any subrecipients and contractors as required under WIOA sec. 239(i), and 2 CFR part 200, including 2 CFR § 200.331 through 2 CFR § 200.333, in order to:
- i. determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Act, the regulations, and administrative guidance;
 - ii. determine whether there is compliance with other provisions of the Act, the regulations, and administrative guidance;
 - iii. assure compliance with 2 CFR part 200 and the Department's exceptions at 2 CFR part 2900;
 - iv. assure compliance with 20 CFR part 618; and,
 - v. determine compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).
- d) Procedures and Resolution of Findings. (See 20 CFR § 618.860 (d)(2))
- i. Oversight and monitoring. Each recipient and subrecipient of funds under the Act must conduct regular oversight and monitoring of its program and those of any subrecipients and contractors,
 - ii. Resolution of subrecipient-level findings.
 - (1) The Governor is responsible for resolving findings that arise from state and Federal monitoring reviews, investigations, and audits (including under 2 CFR part 200) of subrecipients awarded funds through the Trade Act, as amended.
 - (a) A state must use the written monitoring and audit resolution, debt collection and appeal procedures that it uses for other Federal grant programs.
 - (b) If a state does not have such written procedures, it must prescribe standards and procedures to be used for this grant program.
 - (2) For subrecipients awarded funds through a pass-through entity, the pass-through entity must ensure that the subrecipient has written monitoring and resolution procedures in place that are consistent with 2 CFR part 200.
 - iii. Resolution of state findings.

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- (1) The Secretary is responsible for resolving findings that arise from Federal audits, monitoring reviews, investigations, incident reports, and audits under 2 CFR part 200 for direct recipients of Federal awards under the Trade Act, as amended.
- (2) The Secretary will use the Department's audit resolution process, consistent with 2 CFR part 200, Subpart F.
- (3) A final determination issued by a Grant Officer under this process may be appealed to the Department's Office of Administrative Law Judges under the procedures in 2 CFR § 2900.22.

e) Nondiscrimination. Requirements and restrictions for nondiscrimination and equal opportunity, which are provided in 29 CFR part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA.

- C. Use of Funds. States may use TaOA funds to provide training, job search allowances, relocation allowances, and employment and case management services to members of worker groups covered by a certification – including outreach to workers - under all versions of the TAA Program, in accordance with the requirements of the TAA law in effect at the time of filing of such petition for certification. States may use TaOA funds for TAA Program related state administration to provide outreach to trade affected workers, pay for the TAA Program's share of AJC infrastructure costs, and for systems development and maintenance. See Attachment V of this guidance, *Use of Funds for Systems Development and Maintenance*, for additional information.

In FY 2023, the expenditures for related state administration under the FY 2023 awards are not limited to 10 percent of the total amount of TaOA funds awarded to the state. State expenditures for employment and case management services costs, including outreach activities, must not be less than 5 percent of TaOA funds awarded under the FY 2023 allocation. ETA strongly recommends that recipients spend funds with the shortest period of availability first.

- D. Deobligation of Funds. The Recipient agrees to accept a deobligation of the TaOA funds, as set forth in the Notice of Award, in the event of underutilization of those funds. The Grantor will consider underutilization of TaOA funds to exist when the Recipient will be unable to use some or all of the unexpended and/or unobligated balance of such funds provided to the recipient within a reasonable period of time. Underutilized funds will be recaptured only after notification to and consultation with the Recipient.
- E. Remedies. All TAA Program funds must be expended in accordance with the provisions of the AFA and any special terms and conditions of approved funding requests. Any expenditure of funds that does not comply with these provisions will be subject to the enforcement remedies at 2 CFR § 200.339, and the procedures located at 2 CFR § 2900.20 through 2900.22, 20 CFR § 618.804, or any succeeding regulations. The state will take such action as is reasonably necessary to recover for the account of the United States all amounts

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paid out as program benefits or services that were erroneously paid to ineligible claimants or others, and to restore any losses or misapplication of funds allocated to the state for TAA Program benefits or services.

- F. **Merit Staff**. The state agrees that staff employed to carry out state administration of the TAA Program and funded by the TAA Program, will comply with 20 CFR § 618.890.

- G. **Administrative and Program Costs**. The administrative cost limit of the FY 2023 TaOA funding allocation is explained above in paragraph C of this Attachment III, with which states must comply. For purposes of the TAA Program, the costs of administration are established at 20 CFR § 618.860(b). For FY2023 funds, the 10 percent limit on administrative expenditures does not apply.

- H. **Ongoing and Sustained Outreach**. Although the TAA Program is currently in a phase out termination status, states are still required to conduct ongoing and sustained outreach to members of certified worker groups who were separated from adversely affected employment on or before June 30, 2022, and to provide eligible workers with the benefits and services available under the TAA Program.