

108TH CONGRESS
2D SESSION

H. R. 4740

To amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2004

Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. OWENS, Mr. LANTOS, Mr. PALLONE, Ms. LEE, Mr. HOEFFEL, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. FROST, Mr. MARKEY, Mr. DEFAZIO, Ms. SOLIS, Mr. BISHOP of Georgia, Ms. BALDWIN, Ms. WATSON, Mr. MEEHAN, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. VISCLOSKY, Ms. SLAUGHTER, Mr. McDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, and Mr. KANJORSKI) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

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 “Jobs for America Act
5 of 2004”.

1 **SEC. 2. AMENDMENTS TO THE WORKER ADJUSTMENT AND**
2 **RETRAINING NOTIFICATION ACT.**

3 (a) DEFINITION.—Section 2(a) of the Worker Ad-
4 justment and Retraining Notification Act (29 U.S.C.
5 2101(a)) is amended—

6 (1) in paragraph (3)(B), by striking “for—”
7 and all that follows through “500 employees” in
8 clause (ii), and inserting “for at least 50 employ-
9 ees”;

10 (2) in paragraph (7), by striking “and” at the
11 end;

12 (3) in paragraph (8), by striking the period and
13 inserting “; and”; and

14 (4) by adding at the end the following:

15 “(9) the term ‘offshoring of jobs’ means any ac-
16 tion taken by an employer the effect of which is to
17 create, shift, or transfer work or facilities outside
18 the United States and which results in an employ-
19 ment loss during any 30 day period for 15 or more
20 employees.”.

21 (b) DETERMINATIONS WITH RESPECT TO EMPLOY-
22 MENT LOSS.—Section 3(d) of the Worker Adjustment and
23 Retraining Notification Act (29 U.S.C. 2102(d)) is
24 amended—

25 (1) by striking “each of which” and inserting
26 “1 or more of which”; and

1 (2) by striking “within any 90-day period” and
2 inserting “within any 180-day period”.

3 (c) NOTICE.—Section 3 of the Worker Adjustment
4 and Retraining Notification Act (29 U.S.C. 2102) is
5 amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “60-day” and inserting “90-day”;
9 and

10 (B) in paragraph (1), by striking “and” at
11 the end;

12 (C) in paragraph (2), by striking the pe-
13 riod and inserting “; and”; and

14 (D) by inserting after paragraph (2), the
15 following:

16 “(3) to the Secretary of Labor.”;

17 (2) in subsection (b), by striking “60-day” each
18 place that such appears and inserting “90-day”; and

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

20 “(e) NOTICE FOR OFFSHORING OF JOBS.—In the
21 case of a notice under subsection (a) regarding the
22 offshoring of jobs, the notice shall include, in addition to
23 the information otherwise required by the Secretary with
24 respect to other notices under such subsection, informa-
25 tion concerning—

1 “(1) the number of jobs affected;

2 “(2) the location to which work or facilities are
3 being shifted or transferred; and

4 “(3) the reasons that such shifting or transfer-
5 ring of work or facilities is occurring.”.

6 (d) TECHNICAL AMENDMENTS.—The Worker Adjust-
7 ment and Retraining Notification Act (29 U.S.C. 2101 et
8 seq.) is amended—

9 (1) by striking “plant closing or mass layoff”
10 each place that such appears and inserting “plant
11 closing, mass layoff, or offshoring of jobs”;

12 (2) by striking “closing or layoff” each place
13 that such appears and inserting “closing, layoff, or
14 offshoring”; and

15 (3) in section 3—

16 (A) in the section heading by striking
17 “**PLANT CLOSINGS AND MASS LAYOFFS**”
18 and inserting “**PLANT CLOSINGS, MASS LAY-**
19 **OFFS, AND OFFSHORING OF JOBS**”;

20 (B) in subsection (b)(2)(A), by striking
21 “closing or mass layoff” and inserting “closing,
22 layoff, or offshoring”; and

23 (C) in subsection (d), by striking “section
24 2(a)(2) or (3)” and inserting “paragraph (2),
25 (3), or (9) of section 2(a)”.

1 (e) CIVIL ACTIONS AGAINST EMPLOYERS.—Section
2 5(a) of the Worker Adjustment and Retraining Notifica-
3 tion Act (29 U.S.C. 2104(a)) is amended—

4 (1) in paragraph (1), by striking “60 days” and
5 inserting “90 days”;

6 (2) in paragraph (1)(A)(ii), by striking “and”;

7 (3) in paragraph (1)(B), by striking the period
8 and inserting “; and”;

9 (4) in paragraph (1), by inserting after sub-
10 paragraph (B) the following:

11 “(C) any other consequential damages incurred
12 by the aggrieved employee as a result of the viola-
13 tion of section 3 of this Act.”;

14 (5) in paragraph (3), by inserting “State or”
15 after “with respect to a”;

16 (6) in paragraph (4), by adding at the end the
17 following: “If the court determines that an employer
18 acted in bad faith in an attempt to evade the re-
19 quirements of this Act, the court may, in its discre-
20 tion, award to persons seeking to enforce this Act,
21 treble damages.”; and

22 (7) in paragraph (5), by inserting “, a State,”
23 after “a representative of employees”.

24 (f) POSTING OF EMPLOYEE RIGHTS.—The Worker
25 Adjustment and Retraining Notification Act (29 U.S.C.

1 2101 et seq.) is amended by adding at the end the fol-
 2 lowing:

3 **“SEC. 11. POSTING OF NOTICE OF RIGHTS.**

4 “(a) DEVELOPMENT.—Not later than 60 days after
 5 the date of enactment of this section, the Secretary of
 6 Labor shall develop a notice of employee rights under this
 7 Act for posting by employers.

8 “(b) POSTING.—Each employer shall post in a con-
 9 spicuous place in places of employment the notice of the
 10 rights of employees as developed by the Secretary under
 11 subsection (a).”.

12 (g) ANNUAL REPORT.—The Worker Adjustment and
 13 Retraining Notification Act (29 U.S.C. 2101 et seq.), as
 14 amended by subsection (d), is further amended by adding
 15 at the end the following:

16 **“SEC. 12. CONTENTS OF ANNUAL REPORTS BY THE SEC-**
 17 **RETARY OF LABOR.**

18 “(a) IN GENERAL.—The Secretary of Labor shall col-
 19 lect and compile statistics based on the information sub-
 20 mitted to the Secretary under subsections (a)(3) and (e)
 21 of section 3.

22 “(b) REPORT.—Not later than 120 days after the
 23 date on which each regular session of Congress com-
 24 mences, the Secretary of Labor shall prepare and submit
 25 to the President and the appropriate committees of Con-

1 gress a report on the offshoring of jobs (as defined in sec-
2 tion 2(a)(9)). Each such report shall include information
3 concerning—

4 “(1) the number of jobs affected by offshoring;

5 “(2) the locations to which work or facilities are
6 being shifted or transferred;

7 “(3) the reasons why such shifts and transfers
8 are occurring; and

9 “(4) any other relevant data compiled under
10 subsection (a).”.

○