

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Trade Adjustment Assistance
	CORRESPONDENCE SYMBOL OTAA
	DATE August 2, 2023

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 02-23

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: BRENT PARTON /s/
Principal Deputy Assistant Secretary

SUBJECT: Fiscal Year (FY) 2023 Trade Adjustment Assistance (TAA) Program Training and Other Activities (TaOA) Funds Distribution, SF-424 Instructions, and Grants Management Requirements for Accessing TaOA Funds

1. **Purpose.** To advise State Workforce Agencies, or agencies designated by Governors as “Cooperating State Agencies” (CSAs) (also jointly referred to as “states”) of the state distribution amounts of FY 2023 TAA Program TaOA funds.
2. **Action Requested.** States are required to implement the guidance set forth herein and must continue to administer the TAA Program in accordance with applicable regulations and administrative guidance. States must inform all appropriate staff of the contents of this guidance. States must complete their SF-424 and submit these forms via www.grants.gov no later than thirty days from the publication date of this guidance.
3. **Summary and Background.**
 - a. **Summary** – [Training and Employment Guidance Letter \(TEGL\) No. 24-20](#), *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* reminds states that although the termination provision of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) prohibits the Department from certifying petitions for TAA group eligibility as of July 1, 2022, workers certified as eligible to apply for assistance under a petition approved prior to July 1, 2022, and who were separated on or before June 30, 2022, continue to be

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entitled to TAA Program benefits and services. Attachment I to this TEGL contains the total amount of states' FY 2023 TaOA allocation of funds based on each state's most recent four quarters of expenditure data. The Department calculated each state's expenditures over the four-quarters ending March 31, 2023. The Department then calculated 66% of that amount. That amount is reflected in Attachment I unless the calculation resulted in an amount less than \$100,000. In those cases, the state will receive \$100,000. States are required to continue to fully operate their TAA programs in accordance with the termination provision, which includes providing ongoing and sustained outreach to workers included in certifications who have not yet received services, and conducting the administrative activities described in [20 CFR 618.860\(b\)](#). For FY 2023, each state will receive a minimum allocation of \$100,000 of FY 2023 TaOA funds. To access FY 2023 TaOA funds, states must complete their SF-424 and submit these forms via www.grants.gov no later than thirty days from the publication date of this guidance.

- b. Background – TEGL No. 14-22, *Trade Adjustment Assistance (TAA) for Workers Program Phase-out Termination Frequently Asked Questions (FAQs)*, is companion guidance to TEGLs No. 24-20 and its 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*. In these three TEGLs, the Department instructs states on how to operate the TAA Program, first under reversion and then under the current program, referred to as phase-out termination. Under phase-out termination, states must continue to provide ongoing and sustained outreach to identify affected workers and must serve any workers covered by a certified petition who were separated or threatened with separation from trade-affected employment on or before June 30, 2022. Case managers must continue to determine the best mix of benefits and services available to eligible workers based on the version of the TAA Program in effect when the petition covering the worker was filed. The TAA Program continues to operate under Section 285(a) of the Trade Act, as amended, and states are still obligated to comply with the provisions of Governor-Secretary Agreements executed between each State Governor and the Secretary of Labor. See [20 CFR § 618.804](#). The Department will continue to make funding available to the states as annual appropriations remain in effect while the program operates under phase-out termination.

4. FY 2023 TaOA Funds.

- a. Use of Funds –States may use TaOA funds to provide benefits and services to members of worker groups covered by a certification under the 2002 Program, the 2009 Program, the 2011 Program, the 2015 Program, and the Reversion 2021 program in accordance with the requirements in the TAA law in effect at the time of filing of such petition for certification. FY 2023 TaOA funds are available for expenditure for three fiscal years (FY 2023, FY 2024, and FY 2025). The 10-percent limitation on the use of TaOA funds for state administration will not apply to FY

2023 funds to accommodate states' need for administrative activities funds. In compliance with the Uniform Guidance at [2 CFR § 200.403\(a\)](#), the use of such funds must be necessary and reasonable for the performance of the TAA Program. The provision of benefits and services during phase-out, including ongoing and sustained outreach activities, and to enroll members of worker groups certified on or before June 30, 2022, must be charged as employment and case management expenses. This includes providing employment and case management services to ATAA and RTAA recipients. These costs may not be charged as administrative costs. Section [20 CFR 618.860\(b\)](#) lays out the specific activities for which TAA Program TaOA administrative funds may be used. State administrative activities include recommending and reviewing the waiver of the training requirement; issuing, approving, continuing, or revoking training waivers; approving or denying training programs and plans; participating as needed in adjudication or appellate activity associated with any TAA benefit or service; and other administrative activities relating to the TAA Program.

- b. Process for Requesting TaOA Reserve Funds – In the event a state needs an amount greater than the amount indicated on Attachment I of this guidance for the provision of benefits and services to eligible workers, the state should contact the appropriate Regional Office.
- c. Grants Management – States must submit an FY 2023 SF-424 for the amount of funding set out for their state in Attachment I of this guidance. States must: 1) enter the announcement number of this TEGL, ETA-TEGL-NO-02-23, into the opportunity number field of the application, and 2) enter the applicable amount set out for the state in Attachment I of this TEGL as the dollar amount of funds requested for FY 2023. Attachment IV of this TEGL provides detailed instructions for submitting the SF-424 and includes links to resources, including customer service contacts and other information, available at www.grants.gov. States must also submit their applications via www.grants.gov. The Department's Office of Grants Management (OGM), in conjunction in the Office of Trade Adjustment Assistance, will review the submitted application materials and request. Once approved, OGM will incorporate the application with the Annual Financial Agreement (AFA), which will be executed by the Department's Grant Officer and transmitted to the Authorized Organizational Representative and the Point of Contact identified on the SF-424 for the state. Any subsequent changes to the information submitted on the SF-424 (individuals identified, address, etc.) must be submitted to the Department as a request to modify the AFA via the assigned Federal Project Officer. Links to reporting databases, as well as general guidance on how to administer a grant award and the regulations governing grant awards, may be found at: <https://www.dol.gov/agencies/eta/grants/management>, TAA Community page at <https://taa.workforcegps.org>, our Office of Grants Management Grants Application and Management community page at: <https://grantsapplicationandmanagement.workforcegps.org/resources/2016/12/14/10/45/Grant-Management-Training>, and in the Uniform Guidance at 2 CFR 200 et. seq. at: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- 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.);
- Pub. L. 114-27, Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015);
- Trade Adjustment Assistance under the Trade Act of 1974, as Amended, 20 CFR Part 618, 85 FR 51896 (August 21, 2020);
- Agreement Between the Governor and Secretary of Labor, United States Department of Labor, to carry Out the Provisions of Subchapters A, B, and C of Chapter 2 of Title II of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reauthorization Act of 2015;
- 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>;
- 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>;
- Consolidated Appropriations Act, 2023, Division H, (Pub. L. 117-328), Enacted December 29, 2022;
- [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);
- Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011 (BCA);
- [TEGL No. 24-20](#) and its 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*;
- [TEGL No. 17-16](#), *Infrastructure Funding of the One-Stop Delivery System*;
- [TEGL No. 03-19](#), *Real Property Under Employment and Training Administration-Funded Grants*; and
- [TEGL No. 10-19](#), *Technical Assistance regarding the Submission Deadline for the Unified and Combined State Plans under the Workforce Innovation and Opportunity Act (WIOA) for Program Years (PYs) 2020-2023 and Other Related Requirements*.

7. **Attachment(s).**

- Attachment I – FY 2023 Training and Other Activities (TaOA) State Amounts
- Attachment II – Award Description for Trade Adjustment Assistance (TAA) Program Training and Other Activities (TaOA) Grants
- Attachment III – TAA Program Requirements
- Attachment IV – Form SF-424 Submission Instructions
- Attachment V – Use of Funds for Systems Development and Maintenance