

United States Code

TITLE 19. CUSTOMS DUTIES
CHAPTER 12. TRADE ACT OF 1974
RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION
ADJUSTMENT ASSISTANCE FOR WORKERS

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§§ 2271 – 2274 - PETITIONS AND DETERMINATIONS

§ 2271. *Petitions*

(a) Filing of petition; publication of notice. A petition for a certification of eligibility to apply for adjustment assistance under this subchapter [19 USCS §§ 2271 et seq.] may be filed with the Secretary of Labor (hereinafter in this chapter [19 USCS §§ 2271 et seq.] referred to as the "Secretary") by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) Hearing. If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

§ 2272. *Group eligibility requirements; agricultural workers; oil and natural gas industry*

(a) The Secretary shall certify a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) as eligible to apply for adjustment assistance under this subchapter [19 USCS §§ 2271 et seq.] if he determines--

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(b) For purposes of subsection (a)(3)--

(1) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(2) (A) Any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

(B) Any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

§ 2273. *Determination by Secretary of Labor*

(a) Certification of eligibility. As soon as possible after the date on which a petition is filed under section 221 [19 USCS § 2271], but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 222 [19 USCS § 2272] and shall issue a certification of eligibility to apply for assistance under this subchapter [19 USCS §§ 2271 et seq.] covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin.

(b) Workers covered by certification. A certification under this section shall not apply to any worker whose last total or

partial separation from the firm or appropriate subdivision of the firm before his application under section 231 [19 USCS § 2291] occurred--

(1) more than one year before the date of the petition on which such certification was granted, or

(2) more than 6 months before the effective date of this chapter.

(c) Publication of determination in Federal Register. Upon reaching his determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register together with his reasons for making such determination.

(d) Termination of certification. Whenever the Secretary determines, with respect to any certification of eligibility of the workers of a firm or subdivision of the firm, that total or partial separations from such firm or subdivision are no longer attributable to the conditions specified in section 222 [19 USCS § 2272], he shall terminate such certification and promptly have notice of such termination published in the Federal Register together with his reasons for making such determination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the Secretary.

§ 2274. Study by Secretary of Labor when International Trade Commission begins investigation

(a) Subject matter of study. Whenever the International Trade Commission (hereafter referred to in this chapter [19 USCS §§ 2271 et seq.] as the "Commission") begins an investigation under section 202 [19 USCS § 2252] with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of--

(1) the number of workers in the domestic industry producing the like or directly competitive article who have been

or are likely to be certified as eligible for adjustment assistance, and

(2) the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

(b) Report; publication. The report of the Secretary of the study under subsection (a) shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 202(f) [19 USCS § 2252(f)]. Upon making his report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

§ 2275. Benefit information to workers

(a) The Secretary shall provide full information to workers about the benefit allowances, training, and other employment services available under this chapter [19 USCS §§ 2271 et seq.] and about the petition and application procedures, and the appropriate filing dates, for such allowances, training and services. The Secretary shall provide whatever assistance is necessary to enable groups of workers to prepare petitions or applications for program benefits. The Secretary shall make every effort to insure that cooperating State agencies fully comply with the agreements entered into under section 239(a) [19 USCS § 2311(a)] and shall periodically review such compliance. The Secretary shall inform the State Board for Vocational Education or equivalent agency and other public or private agencies, institutions, and employers, as appropriate, of each certification issued under section 223 [19 USCS § 2273] and of projections, if available, of the needs for training under section 236 [19 USCS § 2296] as a result of such certification.

(b) (1) The Secretary shall provide written notice through the mail of the benefits

available under this chapter [19 USCS §§ 2271 et seq.] to each worker whom the Secretary has reason to believe is covered by a certification made under subchapter A or subchapter D of this chapter [19 USCS §§ 2271 et seq. or 2331 et seq.]--

(A) at the time such certification is made, if the worker was partially or totally separated from the adversely affected employment before such certification, or

(B) at the time of the total or partial separation of the worker from the

adversely affected employment, if subparagraph (A) does not apply.

(2) The Secretary shall publish notice of the benefits available under this chapter [19 USCS §§ 2271 et seq.] to workers covered by each certification made under subchapter A or subchapter D [19 USCS §§ 2271 et seq. or 2331 et seq.] in newspapers of general circulation in the areas in which such workers reside.

§§ 2291 – 2298 - PROGRAM BENEFITS**§ 2291. Qualifying requirements for workers**

(a) Trade readjustment allowance conditions. Payment of a trade readjustment allowance shall be made to an adversely affected worker covered by a certification under subchapter A [19 USCS §§ 2271 et seq.] who files an application for such allowance for any week of unemployment which begins more than 60 days after the date on which the petition that resulted in such certification was filed under section 221 [19 USCS § 2271], if the following conditions are met:

(1) Such worker's total or partial separation before his application under this chapter [19 USCS §§ 2271 et seq.] occurred--

(A) on or after the date, as specified in the certification under which he is covered, on which total or partial separation began or threatened to begin in the adversely affected employment,

(B) before the expiration of the 2-year period beginning on the date on which the determination under section 223 [19 USCS § 2273] was made, and

(C) before the termination date (if any) determined pursuant to section 223(d) [19 USCS § 2273(d)].

(2) Such worker had, in the 52-week period ending with the week in which such total or partial separation occurred, at least 26 weeks of employment at wages of \$ 30 or more a week in adversely affected employment with a single firm or subdivision of a firm, or, if data with respect to weeks of employment with a firm are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary. For the purposes of this paragraph, any week in which such worker--

(A) is on employer-authorized leave for purposes of vacation, sickness, injury, maternity, or inactive duty or active duty military service for training,

(B) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States,

(C) had his employment interrupted in order to serve as a full-time representative of a labor organization in such firm or subdivision, or

(D) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided such active duty is "Federal service" as defined in 5 U.S.C. 8521(a)(1),

shall be treated as a week of employment at wages of \$ 30 or more, but not more than 7 weeks, in case of weeks described in subparagraph (A) or (C), or both (and not more than 26 weeks, in the case of weeks described in subparagraph (B) or (D)), may be treated as weeks of employment under this sentence.

(3) Such worker--

(A) was entitled to (or would be entitled to if he applied therefor) unemployment insurance for a week within the benefit period (i) in which such total or partial separation took place, or (ii) which began (or would have begun) by reason of the filing of a claim for unemployment insurance by such worker after such total or partial separation;

(B) has exhausted all rights to any unemployment insurance to which he was entitled (or would be entitled if he applied therefor); and

(C) does not have an unexpired waiting period applicable to him for any such unemployment insurance.

(4) Such worker, with respect to such week of unemployment, would not be disqualified for extended compensation payable under the Federal-State Extended Unemployment Compensation Act of 1970 by reason of the work acceptance and job search requirements in section 202(a)(3) of such Act.

(5) Such worker--

(A) is enrolled in a training program approved by the Secretary under section 236(a) [19 USCS § 2296(a)],

(B) has, after the date on which the worker became totally separated, or partially separated, from the adversely affected employment, completed a training program approved by the Secretary under section 236(a) [19 USCS § 2296(a)], or

(C) has received a written statement certified under subsection (c)(1) after the date described in subparagraph (B).

(b) Withholding of trade adjustment allowance pending beginning or resumption of participation in training program; period of applicability.

(1) If--

(A) the Secretary determines that--

(i) the adversely affected worker--

(I) has failed to begin participation in the training program the enrollment in which meets the requirement of subsection (a)(5), or

(II) has ceased to participate in such training program before completing such training program, and

(ii) there is no justifiable cause for such failure or cessation, or

(B) the certification made with respect to such worker under subsection (c)(1) is revoked under subsection (c)(2),

no trade readjustment allowance may be paid to the adversely affected worker under this part [19 USCS §§ 2291 et seq.] for the week in which such failure, cessation, or revocation occurred, or any succeeding week, until the adversely affected worker begins or resumes participation in a training program approved under section 236(a) [19 USCS § 2296(a)].

(2) The provisions of subsection (a)(5) and paragraph (1) shall not apply with respect to any week of unemployment which begins--

(A) after the date that is 60 days after the date on which the petition that results in the certification that covers the worker is filed under section 221 [19 USCS § 2271], and

(B) before the first week following the week in which such certification is made

under subchapter (A) [19 USCS §§ 2271 et seq.].

(c) Approval of training programs; written certifications; revocation of certification; annual report.

(1) (A) If the Secretary finds that it is not feasible or appropriate to approve a training program for a worker under section 236(a) [19 USCS § 2296(a)], the Secretary shall submit to such worker a written statement certifying such finding.

(B) If a State or State agency has an agreement with the Secretary under section 239 [19 USCS § 2311] and the State or State agency finds that it is not feasible or appropriate to approve a training program for a worker pursuant to the requirements of section 236(a) [19 USCS § 2296(a)], the State or State agency shall--

(i) submit to such worker a written statement certifying such finding, and

(ii) submit to the Secretary a written statement certifying such finding and the reasons for such finding.

(2) (A) If, after submitting to a worker a written statement certified under paragraph (1)(A), the Secretary finds that it is feasible or appropriate to approve a training program for such worker under section 236(a) [19 USCS § 2296(a)], the Secretary shall submit to such worker a written statement that revokes the certification made under paragraph (1)(A) with respect to such worker.

(B) If, after submitting to a worker a written statement certified under paragraph (1)(B), a State or State agency finds that it is feasible or appropriate to approve a training program for such worker pursuant to the requirements of section 236(a) [19 USCS § 2296(a)], the State or State agency shall submit to such worker, and to the Secretary, a written statement that revokes the certification made under paragraph (1)(B) with respect to such worker.

(3) The Secretary shall submit to the Finance Committee of the Senate and to the Ways and Means Committee of the House of Representatives an annual report

on the number of workers who received certifications under paragraph (1) during the preceding year and the number of certifications made under paragraph (1) that were revoked during the preceding year.

§ 2292. Weekly amounts of readjustment allowance

(a) Formula. Subject to subsections (b) and (c), the trade readjustment allowance payable to an adversely affected worker for a week of total unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B) [19 USCS § 2291(a)(3)(B)]) reduced (but not below zero) by--

- (1) any training allowance deductible under subsection (c); and
- (2) income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law.

(b) Adversely affected workers who are undergoing training. Any adversely affected worker who is entitled to trade readjustment allowances and who is undergoing training approved by the Secretary shall receive for each week in which he is undergoing any such training, a trade readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such trade readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) Deduction from total number of weeks of allowance entitlement. If a training allowance under any Federal law other than this Act is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to any disqualification under section 231(b) [19 USCS § 2291(b)]) to a trade readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of trade readjustment allowance otherwise payable to him under section 233(a) [19 USCS § 2293(a)] when he applies for a trade readjustment allowance and is determined to be entitled to such allowance. If such training allowance paid to such worker for any week of unemployment is less than the amount of the trade readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a trade readjustment allowance and is determined to be entitled to such allowance, a trade readjustment allowance for such week equal to such difference.

§ 2293. Limitations on trade readjustment allowances

(a) Maximum allowance; deduction for unemployment insurance; additional payments for approved training periods.

(1) The maximum amount of trade readjustment allowances payable with respect to the period covered by any certification to an adversely affected worker shall be the amount which is the product of 52 multiplied by the trade readjustment allowance payable to the worker for a week of total unemployment (as determined under section 232(a) [19 USCS § 2292(a)]), but such product shall be reduced by the total sum of the unemployment insurance to which the worker was entitled (or would have been entitled if he had applied therefor) in the worker's first benefit period described in section 231(a)(3)(A) [19 USCS § 2291(a)(3)(A)].

(2) A trade readjustment allowance shall not be paid for any week occurring after the close of the 104-week period that begins with the first week following the week in which the adversely affected worker was most recently totally separated from adversely affected employment--

(A) within the period which is described in section 231(a)(1) [19 USCS § 2291(a)(1)], and

(B) with respect to which the worker meets the requirements of section 231(a)(2) [19 USCS § 2291(a)(2)].

(3) Notwithstanding paragraph (1), in order to assist the adversely affected worker to complete training approved for him under section 236 [19 USCS § 2296], and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks in the 26-week period that--

(A) follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter [19 USCS § 2271 et seq.]; or

(B) begins with the first week of such training, if such training begins after the last week described in subparagraph (A).

Payments for such additional weeks may be made only for weeks in such 26-week period during which the individual is participating in such training.

(b) Limitations on additional payments for training periods. A trade readjustment allowance may not be paid for an additional week specified in subsection (a)(3) if the adversely affected worker who would receive such allowance did not make a bona fide application to a training program approved by the Secretary under section 236 [19 USCS § 2296] within 210 days after the date of the worker's first certification of eligibility to apply for adjustment assistance issued by the Secretary, or, if later, within 210 days after the date of the worker's total or partial separation referred to in section 231(a)(1) [19 USCS § 2291(a)(1)].

(c) Adjustments of amounts payable. Amounts payable to an adversely affected worker under this part [19 USCS §§ 2291 et seq.] shall be subject to such adjustment on a week-to-week basis as may be required by section 232(b) [19 USCS § 2292(b)].

(d) Special adjustments for benefit years ending with extended benefit periods. Notwithstanding any other provision of this Act or other Federal law, if the benefit year of a worker ends within an extended benefit period, the number of weeks of extended benefits that such worker would, but for this subsection, be entitled to in that extended benefit period shall be reduced (but not below zero) by the number of weeks for which the worker was entitled, during such benefit year, to trade readjustment allowances under this part [19 USCS §§ 2291 et seq.]. For purposes of this paragraph, the terms "benefit year" and "extended benefit period" shall have the same respective meanings given to them in the Federal-State Extended Unemployment Compensation Act of 1970.

(e) Week during which worker received on-the-job training. No trade readjustment allowance shall be paid to a worker under this part [19 USCS §§ 2291 et seq.] for any week during which the worker is receiving on-the-job training.

(f) Workers treated as participating in training. For purposes of this chapter [19 USCS §§ 2271 et seq.], a worker shall be treated as participating in training during any week which is part of a break in training that does not exceed 14 days if--

(1) the worker was participating in a training program approved under section 236(a) [19 USCS § 2296(a)] before the beginning of such break in training, and

(2) the break is provided under such training program.

§ 2294. Application of state laws

Except where inconsistent with the provisions of this chapter [19 USCS §§ 2271 et seq.] and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law--

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such insurance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated,

shall apply to any such worker who files a claim for trade readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

§ 2295. Employment services

The Secretary shall make every reasonable effort to secure for adversely affected workers covered by a certification under subchapter A of this chapter [19 USCS §§ 2271 et seq.] counseling, testing, and placement services, and supportive and other services, provided for under any other Federal law. The Secretary shall, whenever appropriate, procure such services through agreements with the States.

§ 2296. Training

(a) Approval of training; limitation on expenditures; reasonable expectation of employment; payment of costs; approved training programs; nonduplication of payments from other sources; disapproval of certain programs; exhaustion of unemployment benefits; promulgation of regulations.

(1) If the Secretary determines that--

(A) there is no suitable employment (which may include technical and professional employment) available for an adversely affected worker,

(B) the worker would benefit from appropriate training,

(C) there is a reasonable expectation of employment following completion of such training,

(D) training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 195(2) of the Vocational Education Act of 1963, and employers)[,]

(E) the worker is qualified to undertake and complete such training, and

(F) such training is suitable for the worker and available at a reasonable cost, the Secretary shall approve such training for the worker. Upon such approval, the worker shall be entitled to have payment of the costs of such (subject to the limitations imposed by this section) training paid on his behalf by the Secretary directly or through a voucher system. Insofar as possible, the Secretary shall provide or assure the provision of such training on the job, which shall include related education necessary for the acquisition of skills needed for a position within a particular occupation.

(2) (A) The total amount of payments that may be made under paragraph (1) for any fiscal year shall not exceed \$ 80,000,000, except that for fiscal year 1997, the total amount of payments made under paragraph (1) shall not exceed \$ 70,000,000.

(B) If, during any fiscal year, the Secretary estimates that the amount of funds necessary to pay the costs of training approved under this section will exceed the amount of the limitation imposed under subparagraph (A), the Secretary shall decide how the portion of such limitation that has not been expended at the time of such estimate is to be apportioned among the States for the remainder of such fiscal year.

(3) For purposes of applying paragraph (1)(C), a reasonable expectation of employment does not require that employment opportunities for a worker be available, or offered, immediately upon the completion of training approved under this paragraph (1).

(4) (A) If the costs of training an adversely affected worker are paid by the Secretary under paragraph (1), no other payment for such costs may be made under any other provision of Federal law.

(B) No payment may be made under paragraph (1) of the costs of training an adversely affected worker if such costs--

(i) have already been paid under any other provision of Federal law, or
(ii) are reimbursable under any other provision of Federal law and a portion of such costs have already been paid under such other provision of Federal law.

(C) The provisions of this paragraph shall not apply to, or take into account, any funds provided under any other provision of Federal law which are used for any purpose other than the direct payment of the costs incurred in training a particular adversely affected worker, even if such use has the effect of indirectly paying or reducing any portion of the costs involved in training the adversely affected worker.

(5) The training programs that may be approved under paragraph (1) include, but are not limited to--

- (A) on-the-job training,
- (B) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998,
- (C) any training program approved by a private industry council established under section 102 of such Act [29 USCS § 1512],
- (D) any program of remedial education,
- (E) any training program (other than a training program described in paragraph (7)) for which all, or any portion, of the costs of training the worker are paid--

(i) under any Federal or State program other than this chapter [19 USCS §§ 2271 et seq.], or

(ii) from any source other than this section, and

(F) any other training program approved by the Secretary.

(6)

(A) The Secretary is not required under paragraph (1) to pay the costs of any training approved under paragraph (1) to the extent that such costs are paid--

(i) under any Federal or State program other than this chapter, or

(ii) from any source other than this section.

(B) Before approving any training to which subparagraph (A) may apply, the Secretary may require that the adversely affected worker enter into an agreement with the Secretary under which the Secretary will not be required to pay under this section the portion of the costs of such training that the worker has reason to believe will be paid under the program, or by the source, described in clause (i) or (ii) of subparagraph (A).

(7) The Secretary shall not approve a training program if--

(A) all or a portion of the costs of such training program are paid under any nongovernmental plan or program,

(B) the adversely affected worker has a right to obtain training or funds for training under such plan or program, and

(C) such plan or program requires the worker to reimburse the plan or program from funds provided under this chapter [19 USCS §§ 2291 et seq.], or from wages paid under such training program, for any portion of the costs of such training program paid under the plan or program.

(8) The Secretary may approve training for any adversely affected worker who is a member of a group certified under subchapter A [19 USCS §§ 2271 et seq.] at any time after the date on which the group is certified under subchapter A [19 USCS §§ 2271 et seq.], without regard to whether such worker has exhausted all

rights to any unemployment insurance to which the worker is entitled.

(9) The Secretary shall prescribe regulations which set forth the criteria under each of the subparagraphs of paragraph (1) that will be used as the basis for making determinations under paragraph (1).

(b) Supplemental assistance. The Secretary may, where appropriate, authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses for separate maintenance when training is provided in facilities which are not within commuting distance of a worker's regular place of residence. The Secretary may not authorize--

(1) payments for subsistence that exceed whichever is the lesser of (A) the actual per diem expenses for subsistence, or (B) payments at 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations, or

(2) payments for travel expenses exceeding the prevailing mileage rate authorized under the Federal travel regulations.

(c) Payment of costs of on-the-job training. The Secretary shall pay the costs of any on-the-job training of an adversely affected worker that is approved under subsection (a)(1) in equal monthly installments, but the Secretary may pay such costs, notwithstanding any other provision of this section, only if--

(1) no currently employed worker is displaced by such adversely affected worker (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits),

(2) such training does not impair existing contracts for services or collective bargaining agreements,

(3) in the case of training which would be inconsistent with the terms of a collective bargaining agreement, the written concurrence of the labor

organization concerned has been obtained,

(4) no other individual is on layoff from the same, or any substantially equivalent, job for which such adversely affected worker is being trained,

(5) the employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created by hiring such adversely affected worker,

(6) the job for which such adversely affected worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals,

(7) such training is not for the same occupation from which the worker was separated and with respect to which such worker's group was certified pursuant to section 222 [19 USCS § 2272],

(8) the employer certifies to the Secretary that the employer will continue to employ such worker for at least 26 weeks after completion of such training if the worker desires to continue such employment and the employer does not have due cause to terminate such employment,

(9) the employer has not received payment under subsection (a)(1) with respect to any other on-the-job training provided by such employer which failed to meet the requirements of paragraphs (1), (2), (3), (4), (5), and (6), and

(10) the employer has not taken, at any time, any action which violated the terms of any certification described in paragraph (8) made by such employer with respect to any other on-the-job training provided by such employer for which the Secretary has made a payment under subsection (a)(1).

(d) Eligibility for unemployment insurance. A worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter [19 USCS §§ 2291 et seq.] because the individual is in training

approved under subsection (a), because of leaving work which is not suitable employment to enter such training, or because of the application to any such week in training of provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work. The Secretary shall submit to the Congress a quarterly report regarding the amount of funds expended during the quarter concerned to provide training under subsection (a) and the anticipated demand for such funds for any remaining quarters in the fiscal year concerned.

(e) "Suitable employment" defined. For purposes of this section the term "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

§ 2297. Job search allowances

(a) Terms. Any adversely affected worker covered by a certification under subchapter A of this chapter [19 USCS §§ 2271 et seq.] may file an application with the Secretary for a job search allowance. Such allowance, if granted, shall provide reimbursement to the worker of 90 percent of the cost of necessary job search expenses as prescribed by regulations of the Secretary; except that--

- (1) such reimbursement may not exceed \$ 800 for any worker, and
- (2) reimbursement may not be made for subsistence and transportation expenses at levels exceeding those allowable under section 236(b)(1) and (2) [19 USCS § 2296(b)(1) and (2)].

(b) Conditions. A job search allowance may be granted only--

- (1) to assist an adversely affected worker who has been totally separated in securing a job within the United States;

(2) where the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides; and

(3) where the worker has filed an application for such allowance with the Secretary before--

(A) the later of--

(i) the 365th day after the date of the certification under which the worker is eligible, or

(ii) the 365th day after the date of the worker's last total separation; or

(B) the 182d day after the concluding date of any training received by the worker, if the worker was referred to such training by the Secretary.

(c) Reimbursement for necessary expenses. The Secretary shall reimburse any adversely affected worker for necessary expenses incurred by such worker in participating in a job search program approved by the Secretary.

§ 2298. Relocation allowances

(a) Filing of application. Any adversely affected worker covered by a certification under subchapter A of this chapter [19 USCS §§ 2271 et seq.] may file an application with the Secretary for a relocation allowance, subject to the terms and conditions of this section, if such worker files such application before--

(1) the later of--

(A) the 425th day after the date of the certification, or

(B) the 425th day after the date of the worker's last total separation; or

(2) the 182d day after the concluding date of any training received by such worker, if the worker was referred to such training by the Secretary.

(b) Suitable employment; bona fide offer; total separation when relocation commences. A relocation allowance may be granted only to assist an adversely affected worker in relocating within the

United States and only if the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides and that such worker--

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment, and

(3) is totally separated from employment at the time relocation commences.

(c) Time of relocation. A relocation allowance shall not be granted to such worker unless his relocation occurs within 182 days after the filing of the application therefor or (in the case of a worker who

has been referred to training by the Secretary) within 182 days after the conclusion of such training.

(d) "Relocation allowance" defined. For the purposes of this section, the term "relocation allowance" means--

(1) 90 percent of the reasonable and necessary expenses (including, but not limited to, subsistence and transportation expenses at levels not exceeding those allowable under section 236(b)(1) and (2) [19 USCS § 2296(b)(1) and (2)]) specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family, if any, and household effects, and

(2) a lump sum equivalent to three times the worker's average weekly wage, up to a maximum payment of \$ 800.

§§ 2311 – 2322 – GENERAL PROVISIONS

§ 2311. *Agreements with States*

(a) Authority of Secretary to enter into agreements. The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency (referred to in this subchapter [19 USCS §§ 2311 et seq.] as "cooperating States" and "cooperating States agencies" respectively). Under such an agreement, the cooperating State agency (1) as agent of the United States, will receive applications for, and will provide, payments on the basis provided in this chapter [19 USCS §§ 2271 et seq.], (2) where appropriate, but in accordance with subsection (f), will afford adversely affected workers testing, counseling, referral to training and job search programs, and placement services, (3) will make any certifications required under section 231(c)(2) [19 USCS § 2291(c)], and (4) will otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this chapter [19 USCS §§ 2271 et seq.].

(b) Amendment, suspension, and termination of agreements. Each agreement under this subchapter [19 USCS §§ 2311 et seq.] shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(c) Unemployment insurance. Each agreement under this subchapter [19 USCS §§ 2311 et seq.] shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this chapter [19 USCS §§ 2271 et seq.].

(d) Review. A determination by a cooperating State agency with respect to entitlement to program benefits under an

agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent.

(e) Coordination of benefits and assistance. Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act [19 USCS §§ 2295 and 2296] and under title III of the Job Training Partnership Act [29 USCS §§ 1651 et seq.] or title I of the Workforce Investment Act of 1998 upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement. Any agency of the State jointly administering such provisions under such agreement shall be considered to be a cooperating State agency for purposes of this chapter [19 USCS §§ 2271 et seq.].

(f) Advising and interviewing adversely affected workers. Each cooperating State agency shall, in carrying out subsection (a)(2)--

(1) advise each worker who applies for unemployment insurance of the benefits under this chapter [19 USCS §§ 2271 et seq.] and the procedures and deadlines for applying for such benefits,

(2) facilitate the early filing of petitions under section 221 [19 USCS § 2271] for any workers that the agency considers are likely to be eligible for benefits under this chapter [19 USCS §§ 2271 et seq.],

(3) advise each adversely affected worker to apply for training under section 236(a) [19 USCS § 2296(a)] before, or at the same time, the worker applies for trade readjustment allowances under part I of subchapter B [19 USCS §§ 2291 et seq.], and

(4) as soon as practicable, interview the adversely affected worker regarding suitable training opportunities available to the worker under section 236 [19 USCS §

2296] and review such opportunities with the worker.

(g) Coordination of workforce investment activities. In order to promote the coordination of workforce investment activities in each State with activities carried out under this chapter [19 USCS §§ 2271 et seq.], any agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 [29 USCS § 2822(b)].

§ 2312. Administration absent State agreement

(a) Promulgation of regulations; fair hearing. In any State where there is no agreement in force between a State or its agency under section 239 [19 USCS § 2311], the Secretary shall arrange under regulations prescribed by him for performance of all necessary functions under subchapter B of this chapter [19 USCS §§ 2291 et seq.], including provision for a fair hearing for any worker whose application for payments is denied.

(b) Review of final determination. A final determination under subsection (a) with respect to entitlement to program benefits under subchapter B of this chapter [19 USCS §§ 2291 et seq.] is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. sec. 405(g)).

§ 2313. Payments to States

(a) Certification to Secretary of the Treasury for payment to cooperating States. The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating State the sums necessary to enable such State as agent of the United States to

make payments provided for by this chapter [19 USCS §§ 2271 et seq.].

(b) Utilization or return of money. All money paid a State under this section shall be used solely for the purposes for which it is paid; and money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this subchapter [19 USCS §§ 2311 et seq.], to the Secretary of the Treasury.

(c) Surety bonds. Any agreement under this subchapter [19 USCS §§ 2311 et seq.] may require any officer or employee of the State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this chapter [19 USCS §§ 2271 et seq.].

§ 2314. Liabilities of certifying and disbursing officers

(a) Certifying officer. No person designated by the Secretary, or designated pursuant to an agreement under this subchapter [19 USCS §§ 2311 et seq.], as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment certified by him under this chapter [19 USCS §§ 2271 et seq.].

(b) Disbursing officer. No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this chapter [19 USCS §§ 2271 et seq.] if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a).

§ 2315. Fraud and recovery of overpayments

(a) Repayment; deductions.

(1) If a cooperating State agency, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter [19 USCS §§ 2271 et seq.] to which the person was not entitled, including a payment referred to in subsection (b), such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, except that the State agency or the Secretary may waive such repayment if such agency or the Secretary determines, in accordance with guidelines prescribed by the Secretary, that--

(A) the payment was made without fault on the part of such individual, and

(B) requiring such repayment would be contrary to equity and good conscience.

(2) Unless an overpayment is otherwise recovered, or waived under paragraph (1), the State agency or the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter [19 USCS §§ 2271 et seq.], under any Federal unemployment compensation law administered by the State agency or the Secretary, or under any other Federal law administered by the State agency or the Secretary which provides for the payment of assistance or an allowance with respect to unemployment, and, notwithstanding any other provision of State law or Federal law to the contrary, the Secretary may require the State agency to recover any overpayment under this chapter [19 USCS §§ 2271 et seq.] by deduction from any unemployment insurance payable to such person under the State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

(b) False representation or nondisclosure of material fact. If a cooperating State agency, the Secretary, or a court of

competent jurisdiction determines that an individual--

(1) knowingly has made, or caused another to make, a false statement or representation of a material fact, or

(2) knowingly has failed, or caused another to fail, to disclose a material fact,

and as a result of such false statement or representation, or of such nondisclosure, such individual has received any payment under this chapter [19 USCS §§ 2271 et seq.] to which the individual was not entitled, such individual shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter [19 USCS §§ 2271 et seq.].

(c) Notice of determination; fair hearing; finality. Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the State agency or the Secretary, as the case may be, has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the individual concerned, and the determination has become final.

(d) Recovered amount returned to Treasury. Any amount recovered under this section shall be returned to the Treasury of the United States.

§ 2316. Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter [19 USCS §§ 2271 et seq.] or pursuant to an agreement under section 239 [19 USCS § 2311] shall be fined not more than \$ 1,000 or imprisoned for not more than one year, or both.

§ 2317. Authorization of appropriations

(a) In general. There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 1998, and ending September 30, 2001, such sums as may be necessary to carry out the purposes of this chapter [19 USCS §§ 2271 et seq.], other than subchapter D [19 USCS § 2331].

(b) Subchapter D. There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 1998, and ending September 30, 2001, such sums as may be necessary to carry out the purposes of subchapter D of this chapter [19 USCS § 2331].

§ 2318. Supplemental wage allowance demonstration projects

(a) Establishment of projects; purpose. The Secretary shall establish one or more demonstration projects during fiscal years 1989 and 1990 for the purpose of--

(1) determining the attractiveness of a supplemental wage allowance to various categories of workers eligible for assistance under this chapter [19 USCS §§ 2311 et seq.], based on the amount and duration of the supplement;

(2) determining the effectiveness of a supplemental wage allowance as an option under this chapter [19 USCS §§ 2311 et seq.] in facilitating the readjustment of adversely affected workers; and

(3) determining whether a supplemental wage allowance should be made an option under the Trade Adjustment Assistance program for all fiscal years.

(b) Supplemental wage allowances.

(1) For purposes of this section, the term "supplemental wage allowance" means a payment that is made to an adversely affected worker who--

(A) accepts full-time employment at an average weekly wage that is less than the average weekly wage of the worker in the adversely affected employment,

(B) prior to such acceptance, is eligible for trade readjustment allowances under part I of subchapter B [19 USCS §§ 2291 et seq.], and

(C) voluntarily elects to receive such payment in lieu of any trade readjustment allowances that the worker would otherwise be eligible to receive with respect to the period covered by the certification made under subchapter A [19 USCS §§ 2271 et seq.] that applies to such worker.

(2) A supplemental wage allowance shall be provided under any demonstration project established under subsection (a) to a worker described in paragraph (1) for each week during which the worker performs services in the full-time employment referred to in paragraph (1)(A) in an amount that does not exceed the lesser of--

(A) the amount of the trade readjustment allowance that the worker would have been eligible to receive for any week under part 1 of subchapter B [19 USCS §§ 2291 et seq.] if the worker had not accepted the full-time employment and had not made the election described in paragraph (1)(C), or

(B) the excess of--

(i) an amount equal to 80 percent of the average weekly wage of the worker in the adversely affected employment, over

(ii) the average weekly wage in the full-time employment.

(3) (A) Supplemental wage allowances shall not be provided under any demonstration project established under subsection (a) for more than 52 weeks.

(B) The total amount of supplemental wage allowances that may be paid to any worker under any demonstration project established under subsection (a) with respect to the period covered by the certification applicable to such worker shall not exceed an amount that is equal to the excess of--

(i) the amount of the limitation imposed under section 233(a)(1) [19 USCS § 2293(a)(1)] with respect to such worker for such period, over

(ii) the amount of the trade readjustment allowances paid under part I of subchapter B [19 USCS §§ 2291 et seq.] to such worker for such period.

(c) Evaluation of projects. The Secretary shall provide for an evaluation of demonstration projects conducted under this section to determine at least the following:

(1) the extent to which different age groups of eligible recipients utilize the supplemental wage allowance;

(2) the effect of the amount and duration of the supplemental wage allowance on the utilization of the allowance;

(3) the extent to which the supplemental wage allowance affects the demand for training and the appropriateness thereof;

(4) the extent to which the supplemental wage allowance facilitates the readjustment of workers who would not otherwise utilize benefits provided under this chapter [19 USCS §§ 2271 et seq.];

(5) the extent to which the allowance affects the cost of carrying out the provisions of this chapter [19 USCS §§ 2271 et seq.]; and

(6) the effectiveness of the supplemental wage allowance as an option under this chapter [19 USCS §§ 2271 et seq.] in facilitating the readjustment of adversely affected workers.

(d) Report to Congress; evaluation and recommendation. By no later than the date that is 6 years after the date of enactment of the Omnibus Trade and Competitiveness Act of 1988 [enacted Aug. 23, 1988], the Secretary shall transmit to the Congress a report that includes--

(1) an evaluation of the projects authorized under this section that is conducted in accordance with subsection (c), and

(2) a recommendation as to whether the supplemental wage allowance should be available on a permanent basis as an

option for some or all workers eligible for assistance under this chapter [19 USCS § 2271 et seq.].

§ 2319. Definitions

For purposes of this chapter [19 USCS §§ 2271 et seq.]--

(1) The term "adversely affected employment" means employment in a firm or appropriate subdivision of a firm, if workers of such firm or subdivision are eligible to apply for adjustment assistance under this chapter [19 USCS §§ 2271 et seq.].

(2) The term "adversely affected worker" means an individual who, because of lack of work in adversely affected employment--

(A) has been totally or partially separated from such employment, or

(B) has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(3) [Repealed]

(4) The term "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term "average weekly hours" means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term "partial separation" means, with respect to an individual who

has not been totally separated, that he has had--

(A) his hours of work reduced to 80 percent or less of his average weekly hours in adversely affected employment, and

(B) his wages reduced to 80 percent or less of his average weekly wage in such adversely affected employment.

(7) [Repealed]

(8) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico; and the term "United States" when used in the geographical sense includes such Commonwealth.

(9) The term "State agency" means the agency of the State which administers the State law.

(10) The term "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954 [26 USCS § 3304].

(11) The term "total separation" means the layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(12) The term "unemployment insurance" means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, [5 USCS §§ 8501 et seq.] and the Railroad Unemployment Insurance Act [45 USCS §§ 351 et seq.]. The terms "regular compensation", "additional compensation", and "extended compensation" have the same respective meanings that are given them in section 205(2), (3), and (4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(13) The term "week" means a week as defined in the applicable State law.

(14) The term "week of unemployment" means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

(15) The term "benefit period" means, with respect to an individual--

(A) the benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation, or

(B) the equivalent to such a benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

(16) The term "on-the-job training" means training provided by an employer to an individual who is employed by the employer.

(17) (A) The term "job search program" means a job search workshop or job finding club.

(B) The term "job search workshop" means a short (1 to 3 days) seminar designed to provide participants with knowledge that will enable the participants to find jobs. Subjects are not limited to, but should include, labor market information, resume writing, interviewing techniques, and techniques for finding job openings.

(C) The term "job finding club" means a job search workshop which includes a period (1 to 2 weeks) of structured, supervised activity in which participants attempt to obtain jobs.

§ 2320. Regulations

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter [19 USCS §§ 2271 et seq.].

§ 2321. Subpena power

(a) Subpena by Secretary. The Secretary may require by subpena the attendance of witnesses and the production of evidence necessary for him to make a determination under the provisions of this chapter [19 USCS §§ 2271 et seq.].

(b) Court order. If a person refuses to obey a subpena issued under subsection

(a), a United States district court within the jurisdiction of which the relevant proceeding under this chapter [19 USCS §§ 2271 et seq.] is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpoena.

§ 2322. Nonduplication of assistance

No worker may receive assistance relating to a separation pursuant to certifications under both subchapters A and D of this chapter [19 USCS §§ 2271 et seq. or 2331].

**§ 2331 - NAFTA TRANSITIONAL
ADJUSTMENT ASSISTANCE PROGRAM**

§ 2331. *Establishment of transitional program*

(a) Group eligibility requirements.

(1) Criteria. A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as eligible to apply for adjustment assistance under this subchapter [19 USCS § 2331] pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and either--

(A) that--

(i) the sales or production, or both, of such firm or subdivision have decreased absolutely,

(ii) imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and

(iii) the increase in imports under clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

(B) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

(2) Definition of contributed importantly. The term "contributed importantly", as used in paragraph (1)(A)(iii), means a cause which is important but not necessarily more important than any other cause.

(3) Regulations. The Secretary shall issue regulations relating to the application of the criteria described in paragraph (1) in making preliminary

findings under subsection (b) and determinations under subsection (c).

(b) Preliminary findings and basic assistance.

(1) Filing of petitions. A petition for certification of eligibility to apply for adjustment assistance under this subchapter [19 USCS § 2331] may be filed by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized representative with the Governor of the State in which such workers' firm or subdivision thereof is located.

(2) Findings and assistance. Upon receipt of a petition under paragraph (1), the Governor shall--

(A) notify the Secretary that the Governor has received the petition;

(B) within 10 days after receiving the petition--

(i) make a preliminary finding as to whether the petition meets the criteria described in subsection (a)(1) (and for purposes of this clause the criteria described under subparagraph (A)(iii) of such subsection shall be disregarded), and

(ii) transmit the petition, together with a statement of the finding under clause (i) and reasons therefor, to the Secretary for action under subsection (c); and

(C) if the preliminary finding under subparagraph (B)(i) is affirmative, ensure that rapid response and basic readjustment services authorized under other Federal law are made available to the workers.

(c) Review of petitions by Secretary; certifications.

(1) In general. The Secretary, within 30 days after receiving a petition under subsection (b), shall determine whether the petition meets the criteria described in subsection (a)(1). Upon a determination that the petition meets such criteria, the Secretary shall issue to workers covered by the petition a certification of eligibility

to apply for assistance described in subsection (d).

(2) Denial of certification. Upon denial of certification with respect to a petition under paragraph (1), the Secretary shall review the petition in accordance with the requirements of subchapter A [19 USCS §§ 2271 et seq.] to determine if the workers may be certified under such subchapter.

(d) Comprehensive assistance. Workers covered by certification issued by the Secretary under subsection (c) shall be provided, in the same manner and to the same extent as workers covered under a certification under subchapter A [19 USCS §§ 2271 et seq.], the following:

(1) Employment services described in section 235 [19 USCS § 2295].

(2) Training described in section 236 [19 USCS § 2296], except that notwithstanding the provisions of section 236(a)(2)(A) [19 USCS § 2296(a)(2)(A)], the total amount of payments for training under this subchapter [19 USCS § 2331] for the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed \$ 30,000,000 for any fiscal year.

(3) Trade readjustment allowances described in sections 231 through 234 [19 USCS §§ 2291-2294], except that--

(A) the provisions of sections 231(a)(5)(C) and 231(c) [19 USCS § 2291(a)(5)(C), (c)], authorizing the payment of trade readjustment allowances upon a finding that it is not feasible or appropriate to approve a training program for a worker, shall not be applicable to payment of such allowances under this subchapter [19 USCS § 2331]; and

(B) notwithstanding the provisions of section 233(b) [19 USCS § 2293(b)], in

order for a worker to qualify for trade readjustment allowances under this subchapter [19 USCS § 2331], the worker shall be enrolled in a training program approved by the Secretary under section 236(a) [19 USCS § 2296(a)] by the later of--

(i) the last day of the 16th week of such worker's initial unemployment compensation benefit period, or

(ii) the last day of the 6th week after the week in which the Secretary issues a certification covering such worker.

In cases of extenuating circumstances relating to enrollment in a training program, the Secretary may extend the time for enrollment for a period not to exceed 30 days.

(4) Job search allowances described in section 237 [19 USCS § 2297].

(5) Relocation allowances described in section 238 [19 USCS § 2298].

(e) Administration. The provisions of subchapter C [19 USCS §§ 2311 et seq.] shall apply to the administration of the program under this subchapter [19 USCS § 2331] in the same manner and to the same extent as such provisions apply to the administration of the program under subchapters A and B [19 USCS §§ 2271 et seq., 2291 et seq.], except that the agreement between the Secretary and the States described in section 239 [19 USCS § 2311] shall specify the procedures that will be used to carry out the certification process under subsection (c) and the procedures for providing relevant data by the Secretary to assist the States in making preliminary findings under subsection (b).