

TRAINING AND EMPLOYMENT NOTICE	NO. 2-20
	DATE 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 /s/
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.

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. After each webinar, ETA will post the content on the TAA website at: 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
- 2009 Act – TA-W070,000 to 79,999 – TEGL No. 22-08 and its Changes 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.

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