

110TH CONGRESS
1ST SESSION

S. 1792

To amend the Worker Adjustment and Retraining Notification Act to improve such Act.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2007

Mr. BROWN (for himself, Mr. OBAMA, and Mrs. CLINTON) 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 improve such Act.

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 “FOREWARN Act of
5 2007”.

6 **SEC. 2. AMENDMENTS TO THE WORKER ADJUSTMENT AND**
7 **RETRAINING ACT.**

8 (a) DEFINITIONS.—Section 2(a) of the Worker Ad-
9 justment and Retraining Notification Act (29 U.S.C.
10 2101(a)) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “100” each place that such
3 appears and inserting “50”; and

4 (B) in subparagraph (B), by striking
5 “4,000” and inserting “2,000”;

6 (2) in paragraph (2), by striking “50” and in-
7 serting “25”; and

8 (3) in paragraph (3)(B)(ii), by striking “500”
9 and inserting “100”.

10 (b) NOTICE REQUIRED.—Section 3 of the Worker
11 Adjustment and Retraining Notification Act (29 U.S.C.
12 2102) is amended—

13 (1) in subsection (a), by striking “60-day” and
14 inserting “90-day”;

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

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

18 “(e) CALENDAR DAYS.—All references in this Act to
19 ‘days’ shall be deemed to mean calendar days.”.

20 (c) NOTICE TO OTHER PARTIES AND SECRETARY OF
21 LABOR.—Section 3(a) of the Worker Adjustment and Re-
22 training Notification Act (29 U.S.C. 2102(a)) is amended
23 by adding at the end the following:

24 “(e) NOTICE TO THE SECRETARY.—Not later than
25 60 days after a plant closing or mass layoff, the employer

1 involved shall submit to the Secretary of Labor a notifica-
2 tion of the closing or layoff and the number of employees
3 involved.”.

4 (d) PENALTY.—Section 5 of the Worker Adjustment
5 and Retraining Notification Act (29 U.S.C. 2104) is
6 amended—

7 (1) in subsection (a)(1)(A), by striking “back
8 pay” and inserting “double the back pay”;

9 (2) in the flush matter following subparagraph
10 (B), by striking “60 days” and inserting “90 days”;
11 and

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

13 “(c) AUTHORITY OF SECRETARY OF LABOR.—A civil
14 action may be brought by the Secretary of Labor (or the
15 appropriate State attorney general if the Secretary fails
16 to act within 6 months of the alleged violation) on behalf
17 of one or more employees for relief under this section. The
18 right provided by this section to bring an action by or on
19 behalf of any employee, and the right of any employee to
20 become a party plaintiff to any such action, shall termi-
21 nate upon the filing of an action by the Secretary of Labor
22 under this subsection.”.

23 (e) EDUCATIONAL MATERIALS.—The Worker Adjust-
24 ment and Retraining Notification Act (29 U.S.C. 2101 et
25 seq.) is amended by adding at the end the following:

1 **“SEC. 11. EDUCATIONAL MATERIALS.**

2 “The Secretary of Labor shall make educational ma-
3 terials concerning employee rights and employer respon-
4 sibilities under this Act available to the general public and
5 employers. Such materials shall be available on the Inter-
6 net website of the Secretary and in written form for dis-
7 tribution by employers.”.

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