

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA
	CORRESPONDENCE SYMBOL OTAA
	DATE August 19, 2011

ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 6-11**

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE WORKFORCE ADMINISTRATORS
STATE LABOR COMMISSIONERS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Instructions for Submitting Amendment Requests to the Office of Trade
Adjustment Assistance under the Trade Act of 1974

1. Purpose. To provide guidance to State Workforce Agencies (SWAs) or agencies designated by Governors as “Cooperating State Agencies” (CSAs) (jointly referred to as “states”) to submit Trade Adjustment Assistance (TAA) determination amendment requests to the Office of Trade Adjustment Assistance (OTAA). Effective October 1, 2011, the Employment and Training Administration (ETA) encourages states to submit all requests to amend existing TAA certifications under the Trade Act of 1974, as amended via the following electronic mail address: amendments.taa@dol.gov.

2. References. The Trade Act of 1974, as amended (Pub. L. No. 93-618, as amended through December 2010) (Act); The Omnibus Trade Act (Pub. L. No. 111-344) (Omnibus Trade Act); The Trade and Globalization Adjustment Assistance Act of 2009 (Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, (Pub. L. No. 111-5) (2009 Amendments); The Trade Adjustment Assistance Reform Act of 2002, Division A Title I, Subtitle A of the Trade Act of 2002 (Pub. L. No. 107-210) (2002 Amendments).

3. Background. The TAA program, under chapter 2 of title II of the Act (19 U.S.C. 2271 *et seq.*), provides adjustment assistance for workers whose jobs have been adversely affected by international trade. The TAA program for workers was established by the Act, which has been amended numerous times. The 2002 Amendments to the Act apply to petitions filed before May 18, 2009, and after February 14, 2011. The 2009 Amendments apply to petitions filed on and after May 18, 2009, through February 14, 2011, as provided under the Omnibus Trade Act. Therefore, existing certifications include those issued under the requirements of the 2002 Amendments, and those issued under the requirements of the 2009 Amendments.

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OTAA receives requests to amend existing TAA petition certifications. A certifying officer may amend a certification, as appropriate, to identify all workers of the applicable firm who were adversely affected by international trade. Reasons for amendments include: (a) to identify the ownership change of a successor firm; (b) to facilitate state administration when workers' wages are reported under alternative company names or employer identification numbers; (c) to correct technical errors; and/or (d) to clarify the identification of the worker group (*e.g.*, leased workers and employees of the subject firm who telework from off-site locations throughout the United States). While most amendment requests originate in the states, local workforce boards and company officials occasionally submit amendment requests. All amended certifications are published in the Federal Register. The Department of Labor intends to allow amendments for these reasons to ensure that all adversely affected workers in the applicable firm are eligible to apply to states for program benefits, which is in the best interest of the workers. Therefore, the Department of Labor considers such amendments even though the Act does not expressly authorize amendments to a certification.

A majority of the requests are received via e-mail through the accounts of individual OTAA staff, although some are received via telephone or facsimile. OTAA has created a dedicated electronic mail account (amendments.taa@dol.gov) for the workforce community to submit these amendment requests.

4. Instructions. In order to more effectively process and resolve amendment requests, states should submit amendment requests via the following electronic mail address: amendments.taa@dol.gov. Each request should contain the following information:

- the case number of the certification to be amended;
- a description of the request, including the reason(s) for the amendment;
- subject firm name;
- any relevant date(s);
- contact information of the requester;
- any electronic attachments relevant to the request; and
- any additional information the state has that may help in processing the amendment request.

Submitting amendment requests via the above electronic mail account does not preclude or limit other methods of submission. Other organizations, including companies, may still submit amendment requests. OTAA will continue to process and publicize amended determinations in the Federal Register. Use of the electronic mail account will have no impact on the amendment determination or the duration of the amendment request investigation.

5. Action Requested. States are requested to submit amendment requests to OTAA via electronic mail through the following electronic mail address: amendments.taa@dol.gov.

6. Inquiries. State Administrators should direct all inquiries to the appropriate ETA Regional Office.