

108TH CONGRESS  
2D SESSION

# H. R. 4090

To amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2004

Mr. CAMP (for himself, Ms. DUNN, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. MCCOTTER, Mr. UPTON, Mr. FOLEY, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. NETHERCUTT, and Mr. WELLER) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, 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. SHORT TITLE.**

4       This Act may be cited as the “Trade Adjustment As-

5   sistance Equity for Service Workers Act of 2004”.

1 **SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**  
2 **TO SERVICES SECTOR.**

3 (a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Sec-  
4 tion 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.  
5 2271(a)(1)(A)) is amended by striking “firm)” and insert-  
6 ing “firm, and workers in a service sector firm or subdivi-  
7 sion of a service sector firm or public agency)”.

8 (b) GROUP ELIGIBILITY REQUIREMENTS.—Section  
9 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amend-  
10 ed—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),  
13 by striking “agricultural firm)” and inserting  
14 “agricultural firm, and workers in a service sec-  
15 tor firm or subdivision of a service sector firm  
16 or public agency)”;

17 (B) in paragraph (1), by inserting “or  
18 public agency” after “of the firm”; and

19 (C) in paragraph (2)—

20 (i) in subparagraph (A)(ii), by strik-  
21 ing “like or directly competitive with arti-  
22 cles produced” and inserting “or services  
23 like or directly competitive with articles  
24 produced or services provided”;

1 (ii) by striking the period at the end  
2 of subparagraph (B) and inserting “; or”;  
3 and

4 (iii) by adding after subparagraph (B)  
5 the following:

6 “(C)(i) there has been a shift, by such  
7 workers’ firm, subdivision, or public agency to  
8 a foreign country, in provision of services, like  
9 or directly competitive with services which are  
10 provided by such firm, subdivision, or public  
11 agency; or

12 “(ii) such workers’ firm, subdivision, or  
13 public agency has obtained or is likely to obtain  
14 such services from a foreign country.”;

15 (2) in subsection (b)—

16 (A) in the matter preceding paragraph (1),  
17 by striking “agricultural firm)” and inserting  
18 “agricultural firm, and workers in a service sec-  
19 tor firm or subdivision of a service sector firm  
20 or public agency)”;

21 (B) in paragraph (2), by inserting “or  
22 service” after “related to the article”; and

23 (C) in paragraph (3)(A), by inserting “or  
24 services” after “component parts”;

25 (3) in subsection (c)—

1 (A) in paragraph (3)—

2 (i) by inserting “or services” after  
3 “value-added production processes”;

4 (ii) by striking “or finishing” and in-  
5 serting “, finishing, or testing”;

6 (iii) by inserting “or services” after  
7 “for articles”; and

8 (iv) by inserting “(or subdivision)”  
9 after “such other firm”; and

10 (B) in paragraph (4)—

11 (i) by striking “for articles” and in-  
12 serting “, or services, for articles or serv-  
13 ices”; and

14 (ii) by inserting “(or subdivision)”  
15 after “such other firm”; and

16 (4) by adding at the end the following new sub-  
17 section:

18 “(d) BASIS FOR SECRETARY’S DETERMINATIONS.—

19 “(1) INCREASED IMPORTS.—For purposes of  
20 subsection (a)(2)(A)(ii), the Secretary may deter-  
21 mine that increased imports of like or directly com-  
22 petitive services exist if the workers’ firm or subdivi-  
23 sion or customers of the workers’ firm or subdivision  
24 accounting for not less than 20 percent of the sales  
25 of the workers’ firm or subdivision certify to the

1 Secretary that they are obtaining such articles or  
2 services from a foreign country.

3 “(2) OBTAINING SERVICES ABROAD.—For pur-  
4 poses of subsection (a)(2)(C)(ii), the Secretary may  
5 determine that the workers’ firm, subdivision, or  
6 public agency has obtained or is likely to obtain like  
7 or directly competitive services from a foreign coun-  
8 try based on a certification thereof from the work-  
9 ers’ firm, subdivision, or public agency.

10 “(3) AUTHORITY OF THE SECRETARY.—The  
11 Secretary may obtain the certifications under para-  
12 graphs (1) and (2) through questionnaires or in  
13 such other manner as the Secretary determines is  
14 appropriate.”.

15 (c) TRAINING.—Section 236(a)(2)(A) of the Trade  
16 Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by  
17 striking “\$220,000,000” and inserting “\$440,000,000”.

18 (d) DEFINITIONS.—Section 247 of the Trade Act of  
19 1974 (19 U.S.C. 2319) is amended—

20 (1) in paragraph (1)—

21 (A) by inserting “or public agency” after  
22 “of a firm”; and

23 (B) by inserting “or public agency” after  
24 “or subdivision”;

6 (4) by inserting after paragraph (6) the fol-  
7 lowing:

11                   “(8) The term ‘service sector firm’ means an  
12                   entity engaged in the business of providing serv-  
13                   ices.”.

17 SEC. 3. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND  
18 INDUSTRIES.

(1) ASSISTANCE.—Section 251 of the Trade  
Act of 1974 (19 U.S.C. 2341) is amended—

25 (B) in subsection (c)(1)—

1 (i) in the matter preceding subpara-  
 2 graph (A), by inserting “or service sector  
 3 firm” after “any agricultural firm”;

4 (ii) in subparagraph (B)(ii), by insert-  
 5 ing “or service” after “of an article”; and

6 (iii) in subparagraph (C), by striking  
 7 “articles like or directly competitive with  
 8 articles which are produced” and inserting  
 9 “articles or services like or directly com-  
 10 petitive with articles or services which are  
 11 produced or provided”; and

12 (C) by adding at the end the following:

13 “(e) BASIS FOR SECRETARY DETERMINATION.—

14 “(1) INCREASED IMPORTS.—For purposes of  
 15 subsection (c)(1)(C), the Secretary may determine  
 16 that increases of imports of like or directly competi-  
 17 tive services exist if customers of the firm account-  
 18 ing for not less than 20 percent of the sales of the  
 19 firm certify to the Secretary that they are obtaining  
 20 such articles or services from a foreign country.

21 “(2) AUTHORITY OF THE SECRETARY.—The  
 22 Secretary may obtain the certifications under para-  
 23 graph (1) through questionnaires or in such other  
 24 manner as the Secretary determines is appropriate.  
 25 The subpoena power described in section 249 shall

1 be extended to the Secretary of Commerce for pur-  
 2 poses of carrying out this subsection.”.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—  
 4 Section 256(b) of the Trade Act of 1974 (19 U.S.C.  
 5 2346(b)) is amended by striking “\$16,000,000” and  
 6 inserting “\$32,000,000”.

7 (3) DEFINITION.—Section 261 of the Trade  
 8 Act of 1974 (19 U.S.C. 2351) is amended—

9 (A) by striking “For purposes of” and in-  
 10 serting “(a) FIRM.—For purposes of”; and

11 (B) by adding at the end the following:

12 “(b) SERVICE SECTOR FIRM.—For purposes of this  
 13 chapter, the term ‘service sector firm’ means a firm en-  
 14 gaged in the business of providing services.”.

15 (b) INDUSTRIES.—Section 265(a) of the Trade Act  
 16 of 1974 (19 U.S.C. 2355(a)) is amended by inserting “or  
 17 service” after “new product”.

18 (c) CLERICAL AMENDMENT.—(1) Section 249 of the  
 19 Trade Act of 1974 (19 U.S.C. 2321) is amended—

20 (A) by amending the section heading to read as  
 21 follows:

22 **“SEC. 249. SUBPOENA AUTHORITY. ”;**

23 and

24 (B) by striking “subpena” each place it appears  
 25 and inserting “subpoena”.



1       (2) The item relating to section 249 in the table of  
 2 contents of the Trade Act of 1974 is amended to read  
 3 as follows:

“249. Subpoena authority.”.

4 **SEC. 4. MONITORING AND REPORTING.**

5       Section 282 of the Trade Act of 1974 (19 U.S.C.  
 6 2393) is amended—

7           (1) in the first sentence—

8                   (A) by striking “The Secretary” and in-  
 9 serting “(a) MONITORING PROGRAMS.—The  
 10 Secretary”;

11                   (B) by inserting “and services” after “im-  
 12 ports of articles”;

13                   (C) by inserting “and domestic provision of  
 14 services” after “domestic production”;

15                   (D) by inserting “or providing services”  
 16 after “producing articles”; and

17                   (E) by inserting “, or provision of serv-  
 18 ices,” after “changes in production”; and

19       (2) by adding at the end the following:

20       “(b) COLLECTION OF DATA AND REPORTS ON SERV-  
 21 ICES SECTOR.—

22           “(1) SECRETARY OF LABOR.—Not later than 3  
 23 months after the date of the enactment of the Trade  
 24 Adjustment Assistance Equity for Service Workers  
 25 Act of 2004, the Secretary of Labor shall implement

1 a system to collect data on adversely affected service  
2 workers that includes the number of workers by  
3 State, industry, and cause of dislocation of each  
4 worker.

5 “(2) SECRETARY OF COMMERCE.—Not later  
6 than 6 months after such date of enactment, the  
7 Secretary of Commerce shall, in consultation with  
8 the Secretary of Labor, conduct a study and report  
9 to the Congress on ways to improve the timeliness  
10 and coverage of data on trade in services, including  
11 methods to identify increased imports due to the re-  
12 location of United States firms to foreign countries,  
13 and increased imports due to United States firms  
14 obtaining services from firms in foreign countries.”.

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