

116TH CONGRESS
2D SESSION

S. 3555

To expand the trade adjustment assistance for workers program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2020

Ms. STABENOW (for herself and Mr. PETERS) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To expand the trade adjustment assistance for workers program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trade Adjustment Assistance For Workers Reauthoriza-
6 tion Act of 2020”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE PROGRAM

Sec. 101. Filing petitions.

- Sec. 102. Adjustment assistance for retaliatory tariff increases.
- Sec. 103. Adjustment assistance for supply chain disruptions and decreased exports during public health emergencies.
- Sec. 104. Eligibility of staffed workers and teleworkers.
- Sec. 105. Application of determinations of eligibility to workers employed by successors-in-interest.
- Sec. 106. Provision of benefit information to workers.
- Sec. 107. Modifications to trade readjustment allowances.
- Sec. 108. Provision of information on work-based learning opportunities.
- Sec. 109. Training for workers.
- Sec. 110. Eligibility criteria for reemployment trade adjustment assistance.
- Sec. 111. Subpoena power.
- Sec. 112. Data collection with respect to training.
- Sec. 113. Extension of trade adjustment assistance program.
- Sec. 114. Sense of Congress.
- Sec. 115. Effective date; applicability.

TITLE II—AMENDMENTS TO WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

- Sec. 201. Worker Adjustment and Retraining Notification Act.

TITLE III—HEALTH CARE TAX CREDIT

- Sec. 301. Extension of credit for health insurance costs.

1 **TITLE I—TRADE ADJUSTMENT** 2 **ASSISTANCE PROGRAM**

3 **SEC. 101. FILING PETITIONS.**

4 Section 221(a)(1)(A) of the Trade Act of 1974 (19
5 U.S.C. 2271(a)(1)(A)) is amended to read as follows:

6 “(A) Two or more workers in the group of
7 workers.”.

8 **SEC. 102. ADJUSTMENT ASSISTANCE FOR RETALIATORY** 9 **TARIFF INCREASES.**

10 (a) IN GENERAL.—Section 222(a)(2) of the Trade
11 Act of 1974 (19 U.S.C. 2272(a)(2)) is amended—

12 (1) in subparagraph (A)(iii), by striking “or” at
13 the end;

1 (2) in subparagraph (B)(ii), by striking the pe-
 2 riod at the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(C)(i) the sales or production, or both, of such
 5 firm have decreased;

6 “(ii) exports of articles produced or services
 7 supplied by such workers’ firm have decreased;

8 “(iii) the decrease in exports described in clause
 9 (ii) resulted in whole or in part from duties imposed
 10 on such exports by a foreign country in response to
 11 duties imposed by the United States on imports
 12 from that country; and

13 “(iv) the decrease in exports described in clause
 14 (ii) contributed importantly to such workers’ separa-
 15 tion or threat of separation and to the decline in the
 16 sales or production of such firm.”.

17 (b) CONSULTATIONS WITH RESPECT TO FOREIGN
 18 RETALIATORY ACTIONS.—Section 222 of the Trade Act
 19 of 1974 (19 U.S.C. 2272) is amended by adding at the
 20 end the following:

21 “(f) CONSULTATIONS WITH RESPECT TO FOREIGN
 22 RETALIATORY ACTIONS.—In making determinations
 23 under subsection (a)(2)(C), the Secretary shall consult
 24 with the Under Secretary of Commerce for International
 25 Trade with respect to whether duties imposed on exports

1 by a foreign country are imposed in response to duties
 2 imposed by the United States on imports from that coun-
 3 try.”.

4 **SEC. 103. ADJUSTMENT ASSISTANCE FOR SUPPLY CHAIN**
 5 **DISRUPTIONS AND DECREASED EXPORTS**
 6 **DURING PUBLIC HEALTH EMERGENCIES.**

7 (a) IN GENERAL.—Section 222(a)(2) of the Trade
 8 Act of 1974 (19 U.S.C. 2272(a)(2)), as amended by sec-
 9 tion 102, is further amended—

10 (1) in subparagraph (B)(ii), by striking “or” at
 11 the end;

12 (2) in subparagraph (C)(iv), by striking the pe-
 13 riod at the end and inserting “; or”; and

14 (3) by adding at the end the following:

15 “(D)(i) the sales or production, or both, of such
 16 firm have decreased;

17 “(ii) the decrease in sales or production, or
 18 both, of such firm resulted in whole or in part from
 19 a decrease in imports of components or supplies
 20 that—

21 “(I) are directly incorporated into an arti-
 22 cle produced by such firm; and

23 “(II) are not available in sufficient quan-
 24 tities in the United States; and

1 “(iii) the decrease in imports of components or
2 supplies described in clause (ii) contributed impor-
3 tantly to such workers’ separation or threat of sepa-
4 ration and to the decline in the sales or production
5 of such firm; or

6 “(E)(i) the sales or production, or both, of such
7 firm have decreased;

8 “(ii) exports of articles produced or services
9 supplied by such workers’ firm have decreased;

10 “(iii) the decrease in exports described in clause
11 (ii) occurred during a period during which—

12 “(I) a public health emergency declared
13 under section 319 of the Public Health Service
14 Act (42 U.S.C. 247d) is in effect for the juris-
15 diction in which such firm is located; or

16 “(II) a national emergency declared under
17 section 201 of the National Emergencies Act
18 (50 U.S.C. 1621) with respect to public health
19 and safety within the United States is in effect;
20 and

21 “(iv) the decrease in exports described in clause
22 (ii) contributed importantly to such workers’ separa-
23 tion or threat of separation and to the decline in the
24 sales or production of such firm.”.

1 (b) PUBLIC HEALTH EMERGENCY DEFINED.—Sec-
 2 tion 222(c) of the Trade Act of 1974 (19 U.S.C. 2272(c))
 3 is amended by adding at the end the following:

4 “(5) PUBLIC HEALTH EMERGENCY.—The term
 5 ‘public health emergency’ means a public health
 6 emergency declared—

7 “(A) by the Secretary of Health and
 8 Human Services under section 319 of the Pub-
 9 lic Health Service Act (42 U.S.C. 247d); or

10 “(B) by a public health official of a State
 11 with authority to declare such an emergency for
 12 the State or a jurisdiction within the State.”.

13 (c) SPECIAL RULES.—Section 223 of the Trade Act
 14 of 1974 (19 U.S.C. 2272) is amended by adding at the
 15 end the following:

16 “(f) SPECIAL RULES RELATING TO SUPPLY CHAIN
 17 DISRUPTION AND PUBLIC HEALTH EMERGENCIES.—

18 “(1) WAIVER AUTHORITY.—During a period de-
 19 scribed in subparagraph (E)(iii) of section
 20 222(a)(2), the Secretary may waive any requirement
 21 of this chapter that the Secretary determines is nec-
 22 essary to ensure that a group of workers who meets
 23 the eligibility requirements described in subpara-
 24 graphs (D) and (E) of that section is certified as eli-
 25 gible to apply for adjustment assistance and that

1 such workers begin receiving benefits under this
2 chapter as expeditiously as possible.

3 “(2) EXPEDITED CERTIFICATION.—

4 “(A) IN GENERAL.—If the case of a peti-
5 tion described in subparagraph (C), the Sec-
6 retary may—

7 “(i) waive all applicable hearings or
8 investigations; and

9 “(ii) subject to subparagraph (B),
10 issue a certification of eligibility covering
11 that group of workers as soon as possible.

12 “(B) DENIALS; REQUIREMENTS.—The Sec-
13 retary may—

14 “(i) require such information as is
15 necessary for the Secretary to issue a cer-
16 tification of eligibility pursuant to a peti-
17 tion described in subparagraph (C); and

18 “(ii) determine not to issue such a
19 certification if the Secretary determines
20 that the preponderance of the evidence in-
21 dicates that the group of workers covered
22 by the petition does not meet the eligibility
23 requirements described in subparagraph
24 (D) or (E) of section 222(a)(2).

“(C) PETITIONS DESCRIBED.—A petition described in this subparagraph is a petition for certification of eligibility to apply for adjustment assistance for a group of workers under section 221(a)(1)—

“(i) based on the eligibility requirements described in subparagraph (D) or (E) of section 222(a)(2); and

“(ii) filed by—

“(I) the certified or recognized union or other duly authorized representative of such workers;

“(II) such workers’ firm; or

“(III) a State agency.”.

SEC. 104. ELIGIBILITY OF STAFFED WORKERS AND TELEWORKERS.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 102(b), is further amended by adding at the end the following:

“(h) TREATMENT OF STAFFED WORKERS AND TELEWORKERS.—

“(1) IN GENERAL.—For purposes of subsection (a), workers in a firm include staffed workers and teleworkers.

“(2) DEFINITIONS.—In this subsection:

1 “(A) STAFFED WORKER.—The term
2 ‘staffed worker’ means a worker who performs
3 work under the operational control of a firm
4 that is the subject of a petition filed under sec-
5 tion 221, even if the worker is directly em-
6 ployed by another firm.

7 “(B) TELEWORKER.—The term ‘tele-
8 worker’ means a worker who works remotely
9 but who reports to the location listed for a firm
10 in a petition filed under section 221.”.

11 **SEC. 105. APPLICATION OF DETERMINATIONS OF ELIGI-**
12 **BILITY TO WORKERS EMPLOYED BY SUCCES-**
13 **SORS-IN-INTEREST.**

14 Section 223 of the Trade Act of 1974 (19 U.S.C.
15 2273), as amended by section 103(c), is further amended
16 by adding at the end the following:

17 “(g) TREATMENT OF WORKERS OF SUCCESSORS-IN-
18 INTEREST.—If the Secretary certifies a group of workers
19 of a firm as eligible to apply for adjustment assistance
20 under this chapter, a worker of a successor-in-interest to
21 that firm shall be covered by the certification to the same
22 extent as a worker of that firm.”.

1 **SEC. 106. PROVISION OF BENEFIT INFORMATION TO WORK-**
2 **ERS.**

3 Section 225(b) of the Trade Act of 1974 (19 U.S.C.
4 2275(b)) is amended—

5 (1) by redesignating paragraph (2) as para-
6 graph (3);

7 (2) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) The Secretary shall provide a second notice to
10 a worker described in paragraph (1) before the worker has
11 exhausted all rights to any unemployment insurance to
12 which the worker is entitled (other than additional com-
13 pensation described in section 231(a)(3)(B) funded by a
14 State and not reimbursed from Federal funds).”;

15 (3) in paragraph (3), as redesignated by para-
16 graph (1), by inserting “print or digital” before
17 “newspapers”; and

18 (4) by adding at the end the following:

19 “(4) For purposes of providing outreach regarding
20 the benefits available under this chapter to workers cov-
21 ered by a certification made under subchapter A, the Sec-
22 retary may take any necessary actions, including the fol-
23 lowing:

24 “(A) Collect the email addresses and telephone
25 numbers of such workers from the employers of such
26 workers to provide outreach to such workers.

1 “(B) Partner with certified or recognized union
2 or other duly authorized representatives of such
3 workers.

4 “(C) Hire peer support workers to perform out-
5 reach to other workers covered by that certification.

6 “(D) Use advertising methods and public infor-
7 mation campaigns, including social media, in addi-
8 tion to notice published in print or digital news-
9 papers under paragraph (3).”.

10 **SEC. 107. MODIFICATIONS TO TRADE READJUSTMENT AL-**
11 **LOWANCES.**

12 (a) PAYMENT TO COMPLETE TRAINING.—Section
13 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) in paragraph (2), by inserting after
17 “104-week period” the following: “(or, in the
18 case of an adversely affected worker who re-
19 quires a program of prerequisite education or
20 remedial education (as described in section
21 236(a)(5)(D)) in order to complete training ap-
22 proved for the worker under section 236, the
23 130-week period)”;

24 (B) in paragraph (3), by striking “65 addi-
25 tional weeks in the 78-week period” and insert-

1 ing “78 additional weeks in the 91-week pe-
 2 riod”; and

3 (C) in the flush text, by striking “78-week
 4 period” and inserting “91-week period”; and

5 (2) by amending subsection (f) to read as fol-
 6 lows:

7 “(f) PAYMENT OF TRADE READJUSTMENT ALLOW-
 8 ANCES TO COMPLETE TRAINING.—Notwithstanding any
 9 other provision of this section, in order to assist an ad-
 10 versely affected worker to complete training approved for
 11 the worker under section 236 that includes a program of
 12 prerequisite education or remedial education (as described
 13 in section 236(a)(5)(D)), and in accordance with regula-
 14 tions prescribed by the Secretary, payments may be made
 15 as trade readjustment allowances for up to 26 additional
 16 weeks in the 26-week period that follows the last week of
 17 entitlement to trade readjustment allowances otherwise
 18 payable under this chapter.”.

19 (b) PAYMENT TO WORKERS IN ON-THE-JOB TRAIN-
 20 ING, CUSTOMIZED TRAINING, OR APPRENTICESHIP PRO-
 21 GRAMS.—Section 233(d) of the Trade Act of 1974 (19
 22 U.S.C. 2293(d)) is amended to read as follows:

23 “(d) PAYMENT TO WORKERS IN ON-THE-JOB TRAIN-
 24 ING, CUSTOMIZED TRAINING, OR APPRENTICESHIP PRO-
 25 GRAMS.—

1 “(1) IN GENERAL.—Except as provided in para-
 2 graph (2) and notwithstanding any other provision
 3 of this chapter, a trade readjustment allowance may
 4 be paid under this part to an adversely affected
 5 worker for any week during which the worker is re-
 6 ceiving on-the-job training or customized training, or
 7 is participating in a registered apprenticeship pro-
 8 gram, under section 236.

9 “(2) INCOME LIMITATION.—The Secretary shall
 10 reduce the amount of the trade readjustment allow-
 11 ance otherwise payable to a worker under paragraph
 12 (1) to ensure that the sum of the income of the
 13 worker from the on-the-job training, customized
 14 training, or apprenticeship program described in
 15 that paragraph and the trade readjustment allow-
 16 ance paid to the worker under that paragraph does
 17 not exceed \$55,000 during a year.”.

18 **SEC. 108. PROVISION OF INFORMATION ON WORK-BASED**
 19 **LEARNING OPPORTUNITIES.**

20 Section 235(3) of the Trade Act of 1974 (19 U.S.C.
 21 2295(3)) is amended by inserting after “regional areas”
 22 the following: “(including information about registered ap-
 23 prenticeship programs, on-the-job training opportunities,
 24 and other work-based learning opportunities)”.

1 **SEC. 109. TRAINING FOR WORKERS.**

2 Section 236 of the Trade Act of 1974 (19 U.S.C.
3 2296) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) by striking subparagraph (A); and

7 (ii) by redesignating subparagraphs

8 (B) through (F) as subparagraphs (A)

9 through (E), respectively;

10 (B) in paragraph (2)—

11 (i) by striking subparagraph (A);

12 (ii) by redesignating subparagraphs

13 (B) through (E) as subparagraphs (A)

14 through (D), respectively;

15 (iii) in clause (i) of subparagraph (A),

16 as redesignated by clause (ii), by striking

17 “subparagraph (C)” and inserting “sub-

18 paragraph (D)”;

19 (iv) by striking subparagraph (D), as

20 so redesignated; and

21 (v) by striking “subparagraph (B)(i)”

22 each place it appears and inserting “sub-

23 paragraph (A)(i)”;

24 (C) in paragraph (3), by striking “para-

25 graph (1)(C)” and inserting “paragraph

26 (1)(B)”;

1 (D) in paragraph (5)(E), by inserting “,
 2 including a pre-apprenticeship program,” after
 3 “coursework”; and

4 (E) in paragraph (9)(B)—

5 (i) in clause (i), by striking “para-
 6 graph (1)(E)” and inserting “paragraph
 7 (1)(D)”; and

8 (ii) in clause (ii), by striking “para-
 9 graph (1)(F)” and inserting “paragraph
 10 (1)(E)”;

11 (2) in subsection (c)(3)(B), by striking “, but
 12 may not exceed 104 weeks in any case”;

13 (3) by striking subsection (e);

14 (4) by redesignating subsections (f) and (g) as
 15 subsections (e) and (f), respectively; and

16 (5) by adding at the end the following:

17 “(g) REIMBURSEMENT FOR OUT-OF-POCKET TRAIN-
 18 ING EXPENSES.—If the Secretary approves training for
 19 a worker under paragraph (1) of subsection (a), the Sec-
 20 retary may reimburse the worker for out-of-pocket ex-
 21 penses relating to training programs described in para-
 22 graph (5) of that subsection that were incurred by the
 23 worker on and after the date of the worker’s total or par-
 24 tial separation and before the date on which the certifi-

1 cation of eligibility under section 222 that covers the work-
 2 er is issued.

3 “(h) PRE-APPRENTICESHIP DEFINED.—For pur-
 4 poses of subsection (a)(5)(D), the term ‘pre-apprentice-
 5 ship’, with respect to a program, means an initiative or
 6 set of strategies that is designed to prepare individuals
 7 to enter and succeed in an apprenticeship program reg-
 8 istered under the Act of August 16, 1937 (commonly
 9 known as the ‘National Apprenticeship Act’; 50 Stat. 664,
 10 chapter 663; 29 U.S.C. 50 et seq.).”.

11 **SEC. 110. ELIGIBILITY CRITERIA FOR REEMPLOYMENT**
 12 **TRADE ADJUSTMENT ASSISTANCE.**

13 Section 246(a) of the Trade Act of 1974 (19 U.S.C.
 14 2318(a)) is amended—

15 (1) in paragraph (3)(B)(ii), by striking
 16 “\$50,000” and inserting “\$55,000”; and

17 (2) in paragraph (4)(A), by striking “the earlier
 18 of” and all that follows and inserting “the date on
 19 which the worker obtains reemployment described in
 20 paragraph (3)(B).”.

21 **SEC. 111. SUBPOENA POWER.**

22 Section 249 of the Trade Act of 1974 (19 U.S.C.
 23 2321) is amended—

24 (1) in subsection (a), by adding at the end the
 25 following: “That authority includes the authority of

1 States to require, by subpoena, a firm to provide in-
 2 formation on workers employed by, or totally or par-
 3 tially separated from, the firm that is necessary to
 4 make a determination under this chapter or to pro-
 5 vide outreach to workers, including the names and
 6 address of workers.”; and

7 (2) by adding at the end the following:

8 “(c) ENFORCEMENT OF SUBPOENAS BY STATES.—
 9 A State may enforce compliance with a subpoena issued
 10 under subsection (a)—

11 “(1) as provided for under State law; and

12 “(2) by petitioning an appropriate United
 13 States district court for an order requiring compli-
 14 ance with the subpoena.”.

15 **SEC. 112. DATA COLLECTION WITH RESPECT TO TRAINING.**

16 Section 249B of the Trade Act of 1974 (19 U.S.C.
 17 2323) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (1)(C)—

20 (i) by redesignating clauses (i) and

21 (ii) as clauses (ii) and (iii), respectively;

22 and

23 (ii) by inserting before clause (ii), as

24 so redesignated, the following:

1 “(i) the county or countries in which
 2 increased imports, shifts in production,
 3 and other bases of eligibilities under sec-
 4 tion 222 originated;” and

5 (B) in paragraph (4)(B), by inserting
 6 “training provider,” after “age,”; and

7 (2) in subsection (e)(1), by striking subpara-
 8 graph (C) and inserting the following:

9 “(C) the data collected under this section,
 10 in a format searchable by petition number,
 11 firm, city, State, Standard Industrial Classifica-
 12 tion, North American Industry Classification
 13 System, basis of certification, country of origin,
 14 and timeframe, with an option to receive search
 15 results in an electronic spreadsheet format,
 16 which shall include—

17 “(i) firm;

18 “(ii) city;

19 “(iii) State;

20 “(iv) petitioners;

21 “(v) union at facility;

22 “(vi) Standard Industrial Classifica-
 23 tion;

24 “(vii) North American Industry Clas-
 25 sification System;

- 1 “(viii) description of the article pro-
- 2 duced or service supplied by the firm iden-
- 3 tified in the petition;
- 4 “(ix) decision date;
- 5 “(x) decision;
- 6 “(xi) basis of certification;
- 7 “(xii) reason provided in section 3.1
- 8 of the petition;
- 9 “(xiii) country where the basis of eli-
- 10 gibility originated;
- 11 “(xiv) number of workers certified;
- 12 “(xv) number of workers who received
- 13 benefits;
- 14 “(xvi) median earnings of post-train-
- 15 ing in State (or from a particular certifi-
- 16 cation);
- 17 “(xvii) impact date; and
- 18 “(xviii) expiration date; and”.

19 **SEC. 113. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**
 20 **PROGRAM.**

21 (a) REPEAL OF TERMINATION PROVISION.—

22 (1) IN GENERAL.—Section 285 of the Trade
 23 Act of 1974 (19 U.S.C. 2271 note) is repealed.

1 (2) CLERICAL AMENDMENT.—The table of con-
 2 tents for the Trade Act of 1974 is amended by strik-
 3 ing the item relating to section 285.

4 (b) REPEAL OF SNAPBACK PROVISION.—Section 406
 5 of the Trade Adjustment Assistance Reauthorization Act
 6 of 2015 (Public Law 114–27; 129 Stat. 379) is repealed.

7 (c) REEMPLOYMENT TRADE ADJUSTMENT ASSIST-
 8 ANCE.—Section 246(b)(1) of the Trade Act of 1974 (19
 9 U.S.C. 2318(b)(1)) is amended by striking “June 30,
 10 2021” and inserting “September 30, 2027”.

11 (d) AUTHORIZATIONS OF APPROPRIATIONS.—

12 (1) TRADE ADJUSTMENT ASSISTANCE FOR
 13 WORKERS.—Section 245(a) of the Trade Act of
 14 1974 (19 U.S.C. 2317(a)) is amended by striking
 15 “June 30, 2021” and inserting “September 30,
 16 2027”.

17 (2) TRADE ADJUSTMENT ASSISTANCE FOR
 18 FIRMS.—Section 255(a) of the Trade Act of 1974
 19 (19 U.S.C. 2345(a)) is amended by striking “2021”
 20 and inserting “2027”.

21 **SEC. 114. SENSE OF CONGRESS.**

22 It is the sense of Congress that, in administering the
 23 trade adjustment assistance program under chapter 2 of
 24 title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.),
 25 a State should—

1 (1) prioritize providing training that leads to
2 employment outcomes that replace 100 percent of an
3 adversely affected worker's wages; and

4 (2) steer workers toward training that leads to
5 a livable wage and sustainable employment.

6 **SEC. 115. EFFECTIVE DATE; APPLICABILITY.**

7 (a) IN GENERAL.—The amendments made by this
8 title take effect on the date of the enactment of this Act
9 and apply with respect to a worker in a group of workers
10 certified as eligible to apply for adjustment assistance
11 under section 222 of the Trade Act of 1974 (19 U.S.C.
12 2272) before, on, or after such date of enactment.

13 (b) APPLICABILITY TO WORKERS RECEIVING BENE-
14 FITS BEFORE DATE OF ENACTMENT.—A worker who
15 began receiving benefits under subchapter B of chapter
16 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291
17 et seq.) before the date of the enactment of this Act shall
18 receive benefits under such subchapter, as amended by
19 this title, for any week beginning on and after that date
20 during which the worker is eligible for such benefits under
21 such chapter, as so amended.

1 **TITLE II—AMENDMENTS TO**
 2 **WORKER ADJUSTMENT AND**
 3 **RETRAINING NOTIFICATION**
 4 **ACT**

5 **SEC. 201. WORKER ADJUSTMENT AND RETRAINING NOTIFI-**
 6 **CATION ACT.**

7 (a) DEFINITIONS.—Section 2 of the Worker Adjust-
 8 ment and Retraining Notification Act (29 U.S.C. 2101)
 9 is amended to read as follows:

10 **“SEC. 2. DEFINITIONS; EXCLUSIONS FROM DEFINITION OF**
 11 **LOSS OF EMPLOYMENT.**

12 “(a) DEFINITIONS.—As used in this Act:

13 “(1) AFFECTED EMPLOYEE.—The term ‘af-
 14 fected employee’ means a full-time or part-time em-
 15 ployee who may reasonably be expected to experience
 16 an employment loss as a consequence of a proposed
 17 plant closing or mass layoff by the employee’s em-
 18 ployer.

19 “(2) EMPLOYER.—

20 “(A) IN GENERAL.—The term ‘employer’
 21 means any business enterprise that—

22 “(i) employs 50 or more employees,
 23 including part-time employees and includ-
 24 ing employees of the nominal employer and
 25 any entity that is the nominal employer’s

1 direct or indirect parent or is integrated
2 with the nominal employer; or

3 “(ii) has an annual payroll of at least
4 \$2,000,000.

5 “(B) DEFINITIONS.—For the purposes of
6 this paragraph:

7 “(i) INTEGRATED.—The term ‘inte-
8 grated’, when used with respect to a busi-
9 ness enterprise, means an entity whose re-
10 lationship with another business enterprise
11 includes—

12 “(I) common ownership;

13 “(II) common directors or offi-
14 cers;

15 “(III) de facto exercise of con-
16 trol;

17 “(IV) unity of personnel policies
18 emanating from a common source; or

19 “(V) dependency of operations.

20 “(ii) PARENT.—The term ‘parent’
21 means an entity, regardless of its financial
22 interest in the nominal employer, that par-
23 ticipates directly or indirectly in making
24 decisions that affect the employees of the
25 nominal employer or of multiple entities

1 controlled by 1 person for a common busi-
 2 ness purpose.

3 “(iii) CONSIDERATION.—In deter-
 4 mining whether an entity is integrated
 5 with or a direct or indirect parent of a
 6 business enterprise that is the nominal em-
 7 ployer, substantial weight shall be given to
 8 any decisionmaking responsibility the enti-
 9 ty had for the practice that gave rise to
 10 the violation of this Act.

11 “(3) EMPLOYMENT LOSS.—Subject to sub-
 12 section (b), the term ‘employment loss’ means—

13 “(A) an employment termination, other
 14 than a discharge for cause, voluntary departure,
 15 or retirement;

16 “(B) a layoff exceeding 3 months; or

17 “(C) a reduction in hours of work of more
 18 than 50 percent during each month of any 3-
 19 month period.

20 “(4) MASS LAYOFF.—

21 “(A) IN GENERAL.—The term ‘mass lay-
 22 off’ means a reduction in force that results in
 23 an employment loss during any 90-day period—

1 “(i) for 10 or more employees of an
2 employer at a single site of employment, as
3 calculated under subparagraph (B); or

4 “(ii) for 250 or more employees of an
5 employer, irrespective of employment site.

6 “(B) CALCULATION.—The number of em-
7 ployees at a single site who suffer an employ-
8 ment loss shall be calculated in a manner that
9 includes—

10 “(i) all such employees who work at
11 the physical location of the site; and

12 “(ii) all such employees who work re-
13 motely and—

14 “(I) are assigned to or otherwise
15 associated with the site;

16 “(II) receive assignments or
17 training from the site;

18 “(III) report to a manager asso-
19 ciated with the site; or

20 “(IV) whose job loss was a fore-
21 seeable consequence of a reduction in
22 force at the site.

23 “(5) PLANT CLOSING.—The term ‘plant closing’
24 means the permanent or temporary shutdown of a
25 single site of employment, or one or more facilities

1 or operating units within a single site of employ-
2 ment, that results in an employment loss at the sin-
3 gle site of employment during any 30-day period for
4 5 or more employees, calculated in the same manner
5 as described in paragraph (4)(B).

6 “(6) REPRESENTATIVE.—The term ‘representa-
7 tive’ means an exclusive representative of employees
8 within the meaning of section 8(f) or 9(a) of the Na-
9 tional Labor Relations Act (29 U.S.C. 158(f);
10 159(a)) or section 2 of the Railway Labor Act (45
11 U.S.C. 152).

12 “(7) SECRETARY.—The term ‘Secretary’ means
13 the Secretary of Labor.

14 “(8) UNIT OF LOCAL GOVERNMENT.—The term
15 ‘unit of local government’ means any general pur-
16 pose political subdivision of a State which has the
17 power to levy taxes and spend funds, as well as gen-
18 eral corporate and police powers.

19 “(b) EXCLUSIONS FROM EMPLOYMENT LOSS DUE
20 TO A PLANT CLOSING OR MASS LAYOFF.—An employee
21 shall not be considered to have experienced an employment
22 loss due to a plant closing or mass layoff if the plant clos-
23 ing or mass layoff is the result of the relocation or consoli-
24 dation of part or all of the employer’s business and, prior
25 to the plant closing or mass layoff—

1 “(1) the employer offers to transfer the em-
 2 ployee to a different site of employment within a
 3 reasonable commuting distance with no more than a
 4 3-month break in employment; or

5 “(2) the employer offers to transfer the em-
 6 ployee to any other site of employment regardless of
 7 distance with no more than a 3-month break in em-
 8 ployment, and the employee accepts within 30 days
 9 of the offer or of the plant closing or mass layoff,
 10 whichever is later.”.

11 (b) AVAILABILITY OF TRADE ADJUSTMENT ASSIST-
 12 ANCE.—Section 3(a) of the Worker Adjustment and Re-
 13 training Notification Act (29 U.S.C. 2102(a)) is amend-
 14 ed—

15 (1) in the first sentence—

16 (A) by redesignating paragraphs (1) and
 17 (2) as subparagraphs (A) and (B), respectively;
 18 and

19 (B) by striking “An employer” and insert-
 20 ing “(1) An employer”;

21 (2) in the second sentence, by striking “If
 22 there” and inserting the following:

23 “(2) If there”; and

24 (3) by adding at the end the following:

1 “(3) If the plant closing or mass layoff involved is
 2 caused by conditions described in section 222(a)(2) of the
 3 Trade Act of 1974 (19 U.S.C. 2272(a)(2)), then, in serv-
 4 ing notice under paragraph (1)(A), the employer shall in-
 5 clude in the notice information on the availability of ad-
 6 justment assistance under chapter 2 of title II of the
 7 Trade Act of 1974 (19 U.S.C. 2271 et seq.) for eligible
 8 workers.”.

9 (c) NOTICE REQUIREMENTS RELATING TO SHIFTS IN
 10 PRODUCTION.—Section 3 of the Worker Adjustment and
 11 Retraining Notification Act (29 U.S.C. 2102) is amend-
 12 ed—

13 (1) in subsection (d), by striking “(2) or (3)”
 14 and inserting “(4)(A) or (5)”; and

15 (2) by adding at the end the following:

16 “(e) STATEMENT RELATING TO SHIFTS IN PRODUC-
 17 TION OF ARTICLES OR SUPPLY OF SERVICES.—(1) If the
 18 plant closing or mass layoff involved is caused by condi-
 19 tions described in section 222(a)(2)(B) of the Trade Act
 20 of 1974 (19 U.S.C. 2272(a)(2)(B)), then, in serving notice
 21 under subsection (a), the employer shall include in the no-
 22 tice a statement that the closing or layoff was so caused.

23 “(2) Each State that receives a notice under sub-
 24 section (a) that includes a statement described in para-
 25 graph (1) shall notify the Secretary of that receipt, imme-

1 diately file a petition under subsection (a)(1) of section
2 221 of the Trade Act of 1974 (19 U.S.C. 2271) on behalf
3 of that group of workers, and act as the petitioner for
4 that petition under this chapter.

5 “(3) If the Secretary receives a petition under para-
6 graph (2) regarding a plant closing or mass layoff affect-
7 ing a group of workers, the Secretary shall—

8 “(A) immediately initiate an investigation under
9 subsection (a)(3) of that section 221;

10 “(B) immediately waive the requirements for a
11 hearing under subsection (b) of that section 221;
12 and

13 “(C) unless the Secretary issues a determina-
14 tion that includes substantial evidence that the peti-
15 tion has not met the requirements of paragraph (1)
16 or (2)(B) of section 222(a) of the Trade Act of 1974
17 (19 U.S.C. 2272(a)) within 20 days after receipt of
18 the petition—

19 “(i) certify the group of workers under sec-
20 tion 222 of that Act (19 U.S.C. 2272); or

21 “(ii) be considered to have issued such cer-
22 tification on the 21st day after receipt of the
23 petition.

24 “(4) Even after the Secretary issues such a certifi-
25 cation for a group of workers at a firm under paragraph

1 (3)(C), the Secretary may conduct an investigation under
 2 subsection (a)(3) of that section 221 to identify additional
 3 groups of workers who may be eligible for benefits under
 4 this chapter.

5 “(f) NOTIFICATION OF DOWNSTREAM PRODUCERS
 6 AND SUPPLIERS.—On certification of a group of workers
 7 as described in subsection (e)(3)(C), the Secretary, in con-
 8 junction with the State in which the site of employment
 9 involved is located, shall—

10 “(1) endeavor to identify downstream producers
 11 and suppliers as defined in section 222(c) of the
 12 Trade Act of 1974 (19 U.S.C. 2272(c)) that are po-
 13 tentially impacted by the plant closing or mass layoff
 14 involved;

15 “(2) provide to such producers and suppliers—

16 “(A) concerning benefits available under
 17 chapter 2 of title II of the Trade Act of 1974
 18 (19 U.S.C. 2271 et seq.), a description of the
 19 benefits, of the means for filing a petition and
 20 applying for such benefits, and of the avail-
 21 ability of assistance in filing the petition; and

22 “(B) concerning benefits available under
 23 chapter 3 of that title (19 U.S.C. 2341 et seq.),
 24 the description specified in subparagraph (A);
 25 and

1 “(3) direct the producers and suppliers to pro-
 2 vide to their workers the description specified in
 3 paragraph (2)(A), concerning benefits described in
 4 paragraph (2)(A).

5 “(g) STATE TRANSMITTAL OF NOTICES.—Each
 6 State that receives 1 or more notices described in sub-
 7 section (a)(2) during a calendar quarter shall, not later
 8 than 10 days after the end of the quarter, transmit the
 9 notices to the Secretary.”.

10 (d) ADMINISTRATIVE ENFORCEMENT AND DATA-
 11 BASE.—Section 5 of the Worker Adjustment and Retraining
 12 Notification Act (29 U.S.C. 2014) is amended—

13 (1) by redesignating subsection (b) as sub-
 14 section (d); and

15 (2) by inserting after subsection (a) the fol-
 16 lowing:

17 “(b) ADMINISTRATIVE ENFORCEMENT.—(1) The
 18 Secretary may impose a fine on any employer who orders
 19 a plant closing or mass layoff in violation of section 3.

20 “(2) The Secretary shall deposit the fines in an ac-
 21 count. Funds in the account shall be available to States,
 22 without appropriation, for an activity authorized under
 23 subchapter B of chapter 2 of title II of the Trade Act
 24 of 1974 (19 U.S.C. 2291 et seq.).

25 “(c) DATABASE.—

1 “(1) IN GENERAL.—The Secretary shall estab-
 2 lish and maintain a database, available to the public,
 3 of notices served under section 3(a).

4 “(2) FEATURES.—In carrying out paragraph
 5 (1), the Secretary shall ensure that all such notices
 6 are accessible and searchable by including in the
 7 database—

8 “(A) a link to the notices, or files con-
 9 taining the notices in portable document for-
 10 mat; and

11 “(B) an interactive map and search tool
 12 that is capable of—

13 “(i) sorting the notices, by date and
 14 region of the plant closings and mass lay-
 15 offs described in the notices; and

16 “(ii) enabling the user to locate plant
 17 closings and mass layoffs of various sizes,
 18 in terms of numbers of employees affected.

19 “(3) OTHER INFORMATION.—

20 “(A) IN GENERAL.—The Secretary shall
 21 ensure that the database includes, for each such
 22 notice, information on the political subdivision,
 23 county, and local area where the plant closing
 24 or mass layoff takes place, the number of af-
 25 fected workers, the date of the notice, the date

1 of the beginning of the plant closing or mass
 2 layoff, and the North American Industry Classi-
 3 fication System code for the affected industry.

4 “(B) DEFINITION.—In this paragraph, the
 5 term ‘local area’ has the meaning given the
 6 term in section 3 of the Workforce Innovation
 7 and Opportunity Act (29 U.S.C. 3102).”.

8 (e) REPORT ON PLANT CLOSINGS AND MASS LAY-
 9 OFFS.—The Worker Adjustment and Retraining Notifica-
 10 tion Act is amended by inserting after section 10 (29
 11 U.S.C. 2109) the following:

12 **“SEC. 10A. REPORT ON PLANT CLOSINGS AND MASS LAY-**
 13 **OFFS.**

14 “The Secretary shall annually prepare, submit to
 15 Congress, and make available to the public, a report that
 16 specifies, for the year involved—

17 “(1) the number of plant closings and mass lay-
 18 offs that occurred, for which employers were subject
 19 to the notification requirements of section 3; and

20 “(2) the number of such plant closings and
 21 mass layoffs for which employers met the require-
 22 ments.”.

23 (f) CONFORMING AMENDMENTS.—

24 (1) WORKER ADJUSTMENT AND RETRAINING
 25 NOTIFICATION ACT.—Sections 8(a) and 11 of the

1 Worker Adjustment and Retraining Notification Act
 2 (29 U.S.C. 2107(a), 2101 note) are amended by
 3 striking “of Labor”.

4 (2) TRADE ACT OF 1974.—Section 223(a) of the
 5 Trade Act of 1974 (19 U.S.C. 2273(a)) is amended
 6 by inserting “(except as provided in section
 7 3(e)(3)(C) of the Worker Adjustment and Retraining
 8 Notification Act (29 U.S.C. 2102(e)(3)(C)))”
 9 after “40 days”.

10 **TITLE III—HEALTH CARE TAX** 11 **CREDIT**

12 **SEC. 301. EXTENSION OF CREDIT FOR HEALTH INSURANCE** 13 **COSTS.**

14 (a) IN GENERAL.—Subparagraph (B) of section
 15 35(b)(1) of the Internal Revenue Code of 1986 is amended
 16 by striking “January 1, 2020” and inserting “January 1,
 17 2027”.

18 (b) INCREASE IN CREDIT PERCENTAGE.—Subsection
 19 (a) of section 35 of the Internal Revenue Code of 1986
 20 is amended by striking “72.5 percent” and inserting “80
 21 percent”.

22 (c) CONFORMING AMENDMENTS.—Subsections (b)
 23 and (e)(1) of section 7527 of the Internal Revenue Code
 24 of 1986 are each amended by striking “72.5 percent” and
 25 inserting “80 percent”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to coverage months beginning after
3 December 31, 2019.

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