

**OMB 1205-0342: Justification for Non-Substantive Change Request:
To align petition and investigative forms with the Trade Adjustment Assistance (TAA)
Program under 2014 Reversion**

- 1) to align petition (ETA-9042, ETA-9042a ,and 9042A-1) and investigative (ETA-9043a ETA-9043b, ETA-8562, ETA-8562(a), ETA-8562(a)1, ETA-8562(b), and ETA-9118) forms with TAA under the 2002 Amendments by deleting references to services and adding references to ATAA
- 2) to include two fields in investigative form ETA 9043a to comply more fully with the 2002 Amendments

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 forty years. The latest amendments, referred to as the 2011 Amendments, are contained in the Trade Adjustment Assistance Extension Act of 2011 (TAAEA 2011, or 2011 Amendments). Prior to the 2011 Amendments, the program operated under provisions of the Trade Act, as amended by the Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA or 2009 Amendments), and the Trade Adjustment Assistance Reform Act of 2002 (TAARA or 2002 Amendments).

Should Congress not reauthorize the 2011 Amendments, sunset provisions (Section 133) of TAAEA 2011 require on January 1, 2014, administration of the TAA Program under 2002 Amendments with some changes (Reversion 2014). Investigations of group eligibility for TAA will be limited to provisions of the 2002 Amendments and include an investigation regarding eligibility to apply for the ATAA Program. TAAEA 2011 retained all provisions of TGAAA, including the group eligibility criteria for the Trade Adjustment Assistance (TAA) for Workers Program and the replacement of the Alternative Trade Adjustment Assistance for Older Workers (ATAA) program with the Reemployment Trade Adjustment Assistance (RTAA) benefits for older workers.

To comply with Reversion 2014, as required by law:

- All petition and investigative forms used between February 12, 2011, and October 21, 2011 -when the TAA Program implemented the sunset provisions of the 2009 Amendments and reverted to the 2002 Amendments- will be in use under Reversion 2014, with the exception of ETA-9043a.
- ETA-9043a, *Business Confidential Data Request*, will remain in use and retains the following modifications approved by OMB in January of 2011 (ICR Reference: 201012-1205-003):
 - o Elimination of references to “services” or the “supply of services.”
 - o Replacement of “A petition for Trade Adjustment Assistance (TAA)” with “A petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA)”
 - o Two questions related to eligibility for the ATAA Program:
 1. “Do the workers in the workers’ firm possess skills that are not easily transferable: Yes/No?”
 2. “Number of workers reported age 50 or over (including leased or temporary workers) associated with this article”

If Congress does not reauthorize TAAEA 2011 before January 1, 2014, ETA will implement Reversion 2014. Therefore ETA requests OMB approval of the above non-substantive changes in order to operate the TAA Program under Reversion 2014. Should Congress pass and the President sign a reauthorization for the provisions, ETA will submit a second non-material change request to revert approval for this current request. **No burden changes are entailed in this request.**

Actions Requested: ETA seeks approval to use the forms previously approved during the expiration of TGAAA (ICR Reference No: 201012-1205-003): ETA-9042, ETA-9042a, ETA-9043b, ETA-8562, ETA-8562(a), ETA-8562(a)1, ETA-8562(b), and ETA-9118, and to make non-substantive modifications to

OMB approved form ETA-9043a. The use of these forms gives ETA flexibility to conduct investigations of eligibility for the TAA program under either the 2011 Amendments, or the 2014 Reversion.