

103^D CONGRESS
1ST SESSION

H. R. 3352

To establish a transitional program of adjustment assistance to workers adversely affected by the implementation of the North American Free Trade Agreement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. GIBBONS (for himself, Mr. MATSUI, Mr. ANDREWS of Texas, Mr. KOPETSKI, Mr. JEFFERSON, Mr. RICHARDSON, Mr. COLEMAN, Mr. CHAPMAN, and Mr. BAESLER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To establish a transitional program of adjustment assistance to workers adversely affected by the implementation of the North American Free Trade Agreement, 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 “NAFTA Worker Secu-
5 rity Act of 1993”.

1 **SEC. 2. ESTABLISHMENT OF NAFTA TRANSITIONAL AD-**
2 **JUSTMENT ASSISTANCE PROGRAM.**

3 Chapter 2 of title II of the Trade Act of 1974 (19
4 U.S.C. 2271 et seq.) is amended by adding at the end
5 the following new subchapter:

6 **“Subchapter D—NAFTA Transitional**
7 **Adjustment Assistance Program**

8 **“SEC. 250. ESTABLISHMENT OF TRANSITIONAL PROGRAM.**

9 “(a) GROUP ELIGIBILITY REQUIREMENTS.—

10 “(1) CRITERIA.—A group of workers (including
11 workers in any agricultural firm or subdivision of an
12 agricultural firm) shall be certified as eligible to
13 apply for adjustment assistance under this sub-
14 chapter pursuant to a petition filed under subsection
15 (b) if the Secretary determines that a significant
16 number or proportion of the workers in such work-
17 ers’ firm or an appropriate subdivision of the firm
18 have become totally or partially separated, or are
19 threatened to become totally or partially separated,
20 and either—

21 “(A) that—

22 “(i) the sales or production, or both,
23 of such firm or subdivision have decreased
24 absolutely,

25 “(ii) imports from Mexico or Canada
26 of articles like or directly competitive with

1 articles produced by such firm or subdivi-
2 sion have increased, and

3 “(iii) the increase in imports under
4 clause (ii) contributed importantly to such
5 workers’ separation or threat of separation
6 and to the decline in the sales or produc-
7 tion of such firm or subdivision; or

8 “(B) that there has been a shift in produc-
9 tion by such workers’ firm or subdivision to
10 Mexico or Canada of articles like or directly
11 competitive with articles which are produced by
12 the firm or subdivision.

13 “(2) DEFINITION OF CONTRIBUTED IMPOR-
14 TANTLY.—The term ‘contributed importantly’, as
15 used in paragraph (1)(A)(iii), means a cause which
16 is important but not necessarily more important
17 than any other cause.

18 “(3) REGULATIONS.—The Secretary shall issue
19 regulations relating to the application of the criteria
20 described in paragraph (1) in making preliminary
21 findings under subsection (b) and determinations
22 under subsection (c).

23 “(b) PRELIMINARY FINDINGS AND BASIC ASSIST-
24 ANCE.—

1 “(1) FILING OF PETITIONS.—A petition for cer-
2 tification of eligibility to apply for adjustment assist-
3 ance under this subchapter may be filed by a group
4 of workers (including workers in any agricultural
5 firm or subdivision of an agricultural firm) or by
6 their certified or recognized union or other duly au-
7 thorized representative with the Governor of the
8 State in which such workers’ firm or subdivision
9 thereof is located.

10 “(2) FINDINGS AND ASSISTANCE.—Upon re-
11 ceipt of a petition under paragraph (1), the Gov-
12 ernor shall—

13 “(A) notify the Secretary that the Gov-
14 ernor has received the petition;

15 “(B) within 10 days after receiving the pe-
16 tition—

17 “(i) make a preliminary finding as to
18 whether the petition meets the criteria de-
19 scribed in subsection (a)(1) (and for pur-
20 poses of this clause the criteria described
21 under subparagraph (A)(iii) of such sub-
22 section shall be disregarded), and

23 “(ii) transmit the petition, together
24 with a statement of the finding under

1 clause (i) and reasons therefor, to the Sec-
2 retary for action under subsection (c); and

3 “(C) if the preliminary finding under sub-
4 paragraph (B)(i) is affirmative, ensure that
5 rapid response and basic readjustment services
6 authorized under other Federal law are made
7 available to the workers.

8 “(c) REVIEW OF PETITIONS BY SECRETARY; CER-
9 TIFICATIONS.—

10 “(1) IN GENERAL.—The Secretary, within 30
11 days after receiving a petition under subsection (b),
12 shall determine whether the petition meets the cri-
13 teria described in subsection (a)(1). Upon a deter-
14 mination that the petition meets such criteria, the
15 Secretary, subject to paragraph (3), shall issue to
16 workers covered by the petition a certification of eli-
17 gibility to apply for assistance described in sub-
18 section (d).

19 “(2) DENIAL OF CERTIFICATION.—Upon denial
20 of certification with respect to a petition under para-
21 graph (1), the Secretary shall review the petition in
22 accordance with the requirements of subchapter A to
23 determine if the workers may be certified under such
24 subchapter.

1 “(3) COVERED WORKERS.—A certification is-
2 sued under paragraph (1) shall not apply to any
3 worker whose last total or partial separation from
4 the firm or subdivision occurred before January 1,
5 1994.

6 “(d) COMPREHENSIVE ASSISTANCE.—Workers cov-
7 ered by certification issued by the Secretary under sub-
8 section (c) shall be provided, in the same manner and to
9 the same extent as workers covered under a certification
10 under subchapter A, the following:

11 “(1) Employment services described in section
12 235.

13 “(2) Training described in section 236, except
14 that notwithstanding the provisions of section
15 236(a)(2)(A), the total amount of payments for
16 training under this subchapter between January 1,
17 1994, and June 30, 1995, shall not exceed
18 \$45,000,000.

19 “(3) Trade readjustment allowances described
20 in sections 231 through 234, except that—

21 “(A) the provisions of sections
22 231(a)(5)(C) and 231(c), authorizing the pay-
23 ment of trade readjustment allowances upon a
24 finding that it is not feasible or appropriate to
25 approve a training program for a worker, shall

1 not be applicable to payment of such allowances
2 under this subchapter; and

3 “(B) notwithstanding the provisions of sec-
4 tion 233(b), a worker shall be enrolled in a
5 training program approved by the Secretary
6 under section 236(a) by the end of the 16th
7 week of such worker’s initial unemployment
8 compensation benefit period in order for such
9 worker to qualify for trade readjustment allow-
10 ances under this subchapter.

11 “(4) Job search allowances described in section
12 237.

13 “(5) Relocation allowances described in section
14 238.

15 “(e) ADMINISTRATION.—The provisions of sub-
16 chapter C shall apply to the administration of the program
17 under this subchapter in the same manner and to the
18 same extent as such provisions apply to the administration
19 of the program under subchapters A and B, except that
20 the agreement between the Secretary and the States de-
21 scribed in section 239 shall specify the procedures that
22 will be used to carry out the certification process under
23 subsection (c) and the procedures for the provision of rel-
24 evant data by the Secretary to assist the States in making
25 preliminary findings under subsection (b).”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 (a) REFERENCES.—Sections 221(a), 222(a), and
3 223(a) of the Trade Act of 1974 are each amended by
4 striking out “chapter” and inserting “subchapter”.

5 (b) BENEFIT INFORMATION.—Section 225(b) of the
6 Trade Act of 1974 is amended by inserting “or subchapter
7 D” after “subchapter A” in each place it appears.

8 (c) NONDUPLICATION OF ASSISTANCE.—Subchapter
9 C of chapter 2 of title II of the Trade Act of 1974 is
10 amended by adding at the end the following new section:

11 **“SEC. 249A. NONDUPLICATION OF ASSISTANCE.**

12 “No worker may receive assistance relating to a sepa-
13 ration pursuant to certifications under both subchapters
14 A and D of this chapter.”.

15 (d) JUDICIAL REVIEW.—Section 284 of the Trade
16 Act of 1974 is amended by inserting “or section 250(c)”
17 after “section 223”.

18 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 245 of the Trade Act of 1974 is amended
20 by—

21 (1) inserting “(a)” before “There”,

22 (2) inserting “, except for subchapter D” after
23 “chapter”, and

24 (3) inserting the following new subsection at
25 the end:

1 “(b) There are authorized to be appropriated to the
2 Department of Labor, for each of fiscal years 1994 and
3 1995, such sums as may be necessary to carry out sub-
4 chapter D of this chapter.”.

5 **SEC. 5. TERMINATION OF TRANSITIONAL PROGRAM.**

6 Section 285(c) of the Trade Act of 1974 is amend-
7 ed—

8 (1) by striking “No” and inserting “(1) Except
9 as provided in paragraph (2), no”; and

10 (2) by inserting the following new paragraph at
11 the end thereof:

12 “(2) No assistance, vouchers, allowances, or other
13 payments may be provided under subchapter D of chapter
14 2 after June 30, 1995.”.

15 **SEC. 6. EFFECTIVE DATE.**

16 The amendments made by sections 2, 3, 4, and 5 take
17 effect on the date the North American Free Trade Agree-
18 ment enters into force.

○