

112TH CONGRESS  
1ST SESSION

# S. 1286

To extend trade adjustment assistance, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2011

Mr. CASEY (for himself and Mr. BROWN of Ohio) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To extend trade adjustment assistance, 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.**

4 This Act may be cited as the “Trade Adjustment As-  
5 sistance Extension Act of 2011”.

6 **TITLE I—EXTENSION OF TRADE**  
7 **ADJUSTMENT ASSISTANCE**

8 **SEC. 101. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.**

9 (a) IN GENERAL.—Section 1893 of the Trade and  
10 Globalization Adjustment Assistance Act of 2009 (Public  
11 Law 111–5; 123 Stat. 422) is repealed.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 236(a)(2)(A) of the Trade Act of  
3 1974 (19 U.S.C. 2296(a)(2)(A)) (as in effect on  
4 February 12, 2011) is amended by striking “shall  
5 not exceed—” and all that follows and inserting  
6 “shall not exceed \$575,000,000 for each of the fiscal  
7 years 2011 through 2016, and \$143,750,000 for the  
8 3-month period beginning on October 1, 2016, and  
9 ending on December 31, 2016.”.

10 (2) Section 245(a) of the Trade Act of 1974  
11 (19 U.S.C. 2317(a)) (as in effect on February 12,  
12 2011) is amended by striking “February 12, 2011”  
13 and inserting “December 31, 2016”.

14 (3) Section 246(b)(1) of the Trade Act of 1974  
15 (19 U.S.C. 2318(b)(1)) (as in effect on February  
16 12, 2011) is amended by striking “February 12,  
17 2011” and inserting “December 31, 2016”.

18 (4) Section 255(a) of the Trade Act of 1974  
19 (19 U.S.C. 2345(a)) (as in effect on February 12,  
20 2011) is amended by striking “for fiscal year 2010”  
21 and all that follows and inserting “for each of the  
22 fiscal years 2011 through 2016, and \$12,500,000  
23 for the 3-month period beginning on October 1,  
24 2016, and ending on December 31, 2016. Amounts

1 appropriated pursuant to this subsection shall re-  
2 main available until expended.”.

3 (5) Section 275(f) of the Trade Act of 1974 (19  
4 U.S.C. 2371d(f)) (as in effect on February 12,  
5 2011) is amended by striking “December 15 in each  
6 of the calendar years 2009 through” and inserting  
7 “December 15, 2009.”.

8 (6) Section 276(c)(2) of the Trade Act of 1974  
9 (19 U.S.C. 2371e(c)(2)) (as in effect on February  
10 12, 2011) is amended by striking “not more than—  
11 ” and all that follows and inserting “not more than  
12 \$25,000,000 for each of the fiscal years 2011  
13 through 2016, and \$6,250,000 for the 3-month pe-  
14 riod beginning on October 1, 2016, and ending on  
15 December 31, 2016.”.

16 (7) Section 277(c) of the Trade Act of 1974  
17 (19 U.S.C. 2371f(c)) (as in effect on February 12,  
18 2011) is amended—

19 (A) in paragraph (1), by striking “this  
20 subchapter—” and all that follows and insert-  
21 ing “this subchapter \$150,000,000 for each of  
22 the fiscal years 2011 through 2016, and  
23 \$37,500,000 for the 3-month period beginning  
24 on October 1, 2016, and ending on December  
25 31, 2016.”; and

1 (B) by striking paragraph (2) and insert-  
2 ing the following:

3 “(2) AVAILABILITY.—Amounts appropriated  
4 pursuant to this subchapter shall remain available  
5 until expended.”.

6 (8) Section 278(e) of the Trade Act of 1974  
7 (19 U.S.C. 2372(e)) (as in effect on February 12,  
8 2011) is amended by striking “December 15 in each  
9 of the calendar years 2009 through” and inserting  
10 “December 15, 2009,”.

11 (9) Section 279A(h)(2) of the Trade Act of  
12 1974 (19 U.S.C. 2373(h)(2)) (as in effect on Feb-  
13 ruary 12, 2011) is amended by striking “December  
14 15 in each of the calendar years 2009 through” and  
15 inserting “December 15, 2009,”.

16 (10) Section 279B(a)(1) of the Trade Act of  
17 1974 (19 U.S.C. 2373a(a)(1)) (as in effect on Feb-  
18 ruary 12, 2011) is amended by striking “section  
19 279A—” and all that follows and inserting “section  
20 279A \$40,000,000 for each of the fiscal years 2011  
21 through 2016, and \$10,000,000 for the 3-month pe-  
22 riod beginning on October 1, 2016, and ending on  
23 December 31, 2016.”.

1           (11) Section 285 of the Trade Act of 1974 (19  
2           U.S.C. 2271 note) (as in effect on February 12,  
3           2011) is amended to read as follows:

4   **“SEC. 285. TERMINATION.**

5           “(a) ASSISTANCE FOR WORKERS.—

6           “(1) IN GENERAL.—Except as provided in para-  
7           graph (2), trade adjustment assistance, vouchers, al-  
8           lowances, and other payments or benefits may not be  
9           provided under chapter 2 after December 31, 2016.

10           “(2) EXCEPTION.—Notwithstanding paragraph  
11           (1), a worker shall continue to receive trade adjust-  
12           ment assistance benefits and other benefits under  
13           chapter 2 for any week for which the worker meets  
14           the eligibility requirements of that chapter if the  
15           worker is—

16           “(A) certified as eligible for trade adjust-  
17           ment assistance benefits under chapter 2 pursu-  
18           ant to a petition filed under section 221 on or  
19           before December 31, 2016; and

20           “(B) otherwise eligible to receive trade ad-  
21           justment assistance benefits under chapter 2.

22           “(b) OTHER ASSISTANCE.—

23           “(1) ASSISTANCE FOR FIRMS.—

24           “(A) IN GENERAL.—Except as provided in  
25           subparagraph (B), technical assistance and

1 grants may not be provided under chapter 3  
2 after December 31, 2016.

3 “(B) EXCEPTION.—Notwithstanding sub-  
4 paragraph (A), any technical assistance or  
5 grant approved under chapter 3 pursuant to a  
6 petition filed under section 251 on or before  
7 December 31, 2016, may be provided—

8 “(i) to the extent funds are available  
9 pursuant to such chapter for such purpose;  
10 and

11 “(ii) to the extent the recipient of the  
12 technical assistance or grant is otherwise  
13 eligible to receive such technical assistance  
14 or grant, as the case may be.

15 “(2) FARMERS.—

16 “(A) IN GENERAL.—Except as provided in  
17 subparagraph (B), technical assistance and fi-  
18 nancial assistance may not be provided under  
19 chapter 6 after December 31, 2016.

20 “(B) EXCEPTION.—Notwithstanding sub-  
21 paragraph (A), any technical or financial assist-  
22 ance approved under chapter 6 pursuant to a  
23 petition filed under section 292 on or before  
24 December 31, 2016, may be provided—

1                   “(i) to the extent funds are available  
2                   pursuant to such chapter for such purpose;  
3                   and

4                   “(ii) to the extent the recipient of the  
5                   technical or financial assistance is other-  
6                   wise eligible to receive such technical or fi-  
7                   nancial assistance, as the case may be.

8                   “(3) ASSISTANCE FOR COMMUNITIES.—

9                   “(A) IN GENERAL.—Except as provided in  
10                  subparagraph (B), technical assistance and  
11                  grants may not be provided under chapter 4  
12                  after December 31, 2016.

13                  “(B) EXCEPTION.—Notwithstanding sub-  
14                  paragraph (A), any technical assistance or  
15                  grant approved under chapter 4 pursuant to a  
16                  petition filed under section 273, or a grant pro-  
17                  posal submitted under section 278 or 279A, on  
18                  or before December 31, 2016, may be pro-  
19                  vided—

20                         “(i) to the extent funds are available  
21                         pursuant to such chapter for such purpose;  
22                         and

23                         “(ii) to the extent the recipient of the  
24                         technical assistance or grant is otherwise

1 eligible to receive such technical assistance  
2 or grant, as the case may be.”.

3 (12) Section 298(a) of the Trade Act of 1974  
4 (19 U.S.C. 2401g(a)) (as in effect on February 12,  
5 2011) is amended by striking “\$10,400,000 for the  
6 6-week period beginning January 1, 2011, and end-  
7 ing February 12, 2011,” and inserting  
8 “\$90,000,000 for each of the fiscal years 2011  
9 through 2016, and \$22,500,000 for the 3-month pe-  
10 riod beginning on October 1, 2016, and ending on  
11 December 31, 2016”.

12 **SEC. 102. EFFECTIVE DATE.**

13 The amendments made by section 101—

14 (1) shall take effect on the date of the enact-  
15 ment of this Act; and

16 (2) shall apply to—

17 (A) petitions for certification filed under  
18 chapter 2, 3, or 6 of title II of the Trade Act  
19 of 1974 on or after such date of enactment; and

20 (B) petitions for assistance and proposals  
21 for grants filed under chapter 4 of title II of  
22 the Trade Act of 1974 on or after such date of  
23 enactment.



1     **TITLE II—HEALTH COVERAGE**  
2                     **IMPROVEMENT**

3     **SEC. 201. IMPROVEMENT OF THE AFFORDABILITY OF THE**  
4                     **CREDIT.**

5             (a) IN GENERAL.—Section 35(a) of the Internal Rev-  
6     enue Code of 1986 is amended by striking “February 13,  
7     2011” and inserting “January 1, 2017”.

8             (b) CONFORMING AMENDMENT.—Section 7527(b) of  
9     such Code is amended by striking “February 13, 2011”  
10    and inserting “January 1, 2017”.

11            (c) EFFECTIVE DATE.—The amendments made by  
12    this section shall apply to coverage months beginning after  
13    February 12, 2011.

14     **SEC. 202. PAYMENT FOR THE MONTHLY PREMIUMS PAID**  
15                     **PRIOR TO COMMENCEMENT OF THE AD-**  
16                     **VANCE PAYMENTS OF CREDIT.**

17            (a) IN GENERAL.—Section 7527(e) of the Internal  
18    Revenue Code of 1986 is amended by striking “February  
19    13, 2011” and inserting “January 1, 2017”.

20            (b) EFFECTIVE DATE.—The amendment made by  
21    this section shall apply to coverage months beginning after  
22    February 12, 2011.

1 **SEC. 203. TAA RECIPIENTS NOT ENROLLED IN TRAINING**  
2 **PROGRAMS ELIGIBLE FOR CREDIT.**

3 (a) **IN GENERAL.**—Section 35(c)(2)(B) of the Inter-  
4 nal Revenue Code of 1986 is amended by striking “Feb-  
5 ruary 13, 2011” and inserting “January 1, 2017”.

6 (b) **EFFECTIVE DATE.**—The amendment made by  
7 this section shall apply to coverage months beginning after  
8 February 12, 2011.

9 **SEC. 204. TAA PRE-CERTIFICATION PERIOD RULE FOR PUR-**  
10 **POSES OF DETERMINING WHETHER THERE IS**  
11 **A 63-DAY LAPSE IN CREDITABLE COVERAGE.**

12 (a) **IRC AMENDMENT.**—Section 9801(c)(2)(D) of the  
13 Internal Revenue Code of 1986 is amended by striking  
14 “February 13, 2011” and inserting “January 1, 2017”.

15 (b) **ERISA AMENDMENT.**—Section 701(c)(2)(C) of  
16 the Employee Retirement Income Security Act of 1974  
17 (29 U.S.C. 1181(c)(2)(C)) is amended by striking “Feb-  
18 ruary 13, 2011” and inserting “January 1, 2017”.

19 (c) **PHSA AMENDMENT.**—Section 2701(c)(2)(C) of  
20 the Public Health Service Act (as in effect for plan years  
21 beginning before January 1, 2014 (42 U.S.C. 300gg  
22 note)) is amended by striking “February 13, 2011” and  
23 inserting “January 1, 2017”.

24 (d) **EFFECTIVE DATE.**—The amendments made by  
25 this section shall apply to plan years beginning after Feb-  
26 ruary 12, 2011.

1 **SEC. 205. CONTINUED QUALIFICATION OF FAMILY MEM-**  
2 **BERS AFTER CERTAIN EVENTS.**

3 (a) **IN GENERAL.**—Section 35(g)(9) of the Internal  
4 Revenue Code of 1986, as added by section 1899E(a) of  
5 the American Recovery and Reinvestment Tax Act of 2009  
6 (relating to continued qualification of family members  
7 after certain events), is amended by striking “February  
8 13, 2011” and inserting “January 1, 2017”.

9 (b) **CONFORMING AMENDMENT.**—Section 173(f)(8)  
10 of the Workforce Investment Act of 1998 (29 U.S.C.  
11 2918(f)(8)) is amended by striking “February 13, 2011”  
12 and inserting “January 1, 2017”.

13 (c) **EFFECTIVE DATE.**—The amendments made by  
14 this section shall apply to months beginning after Feb-  
15 ruary 12, 2011.

16 **SEC. 206. EXTENSION OF COBRA BENEFITS FOR CERTAIN**  
17 **TAA-ELIGIBLE INDIVIDUALS AND PBGC RE-**  
18 **CIPIENTS.**

19 (a) **ERISA AMENDMENTS.**—

20 (1) **PBGC RECIPIENTS.**—Section 602(2)(A)(v)  
21 of the Employee Retirement Income Security Act of  
22 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by  
23 striking “February 12, 2011” and inserting “De-  
24 cember 31, 2016”.

25 (2) **TAA-ELIGIBLE INDIVIDUALS.**—Section  
26 602(2)(A)(vi) of such Act (29 U.S.C.

1 1162(2)(A)(vi)) is amended by striking “February  
2 12, 2011” and inserting “December 31, 2016”.

3 (b) IRC AMENDMENTS.—

4 (1) PBGC RECIPIENTS.—Section  
5 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code  
6 of 1986 is amended by striking “February 12,  
7 2011” and inserting “December 31, 2016”.

8 (2) TAA-ELIGIBLE INDIVIDUALS.—Section  
9 4980B(f)(2)(B)(i)(VI) of such Code is amended by  
10 striking “February 12, 2011” and inserting “De-  
11 cember 31, 2016”.

12 (c) PHSA AMENDMENTS.—Section 2202(2)(A)(iv) of  
13 the Public Health Service Act (42 U.S.C. 300bb-  
14 2(2)(A)(iv)) is amended by striking “February 12, 2011”  
15 and inserting “December 31, 2016”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to periods of coverage which would  
18 (without regard to the amendments made by this section)  
19 end on or after February 13, 2011.

20 **SEC. 207. ADDITION OF COVERAGE THROUGH VOLUNTARY**  
21 **EMPLOYEES’ BENEFICIARY ASSOCIATIONS.**

22 (a) IN GENERAL.—Section 35(e)(1)(K) of the Inter-  
23 nal Revenue Code of 1986 is amended by striking “Feb-  
24 ruary 13, 2012” and inserting “January 1, 2017”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 this section shall apply to coverage months beginning after  
 3 February 12, 2011.

4 **SEC. 208. NOTICE REQUIREMENTS.**

5 (a) IN GENERAL.—Section 7527(d)(2) of the Inter-  
 6 nal Revenue Code of 1986 is amended by striking “Feb-  
 7 ruary 13, 2011” and inserting “January 1, 2017”.

8 (b) EFFECTIVE DATE.—The amendment made by  
 9 this section shall apply to certificates issued after Feb-  
 10 ruary 12, 2011.

11 **TITLE III—OFFSETS**

12 **SEC. 301. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR**  
 13 **GRANTOR RETAINED ANNUITY TRUSTS.**

14 (a) IN GENERAL.—Subsection (b) of section 2702 of  
 15 the Internal Revenue Code of 1986 is amended—

16 (1) by redesignating paragraphs (1), (2) and  
 17 (3) as subparagraphs (A), (B), and (C), respectively,  
 18 and by moving such subparagraphs (as so redesign-  
 19 ated) 2 ems to the right;

20 (2) by striking “For purposes of” and inserting  
 21 the following:

22 “(1) IN GENERAL.—For purposes of”;

23 (3) by striking “paragraph (1) or (2)” in para-  
 24 graph (1)(C) (as so redesignated) and inserting  
 25 “subparagraph (A) or (B)”; and

1           (4) by adding at the end the following new  
2 paragraph:

3           “(2) ADDITIONAL REQUIREMENTS WITH RE-  
4 SPECT TO GRANTOR RETAINED ANNUITIES.—For  
5 purposes of subsection (a), in the case of an interest  
6 described in paragraph (1)(A) (determined without  
7 regard to this paragraph) which is retained by the  
8 transferor, such interest shall be treated as de-  
9 scribed in such paragraph only if—

10           “(A) the right to receive the fixed amounts  
11 referred to in such paragraph is for a term of  
12 not less than 10 years,

13           “(B) such fixed amounts, when determined  
14 on an annual basis, do not decrease relative to  
15 any prior year during the first 10 years of the  
16 term referred to in subparagraph (A), and

17           “(C) the remainder interest has a value  
18 greater than zero determined as of the time of  
19 the transfer.”.

20           (b) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to transfers made after December  
22 31, 2010.

**1 TITLE IV—BUDGETARY EFFECTS****2 SEC. 401. COMPLIANCE WITH PAYGO.**

3       The budgetary effects of this Act, for the purpose of  
4 complying with the Statutory Pay-As-You-Go Act of 2010,  
5 shall be determined by reference to the latest statement  
6 titled “Budgetary Effects of PAYGO Legislation” for this  
7 Act, submitted for printing in the Congressional Record  
8 by the Chairman of the Senate Budget Committee, pro-  
9 vided that such statement has been submitted prior to the  
10 vote on passage.

○