

JUSTIFICATION FOR NON-SUBSTANTIVE CHANGE REQUEST AND OVERVIEW OF CHANGES

ETA is requesting non-substantive changes to the TAA Petition and Investigative Forms used to determine worker group eligibility for the Trade Adjustment Assistance program.

TAA reauthorization was signed by the President into law on Monday, June 29, 2015—reinstating the provisions of the earlier TAA 2011 program. As a result of this legislative enactment, the petition and investigation forms that the TAA program uses to collect critical information on group eligibility must change in order to comply with statutory requirements.

Importantly, the forms in this current request were previously cleared by OMB under earlier statutory requirements that sunset and have now been reauthorized. Here are the pertinent details:

1. The petition and investigative forms used to determine group eligibility for the TAA program are approved under OMB 1205-0342 (current authorization expires March 31, 2016).
2. These forms were designed to meet the statutory requirements of the 2011 amendments to the Trade Act of 2011.
3. Under the 2011 law, the TAA program “expired” on December 31, 2013 in terms of 2011 group eligibility provisions.
4. However, per special “sunset” provisions of the 2011 amendments, the TAA program continued to operate under a *narrower* set of eligibility criteria for worker groups applying for TAA. These more limited eligibility criteria took effect on January 1, 2014.
5. Because of (4) above, ETA sought, and was approved for, non-substantive changes to the forms covered under OMB 1205-0342.
6. Subsequent to TAA reauthorization that occurred on Monday, June 29, 2015, the group eligibility criteria that were *originally* required in the 2011 amendments (and referenced above in #1) *were restored*.
7. As a result of this restoration of these same group eligibility criteria, OTAA is seeking OMB approval of a non-substantive change to OMB 1205-0342, which will correspondingly restore the versions of the originally cleared forms (described in #1) for active use.

ETA is requesting non-substantive change approval for the forms approved under 1205-0342 because the changes are minor. In addition, the information collection requirements being reinstated were subject to public comments via an ICR OMB approved on March 19, 2013. ([ICR Reference Number 21209-1205-002](#)).

1205-0342

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The Department also notes that PRA approval for the earlier legislatively required changes to the data elements that are also the subject of this current request were accomplished through non-substantive changes approved by OMB on October 31, 2011 ([ICR Reference Number 201110-1205-001](#)), and December 27, 2013 (ICR Reference Number [201312-1205-001](#)). None of the 3 categories of changes listed below involves a change to the burden. For the most part, the requested changes reflect:

- (1) the removal of references that treat one of the available TAA benefits (known as Alternative Trade Adjustment Assistance, or ATAA) as requiring distinct group eligibility requirements separate from the standard TAA group eligibility requirements,
- (2) add references to instructions that cite eligibility for worker groups who provide services, as well as those that produce articles, and
- (3) statutory citations that reinforce existing language used to summarize respondent protections and requirements.

DETAILED BREAKOUT OF NON-SUBSTANTIVE CHANGES REQUESTED FOR OMB 1205-0342

Instructions - All forms in 1205-0342

1. Removal of “and Alternative Trade Adjustment Assistance” *from* petition title of Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance
2. Addition of “service” reference - Under the 2015 program, worker groups may be eligible based exclusively on supplying services, as well as the production of articles covered in the previous laws.

Instructions - All forms in 1205-0342, except ETA - 9042 and ETA - 9042a (TAA Petition)

3. Addition of citation of “19 USC 2273 (d)(3)(B)” that provides statutory basis for the pre-existing verbiage describing the Secretary’s power to subpoena respondents if the form is not completed as required per statute.
4. Citation of 19 USC 2272 (d)(3)(C) that provides statutory basis for currently OMB cleared verbiage protecting confidentiality of information provided by respondents.

ETA 9043a and ETA 9043b

5. Removal of question on page 3 of 7: “Do the workers in the worker’s firm possess skills that are not easily transferable?” Yes/No
6. Removal of following data item in second row of table on page 4 of 7: “Number of workers reported age 50 or over (including leased or temporary workers) associated with this article.