

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6208

To amend the Trade Act of 1974 to make certain modifications to the trade adjustment assistance program.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2006

Mr. ENGLISH of Pennsylvania 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 make certain modifications to the trade adjustment assistance program.

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 “American Competitive-  
5 ness and Adjustment Act”.

1       **TITLE —TRADE ADJUSTMENT**  
2                                   **ASSISTANCE**

3       **SEC. 101. CALCULATION OF SEPARATION TOLLED DURING**  
4                                   **LITIGATION.**

5           Section 233 of the Trade Act of 1974 (19 U.S.C.  
6 2293) is amended by adding at the end the following:

7           “(h) SPECIAL RULE FOR CALCULATING SEPARA-  
8 TION.—Notwithstanding any other provision of this chap-  
9 ter, any period during which a judicial or administrative  
10 appeal is pending with respect to the denial by the Sec-  
11 retary of a petition under section 223 shall not be counted  
12 for purposes of calculating the period of separation under  
13 subsection (a)(2), and an adversely affected worker that  
14 would otherwise be entitled to a trade readjustment allow-  
15 ance shall not be denied such allowance because of such  
16 appeal.”.

17       **SEC. 102. REVISION OF ELIGIBILITY CRITERIA.**

18           (a) DOWNSTREAM WORKERS.—Section 222(c)(3) of  
19 the Trade Act of 1974 (19 U.S.C. 2272(c)(3)) is amend-  
20 ed by striking “, if the certification of eligibility” and all  
21 that follows through the end and inserting a period.

22           (b) SHIFTS IN PRODUCTION.—Section 222(a)(2)(B)  
23 of the Trade Act of 1974 (19 U.S.C. 2272(a)(2)(B)) is  
24 amended to read as follows:

1           “(B) there has been a shift in production by  
2           such workers’ firm or subdivision to a foreign coun-  
3           try of articles like or directly competitive with arti-  
4           cles which are produced by such firm or subdivi-  
5           sion.”.

6 **SEC. 103. HEALTH CARE TAX CREDIT.**

7           (a) REMOVAL OF TRAINING REQUIREMENT.—Section  
8 35(c)(2) of the Internal Revenue Act of 1986 (26 U.S.C.  
9 35(c)(2)) is amended by striking “subsection (a)(3)(B)”  
10 and inserting “subsections (a)(3)(B) and (a)(5)”.

11           (b) PRESUMPTIVE ELIGIBILITY FOR PETITIONERS  
12 FOR TRADE ADJUSTMENT ASSISTANCE.—

13           (1) IN GENERAL.—Section 35(c) of the Internal  
14 Revenue Code of 1986 is amended by adding at the  
15 end the following new paragraph:

16           “(5) PRESUMPTIVE STATUS AS A TAA RECIPI-  
17 ENT.—The term ‘eligible individual’ shall include  
18 any individual who is covered by a petition filed with  
19 the Secretary of Labor under section 221 of the  
20 Trade Act of 1974. This paragraph shall apply to  
21 any individual only with respect to months which—

22           “(A) end after the date that such petition  
23 is so filed, and

24           “(B) begin before the earlier of—

1 “(i) the 90th day after the date of fil-  
2 ing of such petition, or

3 “(ii) the date on which the Secretary  
4 of Labor makes a final determination with  
5 respect to such petition.”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) Paragraph (1) of section 7527(d) of  
8 such Code is amended by striking “or an eligi-  
9 ble alternative TAA recipient (as defined in sec-  
10 tion 35(c)(3))” and inserting “, an eligible al-  
11 ternative TAA recipient (as defined in section  
12 35(c)(3)), or an individual who is an eligible in-  
13 dividual by reason of section 35(c)(5)”.

14 (B) Section 173(f)(4) of the Workforce In-  
15 vestment Act of 1998 (29 U.S.C. 2918(f)(4)) is  
16 amended—

17 (i) in subparagraph (B), by striking  
18 “and” at the end;

19 (ii) in subparagraph (C), by striking  
20 the period and inserting “, and” ; and

21 (iii) by inserting after subparagraph  
22 (C), the following new subparagraph:

23 “(D) an individual who is an eligible indi-  
24 vidual by reason of section 35(c)(5) of the In-  
25 ternal Revenue Code of 1986.”.

1 (c) CLARIFICATION OF 3-MONTH CREDITABLE COV-  
2 ERAGE REQUIREMENT.—

3 (1) IN GENERAL.—Clause (i) of section  
4 35(e)(2)(B) of the Internal Revenue Code of 1986 is  
5 amended by inserting “(prior to the employment  
6 separation necessary to attain the status of an eligi-  
7 ble individual)” after “9801(c)”.

8 (2) CONFORMING AMENDMENT.—Section  
9 173(f)(2)(B)(ii)(I) of the Workforce Investment Act  
10 of 1998 (29 U.S.C. 2918(f)(2)(B)(ii)(I)) is amended  
11 by inserting “(prior to the employment separation  
12 necessary to attain the status of an eligible indi-  
13 vidual)” after “1986”.

14 (d) INCREASE IN TAX CREDIT.—Section 35(a) of the  
15 Internal Revenue Code of 1986 is amended by striking  
16 “65 percent” and inserting “75 percent”.

17 (e) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to months beginning after the date  
19 of the enactment of this Act in taxable years ending after  
20 that date.

21 **SEC. 104. ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE.**

22 (a) ELIGIBILITY OF ALL WORKERS; LOWER AGE RE-  
23 QUIREMENT.—Section 246(a)(3) of the Trade Act of 1974  
24 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

1           “(3) ELIGIBILITY.—A worker in a group that  
2           the Secretary has certified as eligible to apply for  
3           adjustment assistance under section 223 may elect  
4           to receive benefits under the alternative trade ad-  
5           justment assistance program if the worker—

6                   “(A) obtains reemployment not more than  
7                   26 weeks after the date of separation from the  
8                   adversely affected employment;

9                   “(B) is at least 40 years of age;

10                   “(C) earns not more than \$50,000 a year  
11                   in wages from reemployment;

12                   “(D) is employed on a full-time basis as  
13                   defined by State law in the State in which the  
14                   worker is employed; and

15                   “(E) does not return to the employment  
16                   from which the worker was separated.”.

17           (b) CONFORMING AMENDMENTS.—

18                   (1) Subparagraphs (A) and (B) of section  
19                   246(a)(2) of the Trade Act of 1974 (19 U.S.C.  
20                   2318(a)(2)) are amended by striking “paragraph  
21                   (3)(B)” and inserting “paragraph (3)” each place it  
22                   appears.

23                   (2) Section 246(b)(2) of that Act is amended by  
24                   striking “subsection (a)(3)(B)” and inserting “sub-  
25                   section (a)(3)”.

1           (3) Section 35(c)(3)(A) of the Internal Revenue  
2           Code of 1986 is amended by striking  
3           “246(a)(3)(B)” and inserting “246(a)(3)”.

4 **SEC. 105. TRAINING FUNDS.**

5           (a) FUNDING FOR TRAINING.—Section 236(a) of the  
6 Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

7           (1) in paragraph (1), by striking “Upon such  
8           approval” and all that follows to the end; and

9           (2) by amending paragraph (2) to read as fol-  
10          lows:

11           “(2)(A) Upon approval of a training program  
12           under paragraph (1), and subject to the limitations  
13           imposed by this section, an adversely affected worker  
14           covered by a certification issued under section 223  
15           shall be eligible to have payment of the costs of that  
16           training, including any costs of an approved training  
17           program incurred by a worker before a certification  
18           was issued under section 223, made on behalf of the  
19           worker by the Secretary directly or through a vouch-  
20           er system.

21           “(B) Not later than 6 months after the date of  
22           enactment of the American Competitiveness and Ad-  
23           justment Act, the Secretary shall develop and submit  
24           to Congress for approval a formula that provides  
25           workers with an individual entitlement for training

1 costs to be administered pursuant to sections 239  
2 and 240. The formula shall take into account—

3 “(i) the number of workers enrolled in  
4 trade adjustment assistance;

5 “(ii) the duration of the assistance;

6 “(iii) the anticipated training costs for  
7 workers; and

8 “(iv) any other factors the Secretary deems  
9 appropriate.

10 “(C) Until such time as Congress approves the  
11 formula, the total amount of payments that may be  
12 made under subparagraph (A) for any fiscal year  
13 shall not exceed 50 percent of the amount of trade  
14 readjustment allowances paid to workers during that  
15 fiscal year.”.

16 (b) MODIFICATION OF ENROLLMENT DEADLINES.—  
17 Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19  
18 U.S.C. 2291(a)(5)(A)(ii)) is amended—

19 (1) in subclause (I), by striking “16th week”  
20 and inserting “32nd week”; and

21 (2) in subclause (II), by striking “8th week”  
22 and inserting “16th week”.

23 (c) APPROVED TRAINING PROGRAMS.—Section  
24 236(a)(5) of the Trade Act of 1974 (19 U.S.C.  
25 2296(a)(5)) is amended—

1           (1) by striking “and” at the end of subpara-  
2           graph (E);

3           (2) by redesignating subparagraph (F) as sub-  
4           paragraph (G); and

5           (3) by inserting after subparagraph (E) the fol-  
6           lowing:

7                     “(F) entrepreneurial training; and”.

8   **SEC. 106. EFFECTIVE DATE.**

9           Except as provided in section 103(e), the amend-  
10          ments made by this title take effect on the date that is  
11          60 days after the date of the enactment of this Act and  
12          apply to petitions filed or recertified on or after that effec-  
13          tive date.

14       **TITLE II—DATA COLLECTION**

15   **SEC. 201. DATA COLLECTION; STUDY; INFORMATION TO**  
16                     **WORKERS.**

17          (a) DATA COLLECTION; EVALUATIONS.—Subchapter  
18          C of chapter 2 of title II of the Trade Act of 1974 is  
19          amended by inserting after section 249 the following new  
20          section:

21   **“SEC. 250. DATA COLLECTION; EVALUATIONS; REPORTS.**

22           “(a) DATA COLLECTION.—The Secretary shall, pur-  
23          suant to regulations prescribed by the Secretary, collect  
24          any data necessary to meet the requirements of this chap-  
25          ter.

1       “(b) PERFORMANCE EVALUATIONS.—The Secretary  
2 shall establish an effective performance measuring system  
3 to evaluate the following:

4           “(1) PROGRAM PERFORMANCE.—A comparison  
5 of the trade adjustment assistance program before  
6 and after the effective date of the Trade Adjustment  
7 Assistance Reform Act of 2002 with respect to—

8           “(A) the number of workers certified and  
9 the number of workers actually participating in  
10 the trade adjustment assistance program;

11           “(B) the time for processing petitions;

12           “(C) the number of training waivers grant-  
13 ed;

14           “(D) the coordination of programs under  
15 this chapter with programs under the Work-  
16 force Investment Act of 1998 (29 U.S.C. 2801  
17 et seq.);

18           “(E) the effectiveness of individual train-  
19 ing providers in providing appropriate informa-  
20 tion and training;

21           “(F) the extent to which States have de-  
22 signed and implemented health care coverage  
23 options under title II of the Trade Act of 2002,  
24 including any difficulties States have encoun-  
25 tered in carrying out the provisions of title II;

1           “(G) how Federal, State, and local officials  
2           are implementing the trade adjustment assist-  
3           ance program to ensure that all eligible individ-  
4           uals receive benefits, including providing out-  
5           reach, rapid response, and other activities; and

6           “(H) any other data necessary to evaluate  
7           how individual States are implementing the re-  
8           quirements of this chapter.

9           “(2) PROGRAM PARTICIPATION.—The effective-  
10          ness of the program relating to—

11           “(A) the number of workers receiving ben-  
12           efits and the type of benefits being received  
13           both before and after the effective date of the  
14           Trade Adjustment Assistance Reform Act of  
15           2002;

16           “(B) the number of workers enrolled in,  
17           and the duration of, training by major types of  
18           training both before and after the effective date  
19           of the Trade Adjustment Assistance Reform  
20           Act of 2002;

21           “(C) earnings history of workers that re-  
22           flects wages before separation and wages in any  
23           job obtained after receiving benefits under this  
24           Act;

1           “(D) reemployment rates and sectors in  
2           which dislocated workers have been employed;

3           “(E) the cause of dislocation identified in  
4           each petition that resulted in a certification  
5           under this chapter; and

6           “(F) the number of petitions filed and  
7           workers certified in each congressional district  
8           of the United States.

9           “(c) STATE PARTICIPATION.—The Secretary shall  
10          ensure, to the extent practicable, through oversight and  
11          effective internal control measures the following:

12           “(1) STATE PARTICIPATION.—Participation by  
13          each State in the performance measurement system  
14          established under subsection (b) and shall provide  
15          incentives for States to supplement employment and  
16          wage data obtained through the use of unemploy-  
17          ment insurance wage records.

18           “(2) MONITORING.—Monitoring by each State  
19          of internal control measures with respect to perform-  
20          ance measurement data collected by each State.

21           “(3) RESPONSE.—The quality and speed of the  
22          rapid response provided by each State under section  
23          134(a)(2)(A) of the Workforce Investment Act of  
24          1998 (29 U.S.C. 2864(a)(2)(A)).

25          “(d) REPORTS.—

1 “(1) REPORTS BY THE SECRETARY.—

2 “(A) INITIAL REPORT.—Not later than 6  
3 months after the date of enactment of the  
4 American Competitiveness and Adjustment Act,  
5 the Secretary shall submit to the Committee on  
6 Finance of the Senate and the Committee on  
7 Ways and Means of the House of Representa-  
8 tives a report that—

9 “(i) describes the performance meas-  
10 urement system established under sub-  
11 section (b);

12 “(ii) includes analysis of data col-  
13 lected through the system established  
14 under subsection (b); and

15 “(iii) provides recommendations for  
16 program improvements.

17 “(B) ANNUAL REPORT.—Not later than 1  
18 year after the date the report is submitted  
19 under subparagraph (A), and annually there-  
20 after, the Secretary shall submit to the Com-  
21 mittee on Finance of the Senate and the Com-  
22 mittee on Ways and Means of the House of  
23 Representatives and release to the public a re-  
24 port that includes the information collected  
25 under clause (ii) of subparagraph (A).

1           “(2) STATE REPORTS.—Pursuant to regulations  
2           prescribed by the Secretary, each State shall submit  
3           to the Secretary a report that details its participa-  
4           tion in the programs established under this chapter,  
5           and that contains the data necessary to allow the  
6           Secretary to submit the report required under para-  
7           graph (1).

8           “(3) PUBLICATION.—The Secretary shall make  
9           available to each State, to Congress, and to the pub-  
10          lic, the data gathered and evaluated through the per-  
11          formance measurement system established under  
12          subsection (b).”.

13          (b) CONFORMING AMENDMENTS.—

14                 (1) COORDINATION.—Section 281 of the Trade  
15                 Act of 1974 (19 U.S.C. 2392) is amended by strik-  
16                 ing “Departments of Labor and Commerce” and in-  
17                 serting “Departments of Labor, Commerce, and Ag-  
18                 riculture”.

19                 (2) TRADE MONITORING SYSTEM.—Section 282  
20                 of the Trade Act of 1974 (19 U.S.C. 2393) is  
21                 amended by striking “The Secretary of Commerce  
22                 and the Secretary of Labor” and inserting “The  
23                 Secretaries of Commerce, Labor, and Agriculture”.

24                 (3) TABLE OF CONTENTS.—The table of con-  
25                 tents for title II of the Trade Act of 1974 is amend-

1 ed by inserting after the item relating to section 249  
2 the following new item:

“Sec. 250. Data collection; evaluations; reports.”.

3 **SEC. 202. DETERMINATIONS BY THE SECRETARY OF LABOR.**

4 Section 223(c) of the Trade Act of 1974 (19 U.S.C.  
5 2273(c)) is amended to read as follows:

6 “(c) PUBLICATION OF DETERMINATIONS.—Upon  
7 reaching a determination on a petition, the Secretary  
8 shall—

9 “(1) promptly publish a summary of the deter-  
10 mination in the Federal Register, together with the  
11 Secretary’s reasons for making such determination;  
12 and

13 “(2) make the full text of the determination  
14 available to the public on the Internet website of the  
15 Department of Labor, with full-text searchability.”.

16 **SEC. 203. EFFECTIVE DATE.**

17 The amendments made by this title take effect on the  
18 date that is 60 days after the date of the enactment of  
19 this Act.

20 **TITLE III—INDUSTRY-WIDE**  
21 **CERTIFICATIONS**

22 **SEC. 301. NOTIFICATION.**

23 Section 224 of the Trade Act of 1974 (19 U.S.C.  
24 2274) is amended to read as follows:

1 **“SEC. 224. NOTIFICATIONS REGARDING AFFIRMATIVE DE-**  
2 **TERMINATIONS AND SAFEGUARDS.**

3 “(a) NOTIFICATIONS REGARDING CHAPTER 1 INVES-  
4 TIGATIONS AND DETERMINATIONS.—Whenever the Inter-  
5 national Trade Commission (in this chapter referred to as  
6 the ‘Commission’) makes a report under section 202(f)  
7 containing an affirmative finding regarding serious injury,  
8 or the threat thereof, to a domestic industry, the Commis-  
9 sion shall immediately—

10 “(1) notify the Secretary of Labor of that find-  
11 ing; and

12 “(2) in the case of a finding with respect to an  
13 agricultural commodity, as defined in section 291,  
14 notify the Secretary of Agriculture of that finding.

15 “(b) NOTIFICATION REGARDING BILATERAL SAFE-  
16 GUARDS.—The Commission shall immediately notify the  
17 Secretary of Labor and, in an investigation with respect  
18 to an agricultural commodity, the Secretary of Agri-  
19 culture, whenever the Commission makes an affirmative  
20 determination pursuant to one of the following provisions:

21 “(1) Section 421 of the Trade Act of 1974 (19  
22 U.S.C. 2451).

23 “(2) Section 312 of the Dominican Republic-  
24 Central America-United States Free Trade Agree-  
25 ment Implementation Act (19 U.S.C. 3805 note).

1           “(3) Section 312 of the United States-Oman  
2 Free Trade Agreement Implementation Act (19  
3 U.S.C. 3805 note).

4           “(4) Section 312 of the United States-Australia  
5 Free Trade Agreement Implementation Act (19  
6 U.S.C. 3805 note).

7           “(5) Section 312 of the United States-Morocco  
8 Free Trade Agreement Implementation Act (19  
9 U.S.C. 3805 note).

10           “(6) Section 312 of the United States-Singapore  
11 Free Trade Agreement Implementation Act (19  
12 U.S.C. 3805 note).

13           “(7) Section 312 of the United States-Chile  
14 Free Trade Agreement Implementation Act (19  
15 U.S.C. 3805 note).

16           “(8) Section 302(b) of the North American  
17 Free Trade Agreement Implementation Act (19  
18 U.S.C. 3352(b)).

19           “(9) Section 212 of the United States-Jordan  
20 Free Trade Agreement Implementation Act (19  
21 U.S.C. 2112).

22           “(10) A comparable provision in any other leg-  
23 islation implementing a free trade agreement be-  
24 tween the United States and one or more other  
25 countries.

1       “(c) AGRICULTURAL SAFEGUARDS.—The Commis-  
2 sioner of Customs shall immediately notify the Secretary  
3 of Labor and, in the case of an agricultural commodity,  
4 the Secretary of Agriculture, whenever the Commissioner  
5 of Customs assesses additional duties on a product pursu-  
6 ant to one of the following provisions:

7               “(1) Section 202 of the Dominican Republic-  
8 Central America-United States Free Trade Agree-  
9 ment Implementation Act (19 U.S.C. 3805 note).

10              “(2) Section 202 of the United States-Australia  
11 Free Trade Agreement Implementation Act (19  
12 U.S.C. 3805 note).

13              “(3) Section 202 of the United States-Morocco  
14 Free Trade Agreement Implementation Act (19  
15 U.S.C. 3805 note).

16              “(4) Section 201(c) of the United States-Chile  
17 Free Trade Agreement Implementation Act (19  
18 U.S.C. 3805 note).

19              “(5) Section 309 of the North American Free  
20 Trade Agreement Implementation Act (19 U.S.C.  
21 3358).

22              “(6) Section 301(a) of the United States-Can-  
23 ada Free Trade Agreement Implementation Act of  
24 1988 (19 U.S.C. 2112 note).

1           “(7) Section 404 of the United States-Israel  
2 Free Trade Agreement Implementation Act (19  
3 U.S.C. 2112 note).

4           “(8) A comparable provision in any other legis-  
5 lation implementing a free trade agreement between  
6 the United States and one or more other countries.

7           “(d) TEXTILE SAFEGUARDS.—The President shall  
8 immediately notify the Secretary of Labor whenever the  
9 President makes a positive determination pursuant to one  
10 of the following provisions:

11           “(1) Section 322 of the Dominican Republic-  
12 Central America-United States Free Trade Agree-  
13 ment Implementation Act (19 U.S.C. 3805 note).

14           “(2) Section 322 of the United States-Oman  
15 Free Trade Agreement Implementation Act (19  
16 U.S.C. 3805 note).

17           “(3) Section 322 of the United States-Australia  
18 Free Trade Agreement Implementation Act (19  
19 U.S.C. 3805 note).

20           “(4) Section 322 of the United States-Morocco  
21 Free Trade Agreement Implementation Act (19  
22 U.S.C. 3805 note).

23           “(5) Section 322 of the United States-Chile  
24 Free Trade Agreement Implementation Act (19  
25 U.S.C. 3805 note).

1           “(6) Section 322 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

2           “(7) A comparable provision in any other legislation implementing a free trade agreement between the United States and one or more other countries.

3           “(e) ANTIDUMPING AND COUNTERVAILING DUTIES.—Whenever the Commission makes a final affirmative determination pursuant to section 705 or section 735 of the Tariff Act of 1930 (19 U.S.C. 1671d or 1673d), the Commission shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, of that determination.”.

4           **SEC. 302. OTHER METHODS OF REQUESTING INVESTIGATION.**

5           Section 221 of the Trade Act of 1974 (19 U.S.C. 2271) is amended—

6           (1) by adding at the end the following:

7           “(c) OTHER METHODS OF INITIATING A PETITION.—Upon the request of the President or the United States Trade Representative, or the resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, the Secretary shall promptly initiate an investigation under this

1 chapter to determine the eligibility for adjustment assist-  
2 ance of—

3 “(1) a group of workers (which may include  
4 workers from more than one facility or employer); or

5 “(2) all workers in an occupation as that occu-  
6 pation is defined in the Bureau of Labor Statistics  
7 Standard Occupational Classification System.”;

8 (2) in subsection (a)(2), by inserting “or a re-  
9 quest or resolution filed under subsection (c),” after  
10 “paragraph (1),”; and

11 (3) in subsection (a)(3), by inserting “, request,  
12 or resolution” after “petition” each place it appears.

13 **SEC. 303. INDUSTRY-WIDE DETERMINATION.**

14 Section 223 of the Trade Act of 1974 (19 U.S.C.  
15 2273) is amended by adding at the end the following:

16 “(e) INVESTIGATION REGARDING INDUSTRY-WIDE  
17 CERTIFICATION.—If the Secretary receives a request or  
18 a resolution under section 221(c) on behalf of workers in  
19 a domestic industry or occupation (described in section  
20 221(c)(2)) or receives 3 or more petitions under section  
21 221(a) within a 180-day period on behalf of groups of  
22 workers in a domestic industry or occupation, the Sec-  
23 retary shall make an industry-wide determination under  
24 subsection (a) of this section with respect to the domestic  
25 industry or occupation in which the workers are or were

1 employed. If the Secretary does not make certification  
2 under the preceding sentence, the Secretary shall make  
3 a determination of eligibility under subsection (a) with re-  
4 spect to each group of workers in that domestic industry  
5 or occupation from which a petition was received.”.

6 **SEC. 304. COORDINATION WITH OTHER TRADE PROVI-**  
7 **SIONS.**

8 (a) **INDUSTRY-WIDE CERTIFICATION BASED ON**  
9 **GLOBAL SAFEGUARDS.—**

10 (1) **RECOMMENDATIONS BY ITC.—**

11 (A) Section 202(e)(2)(D) of the Trade Act  
12 of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended  
13 by striking “, including the provision of trade  
14 adjustment assistance under chapter 2”.

15 (B) Section 203(a)(3)(D) of the Trade Act  
16 of 1974 (19 U.S.C. 2253(a)(3)(D)) is amended  
17 by striking “, including the provision of trade  
18 adjustment assistance under chapter 2”.

19 (2) **ASSISTANCE FOR WORKERS.—**Section  
20 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.  
21 2253(a)(1)(A)) is amended to read as follows:

22 “(1)(A) After receiving a report under section  
23 202(f) containing an affirmative finding regarding  
24 serious injury, or the threat thereof, to a domestic  
25 industry—

1           “(i) the President shall take all appro-  
2           priate and feasible action within his power; and

3           “(ii)(I) the Secretary of Labor shall certify  
4           as eligible to apply for adjustment assistance  
5           under section 223 workers employed in the do-  
6           mestic industry defined by the Commission if  
7           such workers become totally or partially sepa-  
8           rated, or are threatened to become totally or  
9           partially separated, not earlier than 1 year be-  
10          fore, or not later than 1 year after, the date on  
11          which the Commission made its report to the  
12          President under section 202(f); and

13          “(II) in the case of a finding with respect  
14          to an agricultural commodity as defined in sec-  
15          tion 291, the Secretary of Agriculture shall cer-  
16          tify as eligible to apply for adjustment assist-  
17          ance under section 293 agricultural commodity  
18          producers employed in the domestic production  
19          of the agricultural commodity that is the sub-  
20          ject of the finding during the most recent mar-  
21          keting year.”.

22          (b) INDUSTRY-WIDE CERTIFICATION BASED ON BI-  
23          LATERAL SAFEGUARD PROVISIONS OR ANTIDUMPING OR  
24          COUNTERVAILING DUTY ORDERS.—

1           (1) IN GENERAL.—Subchapter A of chapter 2  
2           of title II of the Trade Act of 1974 (19 U.S.C. 2271  
3           et seq.) is amended by inserting after section 224  
4           the following new section:

5   **“SEC. 224A. INDUSTRY-WIDE CERTIFICATION WHEN BILAT-**  
6                           **ERAL SAFEGUARD PROVISIONS INVOKED OR**  
7                           **ANTIDUMPING OR COUNTERVAILING DUTIES**  
8                           **IMPOSED.**

9           “(a) MANDATORY CERTIFICATION.—Not later than  
10          10 days after the date on which the Secretary of Labor  
11          receives a notification with respect to the imposition of a  
12          trade remedy, safeguard determination, or antidumping or  
13          countervailing duty determination under section 224 (a),  
14          (b), (c), (d), or (e), the Secretary shall certify as eligible  
15          for trade adjustment assistance under section 223(a)  
16          workers employed in the domestic production of the article  
17          that is the subject of the trade remedy, safeguard deter-  
18          mination, or antidumping or countervailing duty deter-  
19          mination, as the case may be, if such workers become to-  
20          tally or partially separated, or are threatened to become  
21          totally or partially separated, not more than 1 year before  
22          or not more than 1 year after the applicable date.

23          “(b) APPLICABLE DATE.—In this section, the term  
24          ‘applicable date’ means—

1           “(1) the date on which the affirmative or posi-  
2           tive determination or finding is made in the case of  
3           a notification under section 224 (a), (b), or (d);

4           “(2) the date on which a final determination is  
5           made in the case of a notification under section  
6           224(e); or

7           “(3) the date on which additional duties are as-  
8           sessed in the case of a notification under section  
9           224(c).”.

10           (2) AGRICULTURAL COMMODITY PRODUCERS.—  
11           Chapter 6 of title II of the Trade Act of 1974 (19  
12           U.S.C. 2401 et seq.) is amended by striking section  
13           294 and inserting the following:

14           **“SEC. 294. INDUSTRY-WIDE CERTIFICATION FOR AGRICUL-**  
15                           **TURAL COMMODITY PRODUCERS WHERE**  
16                           **SAFEGUARD PROVISIONS INVOKED OR ANTI-**  
17                           **DUMPING OR COUNTERVAILING DUTIES IM-**  
18                           **POSED.**

19           “(a) IN GENERAL.—Not later than 10 days after the  
20           date on which the Secretary of Agriculture receives a noti-  
21           fication with respect to the imposition of a trade remedy,  
22           safeguard determination, or antidumping or counter-  
23           vailing duty determination under section 224 (b), (c), or  
24           (e), the Secretary shall certify as eligible for trade adjust-  
25           ment assistance under section 293(a) agricultural com-

1 modify producers employed in the domestic production of  
 2 the agricultural commodity that is the subject of the trade  
 3 remedy, safeguard determination, or antidumping or coun-  
 4 tervaluing duty determination, as the case may be, during  
 5 the most recent marketing year.

6 “(b) APPLICABLE DATE.—In this section, the term  
 7 ‘applicable date’ means—

8 “(1) the date on which the affirmative or posi-  
 9 tive determination or finding is made in the case of  
 10 a notification under section 224(b);

11 “(2) the date on which a final determination is  
 12 made in the case of a notification under section  
 13 224(e); or

14 “(3) the date on which additional duties are as-  
 15 sessed in the case of a notification under section  
 16 224(c).”.

17 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
 18 The table of contents for title II of the Trade Act of 1974  
 19 is amended—

20 (1) by striking the item relating to section 224  
 21 and inserting the following:

“Sec. 224. Notifications regarding affirmative determinations and safeguards.”;

22 (2) by inserting after the item relating to sec-  
 23 tion 224 the following:

“Sec. 224A. Industry-wide certification based on bilateral safeguard provisions  
 invoked or antidumping or countervailing duties imposed.”;

1 and

2 (3) by striking the item relating to section 294

3 and inserting the following:

“Sec. 294. Industry-wide certification for agricultural commodity producers where safeguard provisions invoked or antidumping or countervailing duties imposed.”.

4 **SEC. 305. REGULATIONS.**

5 The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Labor, and the International  
6 Trade Commission may promulgate such regulations as  
7 may be necessary to carry out the amendments made by  
8 this title.

10 **SEC. 306. EFFECTIVE DATE.**

11 The amendments made by this title take effect on the  
12 date that is 60 days after the date of the enactment of  
13 this Act and apply to petitions filed or recertified on or  
14 after that effective date.

15 **TITLE IV—OFFICE OF TRADE**  
16 **ADJUSTMENT ASSISTANCE**

17 **SEC. 401. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

18 (a) IN GENERAL.—Chapter 3 of title II of the Trade  
19 Act of 1974 (19 U.S.C. 2341 et seq.) is amended by in-  
20 serting after section 255 the following new section:

21 **“SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

22 “(a) ESTABLISHMENT.—Not later than 90 days after  
23 the date of enactment of the American Competitiveness  
24 and Adjustment Act, there shall be established in the

1 International Trade Administration of the Department of  
2 Commerce an Office of Trade Adjustment Assistance.

3 “(b) PERSONNEL.—The Office shall be headed by a  
4 Director, and shall have such staff as may be necessary  
5 to carry out the responsibilities of the Secretary of Com-  
6 merce described in this chapter.

7 “(c) FUNCTIONS.—The Office shall assist the Sec-  
8 retary of Commerce in carrying out the Secretary’s re-  
9 sponsibilities under this chapter.”.

10 (b) CONFORMING AMENDMENT.—The table of con-  
11 tents for the Trade Act of 1974 is amended by inserting  
12 after the item relating to section 255 the following new  
13 item:

“Sec. 255A. Office of Trade Adjustment Assistance.”.

14 **TITLE V—TRADE ADJUSTMENT**  
15 **ASSISTANCE FOR FARMERS**

16 **SEC. 501. CLARIFICATION OF MARKETING YEAR AND**  
17 **OTHER PROVISIONS.**

18 (a) IN GENERAL.—Section 291(5) of the Trade Act  
19 of 1974 (19 U.S.C. 2401(5)) is amended by inserting be-  
20 fore the end period the following: “, or in the case of an  
21 agricultural commodity that has no officially designated  
22 marketing year, in a 12-month period for which the peti-  
23 tioner provides written request”.

24 (b) FISHERMEN.—Notwithstanding any other provi-  
25 sion of law, for purposes of chapter 2 of title II of the

1 Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen  
2 who harvest wild stock shall be eligible for adjustment as-  
3 sistance to the same extent and in the same manner as  
4 a group of workers under such chapter 2.

5 **SEC. 502. ELIGIBILITY.**

6 (a) IN GENERAL.—Section 292(c)(1) of the Trade  
7 Act of 1974 (19 U.S.C. 2401a(c)(1)) is amended by strik-  
8 ing “80 percent” and inserting “90 percent”.

9 (b) NET FARM INCOME.—Section 296(a)(1)(C) of  
10 the Trade Act of 1974 (19 U.S.C. 2401e(a)(1)(C)) is  
11 amended by inserting before the end period the following:  
12 “or the producer had no positive net farm income for the  
13 2 most recent consecutive years in which no adjustment  
14 assistance was received by the producer under this chap-  
15 ter”.

16 **SEC. 503. PETITION PROCESS.**

17 Section 293 of the Trade Act of 1974 (19 U.S.C.  
18 2401c) is amended by adding at the end the following:

19 “(d) ADDITION OF COMMODITY PRODUCERS TO PE-  
20 TITION.—At any time after a petition is filed under section  
21 292 by a group of agricultural commodity producers, in-  
22 cluding after the Secretary issues a certification of eligi-  
23 bility under subsection (a) to a group of agricultural pro-  
24 ducers, any other producer of that agricultural commodity  
25 may elect to join the group of producers who filed the peti-

1 tion. Any producer who makes an election under the pre-  
2 ceding sentence is eligible for assistance under this chap-  
3 ter to the same extent as the producers who filed the peti-  
4 tion.

5 “(e) AMENDMENT OF PETITION.—In any case in  
6 which the Secretary issues a certification of eligibility  
7 under subsection (a) pursuant to a petition filed under  
8 section 292, the group of producers of an agricultural  
9 commodity to whom the certification applies may there-  
10 after amend the petition to modify the countries described  
11 in section 292(c)(2) or to modify the heading or sub-  
12 heading under which the agricultural commodity is classi-  
13 fied under the Harmonized Tariff Schedule of the United  
14 States.”.

15 **SEC. 504. AMOUNT OF CASH BENEFITS.**

16 Section 296(b)(1) of the Trade Act of 1974 (19  
17 U.S.C. 2401e(b)(1)) is amended to read as follows:

18 “(1) IN GENERAL.—Subject to the provisions of  
19 section 298, an adversely affected agricultural com-  
20 modity producer described in subsection (a) shall be  
21 entitled to adjustment assistance under this chapter  
22 as follows:

23 “(A) COMMODITIES RECEIVING ASSIST-  
24 ANCE.—

1           “(i) IN GENERAL.—If the agricultural  
2 commodity with respect to which the cer-  
3 tification under this chapter applies is de-  
4 scribed in clause (ii), the adversely affected  
5 agricultural commodity producer shall be  
6 entitled to adjustment assistance under  
7 this chapter in an amount equal to the  
8 product of—

9                   “(I) one-half of the difference be-  
10                   tween—

11                           “(aa) an amount equal to 80  
12                           percent of the average of the na-  
13                           tional average price of the agri-  
14                           cultural commodity covered by  
15                           the application described in sub-  
16                           section (a) for the 5 marketing  
17                           years preceding the most recent  
18                           marketing year, and

19                           “(bb) the national average  
20                           price of the agricultural com-  
21                           modity for the most recent mar-  
22                           keting year, and

23                           “(II) the amount of the agricul-  
24                           tural commodity produced by the agri-

1 cultural commodity producer in the  
2 most recent marketing year.

3 “(ii) AGRICULTURAL COMMODITIES  
4 DESCRIBED.—An agricultural commodity  
5 is described in this clause if it is—

6 “(I) a covered commodity for  
7 purposes of section 1103 or 1104 of  
8 the Farm Security and Rural Invest-  
9 ment Act of 2002 (7 U.S.C. 7913,  
10 7914);

11 “(II) a loan commodity for pur-  
12 poses of section 1202 of that Act (7  
13 U.S.C. 7932); or

14 “(III) a product eligible for as-  
15 sistance under subtitle C, D, or E of  
16 title I of that Act, or the amendments  
17 made by any such subtitle.

18 “(B) OTHER COMMODITIES.—If the agri-  
19 cultural commodity with respect to which the  
20 certification under this chapter applies is not  
21 covered under subparagraph (A), the adversely  
22 affected agricultural commodity producer shall  
23 be entitled to adjustment assistance under this  
24 chapter in an amount equal to the product of—

25 “(i) the difference between—

1                   “(I) an amount equal to 80 per-  
 2                   cent of the average of the national av-  
 3                   erage price of the agricultural com-  
 4                   modity covered by the application de-  
 5                   scribed in subsection (a) for the 5  
 6                   marketing years preceding the most  
 7                   recent marketing year, and

8                   “(II) the national average price  
 9                   of the agricultural commodity for the  
 10                  most recent marketing year, and

11                  “(ii) the amount of the agricultural  
 12                  commodity produced by the agricultural  
 13                  commodity producer in the most recent  
 14                  marketing year.”.

15 **SEC. 505. EFFECTIVE DATE.**

16                  The amendments made by this title apply to petitions  
 17                  filed or recertified under chapter 6 of title II of the Trade  
 18                  Act of 1974 on or after January 1, 2007.

19                  **TITLE VI—TRADE ADJUSTMENT**  
 20                  **ASSISTANCE FOR FIRMS**

21 **SEC. 601. MODIFICATION OF ELIGIBILITY.**

22                  Section 251(c) of the Trade Act of 1974 (19 U.S.C.  
 23                  2341(c)) is amended—

24                                  (1) in paragraph (1)(C)—

25    (A) by striking “increases of”; and

1 (B) by striking “importantly”; and  
2 (2) in paragraph (2), by striking subparagraph  
3 (A) and inserting the following:

4 “(A) If imports of articles like or directly com-  
5 petitive with articles which are produced by the firm  
6 concerned exceed 75 percent of the market for such  
7 articles in the United States, the Secretary shall give  
8 substantially greater weight to the factors set forth  
9 in subparagraphs (A) and (B) of paragraph (1) than  
10 to that set forth in subparagraph (C) of paragraph  
11 (1).”.

12 **SEC. 602. DEMONSTRATION PROJECT ON STRATEGIC**  
13 **TRADE TRANSFORMATION ASSISTANCE.**

14 (a) IN GENERAL.—The Secretary of Commerce shall  
15 conduct a demonstration project (in this section referred  
16 to as the “project”) to demonstrate a programmatic  
17 framework that will allow American small- and medium-  
18 sized manufacturers to gain access to resources that will  
19 help them better compete domestically and globally. The  
20 project should include among its primary goals the fol-  
21 lowing:

22 (1) Expanding the number of firms capable of  
23 taking advantage of a trade remedy program with-  
24 out drastically increasing the cost of the remedy to  
25 the taxpayer.

1           (2) Certifying and providing assistance to ap-  
2           proximately 700 firms.

3           (3) Integrating the benefits of other applicable  
4           government programs into the project, and making  
5           benefits from the project subject to that integration.

6           (4) Increasing the number of small- and me-  
7           dium-sized firms that export and increasing the  
8           value of exports from these firms.

9           (5) Increasing revenues that small- and me-  
10          dium-sized firms derive from sales to the Federal  
11          Government and State and local governments.

12          (6) Expanding technology availability to the  
13          small- and medium-sized firm segment by increasing  
14          access to, and adoption of, the latest technologies  
15          being developed at Federal laboratories and at uni-  
16          versities.

17          (7) Improving the business and manufacturing  
18          practices of small- and medium-sized firms to enable  
19          them to become competitive in a global marketplace.

20          (b) ADVISORY BOARD.—

21                 (1) IN GENERAL.—In carrying out the project,  
22                 the Secretary of Commerce shall establish an advi-  
23                 sory board comprised of representatives described in  
24                 paragraph (2) to provide advice and recommenda-

1        tions with respect to the establishment and oper-  
2        ation of the project.

3            (2) REPRESENTATIVES.—Representatives re-  
4        ferred to in paragraph (1) shall consist of the re-  
5        spective executive directors of each Trade Adjust-  
6        ment Assistance Center affiliated with the trade ad-  
7        justment assistance for firms program under chapter  
8        3 of title II of the Trade Act of 1974.

9        (c) SCOPE AND DURATION.—

10           (1) SCOPE.—The project shall cover at least 5  
11        States.

12           (2) DURATION.—The Secretary of Commerce  
13        shall conduct the project for the 3-year period begin-  
14        ning on the date that is 180 days after the date of  
15        the enactment of this Act.

16        (d) ADMINISTRATION OF PROJECT.—In imple-  
17        menting the project, the Secretary of Commerce shall give  
18        preference, in entering into contracts for the operation and  
19        administration of the project, to Trade Adjustment Assist-  
20        ance Centers affiliated with the trade adjustment assist-  
21        ance for firms program under chapter 3 of title II of the  
22        Trade Act of 1974.

23        (e) REPORT.—The Secretary of Commerce shall sub-  
24        mit to Congress a report on the project not later than 6

1 months after the date of its completion. Such report shall  
2 include—

3 (1) information on the impact of the project on  
4 mitigating the impact of imports in terms of com-  
5 petitiveness; and

6 (2) recommendations on the cost-effectiveness  
7 of extending or expanding the project.

8 **TITLE VII—TRADE ADJUSTMENT**  
9 **ASSISTANCE FOR SERVICE**  
10 **WORKERS AND FIRMS**

11 **SEC. 701. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**  
12 **TO SERVICES SECTOR.**

13 (a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Sec-  
14 tion 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.  
15 2271(a)(1)(A)) is amended by striking “firm)” and insert-  
16 ing “firm, and workers in a service sector firm or subdivi-  
17 sion of a service sector firm or public agency)”.

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

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph (1),  
23 by striking “agricultural firm)” and inserting  
24 “agricultural firm, and workers in a service sec-

1           tor firm or subdivision of a service sector firm  
2           or public agency”);

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

5           (C) in paragraph (2)—

6           (i) in subparagraph (A)(ii), by strik-  
7           ing “like or directly competitive with arti-  
8           cles produced” and inserting “or services  
9           like or directly competitive with articles  
10          produced or services provided”; and

11          (ii) by amending subparagraph (B)  
12          (as amended by section 102(b) of this Act)  
13          to read as follows:

14          “(B)(i) there has been a shift, by such workers’  
15          firm, subdivision, or public agency to a foreign coun-  
16          try, of production of articles, or in provision of serv-  
17          ices, like or directly competitive with articles which  
18          are produced, or services which are provided, by  
19          such firm, subdivision, or public agency; or

20          “(ii) such workers’ firm, subdivision, or public  
21          agency has obtained or is likely to obtain such serv-  
22          ices from a foreign country.”;

23          (2) in subsection (b)—

24          (A) in the matter preceding paragraph (1),  
25          by striking “agricultural firm)” and inserting

1 “agricultural firm, and workers in a service sec-  
2 tor firm or subdivision of a service sector firm  
3 or public agency)”;

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

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

8 (3) in subsection (c)—

9 (A) in paragraph (3)—

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

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

14 (iii) by inserting “or services” after  
15 “for articles”; and

16 (iv) by inserting “(or subdivision)”  
17 after “such other firm”; and

18 (B) in paragraph (4)—

19 (i) by striking “for articles” and in-  
20 serting “, or services, used in the produc-  
21 tion of articles or in the provision of serv-  
22 ices”; and

23 (ii) by inserting “(or subdivision)”  
24 after “such other firm”; and

1           (4) by adding at the end the following new sub-  
2 section:

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

4           “(1) INCREASED IMPORTS OF SERVICES.—For  
5 purposes of subsection (a)(2)(A)(ii), the Secretary  
6 may determine that increased imports of like or di-  
7 rectly competitive services exist if the workers’ firm  
8 or subdivision or customers of the workers’ firm or  
9 subdivision accounting for not less than 20 percent  
10 of the sales of the workers’ firm or subdivision cer-  
11 tify to the Secretary that they are obtaining such  
12 services from a foreign country.

13           “(2) OBTAINING SERVICES ABROAD.—For pur-  
14 poses of subsection (a)(2)(B)(ii), the Secretary may  
15 determine that the workers’ firm, subdivision, or  
16 public agency has obtained or is likely to obtain like  
17 or directly competitive services from a foreign coun-  
18 try based on a certification thereof from the work-  
19 ers’ firm, subdivision, or public agency.

20           “(3) AUTHORITY OF THE SECRETARY.—The  
21 Secretary may obtain the certifications under para-  
22 graphs (1) and (2) through questionnaires or in  
23 such other manner as the Secretary determines is  
24 appropriate.”.

1 (c) DEFINITIONS.—Section 247 of the Trade Act of  
2 1974 (19 U.S.C. 2319) is amended—

3 (1) in paragraph (1)—

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

6 (B) by inserting “or public agency” after  
7 “or subdivision”;

8 (2) in paragraph (2)(B), by inserting “or public  
9 agency” after “the firm”;

10 (3) by redesignating paragraphs (8) through  
11 (17) as paragraphs (9) through (18), respectively;  
12 and

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

15 “(7) The term ‘public agency’ means a depart-  
16 ment or agency of a State or local government or of  
17 the Federal Government.

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

21 (d) TECHNICAL AMENDMENT.—Section 245(a) of the  
22 Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by  
23 striking “, other than subchapter D”.

1 **SEC. 702. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS**  
2 **AND INDUSTRIES.**

3 (a) FIRMS.—

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

6 (A) in subsection (a), by inserting “or  
7 service sector firm” after “(including any agri-  
8 cultural firm”;

9 (B) in subsection (c)(1)—

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

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

15 (iii) in subparagraph (C), by striking  
16 “articles like or directly competitive with  
17 articles which are produced” and inserting  
18 “articles or services like or directly com-  
19 petitive with articles or services which are  
20 produced or provided”; and

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

22 “(e) BASIS FOR SECRETARY DETERMINATION.—

23 “(1) INCREASED IMPORTS OF SERVICES.—For  
24 purposes of subsection (c)(1)(C), the Secretary may  
25 determine that increases of imports of like or di-  
26 rectly competitive services exist if customers ac-

1 counting for not less than 20 percent of the sales of  
2 the workers' firm certify to the Secretary that they  
3 are obtaining such services from a foreign country.

4 “(2) AUTHORITY OF THE SECRETARY.—The  
5 Secretary may obtain the certifications under para-  
6 graph (1) through questionnaires or in such other  
7 manner as the Secretary determines is appropriate.  
8 The Secretary may exercise the authority under sec-  
9 tion 249 in carrying out this subsection.”.

10 (2) DEFINITION.—Section 261 of the Trade  
11 Act of 1974 (19 U.S.C. 2351) is amended—

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

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

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

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

21 (c) TECHNICAL AMENDMENTS.—

22 (1) IN GENERAL.—Section 249 of the Trade  
23 Act of 1974 (19 U.S.C. 2321) is amended by strik-  
24 ing “subpena” and inserting “subpoena” each place  
25 it appears in the heading and the text.

1           (2) TABLE OF CONTENTS.—The table of con-  
2           tents for the Trade Act of 1974 is amended by strik-  
3           ing “Subpena” in the item relating to section 249  
4           and inserting “Subpoena”.

5 **SEC. 703. MONITORING AND REPORTING.**

6           Section 282 of the Trade Act of 1974 (19 U.S.C.  
7 2393) is amended—

8           (1) in the first sentence—

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

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

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

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

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

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

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

23                   “(1) SECRETARY OF LABOR.—Not later than 3  
24                  months after the date of the enactment of the Amer-  
25                  ican Competitiveness and Adjustment Act, the Sec-

1       retary of Labor shall implement a system to collect  
2       data on adversely affected service workers that in-  
3       cludes the number of workers by State, industry,  
4       and cause of dislocation of each 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.”.

15 **SEC. 704. EFFECTIVE DATE .**

16       Except as provided in subsection (b), the amend-  
17      ments made by this title shall take effect on the date that  
18      is 60 days after the date of the enactment of this Act.

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