

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

To comply with TAA's October 2011 amendments, ETA requests OMB approval to: 1) modify the petition (ETA-9042, 9042A, and 9042A-1 by restoring references to service workers and eliminating the ATAA filing requirement, and 2) modify the investigative forms (ETA-9043a, ETA-9043b, ETA-8562a, ETA-8562a-1, ETA-8562b, and ETA-9118) by restoring references to service workers and eliminating ATAA references including deleting two fields or questions on the investigative forms ETA-9043 and ETA 9043a in order to comply more fully with the 2011 amendments. Congress passed the Trade Adjustment Assistance Extension Act of 2011 on October 13, 2011, effective immediately upon President Obama's signature. These are minor conforming adjustments and no burden change will occur as a result of these changes.

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

Background. The TAA program, under chapter 2 of title II of the Trade Act (19 U.S.C. 2271 et seq.), provides adjustment assistance for workers whose jobs have been adversely affected by international trade. The TAA program for workers was first established by the Trade Act of 1974, was amended numerous times over the past 35 years. The latest amendments, referred to as the 2009 Amendments, were contained in the Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA or the 2009 Amendments).

The October 2011 Trade amendments contain many of the Trade provisions from the 2009 Amendments, which expired February 12, 2011.

Section 1893 (a)(1) of the TGAAA provided that the 2009 Amendments "shall not apply [to petitions filed] on or after January 1, 2011." Thus, the law provided that workers covered by certifications of petitions filed on and after May 18, 2009, and before January 1, 2011, will continue to receive the benefits and services that were available under the 2009 Amendments. The Omnibus Trade Act extended the effective date of the expiration of the TGAAA amendments to February 12, 2011.

In December 2010, OMB approved ETA's request to modify the petition and investigative forms that were approved under the 2009 Amendments in OMB 1205-0342 to reflect and revert back to the 2002 Amendments in compliance with the TGAAA sunset provisions effective February 12, 2011.

Action Requested: ETA seeks OMB approval to make minimal changes to the currently approved Trade petition forms. Consequently, since the Trade investigations under the 2011 legislation mirror the 2009 amendments, ETA seeks to use the currently approved forms, consistent with the 2009 amendments, with the minimal modifications mentioned above. 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 to comply with the October 2011 Trade amendments.

These *minimal* changes affect ETA 9042, its Spanish translation, ETA 9042A, and the electronic format, ETA-9042A-1. These changes refer only to the Petition and not to the investigative forms. The changes provide instructions consistent with the October 2011 eligibility requirements.

Changes to ETA 9042, 9042A, and ETA 9042A-1:

Overall – The petition is titled “Petition for Trade Adjustment Assistance (TAA)”

Instruction Page – About the Trade Adjustment Assistance (TAA) Program:

- Added references to shift in services to a foreign country and increased imports of services.
- Deleted paragraph explaining the ATAA Program.

Section 2 – Added “service” language regarding activities of the workers’ firm: “Describe the article produced by this firm.”

Section 3 – Criteria specifically establish the eligibility of workers in the services sector. Therefore ETA added language to reference examples of a trade effect as reasons for worker separations to include “services sectors.”

Electronic format – ETA added “Help” tags to clarify “service workers” in Section 2 and Section 3.

2) Investigative Forms ETA 9043a, 9043b, 8562, 8562a, 8562a-1, and 9118

Action Requested: ETA seeks approval to continue using the current Trade Act of 2002 investigative forms ETA-9043a, ETA-9043b, ETA-8562a, ETA-8562a-1, ETA-8562b, and ETA-9118, *with two questions deleted in ETA 9043a and ETA 9043b, noted below, to more fully implement the proposed 2011 TAA amendments, and the instruction page for all the investigative forms has been modified accordingly.* Continuing with the currently approved forms, while incorporating the two deletions and updates to the instruction page, allows ETA to conduct eligibility investigations for the TAA program in compliance with the 2011 amendments.

- Deleted two questions to ETA-9043a and ETA-9043b:
 - 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-9043a); associated with this service (ETA-9043b).

- Updates were added to instruction pages for ETA-9043a, ETA-9043b, ETA-8562a, ETA-8562a-1, ETA-8562b, and ETA-9118

Instruction Page – About the Trade Adjustment Assistance (TAA) Program

- a) Added references to the shift in services to a foreign country and to the increased imports of services.
- b) Deleted the paragraph explaining the ATAA Program.