

112TH CONGRESS
1ST SESSION

H. R. 2525

To amend the Trade Act of 1974 with respect to the trade adjustment assistance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2011

Mr. WU introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Trade Act of 1974 with respect to the trade adjustment assistance program, 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 Accountability Act of 2011”.

6 **SEC. 2. AMENDMENTS TO TRADE ADJUSTMENT ASSIST-**
7 **ANCE PROGRAM.**

8 (a) EXTENSION OF ASSISTANCE PROGRAM FOR
9 WORKERS.—Section 245(a) of the Trade Act of 1974 (19
10 U.S.C. 2317(a)) is amended by striking “October 1, 2001,

1 and ending December 31, 2007” and inserting “February
2 13, 2011, and ending September 30, 2014”.

3 (b) NOTICE TO PETITIONER OF INITIATION OF IN-
4 VESTIGATION.—Section 221(a)(3) of the Trade Act of
5 1974 (19 U.S.C. 2271(a)(3)) is amended by adding at the
6 end the following: “The Secretary shall also send written
7 or electronic notification of the receipt of the petition and
8 the initiation of the investigation directly to the peti-
9 tioner.”.

10 (c) PROCEDURAL MATTERS.—

11 (1) BASIS FOR SECRETARY’S DETERMINA-
12 TION.—Section 222 of the Trade Act of 1974 (19
13 U.S.C. 2272) is amended by adding at the end the
14 following:

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

16 “(1) IN GENERAL.—The Secretary shall, in de-
17 termining whether to certify a group of workers
18 under section 223, obtain from the workers’ firm, a
19 customer of the workers’ firm, or the petitioner, in-
20 formation that the Secretary determines to be nec-
21 essary to make the certification, through question-
22 naires and in such other manner as the Secretary
23 determines appropriate.

24 “(2) ADDITIONAL INFORMATION.—The Sec-
25 retary may seek additional information to determine

1 whether to certify a group of workers under sub-
2 section (a) or (b)—

3 “(A) by contacting—

4 “(i) officials or employees of the work-
5 ers’ firm;

6 “(ii) officials of customers of the
7 workers’ firm;

8 “(iii) officials of certified or recog-
9 nized unions or other duly authorized rep-
10 resentatives of the group of workers; or

11 “(iv) one-stop operators or one-stop
12 partners (as defined in section 101 of the
13 Workforce Investment Act of 1998 (29
14 U.S.C. 2801));

15 “(B) by reviewing all certifications or deni-
16 als of petitions for trade adjustment assistance
17 within the same industry as the petitioner and
18 considering the impact of trade on those deter-
19 minations; or

20 “(C) by using other available sources of in-
21 formation.

22 “(3) VERIFICATION OF INFORMATION.—

23 “(A) CERTIFICATION.—The Secretary shall
24 require a firm or customer to certify—

1 “(i) all information obtained under
2 paragraph (1) from the firm or customer
3 (as the case may be) through question-
4 naires; and

5 “(ii) all other information obtained
6 under paragraph (1) from the firm or cus-
7 tomer (as the case may be) on which the
8 Secretary relies in making a determination
9 under section 223, unless the Secretary
10 has a reasonable basis for determining that
11 such information is accurate and complete
12 without being certified.

13 “(B) PROTECTION OF CONFIDENTIAL IN-
14 FORMATION.—The Secretary may not release
15 information obtained under paragraph (1) that
16 the Secretary considers to be confidential busi-
17 ness information unless the firm or customer
18 (as the case may be) submitting the confidential
19 business information had notice, at the time of
20 submission, that the information would be re-
21 leased by the Secretary, or the firm or customer
22 (as the case may be) subsequently consents to
23 the release of the information. Nothing in this
24 subparagraph shall be construed to prohibit the
25 Secretary from providing such confidential busi-

1 ness information to a court in camera or to an-
2 other party under a protective order issued by
3 a court.

4 “(C) REVIEW OF INFORMATION.—If the
5 petition for certification is denied and the peti-
6 tioner appeals the denial, the Secretary shall
7 notify the petitioner of any information sub-
8 mitted or certified as part of an investigation
9 that was adverse to the petitioner’s claim, and
10 shall allow a petitioner to review any documents
11 not protected under subparagraph (B). The pe-
12 titioner shall be permitted an opportunity to
13 submit and certify a rebuttal to the information
14 submitted by the firm or firm’s customer as an
15 addendum to the appeal, before the Secretary
16 reviews the appeal.”.

17 (2) DETERMINATION OF SECRETARY.—Section
18 223(a) of the Trade Act of 1974 is amended—

19 (A) by striking “(a) As soon as possible”
20 and inserting—

21 “(a) IN GENERAL.—

22 “(1) INITIAL DETERMINATIONS.—As soon as
23 possible”; and

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

1 “(2) NOTIFICATIONS TO PETITIONER.—Not
2 later than 60 days after a petition or appeal is filed,
3 the Secretary shall provide a written or electronic re-
4 sponse to a written request for information from the
5 petitioner regarding the status of the petition. The
6 response shall include the current stage of the inves-
7 tigation, details on outstanding requests for informa-
8 tion from the firm or firm’s customer described in
9 222(e), any other reason for the delay, and the ex-
10 pected date of the final determination. Such notifica-
11 tion shall be provided to the petitioner not later than
12 21 days after it is received by the Secretary.”.

13 (d) CONFORMING AMENDMENTS.—Section 285(a) of
14 the Trade Act of 1974 is amended by striking “December
15 31, 2007” each place it appears and inserting “September
16 30, 2014”.

17 (e) EFFECTIVE DATE.—

18 (1) EXTENSION OF PROGRAM.—The amend-
19 ments made by subsections (a) and (d) apply to peti-
20 tions for certification of eligibility for adjustment as-
21 sistance under chapter 2 of title II of the Trade Act
22 of 1974 that are filed before, on, or after the date
23 of the enactment of this Act for such eligibility on
24 or after February 13, 2011.

1 (2) PROCEDURAL REQUIREMENTS.—The
2 amendments made by subsections (b) and (c) apply
3 with respect to petitions for certification of eligibility
4 for adjustment assistance under chapter 2 of title II
5 of the Trade Act of 1974 that are filed or after the
6 date of the enactment of this Act.

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