

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Jobs for America Act of 2004'.

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

(a) DEFINITION- Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) is amended--

(1) in paragraph (3)(B), by striking `for--' and all that follows through `500 employees' in clause (ii), and inserting `for at least 50 employees';

(2) in paragraph (7), by striking `and' at the end;

(3) in paragraph (8), by striking the period and inserting `; and'; and

(4) by adding at the end the following:

`(9) the term `offshoring of jobs' means any action taken by an employer the effect of which is to create, shift, or transfer employment positions or facilities outside the United States and which results in an employment loss during any 30 day period for 15 or more employees.'.

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

(1) in subsection (a)--

(A) in the matter preceding paragraph (1), by striking `60-day' and inserting `90-day'; and

(B) in paragraph (1), by striking `and' at the end;

(C) in paragraph (2), by striking the period and inserting `;and'; and

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

`(3) to the Secretary of Labor.';

(2) in subsection (b), by striking `60-day' each place that such appears and inserting `90-day'; and

(3) by adding at the end the following:

`(e) NOTICE FOR OFFSHORING OF JOBS- In the case of a notice under subsection (a) regarding the offshoring of jobs, the notice shall include, in addition to the information otherwise required by the Secretary with respect to other notices under such subsection, information concerning--

`(1) the number of jobs affected;

`(2) the location that the jobs are being shifted or transferred to; and

`(3) the reasons that such shifting or transferring of jobs is occurring.'.

(c) TECHNICAL AMENDMENTS- The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended--

(1) by striking `plant closing or mass layoff' each place that such appears and inserting `plant closing, mass layoff, or offshoring of jobs';

(2) by striking `closing or layoff' each place that such appears and inserting `closing, layoff, or offshoring'; and

(3) in section 3--

(A) in the section heading by striking `plant closings and mass layoffs' and inserting `plant closings, mass layoffs, and offshoring of jobs';

(B) in subsection (b)(2)(A), by striking `closing or mass layoff' and inserting `closing, layoff, or offshoring'; and

(C) in subsection (d), by striking `section 2(a)(2) or (3)' and inserting `paragraph (2), (3), or (9) of section 2(a)';

(d) POSTING OF EMPLOYEE RIGHTS- The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended by adding at the end the following:

`SEC. 11. POSTING OF NOTICE OF RIGHTS.

`(a) DEVELOPMENT- Not later than 60 days after the date of enactment of this section, the Secretary of Labor shall develop a notice of employee rights under this Act for posting by employers.

`(b) POSTING- Each employer shall post in a conspicuous place in places of employment the notice of the rights of employees as developed by the Secretary under subsection (a).'

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

`SEC. 12. CONTENTS OF ANNUAL REPORTS BY THE SECRETARY OF LABOR.

`(a) IN GENERAL- The Secretary of Labor shall collect and compile statistics based on the information submitted to the Secretary under subsections (a)(3) and (e) of section 3.

`(b) REPORT- Not later than 120 days after the date on which each regular session of Congress commences, the Secretary of Labor shall prepare and submit to the President and the appropriate committees of Congress a report on the offshoring of jobs (as defined in section 2(a)(9)). Each such report shall include information concerning--

- `(1) the number of jobs affected by offshoring;
- `(2) the locations to which jobs are being shifted or transferred;
- `(3) the reasons why such shifts and transfers are occurring; and
- `(4) any other relevant data compiled under subsection (a).'

END