

OMB 1205-0342, Justification for Non-Substantive Change Request:

- 1) to align petitions (ETA-9042) with TAA under the 2002 amendments (by deleting references to two categories of petitioners) if needed,
- 2) to add two fields to the investigative forms ETA-9043 and ETA 9043a to comply more fully with the 2002 amendments,
- and 3) to amend the name of the TAA program office on all forms in this information collection, as necessary.

Background: The TAA program, under chapter 2 of title II of the Trade Act (19 USC 2271 et seq.), was first established in 1974 and has been amended numerous times over the past thirty-five years. The latest amendments (2009 Amendments), are contained in the Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title 1, Subtitle I of the American Recovery and Reinvestment Act of 2009 (TGAAA). Prior to the 2009 Amendments, the program operated under provisions of the Trade Act, as amended by the Trade Adjustment Assistance Reform Act of 2002 (2002 Amendments).

1) Petitions - ETA-9042, 9042a, and 9042a(1)

The 2009 TGAAA includes several provisions that broaden the group eligibility criteria to include workers in public agencies and in the services sector. It also replaces the Alternative Trade Adjustment Assistance for Older Workers (ATAA) program with the Reemployment Trade Adjustment Assistance (RTAA) benefits for older workers. To comply with the TGAAA, OMB approved ETA's request to modify the petition and investigative forms in May, 2009. The modifications added questions necessary to determine worker group eligibility under the additional provisions of TGAAA and eliminated the questions related to eligibility for the ATAA Program.

Action Requested: The TGAAA also included a sunset provision (Section 1893) that requires TAA to be administered as if those amendments had never existed, starting January 1, 2011, if the 2009 amendments are not reauthorized by Congress by December 31, 2010. For this reason, ETA seeks OMB approval for non-substantive changes to its Petition (ETA-9042) to begin January 1, 2011. Specifically, the changes pertain to ETA 9042, its Spanish translation, ETA 9042A, and to the electronic format, ETA-9042A-1, currently approved under OMB 1205-3042 (expires January 31, 2013). If the 2009 amendments are not reauthorized by January 1, 2011, ETA seeks OMB approval to rmodify the petition form, ETA 9042, to reflect the provisions of the 2002 amendments. If the 2009 amendments are reauthorized after December 31, 2011, and, furthermore, are made retroactive to January 1, 2011, ETA asks that OMB approve in advance the change back to the currently approved ETA 9042, which meets the expanded categories of the 2009 amendments.

Until Congress reauthorizes the 2009 amendments, petitions filed on or after January 1, 2011 will be governed by the 2002 amendments, which include provisions for the Alternative Trade Adjustment Assistance for Older Workers (ATAA) program and workers in public agencies or in the services sector were not included. Accordingly, ETA has modified the instructions for the Petition for Trade Adjustment Assistance, ETA 9042, its Spanish translation, ETA 9042A, and the electronic format, ETA 9042A-1.

Please note that these changes refer only to the Petition (ETA 9042, 9042A, and 9042A-1) and not to the investigative forms. The changes provide instructions consistent with the eligibility requirements of the 2002 Amendments.

The changes to the form are:

Overall – The petition will be known as “Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA)”

Instruction – About the Trade Adjustment Assistance (TAA) Program

- Deletion of reference to shift in services to a foreign country and workers in public agencies, including entire sentence “Workers in public agencies may also qualify for assistance...”
- Addition of paragraph explaining the ATAA Program.

Section 2 – There are no longer criteria for eligibility of workers employed by a public agency. References to “public agency” are deleted.

Section 3 – There are no longer criteria specifically establishing eligibility of workers in the services sector. References to examples of a trade effect as reasons for worker separations that include “public agencies” and “services sectors” are deleted.

Electronic format – Help tags providing clarification regarding “public agencies” and “service workers” in Section 2 and Section 3 are deleted.

2) Investigative Forms ETA 9043 and 9043a

Action Requested: ETA seeks approval to continue using the current TGAAA investigative forms, ETA-9043, ETA-9043a, ETA-9043b, ETA-8562, ETA-8562(a), ETA-8562(a)1, ETA-8562(b), and ETA-9118, *with two fields added to ETA 9043 and ETA 9043a, noted below, which more fully implement the 2002 TAA amendments.* Continuing with the currently approved forms, with the two added changes, allows ETA to conduct eligibility investigations for the TAA program under the 2009 amendments, thus obviating the need for a second investigation to account for the expanded eligibility under TGAAA (the 2009 amendments) if Congress retroactively reauthorizes TGAAA at a later date.

Added two questions to ETA-9043 and ETA-9043a:

- a) Do the workers in the workers' firm possess skills that are not easily transferable:
Yes or No?
- b) Number of workers reported age 50 or over (including leased or temporary workers) associated with this article (ETA-9043); associated with this service (ETA-9043a).

3) Amending the TAA Program Office Name

The Division of Trade Adjustment Assistance is now the Office of Trade Adjustment Assistance; therefore, ETA would change all references to the "Trade Adjustment Assistance Program Office" to the "Office of Trade Adjustment Assistance" where appropriate.