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| EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210 | CLASSIFICATION Trade Adjustment Assistance |
| | CORRESPONDENCE SYMBOL OTAA |
| | DATE April 14, 2023 |

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 14-22

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 
Acting Assistant Secretary

SUBJECT: Trade Adjustment Assistance (TAA) for Workers Program Phase-out
Termination Frequently Asked Questions (FAQs)

1. **Purpose.** To provide clarifying information to State Workforce Agencies or agencies designated by Governors as “Cooperating State Agencies” (CSAs or “States”) about Trade Adjustment Assistance (TAA) Program phase-out termination, continuing program operations, and prior guidance that remains applicable after June 30, 2022, under the Termination provision established by Section 406 of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015).
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*, and 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*. 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 reminds states that although the program termination provision prohibits the Department from certifying petitions for TAA group eligibility as of July 1, 2022, there is no cliff termination. States are required to continue serving trade-affected

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| RESCISSIONS None | EXPIRATION DATE Continuing |
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workers from worker groups certified prior to that date. A series of questions and answers is attached. The Department will issue separate guidance regarding funding allocations for fiscal year 2023. The TAA Program will continue under the termination provisions until reauthorized by Congress.

- b. Background – Phase-out Termination took effect on July 1, 2022, and will continue until such time as the TAA Program is reauthorized. The Department and the states, as agents of the Secretaryⁱ, are required to continue to operate the program under the sunset provisions explained in TEGL No. 13-21 and further clarified in this TEGL.

4. **Phase-out Termination Questions and Answers.** The Department is providing this information to further explain TAA Program operation under the Phase-out Termination provisions and action CSAs must continue to take while administering the program in its current state (i.e., until Congress enacts legislation to reauthorize the program).

The information contained in the Attachment to this TEGL is grouped into three categories: General Questions, Questions on Receipt of Benefits and Services under Phase-out Termination, and Questions on the Effect of Phase-out Termination on TAA Program Operations. The questions and answers provided in this TEGL and the information in TEGL No. 13-21, TEGL No. 24-20, and TEGL No. 24-20 Change 1, inform states on how the TAA Program must operate under appropriate amendments and provide background information to facilitate an effective understanding of the Phase-out Termination provisions. The Department will provide guidance on the availability and use of FY 2023 Program funds.

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);
- TAA Final Rule, 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;
- 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 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;*
- *TEN No. 1-21 - Frequently Asked Questions Relating to Trade Adjustment Assistance Program Reversion 2021; and*
- *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.*

7. Attachment(s).

Attachment I: Trade Adjustment Assistance: Phaseout Termination Frequently Asked Questions (FAQs)

ⁱ As provided in the 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.

**Trade Adjustment Assistance (TAA): Program Termination
Frequently Asked Questions**

GENERAL QUESTIONS

1. Q: What does Phase-out Termination mean?

Answer: The TAA Program entered phase-out termination on July 1, 2022, meaning that the Department may no longer certify Petitions for Trade Adjustment Assistance (Petitions) to make additional groups of workers eligible to apply for benefits or training. This also means that workers must have been separated or threatened with separation (under the 2015 Program) on or before June 30, 2022, to be eligible to apply for benefits and services.

2. Q: When did the Phase-out Termination status begin?

Answer: The phase-out termination began on July 1, 2022.

3. Q: Why did the TAA Program enter a Phase-out Termination? Can it return?

Answer: Section 406 of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) includes a sunset provision that established a one-year sunset period that began on July 1, 2021 (known as Reversion 2021), and ended on June 30, 2022. Subsequently, Section 285 (relating to termination and phase-out) of the Trade Act took effect providing for the phase-out termination of the TAA program beginning on July 1, 2022. These provisions also provide for a phase-out termination of Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA), under section 246(b), starting on the same date. Restoration or reauthorization of the TAA Program requires congressional action.

4. Q: What happens to petitions pending determination on July 1, 2022?

Answer: There were 28 petitions still pending on July 1, 2022. More than two hundred additional petitions have been filed subsequently. Under the Phase-out Termination, no determinations may be made on these petitions unless and until the TAA Program is reauthorized.

5. Q: How does Phase-out Termination impact workers already receiving benefits?

Answer: There is no impact on workers already receiving benefits. Workers will still be able to access all of the benefits and services available under the TAA Program.

6. **Q: If a worker is part of a certified worker group but was not separated (Reversion 2021 or 2015 Program) or threatened with separation (2015 Program) until after June 30, 2022, are they eligible for the TAA Program while it operates in Phase-out Termination status?**

Answer: No. Under TAA's phase-out termination, except as specified below, a worker must have been separated or threatened with separation on or before June 30, 2022, to be individually eligible to apply for TAA benefits and services. A worker threatened with separation is known as an Adversely Affected Incumbent Worker or AAIW.

QUESTIONS ON RECEIPT OF BENEFITS UNDER THE PHASE-OUT TERMINATION

7. **Q: How does Phase-out Termination impact ATAA / RTAA?**

Answer: Section 406 of TAARA 2015 contains language specific to ATAA/RTAA. In order to be eligible for ATAA/RTAA after June 30, 2022, a worker must have received at least one payment for their qualifying reemployment on or before June 30, 2022.

This provision specifies that only workers who have already begun receiving payments under these programs as of June 30, 2022, or workers who received a practical payment, may continue to receive payments under their respective program after that date. Workers who have met all other eligibility requirements for ATAA or RTAA by June 30, 2022, but who have not yet been issued a payment or practical payment by that date, are not eligible to receive ATAA or RTAA payments.

8. **Q: When do AAIWs lose access to TAA Program benefits and services?**

Answer: An AAIW is otherwise eligible for benefits and services unless the threat of separation is removed or the certification expires, whichever comes first. The determination of an AAIW's threatened status is determined by the state, as provided at 20 CFR §§ 618.110 and 618.655.

QUESTIONS ON THE EFFECTS OF PHASE-OUT TERMINATION ON TAA PROGRAM OPERATIONS

9. **Q: Regarding state operations, what is the major impact of Phase-out Termination?**

Answer: The major impact of the phase-out is that, effective July 1, 2022, no new workers may receive individual TAA benefits and services, unless they are covered by a Petition certified by the Department prior to that date and the individual was separated, or, under the 2015 Program, separated or threatened with separation, prior to that date. Importantly, state TAA operations must continue, meaning that states must continue to conduct outreach to workers covered by Petitions certified on or before June 30, 2022, and provide workers access to all appropriate benefits and services to which they are entitled.

TEGL No. 24-20, Change 1 provides a new interpretation of Section 235 of the Trade Act, as amended, allowing for the use of TAA Program funds for the provision of employment and case management services, as provided in Subpart C of 20 CFR 618, for all trade-affected worker groups. This includes workers covered under the Reversion 2021 provisions. States must continue to conduct ongoing outreach activities to identify members of certified worker groups separated or threatened with separation on or before June 30, 2022, while the program operates under termination.

10. Q: Based on TEGL No. 24-20, Change 1, states may use TAA Program funds to pay for employment and case management services and outreach. From what date does this change become effective?

Answer: States may charge costs for employment and case management services and outreach to active Training and Other Activities (TaOA) grants. States may charge any allowable cost from July 1, 2021, forward. If these costs were previously charged to other ETA grants (e.g., Wagner-Peyser or WIOA), the states may adjust their next quarterly financial reports for any active grants to reflect the change in costs from these partner programs to TAA.

11. Q: Are there any other changes to TAA Program funding under termination?

Answer: The Department will provide guidance on the availability and use of FY 2023 Program funds.

12. Q: How does termination impact the requirement to provide Rapid Response services?

Answer: Since a Petition may no longer be filed, the requirement under Sec. 222(a)(2)(A) to provide Rapid Response and appropriate career services under the Workforce Innovation and Opportunity Act (WIOA) does not apply. Similarly, the requirement in the WIOA regulations at 20 CFR 682.302(d) does not apply. There is no change, however, to the remaining requirements for the provision of Rapid Response under the WIOA program. Thus, many dislocations for which a Petition would have been filed will likely still require the provision of Rapid Response services as required by WIOA.

13. Q: What are the impacts of termination on reporting requirements under the TAA Program?

Answer: There are no changes to the financial, performance, or data quality reporting requirements under termination. States will continue to file all quarterly performance and financial reports as provided in the instructions for those reports. TAA Data Integrity (TAADI) will also continue to be managed according to TEGL No. 01-19, Change 1.

14. Q: Where can I find more information about the TAA Program?

Answer: For more information, please see the TAA website at:
<https://www.dol.gov/agencies/eta/tradeact>