

<b>TRAINING AND EMPLOYMENT NOTICE</b>	<b>NO.</b> 2-20
	<b>DATE</b> August 21, 2020

**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:** JOHN PALLASCH   
Assistant Secretary

**SUBJECT:** Announcing the Release of the *Trade Adjustment Assistance (TAA) for Workers Final Rule* and Amended Information Collections Associated with this Rulemaking

1. **Purpose.** The purpose of this Training and Employment Notice (TEN) is to announce changes to the TAA Program regulations as part of the implementation of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015), title IV of the Trade Preferences Extension Act of 2015 (Pub. L. 114-27). The updated regulations reduce regulatory burden by modernizing, simplifying, and clarifying state administration of the TAA Program.
2. **Action Requested.** Please share this information with interested stakeholders and review the regulations and information collections.
3. **Summary and Background.**
  - a. Summary – On August 21, 2020, the Employment and Training Administration (ETA) released the *Trade Adjustment Assistance (TAA) for Workers Final Rule*. The final rule modernizes the TAA Program, consolidates all applicable program regulations into a single section of the Code of Federal Regulations (CFR), and continues to align the TAA Program with the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128). In writing the final rule, the Department undertook both regulatory and deregulatory actions, by eliminating 20 CFR part 617 and 29 CFR part 90, and by including all program regulations in 20 CFR part 618. The TAA

Final Rule, effective September 21, 2020, is available at 85 FR 51896, and [www.federalregister.gov/documents/2020/08/21/2020-13802/trade-adjustment-assistance-for-workers](http://www.federalregister.gov/documents/2020/08/21/2020-13802/trade-adjustment-assistance-for-workers).

This TEN also announces that the Department has submitted amended information collections associated with this Final Rule to the Office of Management and Budget:

- OMB Control Number 1205-0342, Petition Requirements and Investigative Data Collection: Trade Act of 1974, as Amended

b. Background – The regulations governing the TAA Program have not been significantly updated since 1994. Since that time, five major reauthorizations have occurred. The most recent occurred in 2015 with the passage of TAARA 2015. In addition, in 2014, WIOA was enacted, and reaffirmed the TAA Program as a mandatory partner program in the one-stop delivery system for workers affected by foreign trade and seeking reemployment. The Final Rule reflects the modernized workforce that has materialized over time due to these changes, and accomplishes the objectives mentioned in 3.a. above.

4. **Final Rule Roll-Out and Serving Trade-Affected Workers.** The Department is offering a robust strategy to train the workforce system on this rule. Roll-out activities include a myriad of technical assistance information sessions including:

a. **Final Rule Roll-Out:**

i. Training Webinars – ETA will conduct training remotely, on a rolling basis, which will be available live and via archived recordings. Phase 1 of training for states, American Job Centers, partners, the broader workforce system, etc. will begin on Monday, August 24, 2020, via the WorkforceGPS platform. Phase 1 is a subpart-by-subpart presentation of the TAA Final Rule. Phase 2 will be topic-driven sessions containing best practices from states on a range of topics. The full schedule of webinars and registration for the trainings can be found at the TAA Community on WorkforceGPS at: [taa.workforcegps.org](http://taa.workforcegps.org). After each webinar, ETA will post the content on the TAA website at: [www.dol.gov/agencies/eta/tradeact/webinars](http://www.dol.gov/agencies/eta/tradeact/webinars).

ii. Regional Assistance – ETA Regional Offices will work with states to implement the new Final Rule by conducting assessments, providing technical assistance, and offering additional training.

b. **Serving Trade-Affected Workers:**

i. Serving 2011 Program and 2015 Program Workers – Worker groups covered by petitions filed under the 2011 Program and the 2015 Programs (see definitions of these programs in 6.b. below) are served under this Final Rule.

ii. Serving 2002 Program and 2009 Program Workers – Worker groups covered by petitions filed under earlier versions of the TAA Program (see definitions of these programs in 6.b. below) are subject to the operating instructions issued via Training and Employment Guidance Letters (TEGL):

- 2002 Act – TA-W-50,000 to 69,999 – TEGL No. 11-02 and its Changes [wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=1426](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=1426)
- 2009 Act – TA-W070,000 to 79,999 – TEGL No. 22-08 and its Changes [wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2756](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2756)

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office or to the email address: [regulations.TAA@dol.gov](mailto:regulations.TAA@dol.gov).

6. **References and Definitions.**

a. References:

- Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (1974 Act, as amended) (Trade Act), codified at 19 USC Chapter 12;
- Trade Adjustment Assistance Reform Act of 2002, Division A, Title I, Subtitle A of the Trade Act of 2002 (Pub. L. 107-210) (as amended by the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108-429)) (TAARA);
- Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009 (TGAAA) (Pub. L. 111-5);
- Trade Adjustment Assistance Extension Act of 2011 (Pub. L. 112-40) (TAAEA);
- Trade Adjustment Assistance Reauthorization Act of 2015 (Pub. L. 114-27, Title IV) (TAARA 2015);
- 20 CFR part 618, Trade Adjustment Assistance;
- TEGL No. 11-02 and its Changes - *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002*, and
- TEGL No. 22-08 and its Changes - *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009*.

b. Definitions:

- *The 2002 Program* means the TAA Program carried out under Chapter 2 of Title II of the Trade Act of 1974, as amended by the TAARA, and applies to workers covered by petitions filed before May 18, 2009, and to workers covered by petitions filed on or after February 13, 2011, and before October 21, 2011, who receive benefits under this program under section 231(a)(1)(B) of the TAAEA (the “election” provision).

- *The 2009 Program* means the TAA Program carried out under Chapter 2 of Title II of the Trade Act of 1974, as amended by the TGAAA and applies to workers covered by petitions filed on or after May 18, 2009, and on or before February 12, 2011.
- *The 2011 Program* means the TAA Program carried out under Chapter 2 of Title II of the Trade Act of 1974, as amended by the TAAEA and applies to workers covered by petitions filed on or after February 13, 2011, and on or before December 31, 2013, and to workers covered by petitions filed on or after February 13, 2011, and before October 21, 2011, who receive benefits under this program under section 231(a)(1)(B) of the TAAEA (the “election” provision).
- *The 2015 Program* means the TAA Program carried out under Chapter 2 of Title II of the Trade Act of 1974, as amended by the TAARA 2015 and applies to workers covered by petitions filed on or after January 1, 2014.

## **7. Attachments.**

- Attachment I – List of Active Administrative Guidance for the TAA Program
- Attachment II – List of Cancelled Administrative Guidance for the TAA Program

**List of Active Administrative Guidance - TAA Program**

**TEGL No. 18-19**, *Initial Allocation of Fiscal Year (FY) 2020 Trade Adjustment Assistance (TAA) Program Training and Other Activities (TaOA) Funds and Process for Requesting TAA Reserve Funds;*

**TEGL No. 17-19**, *Fiscal Year (FY) 2020 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Grant Management Guidance;*

**TEN No. 10-19 Change 1**, *Extension of the Health Coverage Tax Credit (HCTC) Program for Eligible Trade Adjustment Assistance (TAA) Recipients and Eligible Alternative TAA and Reemployment TAA (ATAA/RTAA) Recipients or Eligible Pension Benefit Guaranty Corporation (PBGC) Recipients;*

**TEGL No. 2-19**, *Second Distribution of Fiscal Year (FY) 2019 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Funds and the Process for Requesting TAA Reserve Funds;*

**TEGL No. 1-19**, *Trade Adjustment Assistance Data Integrity (TAADI);*

**TEGL No. 13-18**, *Fiscal Year (FY) 2019 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Grant Management Guidance;*

**TEGL No. 12-18**, *Initial Allocation of Fiscal Year (FY) 2019 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Funds and Process for Requesting TAA Reserve Funds;*

**TEGL No. 19-17**, *Initial Allocation of Fiscal Year (FY) 2018 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Funds and the Process for Requesting TAA Reserve Funds;*

**TEGL No. 18-17**, *Fiscal Year (FY) 2018 Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Grant Management Guidance;*

**TEGL No. 12-16**, *Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Adjustment Assistance (TAA) and Trade Readjustment Allowance (TRA);*

**TEGL No. 27-13**, *Impact of the U.S. Supreme Court's Decision in United States v. Windsor on the Trade Adjustment Assistance Program;*

**TEGL No. 22-08 and its Changes**, *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. 09-05**, *Approval of Distance Learning Under the Trade Adjustment Assistance (TAA) Program; and*

**TEGL No. 11-02 and its Changes**, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002.*

**List of Cancelled Administrative Guidance for the TAA Program as of September 21, 2020**

**TEGL No. 21-00**, *Guidance on Integrating Services under the Trade Act Programs - Trade Adjustment Assistance (TAA) and North American Free Trade Agreement - Transitional Adjustment Assistance (NAFTA-TAA) - with the Services Provided under the Workforce Investment Act (WIA);*

**UIPL No. 31-00**, *Technical Assistance Guides for the Payment of Trade Readjustment Allowances (TRA);*

**TEGL No. 10-02**, *Use of National Emergency Grant Funds Under the Workforce Investment Act, as Amended, to Develop Systems for Health Insurance Coverage Assistance for Trade-Impacted Workers;*

**TEGL No. 02-03 and its Changes**, *Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002;*

**TEGL No. 06-03**, *Fiscal Year (FY) 2004 State Planning Estimates and Process for Requesting Additional Trade Adjustment Assistance (TAA) Funds for Training and Administration*  
**TEGL 09-05** *Approval of Distance Learning Under the Trade Adjustment Assistance (TAA) Program;*

**TEGL No. 23-08**, *Petition Form for the Trade Adjustment Assistance (TAA) Program Including a Spanish Version;*

**TEGL No. 06-09 and its Changes**, *Instructions for Implementing the Revised 2010 Trade Adjustment Assistance Trade Activity Participant Report (TAPR);*

**TEGL No. 09-09 and its Changes**, *Fiscal Year (FY) 2010 State Initial Allocations and the Process for Requesting Additional Trade Adjustment Assistance (TAA) Program Reserve Funds;*

**TEGL No. 01-10 and its Changes**, *Promulgation of 20 CFR Part 618 Trade Adjustment Assistance: Merit Staffing of State Administration and Allocation of Training Funds to States;*

**TEGL No. 13-10**, *Fiscal Year (FY) 2011 State Initial Allocations and the Process for Requesting Additional Trade Adjustment Assistance (TAA) Program Reserve Funds;*

**TEGL No. 16-10 and its Changes**, *Instructions for Phasing Out Changes to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009;*

**TEGL No. 19-10**, *Petition Forms to File for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance - Starting February 15, 2011;*

**TEGL No. 02-11**, *Fiscal Year (FY) 2011 Second Distribution of Trade Adjustment Assistance (TAA) Training Funds and Distribution of Remainder of FY 2011 Training, Job Search, and Relocation Allowance Funding;*

**TEGL No. 06-11**, *Instructions for Submitting Amendment Requests to the Office of Trade Adjustment Assistance under the Trade Act of 1974;*

**TEGL No. 08-11**, *Availability of Equitable Tolling of Deadlines for Workers Covered Under Trade Adjustment Assistance (TAA) Certifications;*

**TEGL No. 10-11 and its Changes**, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA);*

**UIPL No. 12-11**, *Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance Recipients - Expiration of American Recovery and Reinvestment Act of 2009 Provisions Expanding HCTC;*

**TEGL No. 13-11**, *Fiscal Year (FY) 2012 State Initial Allocations and the Process for Requesting Trade Adjustment Assistance (TAA) Program Reserve Funds;*

**TEGL No. 14-11**, *Revised Petition Forms to File for Trade Adjustment Assistance;*

**TEGL No. 28-11**, *Program Year 2011/Fiscal Year 2012 Performance Reporting and Data Validation Timelines;*

**TEGL No. 01-12**, *Fiscal Year (FY) 2012 Second Distribution of Trade Adjustment Assistance (TAA) Program Funding to States and the Process for Requesting TAA Program Reserve Funds;*

**TEGL No. 31-12**, *Fiscal Year (FY) 2013 State Initial Allocations and the Process for Requesting Trade Adjustment Assistance (TAA) Program Reserve Funds;*

**TEGL No. 07-13**, *Operating Instructions for Implementing the Sunset Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA or the 2011 Amendments);*

**TEGL No. 12-13**, *Fiscal Year (FY) 2014 State Initial Allocations for Trade Adjustment Assistance (TAA) Training and Other Activities and the Process for Requesting TAA Program Reserve Funds;*

**TEGL No. 15-13**, *Expiration of the Health Coverage Tax Credit (HCTC) Program for Eligible Trade Adjustment Assistance (TAA) Recipients and Eligible Alternative TAA (ATAA/RTAA) Recipients or Eligible Pension Benefit Guaranty Corporation (PBGC) Recipients;*

**TEGL No. 01-14**, *Second Distribution of Fiscal Year (FY) 2014 Trade Adjustment Assistance (TAA) Training and Other Activities Funds and the Process for Requesting TAA Program Reserve Funds;*

**TEGL No. 06-14**, *Program Year (PY) 2013/Fiscal Year (FY) 2014 Data Validation and Performance Reporting Requirements and Associated Timelines;*

**TEGL No. 14-14**, *Trade Adjustment Assistance (TAA) for Workers and Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA) program operations after December 31, 2014;*

**TEGL No. 16-14**, *Appropriations to Continue the Trade Adjustment Assistance (TAA) for Workers and Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA) Program Operations for Fiscal Year (FY) 2015;*

**TEGL No. 20-14**, *Fiscal Year (FY) 2015 State Initial Allocations for Trade Adjustment Assistance (TAA) Training and Other Activities and the Process for Requesting TAA Program Reserve Funds;*

**TEGL No. 40-14**, *Second Distribution of Fiscal Year (FY) 2015 Trade Adjustment Assistance (TAA) Training and Other Activities Funds and the Process for Requesting TAA Program Reserve Funds;*

**TEGL No. 21-15**, *Reinstatement of the Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance (TAA) Recipients and Alternative TAA (ATAA) and Reemployment TAA (RTAA) Recipients;*

**TEGL No. 22-15**, *Fiscal Year (FY) 2016 State Initial Allocations for Trade Adjustment Assistance (TAA) Training and Other Activities and the Process for Requesting TAA Reserve Funds;*

**TEGL No. 03-16**, *Second Distribution of Fiscal Year (FY) 2016 Trade Adjustment Assistance (TAA) Training and Other Activities Funds and the Process for Requesting TAA Program Reserve Funds;*

**TEGL No. 05-15 and its Changes**, *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015); and*

**TEGL No 30-16**, *Initial Allocation of Fiscal Year (FY) 2017 of Trade Adjustment Assistance (TAA) Training and Other Activities (TaOA) Funds and the Process for Requesting TAA Reserve Funds.*