

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Trade Adjustment Assistance (TAA)
	CORRESPONDENCE SYMBOL OTAA
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 07-23

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
STATE UI DIRECTORS
RAPID RESPONSE COORDINATORS
TRADE ADJUSTMENT ASSISTANCE LEADS

FROM: BRENT PARTON /s/
Principal Deputy Assistant Secretary

SUBJECT: Ongoing Operations of the Trade Adjustment Assistance (TAA) for Workers Program During Phase-Out Termination

1. **Purpose.** To advise and provide clarity to State Workforce Agencies or agencies designated by Governors as “Cooperating State Agencies” (CSAs or “States”) on the ongoing required activities under the TAA Program pending reauthorization.
2. **Action Requested.** Use this document as companion guidance to Training and Employment Guidance Letter (TEGL) No. 24-20 and TEGL No. 24-20, 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. 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, and TEGL No. 14-22, Trade Adjustment Assistance (TAA) for Workers Program Phase-out Termination Frequently Asked Questions. States must promptly ensure that the appropriate staff and workforce partners are notified of and familiar with the contents of this TEGL.
3. **Summary and Background.**
 - a. Summary – This TEGL provides additional, clarifying guidance to states about the continuing requirement to provide benefits and services under the TAA Program to eligible trade-affected workers.

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- b. Background – The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) (Pub. L. 114-27), at Section 406, terminated the TAA Program on July 1, 2022. This termination is not a cliff termination, but rather a phase-out termination. The termination provisions prohibit the Department from investigating or certifying petitions for TAA. However, States are required to continue to provide workers access to the benefits and services of the TAA Program and encouraged to continue to conduct outreach to eligible workers. Although reauthorization has taken longer than anticipated, the Department continues to support the Administration and Congress in their efforts to reauthorize the TAA Program.

4. Ongoing Operations.

a. Retention of Staff

As discussed in this guidance, States have ongoing required responsibilities under the TAA Program. It is vital that states do their best to retain qualified and trained TAA Program staff to ensure eligible workers have access to the benefits and services available under the TAA Program and to continue required program administration functions.

b. Outreach

Although the Department is currently unable to investigate petitions or render determinations, there are still tens of thousands of eligible trade-affected workers who have not yet accessed the benefits and services under the TAA Program. TAA Program regulations provide for outreach requirements, including [20 CFR § 618.816\(a\)](#), requiring the state to notify all workers who file an application for unemployment insurance about the benefits and services available under the TAA Program. Further, [20 CFR § 618.816\(e\)](#) requires the state to notify members of eligible worker groups with individual notifications of their eligibility through the mail and through at least one modern electronic communications method – such as text messages, or emails. States are also encouraged to utilize social media, websites, and other communication methods such as radio, public service announcements, and press releases. Since termination, states have shown great success in utilizing targeted communication strategies that go well beyond the standard UI and mail notices. In the four quarters following termination, more than 1,300 new participants have been enrolled in the TAA Program. Many of these new participants are workers eligible under petitions certified years prior to termination who never accessed the benefits and services for which they are eligible and who have since been enrolled as a direct result of the targeted outreach strategies deployed by the states. The average time from separation to enrollment for the most recent quarter was over three years. More than 4,000 participants remain active in the TAA Program. Attachment I provides more information on outreach.

c. Training

Trade-affected workers have a lifetime entitlement to apply for training under the TAA Program. There are no changes to the training approval criteria in Section 236, as further described in [20 CFR § 618.610](#). Attachment II provides more information on the definition of suitable employment. Funding for Training and Other Activities (TaOA) will be provided to states in fiscal year (FY) 2024. In addition, states still have access to

FY 2022 and FY 2023 funds.

d. Employment and Case Management Services

Employment and case management services have no additional eligibility criteria or deadline for accessing these services beyond the general TAA Program eligibility requirements located in Sec. 236 of the Trade Act. Neither the TAA Program regulations nor their Preamble provide any additional guidance on the operational impact of this reality. A trade-affected worker may seek these services at any time at their nearest American Job Center or through any electronic portal supported by the American Job Center Network. Primary funding for the provision of these services must be the TAA Program. The requirements at 20 CFR § 618.310 to provide employment and case management services remain in full effect. However, since all trade-affected workers are also Dislocated Workers under the Workforce Innovation and Opportunity Act (WIOA) and are also eligible for services under Wagner-Peyser, states should leverage all appropriate sources to provide employment and case management services to workers. Importantly, the requirement to co-enroll Trade participants in the WIOA dislocated worker program, established at [20 CFR § 618.325](#), remains in full effect.

e. Trade Readjustment Allowances (TRA)

There are various deadlines workers must meet to be initially eligible for TRA. For many trade-affected workers, these deadlines have now passed. The first deadline to meet is to receive a first TRA payment within the 104-week period described at [20 CFR § 618.755](#). A worker separated on June 30, 2022, has until June 30, 2024, to receive their first payment. In addition, workers must meet the training enrollment deadlines described in [20 CFR § 618.725](#) or [TEGL No. 24-20](#) to be eligible for TRA. Workers certified under the Reversion 2021 Program must be enrolled in or receive a waiver from training within 8 weeks of certification or 16 weeks of separation. Workers certified under the 2015 Program must be enrolled in or receive a waiver from training within 26 weeks of certification or separation. There are exceptions to these deadlines which are discussed in f. and g. below. Given these deadline requirements and most workers' need for financial support while participating in training, States are reporting work-based learning as the preferred training strategy for trade-affected workers who are not eligible for TRA. This strategy may become integral as the program continues in termination.

f. Equitable Tolling

Equitable tolling allows for TAA Program deadlines to be extended when an extraordinary circumstance prevented a trade-affected worker's timely action and the worker otherwise acted with diligence. Equitable tolling, as described in [20 CFR § 618.888](#), is available for all trade-affected workers, regardless of the version of the TAA Program under which they were certified.

g. Good Cause / Justifiable Cause

During termination, the good cause provisions of [20 CFR § 618.730](#) remain available for workers certified under the 2015 Program. Good cause provisions are not allowable under Reversion 2021. The same is true for the justifiable cause provision at [20 CFR §](#)

[618.770](#). For more on good cause and justifiable cause, see [TEGL No. 24-20](#) Attachment A.

h. Program Oversight

As of the quarter-ending June 30, 2023, there are more than 4,000 active TAA participants. States are still required to comply with the requirements at [20 CFR § 618.860\(d\)](#) and [20 CFR § 618.864\(g\)](#) to conduct oversight of the TAA Program, including file reviews. States should discuss their oversight strategies with the appropriate Regional Office.

i. Reporting

States are required to continue to provide all TAA required reports.

States are required to submit participant reports through the Workforce Integrated Performance System (WIPS) on the ETA-9172 (OMB Control No. 1205-0521) and continue to report both participants currently receiving services and those who have exited for ten (10) quarters after exit to fully capture performance outcomes.

TAA collects information on state efforts to improve outcomes through WIPS on the ETA-9173 (OMB Control No. 1205-0392) and are required to do so until there are no participant records within ten (10) quarters after exit in the ETA-9172.

Quarterly financial reporting for active TAA grants including training and other activities, TRA, and ATAA/RTAA must continue through the Payment Management System (PMS) on the applicable ETA-9130 form (OMB Control No. 1205-0461).

States are required to continue to review and respond to missed measures quarterly as described in [TEGL No. 01-19, Change 1: Trade Adjustment Assistance Data Integrity \(TAADI\)](#). Individual measures that do not have any records in the denominator as well as any passed measures do not require a response. If a state does not have any measures that did not pass in a quarter, no TAADI response is required.

The annual TAA Administrative Collection of States (TAAACS) collected on form ETA-9189 (OMB Control No. 1205-0540) is required to be completed by all states.

j. TAA as a Required One-Stop Partner

WIOA Sec. 121(b)(1)(B)(vii) establishes the TAA Program as a required one-stop partner. The TAA regulations at [20 CFR § 618.305](#) directs states to comply with the partnership requirements in WIOA Sec. 121(b)(1)(A), as described by the memorandum of understandings (MOU) established under the WIOA regulations at [20 CFR Subpart C](#).

k. Alternative / Reemployment Trade Adjustment Assistance (ATAA/RTAA)

For most workers, there is no longer a pathway to ATAA or RTAA eligibility. As first explained in [TEGL No. 13-21](#), the termination provisions at Section 246(b) provides that only workers who have already begun receiving ATAA or RTAA payments

as of June 30, 2022, may continue to receive payments under the respective program after that date.

1. Job Search and Relocation Allowances

Under the Job Search and Relocation Allowances, there are different deadlines that apply to different workers. See [20 CFR § 618 Subpart D](#) for more details.

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);
- Pub. L. 112-40, Trade Adjustment Assistance Extension Act of 2011 (TAAEA);
- Pub. L. 111-5, Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA);
- Pub. L. 107-210, Trade Adjustment Assistance Reform Act of 2002 (TAARA 2002);
- Pub. L. 113-128, Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. 3101 *et seq.*;
- TAA Final Rule, 20 CFR Part 618, 85 FR 51896 (August 21, 2020);
- WIOA Joint Final Rule, 20 CFR Part 678, 81 FR 55792 (August 19, 2016);
- 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;
- TEGL No. 11-02 and Changes 1, 2, and 3 - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002;
- TEGL No. 22-08 and Change 1 - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009;
- 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, and Change 1;
- 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; and
- TEGL No. 3-23 - Allowable Uses of Funds for Outreach Activities for Federal Formula and Competitive Grant Awards.

7. Attachment(s).

- Attachment I. Effective Outreach Strategies
- Attachment II. Definition of Suitable Employment in Relation to Criterion 1 of TAA Training Eligibility