

108TH CONGRESS
2D SESSION

S. 2090

To amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mr. AKAKA, Mr. DORGAN, Mr. FEINGOLD, Mr. WYDEN, Mr. CORZINE, Ms. STABENOW, Mr. SCHUMER, Mrs. CLINTON, Mr. KERRY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

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 “Jobs for America Act
5 of 2004”.

1 **SEC. 2. AMENDMENTS TO THE WORKER ADJUSTMENT AND**
2 **RETRAINING NOTIFICATION ACT.**

3 (a) DEFINITION.—Section 2(a) of the Worker Ad-
4 justment and Retraining Notification Act (29 U.S.C.
5 2101(a)) is amended—

6 (1) in paragraph (3)(B), by striking “for—”
7 and all that follows through “500 employees” in
8 clause (ii), and inserting “for at least 50 employ-
9 ees”;

10 (2) in paragraph (7), by striking “and” at the
11 end;

12 (3) in paragraph (8), by striking the period and
13 inserting “; and”; and

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

15 “(9) the term ‘offshoring of jobs’ means any ac-
16 tion taken by an employer the effect of which is to
17 create, shift, or transfer employment positions or fa-
18 cilities outside the United States and which results
19 in an employment loss during any 30 day period for
20 15 or more employees.”.

21 (b) NOTICE.—Section 3 of the Worker Adjustment
22 and Retraining Notification Act (29 U.S.C. 2102) is
23 amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “60-day” and inserting “90-day”;
3 and

4 (B) in paragraph (1), by striking “and” at
5 the end;

6 (C) in paragraph (2), by striking the pe-
7 riod and inserting “;and”; and

8 (D) by inserting after paragraph (2), the
9 following:

10 “(3) to the Secretary of Labor.”;

11 (2) in subsection (b), by striking “60-day” each
12 place that such appears and inserting “90-day”; and

13 (3) by adding at the end the following:

14 “(e) NOTICE FOR OFFSHORING OF JOBS.—In the
15 case of a notice under subsection (a) regarding the
16 offshoring of jobs, the notice shall include, in addition to
17 the information otherwise required by the Secretary with
18 respect to other notices under such subsection, informa-
19 tion concerning—

20 “(1) the number of jobs affected;

21 “(2) the location that the jobs are being shifted
22 or transferred to; and

23 “(3) the reasons that such shifting or transfer-
24 ring of jobs is occurring.”.

1 (c) TECHNICAL AMENDMENTS.—The Worker Adjust-
2 ment and Retraining Notification Act (29 U.S.C. 2101 et
3 seq.) is amended—

4 (1) by striking “plant closing or mass layoff”
5 each place that such appears and inserting “plant
6 closing, mass layoff, or offshoring of jobs”;

7 (2) by striking “closing or layoff” each place
8 that such appears and inserting “closing, layoff, or
9 offshoring”; and

10 (3) in section 3—

11 (A) in the section heading by striking
12 **“PLANT CLOSINGS AND MASS LAYOFFS”**
13 and inserting **“PLANT CLOSINGS, MASS LAY-**
14 **OFFS, AND OFFSHORING OF JOBS”**;

15 (B) in subsection (b)(2)(A), by striking
16 “closing or mass layoff” and inserting “closing,
17 layoff, or offshoring”; and

18 (C) in subsection (d), by striking “section
19 2(a)(2) or (3)” and inserting “paragraph (2),
20 (3), or (9) of section 2(a)”;

21 (d) POSTING OF EMPLOYEE RIGHTS.—The Worker
22 Adjustment and Retraining Notification Act (29 U.S.C.
23 2101 et seq.) is amended by adding at the end the fol-
24 lowing:

1 **“SEC. 11. POSTING OF NOTICE OF RIGHTS.**

2 “(a) DEVELOPMENT.—Not later than 60 days after
3 the date of enactment of this section, the Secretary of
4 Labor shall develop a notice of employee rights under this
5 Act for posting by employers.

6 “(b) POSTING.—Each employer shall post in a con-
7 spicuous place in places of employment the notice of the
8 rights of employees as developed by the Secretary under
9 subsection (a).”.

10 (e) ANNUAL REPORT.—The Worker Adjustment and
11 Retraining Notification Act (29 U.S.C. 2101 et seq.), as
12 amended by subsection (d), is further amended by adding
13 at the end the following:

14 **“SEC. 12. CONTENTS OF ANNUAL REPORTS BY THE SEC-**
15 **RETARY OF LABOR.**

16 “(a) IN GENERAL.—The Secretary of Labor shall col-
17 lect and compile statistics based on the information sub-
18 mitted to the Secretary under subsections (a)(3) and (e)
19 of section 3.

20 “(b) REPORT.—Not later than 120 days after the
21 date on which each regular session of Congress com-
22 mences, the Secretary of Labor shall prepare and submit
23 to the President and the appropriate committees of Con-
24 gress a report on the offshoring of jobs (as defined in sec-
25 tion 2(a)(9)). Each such report shall include information
26 concerning—

1 “(1) the number of jobs affected by offshoring;

2 “(2) the locations to which jobs are being shift-

3 ed or transferred;

4 “(3) the reasons why such shifts and transfers

5 are occurring; and

6 “(4) any other relevant data compiled under

7 subsection (a).”.

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