

107TH CONGRESS  
2D SESSION

# S. 2088

To provide for industry-wide certification for trade adjustment assistance,  
and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2002

Mr. BAYH (for himself, Mr. DURBIN, and Mr. DAYTON) introduced the  
following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To provide for industry-wide certification for trade  
adjustment assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WORKER ELIGIBILITY FOR TRADE ADJUST-**  
4 **MENT ASSISTANCE.**

5 (a) PRESUMPTION OF ELIGIBILITY.—

6 (1) IN GENERAL.—After the Commission noti-  
7 fies the Secretary that it has made an affirmative  
8 determination with respect to an industry under sec-  
9 tion 202(g) of the Trade Act of 1974 (19 U.S.C.  
10 2252(g)), a worker (including a worker in any agri-

1 cultural firm or subdivision of an agricultural firm)  
 2 in that industry shall be presumed to be eligible for  
 3 assistance under chapter 2 of title II of such Act.

4 (2) RETROACTIVITY.—The presumption de-  
 5 scribed in paragraph (1) shall apply to workers in an  
 6 industry with respect to which the Commission noti-  
 7 fied the Secretary of an affirmative determination  
 8 under such section 202(g) during the 12-month pe-  
 9 riod preceding the date of enactment of this Act.

10 (b) DURATION OF PRESUMPTION.—A worker de-  
 11 scribed in subsection (a)(1) shall be presumed eligible for  
 12 assistance as described in subsection (a) during the 4-year  
 13 period beginning on the date the Secretary is notified of  
 14 an affirmative determination under section 202(g) of the  
 15 Trade Act of 1974.

16 (c) ASSISTANCE.—

17 (1) NOTIFICATION.—In the case of any worker  
 18 presumed eligible for assistance as described in sub-  
 19 section (a), the Secretary shall take the following ac-  
 20 tion:

21 (A) Initiate outreach to the employer and  
 22 labor representative of the workers in the indus-  
 23 try for which the Commission made the affirm-  
 24 ative determination and appropriate State and  
 25 local workforce development officials to gather

1 information on the number and geographic loca-  
2 tion of workers in that industry who are likely  
3 to be certified as eligible under chapter 2 of  
4 title II of the Trade Act of 1974 (19 U.S.C.  
5 2271 et seq.).

6 (B) Work with the State to develop an ex-  
7 pedited process to accept applications from  
8 workers in that industry, their representatives,  
9 or employers.

10 (C) Process each application for certifi-  
11 cation described in subparagraph (B) within 40  
12 days after receiving the application or within 40  
13 days after enactment of this Act, whichever is  
14 later. If such application is not processed within  
15 that 40-day period, the application shall be con-  
16 sidered approved by the Secretary.

17 (D) Deny an application for certification  
18 only if there is clear and compelling evidence  
19 that a worker was laid off or a plant was closed  
20 as a result of causes other than the Commis-  
21 sion's affirmative determination for that indus-  
22 try.

23 (2) The Secretary shall take the actions de-  
24 scribed in paragraphs (1)(A) and (1)(B) by the later  
25 of—

1 (A) within 15 days of notification by the  
2 Commission; or

3 (B) within 30 days after enactment of this  
4 Act.

5 (d) DEFINITIONS.—For purposes of this section:

6 (1) AFFIRMATIVE DETERMINATION.—The term  
7 “affirmative determination” means an affirmative  
8 determination under section 202(b) of the Trade Act  
9 of 1974 (19 U.S.C. 2252(b)) that an article is being  
10 imported into the United States in such increased  
11 quantities as to be a substantial cause of serious in-  
12 jury, or threat thereof, to the domestic industry pro-  
13 ducing an article like or directly competitive with the  
14 imported article.

15 (2) COMMISSION.—The term “Commission”  
16 means the International Trade Commission.

17 (3) SECRETARY.—The term “Secretary” means  
18 the Secretary of Labor.

19 (4) STATE AGENCY.—The term “State agency”  
20 means the agency of the State that administers the  
21 unemployment insurance laws of the State approved  
22 by the Secretary under section 3304 of the Internal  
23 Revenue Code of 1986.

○