

FACT SHEET

TRADE ACT

A Comparison of the Regular TAA Provisions and the NAFTA-TAA Provisions

TAA TRADE ADJUSTMENT ASSISTANCE

- Trade Adjustment Assistance was established under the Trade Act of 1974 (amended 1981, 1986, 1988, 1993) to help American workers who have lost work as a result of increased imports.
- TAA is a federal program administered by the U.S. Department of Labor and cooperating state employment security agencies.

NAFTA-TAA NORTH AMERICAN FREE TRADE AGREEMENT TRANSITIONAL ADJUSTMENT ASSISTANCE

- NAFTA Transitional Adjustment Assistance was established in 1993 as an amendment to the Trade Act of 1974 to help American workers whose job loss can be directly or indirectly linked to NAFTA.
- NAFTA-TAA is a federal program administered by the U.S. Department of Labor and cooperating state employment security agencies.

Petitioning for Adjustment Assistance

- A petition for adjustment assistance may be filed by any group of three or more workers of a firm or subdivision of a firm, their union or a duly authorized representative of the firm, **who feel that increased import competition has contributed significantly** to the workers' unemployment. The group may petition the U.S. Department of Labor for a determination of eligibility to apply for adjustment assistance.
 - There is no provision for secondary workers.
 - In California, workers may obtain a *Petition for Trade Adjustment Assistance* (ETA 8560) by:
 - Contacting any local Employment Development Department (EDD) Job Service office; or
 - Calling the EDD claim filing office at 1-800-300-5616; or
 - Downloading the petition form from the U.S. Department of Labor, Employment and Training Administration Web site at www.wdsc.org/layoff/index.htm.
- A petition for adjustment assistance may be filed by any group of three or more workers of a firm or subdivision of a firm, their union, or a duly authorized representative of the firm or a community-based organization, **who feel that increased imports from or relocation of production to Canada or Mexico has contributed significantly** to their unemployment. The group may petition the U.S. Department of Labor for a determination of eligibility to apply for adjustment assistance.
 - Secondary workers are individuals who were employed by companies that supply materials to primary companies and/or assemble or finish products of a primary firm. Family farmers and farm workers who do not meet the three workers requirement are also considered under provisions of secondary firms.
 - In California, workers may obtain a *Petition for NAFTA Transitional Adjustment Assistance* (ETA 9042) by:
 - Contacting any local Employment Development Department (EDD) Job Service office; or
 - Calling the EDD claim filing office at 1-800-300-5616; or
 - Downloading the petition form from the U.S. Department of Labor, Employment and Training Administration Web site at www.wdsc.org/layoff/index.htm.

Certification

- If the Department of Labor determines that trade import injury has occurred, it will issue a certification of eligibility to apply for adjustment assistance.
- If the Department of Labor determines that **increased imports from or relocation of production to Canada or Mexico has contributed significantly to workers' unemployment**, it will issue a certification of eligibility to apply for adjustment assistance. If the Department of Labor determines the workers were secondarily affected by trade with Canada or Mexico, it will issue a certification of eligibility to apply for assistance through local training agencies under the Job Training Partnership Act (JTPA)/ Workforce Investment Act (WIA). The WIA is effective July 1, 2000.

TAA
TRADE ADJUSTMENT ASSISTANCE

NAFTA-TAA
NORTH AMERICAN FREE TRADE AGREEMENT
TRANSITIONAL ADJUSTMENT ASSISTANCE

Certification (cont.)

- A certification is an official authorization by the Department of Labor for a specific group of workers to apply for adjustment assistance. The certification indicates the date that the group of workers becomes eligible to apply for adjustment assistance.
- A worker who learns that his/her group has been certified must call the EDD claim filing office at 1-800-300-5616 to apply for trade adjustment assistance. The EDD will determine if the worker is covered by the certification, and whether basic qualifying requirements are met.
- There is no provision for secondary workers.
- Same as TAA.
- Same as TAA.
- A worker who learns that his/her group has been certified as a secondary worker must contact the JTPA/WIA in the local One-Stop Center.

Qualifying Requirements

- The basic qualifying requirements are as follows:
 - The worker must have been laid off for lack of work on or after the impact date and before the termination date of the certification.
 - The worker must have had wages of \$30 or more in adversely affected employment in each of at least 26 of the previous 52 weeks, ending with the week of the worker's separation.
- Affected workers who move to another state and learn that former employees of their old company have been certified eligible to apply for adjustment assistance should immediately contact the nearest employment office to apply for adjustment assistance. That office will assist workers in filing a claim.
- The basic qualifying requirements are the same as TAA.

Allowances and Special Assistance

- Eligible workers receive Trade Readjustment Allowances (TRA) during periods of unemployment. The program also assists workers to regain satisfactory employment through the use of a full range of employment services and, if needed, provides classroom and/or on-the-job training, job search assistance, and relocation.
- A basic claim is a fixed dollar amount payable within a 104-week period that begins with the first week following the worker's most recent TRA-qualifying separation.
- The weekly TRA rate is the same as for unemployment insurance (UI). The maximum TRA benefit is 52 times the weekly UI benefit amount minus the total amount of a worker's UI claim and any related extensions.
- Workers approved for training may receive up to 26 additional weeks of allowances to complete the training. In no event may an individual receive more than 78 weeks of allowances.
- Same provisions as TAA, **EXCEPT:**
 1. The 104-week period begins with the first week following the worker's most recent Trade Readjustment Allowance (TRA) qualifying separation under NAFTA-TAA; and
 2. The worker must be enrolled in a training program approved by the later of:
 - The last day of the 16th consecutive week of such worker's most recent NTAA-TRA qualifying separation; or
 - The last day of the 6th week after the week in which the U.S. Secretary of Labor issues a certification covering such worker.
 3. Under NAFTA-TAA there is a prohibition of training waivers.