

Note to Reviewer: Emergency Request for Petition and Investigative Forms Used to Assess Group Eligibility for Trade Adjustment Assistance (TAA)

On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act (ARRA). ARRA amended Section 222 of the Trade Act of 1974 to provide for new eligibility criteria designed to expand the number of petitioning worker groups assessed as adversely affected by trade and therefore determined eligible to apply for Trade Adjustment Assistance.

To solicit the data needed to address these new eligibility criteria so that ETA's assessments of petitioning worker groups are based on these criteria, ETA is significantly expanding the petition and investigation forms in the currently approved OMB 1205-0342. Changes are highlighted in yellow on all of the forms submitted in this collection

ETA 9042 (English) & ETA 9042A (Spanish) The Petition for TAA & ATAA [ETA-9042 and ETA-9042A] are now the Petition for TAA for English [ETA-9042] and Spanish [ETA 9042a]. An online application is also available that collects the same information online as the other petitions. Both the current and proposed versions of the ETA 9042 state that this form can be electronically submitted. The electronic version is still in construction, but ETA will provide OMB with the screen shots of the electronic application as soon as they are available.

The Business Confidential Data Request (currently known as ETA 9043A) is being expanded into two different forms to address two disparate groups. There will also be a supplement to be completed by either of the two groups, depending on how business is obtained by the petitioning worker group's company:

1. For petitioning worker groups who produce an article,
Business Confidential Data Request – Firms That Produce an Article (CDR-A) [ETA 9043a]
2. For petitioning worker groups who supply a service,
Business Confidential Data Request – Firms That Supply a Service (CDR-S) [ETA 9043b]
3. A supplemental form for petitioning worker companies who have lost business due to lower bidding from foreign firms, *Business Confidential Data Request Firms Who Work on a Contractual Basis [ETA 9043c]*. (This form should be sent along with *ETA 9043a* or *ETA 9043b* if a subject firm works on a contractual basis, according to the investigator's initial verification.)

The Business Confidential Non-Production Questionnaire [ETA 9118] is now the Business Confidential Information Request [ETA 9118]. Every question in the form has been changed.

The Business Confidential Customer Survey [currently known as ETA 8562A] is proposed to be expanded to five separate forms:

1. For customers who purchase one or more articles produced by petitioning worker groups, *Business Confidential Customer Survey – First Tier Purchasers of Articles [ETA 8562a]*
2. To be completed by a customer of the customer who completed ETA 8562a to identify what their firm is purchasing from foreign firms and whether articles being supplied up the supply chain are being affected by foreign trade, *Business Confidential Customer Survey – Second Tier Purchasers of Articles [ETA 8562a1]*
3. For customers who purchase services provided by petitioning worker groups, *Business Confidential Customer Survey – Services [ETA 8562b]*
4. To be completed by a customer if the petitioning worker group’s company official filled out Business Confidential Data Request and ETA 9043a and ETA 9043c -- Firms Who Work on a Contractual Basis Form, for Articles, *Business Confidential Customer Survey – Article Related Projects [ETA 8562c]*
5. To be completed by a customer if the petitioning worker group’s company official filled out an ETA 9043b and ETA-9043c, *Business Confidential Customer Survey– Service Related Contracts [ETA 8562d]*

Need for Emergency Approval: ARRA (Section 1891) mandates the implementation of the new criteria listed in Section 222 of the Trade Act of 1974, as amended, by May 18, 2009. Therefore the Department cannot reasonably comply with the normal clearance procedures under 5 CFR 1320. As a result, an emergency clearance is needed for these forms in order to obtain OMB compliance well before the statutorily required May 18, 2009 implementation deadline.