

TAA Program Requirements

- A. Overview.** The TAA Program includes training, employment and case management services, job search allowances, relocation allowances, Trade Readjustment Allowances (TRA), Alternative Trade Adjustment Assistance (ATAA), and Reemployment Trade Adjustment Assistance (RTAA). TAA Program Training and Other Activities (TaOA) funds provided under this grant award may be used for: the cost of training (and training related costs), employment and case management services including outreach activities, job search allowances, relocation allowances, and related state administration. Funds for TRA, ATAA, and RTAA are governed by the Federal requirements, guidance, and the terms and conditions of the Unemployment Insurance Annual Funding Agreement (AFA).
- B. States' Responsibilities.** The Trade Act of 1974, as amended, 20 CFR part 618, and Agreements Between the Governor and Secretary of Labor, provide guidance on states' responsibilities for ensuring that Workforce Innovation and Opportunity Act (WIOA) partner programs are integrated into the American Job Center (AJC) network, also known as the one-stop system. The TAA Program is a required one-stop partner under the WIOA statute and regulations at WIOA sec. 121(b)(1)(B), 20 CFR § 678.400, 34 CFR § 361.400, and 34 CFR § 463.400, respectively. As a WIOA required partner, the TAA Program is responsible for providing access to TAA benefits and services to adversely affected workers through the AJC network. States must also use their state's AJCs as the main point of contact for participant intake and the delivery of TAA benefits and services.

1) Program Access

If the TAA Program is carried out in a local area, the state must provide access to the TAA Program services in the local area's comprehensive one-stop centers in accordance with 20 CFR 678.305(d) and with WIOA sec. 121(b)(1)(A)(i). Access to the TAA Program occurs in one of three ways:

- a) Option 1: Having a TAA Program staff member, whether fully or partially funded by TAA, physically present at the one-stop center and responsible for TAA;
- b) Option 2: Having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the TAA Program, services, and activities available through all partner programs; or
- c) Option 3: Making available a direct linkage through technology to a TAA Program staff member who can provide meaningful information or services.

The options above offer a wide range of possibilities to partners. Option 2 could require a state to have varying levels of assistance depending on the trade-affected worker's needs. For example, this could be as simple as having an adequately trained one-stop center staff member providing basic program information to a one-stop customer regarding eligibility requirements of the TAA Program. In this example, the partner staff

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member has been trained on TAA Program eligibility requirements, as well as how to search for and file a TAA petition. This option allows the customer to receive high-quality service through the one-stop center in a timely manner.

Option 3, a direct linkage, can take many forms as well. As described in 20 CFR 678.305(d)(3), a “direct linkage” means providing a direct connection at the one-stop center within a reasonable time, by phone or through a real-time web-based communication, to a program staff member who can provide program information or services, including career services, to the customer. Solely providing a phone number, website, information, pamphlets, or materials does not constitute a “direct linkage.”

2) Compliance with Regulations and Guidance

In performing its responsibilities under the Governor-Secretary Agreement, as a condition for receipt of funds, the state agrees to comply with program regulations and administrative directives, including, but not limited to:

- a) Trade Adjustment Assistance Final Rule, published in the Federal Register at: <https://www.federalregister.gov/documents/2020/08/21/2020-13802/trade-adjustment-assistance-for-workers>, effective on September 21, 2020;
- b) Joint WIOA Final Rule, as applicable, published in the Federal Register at: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>;
- c) Department-Only WIOA Final Rule, as applicable, published in the Federal Register at: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>;
- d) Further Consolidated Appropriations Act, 2024, Division D, (Pub. L. 118-47), enacted March 23, 2024;
- e) 2 CFR part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR part 2900 (Department’s Supplement to 2 CFR part 200);
- f) 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.);
- g) Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011 (BCA);
- h) [TEGL No. 17-16](#), *Infrastructure Funding of the One-Stop Delivery System*;
- i) [TEGL No. 03-19](#), *Real Property Under Employment and Training Administration-Funded Grants*;
- j) [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*;
- k) [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*;
- l) [TEGL No. 14-22](#), *Trade Adjustment Assistance (TAA) for Workers Program Phase-out Termination Frequently Asked Questions (FAQs)*; and

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- m) [TEGL No. 02-23](#), *Fiscal Year (FY) 2023 Trade Adjustment Assistance (TAA) Program Training and Other Activities (TaOA) Funds Distribution, SF-424 Instructions, and Grants Management Requirements for Accessing TaOA Funds*

3) Compliance with Requirements

In performing its responsibilities under this award, the state hereby certifies and assures that it will fully comply with the following requirements:

- a) Real Property. The requirements and restrictions related to real property in 2 CFR § 200.439(b)(3), provide that capital expenditures for improvements to land or buildings, which materially increase their value or useful life, are unallowable as a direct cost, except in cases where the Grant Officer has granted prior written approval. All requests for construction related expenses must come to the Secretary of Labor for prior approval.

The requirements relating to Real Property, above and explained in [TEGL No. 03-19, Real Property Under Employment and Training Administration-Funded Grants](#), apply. This guidance provides information on using ETA grant funds for capital expenditures and other real property costs, depreciation, maintaining insurance, handling idle facilities and idle facility capacity, retaining records, disposing of real property acquired with ETA grant funds; renting real property, and using and disposing of SWA real property that has DOL equity or Reed Act equity.

- b) Equipment. Equipment purchases under the TAA Program are subject to the provisions at 2 CFR § 200.313. Consistent with 20 CFR § 618.860(c)(1), the Department delegates the authority of prior approval to the Governor for equipment purchases made using TaOA funds.
- c) Oversight Roles and Responsibilities [See 20 CFR 618.860(d)(2)(i)]. Each recipient and subrecipient of funds under the Trade Act, as amended, must conduct regular oversight and monitoring of its program and those of any subrecipients and contractors as required under Trade Act sec. 239(i), and 2 CFR part 200, including 2 CFR § 200.331 through 2 CFR § 200.333, and the Department's exceptions at 2 CFR part 2900, in order to:
- i. determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Act, the regulations, and administrative guidance;
 - ii. determine whether there is compliance with other provisions of the Act, the regulations, and administrative guidance applicable to the program at issue;
 - iii. assure compliance with 2 CFR part 200 and the Department's exceptions at 2 CFR part 2900;
 - iv. assure compliance with 20 CFR part 618, if applicable; and,

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- v. determine compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).
- d) Procedures and Resolution of Findings. [See 20 CFR § 618.860(d)(2)(ii)]
- i. Resolution of subrecipient-level findings.
 - (1) The Governor is responsible for resolving findings that arise from state and Federal monitoring reviews, investigations, and audits (including under 2 CFR part 200) of subrecipients awarded funds through the Trade Act, as amended.
 - (a) A state must use the written monitoring and audit resolution, debt collection and appeal procedures that it uses for other Federal grant programs.
 - (b) If a state does not have such written procedures, it must prescribe standards and procedures to be used for this grant program.
 - (2) For subrecipients awarded funds through a recipient of grant funds, the direct recipient of the grant funds must have written monitoring and resolution procedures in place that are consistent with 2 CFR part 200.
 - iii. Resolution of state findings. [See 20 CFR 618.860(d)(2)(iii)]
 - (1) The Secretary is responsible for resolving findings that arise from Federal audits, monitoring reviews, investigations, incident reports, and audits under 2 CFR part 200 for direct recipients of Federal awards under the Trade Act, as amended.
 - (2) The Secretary will use the Department's audit resolution process, consistent with 2 CFR part 200, Subpart F.
 - (3) A final determination issued by a Grant Officer under this process may be appealed to the Department's Office of Administrative Law Judges under the procedures in 2 CFR § 2900.22.
- e) Nondiscrimination. States must follow the requirements provided in 29 CFR part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA.
- C. Use of Funds.** States may use TaOA funds to provide training, job search allowances, relocation allowances, and employment and case management services to members of worker groups covered by a certification – including outreach to workers - under all versions of the TAA Program, in accordance with the requirements of the TAA law in effect at the time of filing of such petition for certification. States may use TaOA funds for TAA Program related state administration to provide outreach to trade affected workers, pay for the TAA Program's share of AJC infrastructure costs, and for systems development and maintenance. Please also see Section H of this Attachment for additional information.

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Due to the termination status of the TAA Program, the expenditures for related state administration under the FY 2024 awards are not limited to 10 percent of the total amount of TaOA funds awarded to the state in FY 2024. State expenditures for employment and case management services costs, including outreach activities, must not be less than 5 percent of TaOA funds awarded under the FY 2024 allocation. ETA strongly recommends that recipients spend funds with the shortest period of availability first.

- D. Deobligation of Funds.** The Recipient agrees to accept a deobligation of the TaOA funds, as set forth in the Notice of Award, in the event of underutilization of those funds. The Grantor will consider underutilization of TaOA funds to exist when the Recipient will be unable to use some or all of the unexpended and/or unobligated balance of such funds provided to the recipient, as provided in 20 CFR § 618.950. Underutilized funds will be recaptured only after notification to and consultation with the Recipient.
- E. Remedies.** All TAA Program funds must be expended in accordance with the provisions of the AFA and any special terms and conditions of approved funding requests. Any expenditure of funds that does not comply with these provisions will be subject to the enforcement remedies at 2 CFR § 200.339, and the procedures located at 2 CFR § 2900.20 through 2900.22, and, if applicable, 20 CFR § 618.804, and any succeeding regulations. The state will take such action as is reasonably necessary to recover for the account of the United States all amounts paid out as program benefits or services that were erroneously paid to ineligible claimants or others, and to restore any losses or misapplication of funds allocated to the state for TAA Program.
- F. Merit Staff.** The state agrees that staff employed to carry out state administration of the TAA Program and funded by the TAA Program, will comply with 20 CFR § 618.890.
- G. Administrative and Program Costs.** The administrative cost limit of the FY 2024 TaOA funding allocation is explained above in paragraph C of this Attachment III, with which states must comply. For purposes of the TAA Program, the costs of administration are established at 20 CFR § 618.860(b). For FY2024 funds, the 10 percent limit on administrative expenditures does not apply.
- H. Ongoing Program Activities.** Although the TAA Program is currently in a phase-out termination status, states are still required to provide workers access to the benefits and services to eligible workers and to conduct outreach to members of certified worker groups who were separated from adversely affected employment on or before June 30, 2022.

a. Outreach

Several states, despite termination, continue to successfully identify and enroll eligible workers as a result of targeted and braided outreach strategies. The Department's position remains that states must continue to conduct appropriate outreach to members of worker groups who have not yet accessed benefits and services under the TAA Program. States must determine whether the outreach

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is effective and adjust strategies and level of effort as appropriate. States should work with partner programs, such as Rapid Response, to conduct this outreach as TaOA funds become more limited.

b. Employment and Case Management

States must provide workers access to employment and case management services. These services have no deadlines and there is no individual application process to receive these services. Importantly, these services can be provided by any partner program or provider – whether or not TaOA funds are used. WIOA Title I and Title III funding can also be used to provide these services.

c. Training

A trade-affected worker has a lifetime entitlement to apply for training. If the training meets the approval criteria in 20 CFR § 618.635, the state must provide the worker access to the training. As an entitlement, the Department must make funding available to provide the training. This is for all versions of the TAA Program. WIOA funding under the dislocated worker or national dislocated worker grant programs would also be allowable sources if the applicable criteria are met. If WIOA funds are used for training, the eligible training provider provisions apply. Should a state need additional funding, they should contact their Regional Office.

d. Trade Readjustment Allowances (TRA)

If a worker meets the eligibility criteria, TRA must be provided. To be eligible, the worker must meet all applicable deadlines and eligibility requirements. Only TRA funds may be used to pay these benefits.

e. Alternative / Reemployment TAA (A/RTAA)

For a worker to receive A/RTAA in termination, they must have received at least one payment for their qualifying reemployment on or before June 30, 2022. In the last quarter before termination, more than 300 new A/RTAA participants were enrolled. However, given the two-year limit on receipt of A/RTAA benefits, most A/RTAA activity is anticipated to end on or around July 1, 2024. Only A/RTAA funds may be used to pay these benefits.

f. Job Search and Relocation Allowances

There are two different deadlines for receipt of the job search and relocation allowances. One of these deadlines is based on completion of training. This means that there is no statutory end date to this benefit. States must continue to make participants aware of these benefits, process any applications received, and make appropriate payment of these benefits.

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There are no changes to the reporting requirements under the TAA Program at this time. States must still submit the Participant Individual Record Layout (PIRL), ETA-9130 Financial Reports, UI-3 Trade Reports, Trade Adjustment Assistance Data Integrity (TAADI), Efforts to Improve Outcomes, and Trade Adjustment Assistance Administrative Collection of States (TAAACS). States must continue to report information on every participant through 10 quarters after the exit quarter. ETA anticipates some states will be reporting on TAA participants into FY 2030.

h. Role as a One-Stop Partner

The TAA Program remains a required partner under WIOA and must meet its obligations under WIOA and any memorandums of understanding implemented by the states. It is appropriate for states to review those MOUs due to decreased levels of program participation and lower funding levels. This includes determining what financial level of support remains appropriate for TAA support of infrastructure and operating costs of the American Job Center Network.