

than the 180th day after the day on which the actions taken under section 2253 of this title terminated.

**(e) Other provisions**

(1) Action by the President under this part may be taken without regard to the provisions of section 2136(a) of this title but only after consideration of the relation of such actions to the international obligations of the United States.

(2) If the Commission treats as the domestic industry production located in a major geographic area of the United States under section 2252(c)(4)(C) of this title, then the President shall take into account the geographic concentration of domestic production and of imports in that area in taking any action authorized under paragraph (1).

(Pub. L. 93-618, title II, §204, as added Pub. L. 100-418, title I, §1401(a), Aug. 23, 1988, 102 Stat. 1238; amended Pub. L. 100-647, title IX, §9001(a)(8), Nov. 10, 1988, 102 Stat. 3807; Pub. L. 103-465, title I, §129(a)(7), title III, §302(c), (d), Dec. 8, 1994, 108 Stat. 4837, 4936.)

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-465, §302(c)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Commission shall submit a report on the results of the monitoring under paragraph (1) to the President and to the Congress not later than—

“(A) the 2nd-anniversary of the day on which the action under section 2253 of this title first took effect; and

“(B) the last day of each 2-year period occurring after the 2-year period referred to in subparagraph (A).”

Subsec. (a)(4). Pub. L. 103-465, §302(c)(2), struck out “extension.” before “reduction.”

Subsec. (b)(3). Pub. L. 103-465, §129(a)(7), added par. (3).

Subsecs. (c) to (e). Pub. L. 103-465, §302(d), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1988—Subsecs. (c) to (e). Pub. L. 100-647 redesignated subsecs. (d) and (e) as (c) and (d), respectively.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 129(a)(7) of Pub. L. 103-465 effective on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], see section 130 of Pub. L. 103-465, set out as an Effective Date note under section 3531 of this title.

Amendment by section 302(c), (d) of Pub. L. 103-465 effective on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], see section 304(a) of Pub. L. 103-465, set out as a note under section 2252 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-647 applicable as if such amendment took effect on Aug. 23, 1988, see section 9001(b) of Pub. L. 100-647, set out as an Effective and Termination Dates of 1988 Amendments note under section 58c of this title.

EFFECTIVE DATE

Section effective Aug. 23, 1988, and applicable with respect to investigations initiated under this part on or after that date, see section 1401(c) of Pub. L. 100-418, set out as an Effective Date of 1988 Amendment note under section 2251 of this title.

PART 2—ADJUSTMENT ASSISTANCE FOR WORKERS

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403, provided that:

“(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this subtitle [subtitle A (§§201-233) of title II of Pub. L. 112-40, see Tables for classification], the provisions of chapters 2 through 6 of title II of the Trade Act of 1974 [this part, parts 3 to 6 of this subchapter, and provisions set out as a note below], as in effect on February 12, 2011, and as amended by this subtitle, shall—

“(1) take effect on the date of the enactment of this Act [Oct. 21, 2011]; and

“(2) apply to petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 [this part and parts 3 and 6 of this subchapter] on or after such date of enactment.

“(c) REFERENCES.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on February 12, 2011.”

Pub. L. 112-40, title II, §233, Oct. 21, 2011, 125 Stat. 416, provided that:

“(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) [this part, parts 3, 5, and 6 of this subchapter, and provisions set out as a note below], as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

“(1) paragraph (1) of section 231(c) of that Act [19 U.S.C. 2291(c)(1)] shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

“(2) section 233 of that Act [19 U.S.C. 2293] shall be applied and administered—

“(A) in subsection (a)—

“(i) in paragraph (2), by substituting ‘104-week period’ for ‘104-week period’ and all that follows through ‘130-week period’; and

“(ii) in paragraph (3)—

“(I) in the matter preceding subparagraph (A), by substituting ‘65’ for ‘52’; and

“(II) by substituting ‘78-week period’ for ‘52-week period’ each place it appears; and

“(B) by applying and administering subsection (g) as if it read as follows:

“(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 [19 U.S.C. 2296] that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter [this part] if—

“(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

“(2) the worker participates in training in each such week; and

“(3) the worker—

“(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

“(B) is expected to continue to make progress toward the completion of the training; and

“(C) will complete the training during that period of eligibility.”;

“(3) section 245 of that Act [19 U.S.C. 2317] shall be applied and administered by substituting ‘2014’ for ‘2007’;

“(4) section 246(b)(1) of that Act [19 U.S.C. 2318(b)(1)] shall be applied and administered by substituting ‘December 31, 2014’ for ‘the date that is 5 years’ and all that follows through ‘State’;

“(5) section 256(b) of that Act [19 U.S.C. 2346(b)] shall be applied and administered by substituting ‘the 1-year period beginning on January 1, 2014’ for ‘each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007’;

“(6) section 298(a) of that Act [19 U.S.C. 2401g(a)] shall be applied and administered by substituting ‘the 1-year period beginning on January 1, 2014’ for ‘each of the fiscal years’ and all that follows through ‘October 1, 2007’; and

“(7) section 285 of that Act [Pub. L. 93-618, set out as a Termination Date note below] shall be applied and administered—

“(A) in subsection (a), by substituting ‘2014’ for ‘2007’ each place it appears; and

“(B) by applying and administering subsection (b) as if it read as follows:

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 [part 3 of this subchapter] after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 [part 6 of this subchapter] after December 31, 2014.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.’

“(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 [this part, parts 3, 5, and 6 of this subchapter, and provisions set out as a note below], as in effect on the date of the enactment of this Act [Oct. 21, 2011], shall continue to apply on and after January 1, 2014, with respect to—

“(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act [19 U.S.C. 2271] before January 1, 2014;

“(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act [19 U.S.C. 2341] before January 1, 2014; and

“(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act [19 U.S.C. 2401a] before January 1, 2014.”

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-344, title I, §101(d), Dec. 29, 2010, 124 Stat. 3614, provided that: “The amendments made by this section [amending sections 2296, 2317, 2318, 2345, 2371d to 2371f, 2372, 2373, 2373a, and 2401g of this title and provisions set out as notes below] shall take effect on January 1, 2011.”

#### TERMINATION DATE OF 2009 AMENDMENT

Pub. L. 111-5, div. B, title I, §1893, Feb. 17, 2009, 123 Stat. 422, as amended by Pub. L. 111-344, title I, §101(a), (b), Dec. 29, 2010, 124 Stat. 3612, which provided for sunset of amendments by subtitle I (§§1800-1899L) of title I of div. B of Pub. L. 111-5 to this part, parts 3 to 6 of this subchapter, and section 285 of Pub. L. 93-618, set

out below, applicable on or after Feb. 13, 2011, with certain exceptions, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-210, div. A, title I, §151, Aug. 6, 2002, 116 Stat. 953, as amended by Pub. L. 108-429, title II, §2004(a)(21), Dec. 3, 2004, 118 Stat. 2591, provided that:

“(a) IN GENERAL.—Except as otherwise provided in sections 123(c) [set out as a note under section 2331 of this title], 141(b) [set out as a note under section 2401 of this title], 201(d) [set out as a note under section 35 of Title 26, Internal Revenue Code], and 202(e) [set out as a note under section 6050T of Title 26], and subsections (b), (c), and (d) of this section, the amendments made by this division [enacting sections 1431a, 1583, 2318, and 2401 to 2401g of this title, sections 35, 6050T, and 7527 of Title 26, and section 300gg-45 of Title 42, The Public Health and Welfare, amending sections 58c, 482, 1318, 1330, 1411, 1505, 1509, 2075, 2171, 2271 to 2273, 2275, 2291, 2293, 2295 to 2298, 2317, 2346, and 2395 of this title, sections 4980B, 6103, 6724, and 7213A of Title 26, sections 1165, 2862, 2918, and 2919 of Title 29, Labor, section 1324 of Title 31, Money and Finance, and section 300bb-5 of Title 42, renumbering section 35 of Title 26 as section 36 of Title 26, repealing sections 2318, 2322, and 2331 of this title, enacting provisions set out as notes under sections 58c, 482, 1583, 1625, 1654, 2071, 2075, 2082, 2101, 2251, 2271, 2331, and 2401 of this title, sections 35 and 6050T of Title 26, and section 2918 of Title 29, and amending provisions set out as a note below] shall apply to petitions for certification filed under chapter 2 or 3 of title II of the Trade Act of 1974 [this part and part 3 of this subchapter] on or after the date that is 90 days after the date of enactment of this Act [Aug. 6, 2002].

“(b) WORKERS CERTIFIED AS ELIGIBLE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a), a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974 [this part], as in effect on September 30, 2001, for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date, if on or before such date, the worker—

“(1) was certified as eligible for trade adjustment assistance benefits under such chapter as in effect on such date; and

“(2) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on such date.

“(c) WORKERS WHO BECAME ELIGIBLE DURING QUALIFIED PERIOD.—

“(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974 [Pub. L. 93-618, set out as a Termination Date note below], any worker who would have been eligible to receive trade adjustment assistance or other benefits under chapter 2 of title II of the Trade Act of 1974 [this part] during the qualified period if such chapter 2 had been in effect during such period, shall be eligible to receive trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the worker meets the eligibility requirements of such chapter 2 as in effect on September 30, 2001.

“(2) QUALIFIED PERIOD.—For purposes of this subsection, the term ‘qualified period’ means the period beginning on January 11, 2002, and ending on the date that is 90 days after the date of enactment of this Act [Aug. 6, 2002].

“(d) ADJUSTMENT ASSISTANCE FOR FIRMS.—

“(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974 [set out as a Termination Date note below], and except as provided in paragraph (2), any firm that would have been eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974 [part 3 of this subchapter] during

the qualified period if such chapter 3 had been in effect during such period, shall be eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the firm meets the eligibility requirements of such chapter 3 as in effect on September 30, 2001.

“(2) QUALIFIED PERIOD.—For purposes of this subsection, the term ‘qualified period’ means the period beginning on October 1, 2001, and ending on the date that is 90 days after the date of enactment of this Act [Aug. 6, 2002].”

#### TERMINATION DATE

Pub. L. 93-618, title II, ch. 5, § 285, formerly § 284, Jan. 3, 1975, 88 Stat. 2041; renumbered § 285, Pub. L. 96-417, title VI, § 613(a), Oct. 10, 1980, 94 Stat. 1746; and amended Pub. L. 97-35, title XXV, § 2512, Aug. 13, 1981, 95 Stat. 888; Pub. L. 98-120, § 2(b), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-107, § 3, Sept. 30, 1985, 99 Stat. 479; Pub. L. 99-155, § 2(b), Nov. 14, 1985, 99 Stat. 814; Pub. L. 99-181, § 2, Dec. 13, 1985, 99 Stat. 1172; Pub. L. 99-189, § 2, Dec. 18, 1985, 99 Stat. 1184; Pub. L. 99-272, title XIII, § 13007(a), Apr. 7, 1986, 100 Stat. 304; Pub. L. 100-418, title I, § 1426(a), Aug. 23, 1988, 102 Stat. 1251; Pub. L. 103-66, title XIII, § 13803(a)(1), Aug. 10, 1993, 107 Stat. 668; Pub. L. 103-182, title V, § 505, Dec. 8, 1993, 107 Stat. 2152; Pub. L. 105-277, div. J, title I, § 1012(d), Oct. 21, 1998, 112 Stat. 2681-901; Pub. L. 106-113, div. B, § 1000(a)(5) [title VII, § 702(d)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319; Pub. L. 107-210, div. A, title I, § 111(c), Aug. 6, 2002, 116 Stat. 936; Pub. L. 110-89, § 1(d), Sept. 28, 2007, 121 Stat. 982; Pub. L. 111-5, div. B, title I, § 1892(b), Feb. 17, 2009, 123 Stat. 421; Pub. L. 111-344, title I, § 101(c)(11), Dec. 29, 2010, 124 Stat. 3614; Pub. L. 112-40, title II, §§ 201(b), (c), 232, Oct. 21, 2011, 125 Stat. 403, 416, provided that:

“(a) ASSISTANCE FOR WORKERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), trade adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 2 [this part] after December 31, 2013.

“(2) EXCEPTION.—Notwithstanding paragraph (1), a worker shall continue to receive trade adjustment assistance benefits and other benefits under chapter 2 for any week for which the worker meets the eligibility requirements of that chapter if the worker is—

“(A) certified as eligible for trade adjustment assistance benefits under chapter 2 of this title [this part] pursuant to a petition filed under section 221 [19 U.S.C. 2271] before December 31, 2013; and

“(B) otherwise eligible to receive trade adjustment assistance benefits under chapter 2.

“(b) OTHER ASSISTANCE.—

“(1) ASSISTANCE FOR FIRMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 3 [part 3 of this subchapter] after December 31, 2013.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 3 pursuant to a petition filed under section 251 [19 U.S.C. 2341] on or before December 31, 2013, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.

“(2) FARMERS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and financial assistance may not be provided under chapter 6 [part 6 of this subchapter] after December 31, 2013.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical or financial assistance approved under chapter 6 pursuant to a petition filed under section 292 [19 U.S.C. 2401a] on or before December 31, 2013, may be provided—

“(i) to the extent funds are available pursuant to such chapter for such purpose; and

“(ii) to the extent the recipient of the technical or financial assistance is otherwise eligible to receive such technical or financial assistance, as the case may be.”

[Pub. L. 112-40, title II, § 233(a), Oct. 21, 2011, 125 Stat. 416, provided that, beginning Jan. 1, 2014, subject to section 233(b), set out as an Effective and Termination Dates of 2011 Revival note above, section 285 of Pub. L. 93-618, set out above, as in effect on Feb. 13, 2011, shall be applied and administered—

[(1) in subsec. (a), by substituting “2014” for “2007” wherever appearing; and

[(2) as if subsec. (b) read as follows:

[(“b) OTHER ASSISTANCE.—

[(“1) ASSISTANCE FOR FIRMS.—

[(“A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 [part 3 of this subchapter] after December 31, 2014.

[(“B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

[(“i) to the extent funds are available pursuant to such chapter for such purpose; and

[(“ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

[(“2) FARMERS.—

[(“A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 [part 6 of this subchapter] after December 31, 2014.

[(“B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

[(“i) to the extent funds are available pursuant to such chapter for such purpose; and

[(“ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.”]

[Amendment to section 285 of Pub. L. 93-618, set out above, by section 1892(b) of Pub. L. 111-5, which substituted “December 31, 2010” for “December 31, 2007” wherever appearing in subsec. (a) and amended subsec. (b) generally, was not applicable on or after Feb. 13, 2011, except as otherwise provided, and section 285 of Pub. L. 93-618 was applied and administered beginning Feb. 13, 2011, as provided in former section 1893(b) of Pub. L. 111-5. Section 1893 of Pub. L. 111-5, formerly set out as a Termination Date of 2009 Amendment note above, was repealed by Pub. L. 112-40, § 201(a), Oct. 21, 2011, 125 Stat. 403.]

[Pub. L. 111-5, div. B, title I, § 1893(b), Feb. 17, 2009, 123 Stat. 422, as amended by Pub. L. 111-344, title I, § 101(b), Dec. 29, 2010, 124 Stat. 3612, provided, prior to repeal by Pub. L. 112-40, § 201(a), Oct. 21, 2011, 125 Stat. 403, that, beginning Feb. 13, 2011, subject to section 1893(a)(2), formerly set out as a Termination Date of 2009 Amendment note above, section 285 of Pub. L. 93-618, set out above, was to be applied and administered—

[(1) in subsec. (a), by substituting “February 12, 2011” for “December 31, 2007” wherever appearing; and

[(2) as if subsec. (b) read as follows:

[(“b) OTHER ASSISTANCE.—

[(“1) ASSISTANCE FOR FIRMS.—

[(“A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 [part 3 of this subchapter] after February 12, 2012.

[(“B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before February 12, 2012, may be provided—

[(“i) to the extent funds are available pursuant to such chapter for such purpose; and

[(“ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

[(“2) FARMERS.—

["(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 [part 6 of this subchapter] after February 12, 2012.

["(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before February 12, 2012, may be provided—

["(i) to the extent funds are available pursuant to such chapter for such purpose; and

["(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance."]

[Amendment by section 1892(b) of Pub. L. 111-5 to section 285 of Pub. L. 93-618, set out above, shall take effect upon the expiration of the 90-day period beginning on Feb. 17, 2009, except as otherwise provided, see section 1891 of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 2271 of this title.]

[Amendment by Pub. L. 110-89 to section 285 of Pub. L. 93-618, set out above, effective Oct. 1, 2007, see section 1(e) of Pub. L. 110-89, set out as an Effective Date of 2007 Amendment note under section 2317 of this title.]

[Amendment by Pub. L. 106-113 to section 285 of Pub. L. 93-618, set out above, effective as of July 1, 1999, see section 1000(a)(5) [title VII, §702(e)] of Pub. L. 106-113, set out as an Effective Date of 1999 Amendment note under section 2317 of this title.]

[Amendment by Pub. L. 103-182 to section 285 of Pub. L. 93-618, set out above, effective on the date the North American Free Trade Agreement enters into force with respect to the United States (Jan. 1, 1994), see section 506(a) of Pub. L. 103-182, set out as an Effective Date of 1993 Amendment note under section 2271 of this title.]

[Parts 2 and 3 of this subchapter applicable as if amendments by sections 13007 and 13008 of Pub. L. 99-272, amending section 285 of Pub. L. 93-618, set out above, and sections 2317 and 2346 of this title, had taken effect Dec. 18, 1985, see section 13009(c) of Pub. L. 99-272, set out as an Effective Date of 1986 Amendment note under section 2291 of this title.]

#### SUBPART A—PETITIONS AND DETERMINATIONS

### § 2271. Petitions

#### (a) Filing of petitions; assistance; publication of notice

(1) A petition for certification of eligibility to apply for adjustment assistance for a group of workers under this part may be filed simultaneously with the Secretary of Labor and with the Governor of the State in which such workers' firm (as defined in section 2319 of this title) is located by any of the following:

(A) The group of workers.

(B) The certified or recognized union or other duly authorized representative of such workers.

(C) Employers of such workers, one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), including State employment security agencies, or the State dislocated worker unit established under title I of such Act [29 U.S.C. 2801 et seq.], on behalf of such workers.

(2) Upon receipt of a petition filed under paragraph (1), the Governor shall—

(A) ensure that rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws; and

(B) assist the Secretary in the review of the petition by verifying such information and providing such other assistance as the Secretary may request.

(3) Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register and on the website of the Department of Labor that the Secretary 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) of this section 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.

(Pub. L. 93-618, title II, § 221, Jan. 3, 1975, 88 Stat. 2019; Pub. L. 99-272, title XIII, § 13002(a), Apr. 7, 1986, 100 Stat. 300; Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, § 112(a), Aug. 6, 2002, 116 Stat. 937; Pub. L. 108-429, title II, § 2004(a)(4), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, § 1801(e)(1), Feb. 17, 2009, 123 Stat. 370; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### REVERSION TO PROVISIONS IN EFFECT ON FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

#### REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(1)(C), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936. Title I of the Act is classified principally to chapter 30 (§ 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Subsec. (a)(1). Pub. L. 111-5, §§ 1801(e)(1)(A)(i), 1893, temporarily substituted "Secretary of Labor" for "Secretary" and "(as defined in section 2319 of this title)" for "or subdivision" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1)(A). Pub. L. 111-5, §§ 1801(e)(1)(A)(ii), 1893, temporarily struck out "(including workers in an agri-

cultural firm or subdivision of any agricultural firm” after “group of workers”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A). Pub. L. 111-5, §§1801(e)(1)(B), 1893, temporarily substituted “rapid response activities” for “rapid response assistance”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3). Pub. L. 111-5, §§1801(e)(1)(C), 1893, temporarily inserted “and on the website of the Department of Labor” after “Federal Register”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (a)(2)(A). Pub. L. 108-429 substituted “assistance and appropriate” for “assistance, and appropriate”.

2002—Subsec. (a). Pub. L. 107-210 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “A petition for a certification of eligibility to apply for adjustment assistance under this subpart may be filed with the Secretary of Labor (hereinafter in this part 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.”

1993—Subsec. (a). Pub. L. 103-182 substituted “assistance under this subpart” for “assistance under this part”.

1986—Subsec. (a). Pub. L. 99-272 inserted “(including workers in any agricultural firm or subdivision of an agricultural firm)” after “group of workers”.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding this section. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding this section.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Pub. L. 111-5, div. B, title I, §1891, Feb. 17, 2009, 123 Stat. 420, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this subtitle [subtitle I (§§1800-1899L) of title I of div. B of Pub. L. 111-5, enacting part 4 (§2371 et seq.) of this subchapter and sections 2295a, 2322, 2323, 2344, 2345, 2356, and 2397a of this title, amending sections 2271 to 2275, 2291 to 2295, 2296 to 2298, 2311, 2315 to 2321, 2341, 2343, 2348 to 2352, 2354, 2355, 2393, 2395, 2401 to 2401b, and 2401e to 2401g of this title, sections 35, 4980B, 7527, and 9801 of Title 26, Internal Revenue Code, section 1581 of Title 28, Judiciary and Judicial Procedure, sections 1162, 1181, 2918, and 2919 of Title 29, Labor, and sections 300bb-2 and 300gg of Title 42, The Public Health and Welfare, repealing former sections 2344 to 2347 of this title, enacting provisions set out as notes preceding section 2271 and under sections 2271, 2295a, 2296, 2323, 2344, 2371, and 2393 of this title and sections 1, 35, 4980B, 7527, and 9801 of Title 26, and amending provisions set out as a note preceding section 2271 of this title], and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

“(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act [Feb. 17, 2009]; and

“(2) shall apply to—

“(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 [this part and parts 3 and 6 of this subchapter] on or after the effective date described in paragraph (1); and

“(B) petitions for assistance and proposals for grants filed under chapter 4 of title II of the Trade Act of 1974 [part 4 of this subchapter] on or after such effective date.

“(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

“(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974 [subpart B of this part], as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

“(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or before such effective date; and

“(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

“(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974 [19 U.S.C. 2318(a)(2)], as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

“(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

“(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

“(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act of 1974 [part 3 of this subchapter], as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

“(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] on or before such effective date; and

“(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.”

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding this section.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-182, title V, §506, Dec. 8, 1993, 107 Stat. 2152, provided that:

“(a) IN GENERAL.—The amendments made by sections 501, 502, 503, 504, and 505 [enacting sections 2322 and 2331 of this title and amending this section, sections 2272, 2273, 2275, 2317, and 2395 of this title, and provisions set out as a note preceding this section] shall take effect on the date the Agreement [North American Free Trade Agreement] enters into force with respect to the United States [Jan. 1, 1994].

## “(b) COVERED WORKERS.—

“(1) GENERAL RULE.—Except as provided in paragraph (2), no worker shall be certified as eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974 [former 19 U.S.C. 2331 et seq.] (as added by this subtitle) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurred before such date of entry into force.

“(2) REACHBACK.—Notwithstanding paragraph (1), any worker—

“(A) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurs—

“(i) after the date of the enactment of this Act [Dec. 8, 1993], and

“(ii) before such date of entry into force, and

“(B) who would otherwise be eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974,

shall be eligible to receive such assistance in the same manner as if such separation occurred on or after such date of entry into force.”

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding this section.

## APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS

Pub. L. 112-40, title II, § 231, Oct. 21, 2011, 125 Stat. 413, provided that:

## “(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

“(1) PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.—

“(A) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

“(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act [Oct. 21, 2011], the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 [19 U.S.C. 2272] pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

“(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

“(I) reconsider that determination; and

“(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

“(iii) PETITION DESCRIBED.—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after February 13, 2011, and before the date of the enactment of this Act.

“(B) ELIGIBILITY FOR BENEFITS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 [19 U.S.C. 2272] pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act [Oct. 21, 2011], to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of

1974 [this part], as in effect on such date of enactment.

“(ii) ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.—

“(I) IN GENERAL.—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 [19 U.S.C. 2272] pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date of the enactment of this Act [Oct. 21, 2011] may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

“(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

“(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

“(II) EFFECT OF FAILURE TO MAKE ELECTION.—A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

“(III) COMPUTATION OF MAXIMUM BENEFITS.—

Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act [Oct. 21, 2011], or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

“(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271]—

“(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act [this part], as in effect on February 12, 2011; or

“(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

“(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974 [19 U.S.C. 2273(b)], as in effect on the date of the enactment of this Act [Oct. 21, 2011], shall be applied and administered by substituting ‘before February 13, 2010’ for ‘more than one year before the date of the petition on which such certification was granted’ for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

“(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

“(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

“(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act [Oct. 21, 2011], the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] pursuant to a petition described in subparagraph (C), the Secretary shall make that de-

termination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

“(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

“(i) reconsider that determination; and

“(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

“(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] on or after February 13, 2011, and before the date of the enactment of this Act [Oct. 21, 2011].

“(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

“(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 [19 U.S.C. 2341], as in effect on the date of the enactment of this Act [Oct. 21, 2011], if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

“(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

“(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and

“(ii) the provisions of chapter 3 of title II of the Trade Act of 1974 [part 3 of this subchapter], as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).”

#### DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN

Pub. L. 111–5, div. B, title I, §1886, Feb. 17, 2009, 123 Stat. 419, provided that: “For purposes of chapters 2 and 6 [this part and part 6 of this subchapter] of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

“(1) is a fisherman or aquaculture producer, and

“(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be, the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.”

#### DECLARATION OF POLICY; SENSE OF CONGRESS

Pub. L. 107–210, div. A, title I, §125, Aug. 6, 2002, 116 Stat. 946, provided that:

“(a) DECLARATION OF POLICY.—Congress reiterates that, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 [this part], workers are eligible for transportation, childcare, and healthcare assistance, as well as other related assistance under programs administered by the Department of Labor.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Labor, working independently and in conjunction with the States, should, in accordance with section 225 of the Trade Act of 1974 [19 U.S.C. 2275], provide more specific information about benefit

allowances, training, and other employment services, and the petition and application procedures (including appropriate filing dates) for such allowances, training, and services, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 to workers who are applying for, or are certified to receive, assistance under that program, including information on all other Federal assistance available to such workers.”

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

##### (a) In general

A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

(1) a significant number or proportion of the workers in such workers’ firm have become totally or partially separated, or are threatened to become totally or partially separated; and

(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(II) imports of articles like or directly competitive with articles—

(aa) into which one or more component parts produced by such firm are directly incorporated, or

(bb) which are produced directly using services supplied by such firm,

have increased; or

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

(iii) the increase in imports described in 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

(B)(i)(I) there has been a shift by such workers’ firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

(II) such workers’ firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers’ separation or threat of separation.

##### (b) Adversely affected secondary workers

A group of workers shall be certified by the Secretary as eligible to apply for trade adjustment assistance benefits under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

(1) a significant number or proportion of the workers in the 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) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under subsection (a) of this section, and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection (c)(3) and (4) of this section); and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

### (c) Definitions

For purposes of this section—

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

(2)(A) Any 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 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.

(3) DOWNSTREAM PRODUCER.—

(A) IN GENERAL.—The term “downstream producer” means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

(B) VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.

(4) SUPPLIER.—The term “supplier” means a firm that produces and supplies directly to another firm component parts for articles, or services, used in the production of articles or in the supply of services, as the case may be, that were the basis for a certification of eligibility under subsection (a) of this section of a group of workers employed by such other firm.

### (d) Basis for Secretary's determinations

#### (1) In general

The Secretary shall, in determining whether to certify a group of workers under section 2273 of this title, obtain from the workers' firm, or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

### (2) Additional information

The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a) or (b)—

(A) by contacting—

(i) officials or employees of the workers' firm;

(ii) officials of customers of the workers' firm;

(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

(iv) one-stop operators or one-stop partners (as defined in section 2801 of title 29); or

(B) by using other available sources of information.

### (3) Verification of information

#### (A) Certification

The Secretary shall require a firm or customer to certify—

(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 2273 of this title, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

#### (B) Use of subpoenas

The Secretary shall require the workers' firm or a customer of the workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 2321 of this title if the firm or customer (as the case may be) fails to provide the information within 20 days after the date of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time.

#### (C) Protection of confidential information

The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

#### (e) Firms identified by the International Trade Commission

Notwithstanding any other provision of this part, a group of workers covered by a petition



filed under section 2271 of this title shall be certified under subsection (a) as eligible to apply for adjustment assistance under this part if—

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 2252(b)(1) of this title;

(B) an affirmative determination of market disruption or threat thereof under section 2451(b)(1) of this title; or

(C) an affirmative final determination of material injury or threat thereof under section 1671d(b)(1)(A) or 1673d(b)(1)(A) of this title;

(2) the petition is filed during the one-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 2252(f)(1) of this title with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 2252(f)(3) of this title; or

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the one-year period described in paragraph (2); or

(B) notwithstanding section 2273(b) of this title, the one-year period preceding the one-year period described in paragraph (2).

(Pub. L. 93-618, title II, § 222, Jan. 3, 1975, 88 Stat. 2019; Pub. L. 97-35, title XXV, § 2501, Aug. 13, 1981, 95 Stat. 881; Pub. L. 98-120, § 3(a), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-272, title XIII, § 13002(a), Apr. 7, 1986, 100 Stat. 300; Pub. L. 100-418, title I, § 1421(a)(1)(A), (b)(1), Aug. 23, 1988, 102 Stat. 1242, 1243; Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, § 113, Aug. 6, 2002, 116 Stat. 937; Pub. L. 108-429, title II, § 2004(a)(5), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, §§ 1801(b), (c), (e)(2), 1802, Feb. 17, 2009, 123 Stat. 367, 368, 370, 371; Pub. L. 112-40, title II, §§ 201(b), (c), 211(a), Oct. 21, 2011, 125 Stat. 403.)

#### REVERSION TO PROVISIONS IN EFFECT ON FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination

Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (b). Pub. L. 112-40, §§ 211(a)(1), (2), 233, temporarily redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: "A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

"(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

"(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

"(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation."

See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(2). Pub. L. 112-40, §§ 211(a)(3), 233, temporarily substituted "(c)(3)" for "(d)(3)". See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c). Pub. L. 112-40, §§ 211(a)(2), 233, temporarily redesignated subsec. (d) as (c). Former subsec. (c) temporarily redesignated (b). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c)(5). Pub. L. 112-40, §§ 211(a)(4), 233, temporarily struck out par. (5). Prior to amendment, text read as follows: "For purposes of subsection (a), the term 'firm' does not include a public agency." See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (d). Pub. L. 112-40, §§ 211(a)(2), 233, temporarily redesignated subsec. (e) as (d). Former subsec. (d) temporarily redesignated (c). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (d)(2). Pub. L. 112-40, §§ 211(a)(5), 233, temporarily substituted "or (b)" for " , (b), or (c)" in introductory provisions. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsecs. (e), (f). Pub. L. 112-40, §§ 211(a)(2), 233, temporarily redesignated subsec. (f) as (e). Former subsec. (e) temporarily redesignated (d). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a). Pub. L. 111-5, §§ 1801(e)(2)(A), 1893, temporarily struck out "(including workers in any agricultural firm or subdivision of an agricultural firm)" after "group of workers" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1). Pub. L. 111-5, §§ 1801(e)(2)(B)(i), 1893, temporarily struck out " , or an appropriate subdivision of the firm," after "workers' firm". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(i). Pub. L. 111-5, §§ 1801(e)(2)(B)(ii), 1893, temporarily struck out "or subdivision" after "such firm". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(ii). Pub. L. 111-5, §§ 1801(b)(1)(A), 1893, temporarily amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "imports of articles like or directly competitive with articles produced by such firm or subdivision have increased; and". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(iii). Pub. L. 111-5, §§ 1801(e)(2)(B)(ii), 1893, temporarily struck out “or subdivision” after “such firm”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(B). Pub. L. 111-5, §§ 1801(b)(1)(B), 1893, temporarily amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows:

“(i) there has been a shift in production by such workers’ firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

“(ii)(I) the country to which the workers’ firm has shifted production of the articles is a party to a free trade agreement with the United States;

“(II) the country to which the workers’ firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

“(III) there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.”

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b). Pub. L. 111-5, §§ 1801(b)(2), (3), 1893, temporarily added subsec. (b) and redesignated former subsec. (b) as (c). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c). Pub. L. 111-5, §§ 1801(e)(2)(A), 1893, temporarily struck out “(including workers in any agricultural firm or subdivision of an agricultural firm)” after “group of workers” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111-5, §§ 1801(b)(2), 1893, temporarily redesignated subsec. (b) as (c). Former subsec. (c) temporarily redesignated (d). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(2). Pub. L. 111-5, §§ 1801(e)(2)(C)(i), 1893, temporarily struck out “(or subdivision)” after “workers’ firm” and after “producer to a firm”, inserted “or service” after “the article”, and substituted “(d)(3)” for “(c)(3)”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(3). Pub. L. 111-5, §§ 1801(e)(2)(C)(ii), 1893, temporarily struck out “(or subdivision)” after “the firm” in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d). Pub. L. 111-5, §§ 1801(e)(2)(D)(i), 1893, temporarily inserted heading. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111-5, §§ 1801(b)(2), 1893, temporarily redesignated subsec. (c) as (d). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(2). Pub. L. 111-5, §§ 1801(e)(2)(D)(ii), 1893, temporarily struck out “, or appropriate subdivision of a firm,” after “Any firm” in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(3). Pub. L. 111-5, §§ 1801(e)(2)(D)(iii), 1893, temporarily amended par. (3) generally. Prior to amendment, text read as follows: “The term ‘downstream producer’ means a firm that performs additional, value-added production processes for a firm or subdivision, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were the basis for a certification of eligibility under subsection (a) of this section of a group of workers employed by such other firm, if the certification of eligibility under subsection (a) of this section is based on an increase in imports from, or a shift in production to, Canada or Mexico.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(4). Pub. L. 111-5, §§ 1801(e)(2)(D)(iv), 1893, temporarily struck out “(or subdivision)” after “an-

other firm” and inserted “, or services, used in the production of articles or in the supply of services, as the case may be,” after “for articles”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(5). Pub. L. 111-5, §§ 1801(e)(2)(D)(v), 1893, temporarily added par. (5). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (e), (f). Pub. L. 111-5, §§ 1801(c), 1802, 1893, temporarily added subsecs. (e) and (f). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (b). Pub. L. 108-429 made technical amendment to heading and inserted “pursuant to a petition filed under section 2271 of this title” after “under this part” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-210, § 113(a)(1)(A), inserted heading and amended text generally. Prior to amendment, text read as follows: “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 subpart 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 an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.”

Subsec. (b). Pub. L. 107-210, § 113(a)(1)(C), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-210, § 113(b)(1), substituted “this section” for “subsection (a)(3) of this section” in introductory provisions.

Pub. L. 107-210, § 113(a)(1)(B), redesignated subsec. (b) as (c).

Subsec. (c)(3), (4). Pub. L. 107-210, § 113(b)(2), added pars. (3) and (4).

1993—Subsec. (a). Pub. L. 103-182 substituted “assistance under this subpart” for “assistance under this part”.

1988—Pub. L. 100-418, § 1421(a)(1)(A), struck out last sentence which defined “contributed importantly” for purposes of par. (3), designated remaining provisions as subsec. (a), and added subsec. (b).

Subsec. (a)(3). Pub. L. 100-418, § 1421(b)(1), directed the general amendment of par. (3) adding provisions relating to provision of essential goods or services by such workers’ firm, or appropriate subdivision thereof, which amendment did not become effective pursuant to section 1430(d) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

1986—Pub. L. 99-272 inserted “(including workers in any agricultural firm or subdivision of an agricultural firm)” after “group of workers”.

1983—Pub. L. 98-120, § 3(a)(2), substituted “For purposes of paragraph (3), the term ‘contributed importantly’ means a cause which is important, but not necessarily more important than any other cause” for “For purposes of paragraph (3), the term ‘substantial cause’ means a cause which is important and not less than any other cause” in provision following par. (3).

Par. (3). Pub. L. 98-120, § 3(a)(1), substituted “contributed importantly to such total or partial separation, or threat thereof, and to such decline” for “were a substantial cause of such total or partial separation, or threat thereof, and of such decline”.

1981—Pub. L. 97-35 substituted provisions defining “substantial cause” and applicability of such term in par. (3) for provisions defining “contributed importantly” and applicability of such term in par. (3).

## EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

## EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States (Jan. 1, 1994), see section 506(a) of Pub. L. 103-182, set out as a note under section 2271 of this title.

## EFFECTIVE DATE OF 1983 AMENDMENT

Section 3(b) of Pub. L. 98-120 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to petitions for certification filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after October 1, 1983.”

## EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 applicable to petitions filed on or after Oct. 1, 1983, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

## WORKERS COVERED BY CERTIFICATION NOTWITHSTANDING OTHER LAW

Pub. L. 100-418, title I, §1421(a)(1)(B), Aug. 23, 1988, 102 Stat. 1243, provided that: “Notwithstanding section 223(b) of the Trade Act of 1974 [19 U.S.C. 2273(b)], or any other provision of law, any certification made under subchapter A of chapter 2 of title II of such Act [this subpart] which—

“(i) is made with respect to a petition filed before the date that is 90 days after the date of enactment of this Act [Aug. 23, 1988], and

“(ii) would not have been made if the amendments made by subparagraph (A) [amending this section] had not been enacted into law, shall apply to any worker whose most recent total or partial separation from the firm, or appropriate subdivision of the firm, described in section 222(a) of such Act [19 U.S.C. 2272(a)] occurs after September 30, 1985.”

## § 2273. Determinations by Secretary of Labor

## (a) Certification of eligibility

As soon as possible after the date on which a petition is filed under section 2271 of this title, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 2272 of this title and shall issue a certification of eligibility to apply for assistance under this subpart 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 before the worker's application under section 2291 of this title occurred more than one year before the date of the petition on which such certification was granted.

## (c) Publication of determination in Federal Register

Upon reaching a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register and on the website of the Department of Labor, together with the Secretary's 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, that total or partial separations from such firm are no longer attributable to the conditions specified in section 2272 of this title, the Secretary shall terminate such certification and promptly have notice of such termination published in the Federal Register and on the website of the Department of Labor, together with the Secretary's 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.

## (e) Standards for investigations and determinations

## (1) In general

The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 2271 of this title and criteria for making determinations under subsection (a).

## (2) Consultations

Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.

(Pub. L. 93-618, title II, §223, Jan. 3, 1975, 88 Stat. 2019; Pub. L. 103-182, title V, §503(a), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, §112(b), Aug. 6, 2002, 116 Stat. 937; Pub. L. 111-5, div. B, title I, §§1803, 1858(a), Feb. 17, 2009, 123

Stat. 372, 395; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Subsec. (b). Pub. L. 111-5, §§1803(1), 1893, temporarily substituted “before the worker’s application under section 2291 of this title occurred more than one year before the date of the petition on which such certification was granted.” for “or appropriate subdivision of the firm before his application under section 2291 of this title 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 part.”

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c). Pub. L. 111-5, §§1803(2), 1858(a), 1893, temporarily substituted “a determination” for “his determination” and “and on the website of the Department of Labor, together with the Secretary’s reasons” for “together with his reasons”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d). Pub. L. 111-5, §§1803(3), 1893, temporarily substituted “, that total or partial separations from such firm are no longer attributable to the conditions specified in section 2272 of this title, the Secretary shall” for “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 2272 of this title, he shall” and “and on the website of the Department of Labor, together with the Secretary’s reasons” for “together with his reasons”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (e). Pub. L. 111-5, §§1803(4), 1893, temporarily added subsec. (e). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2002—Subsec. (a). Pub. L. 107-210 substituted “40 days” for “60 days”.

1993—Subsec. (a). Pub. L. 103-182 substituted “assistance under this subpart” for “assistance under this part”.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with cer-

tain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as a note under section 2271 of this title.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2274. Study and notifications regarding certain affirmative determinations; industry notification of assistance**

**(a) Study of domestic industry**

Whenever the International Trade Commission (hereafter referred to in this part as the “Commission”) begins an investigation under section 2252 of this title 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 by the Secretary**

The report of the Secretary of the study under subsection (a) of this section shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 2252(f) of this title. 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 and on the website of the Department of Labor.

**(c) Notifications following affirmative global safeguard determinations**

Upon making an affirmative determination under section 2252(b)(1) of this title, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

**(d) Notifications following affirmative bilateral or plurilateral safeguard determinations****(1) Notifications of determinations of market disruption**

Upon making an affirmative determination under section 2451(b)(1) of this title, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

**(2) Notifications regarding trade agreement safeguards**

Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

**(3) Notifications regarding textile and apparel safeguards**

Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

**(e) Notifications following certain affirmative determinations under title VII of the Tariff Act of 1930**

Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

**(f) Industry notification of assistance**

Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to a domestic industry—

(1) the Secretary of Labor shall—

(A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

(i) the allowances, training, employment services, and other benefits available under this part;

(ii) the manner in which to file a petition and apply for such benefits; and

(iii) the availability of assistance in filing such petitions;

(B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission's determination and the identity of the firms; and

(C) upon request, provide any assistance that is necessary to file a petition under section 2271 of this title;

(2) the Secretary of Commerce shall—

(A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—

(i) the benefits available under part 3;

(ii) the manner in which to file a petition and apply for such benefits; and

(iii) the availability of assistance in filing such petitions; and

(B) upon request, provide any assistance that is necessary to file a petition under section 2341 of this title; and

(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—

(A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—

(i) the benefits available under part 6;

(ii) the manner in which to file a petition and apply for such benefits; and

(iii) the availability of assistance in filing such petitions; and

(B) upon request, provide any assistance that is necessary to file a petition under section 2401a of this title.

**(g) Representatives of the domestic industry**

For purposes of subsection (f), the term “representatives of the domestic industry” means the persons that petitioned for relief in connection with—

(1) a proceeding under section 2252 or 2451 of this title;

(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)<sup>1</sup>); or

(3) any safeguard investigation described in subsection (d)(2) or (d)(3).

(Pub. L. 93-618, title II, § 224, Jan. 3, 1975, 88 Stat. 2020; Pub. L. 97-35, title XXV, § 2513(a), Aug. 13, 1981, 95 Stat. 889; Pub. L. 100-418, title I, § 1401(b)(1)(B), Aug. 23, 1988, 102 Stat. 1239; Pub. L. 111-5, div. B, title I, § 1811(a), Feb. 17, 2009, 123 Stat. 373; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

<sup>1</sup> So in original. Probably should be “1671a(b) and 1673a(b)”.

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Pub. L. 111-5, §§1811(a)(1), 1893, temporarily substituted “Study and notifications regarding certain affirmative determinations; industry notification of assistance” for “Study by Secretary of Labor when International Trade Commission begins investigation” in section catchline. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a). Pub. L. 111-5, §§1811(a)(2), 1893, temporarily inserted heading. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b). Pub. L. 111-5, §§1811(a)(3), 1893, temporarily inserted heading and “and on the website of the Department of Labor” after “Federal Register” in text. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (c) to (g). Pub. L. 111-5, §§1811(a)(4), 1893, temporarily added subsecs. (c) to (g). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1988—Subsec. (a). Pub. L. 100-418 substituted “section 2252” for “section 2251”.

Subsec. (b). Pub. L. 100-418 substituted “section 2252(f)” for “section 2251”.

1981—Subsec. (c). Pub. L. 97-35 struck out subsec. (c) which related to availability of information to workers.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13,

2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Aug. 23, 1988, and applicable with respect to investigations initiated under part 1 (§2251 et seq.) of this subchapter on or after that date, see section 1401(c) of Pub. L. 100-418, set out as a note under section 2251 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION  
PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2275. Benefit information for workers**

(a) The Secretary shall provide full information to workers about the benefit allowances, training, and other employment services available under this part 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 2311(a) of this title 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 2273 of this title and of projections, if available, of the needs for training under section 2296 of this title as a result of such certification.

(b)(1) The Secretary shall provide written notice through the mail of the benefits available under this part to each worker whom the Secretary has reason to believe is covered by a certification made under this subpart—

(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 part to workers covered by each certification made under this subpart in newspapers of general circulation in the areas in which such workers reside.

(c) Upon issuing a certification under section 2273 of this title, the Secretary shall notify the Secretary of Commerce of the identity of each firm covered by the certification.

(Pub. L. 93-618, title II, §225, as added Pub. L. 97-35, title XXV, §2502, Aug. 13, 1981, 95 Stat. 881;

amended Pub. L. 100-418, title I, §1422, Aug. 23, 1988, 102 Stat. 1244; Pub. L. 103-182, title V, §503(b), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, §123(b)(1), Aug. 6, 2002, 116 Stat. 944; Pub. L. 111-5, div. B, title I, §1812, Feb. 17, 2009, 123 Stat. 375; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Subsec. (c). Pub. L. 111-5, §§1812, 1893, temporarily added subsec. (c). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2002—Subsec. (b). Pub. L. 107-210 struck out “or subpart D of this part” after “this subpart” in pars. (1) and (2).

1993—Subsec. (b). Pub. L. 103-182 inserted reference to subpart D in pars. (1) and (2).

1988—Pub. L. 100-418 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable with respect to petitions filed under this part on or after the date that is 90 days after Aug. 6, 2002, except with respect to certain workers, see section 123(c) of Pub. L.

107-210, set out as an Effective Date of Repeal note under section 2331 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as a note under section 2271 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective on date that is 30 days after Aug. 23, 1988, see section 1430(e) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

EFFECTIVE DATE AND TRANSITION PROVISIONS

Section effective Aug. 13, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as an Effective Date of 1981 Amendment note under section 2291 of this title.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

SUBPART B—PROGRAM BENEFITS

Division I—Trade Readjustment Allowances

**§ 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 subpart A of this part who files an application for such allowance for any week of unemployment which begins on or after the date of such certification, if the following conditions are met:

(1) Such worker’s total or partial separation before the worker’s application under this part occurred—

(A) on or after the date, as specified in the certification under which the worker 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 2273 of this title was made, and

(C) before the termination date (if any) determined pursuant to section 2273(d) of this title.

(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, 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 com-

pensation 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

(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 section 8521(a)(1) of title 5,

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 the worker 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, except additional compensation that is funded by a State and is not reimbursed from any Federal funds, to which the worker was entitled (or would be entitled if the worker applied therefor); and

(C) does not have an unexpired waiting period applicable to the worker 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)(i) is enrolled in a training program approved by the Secretary under section 2296(a) of this title, and

(ii) the enrollment required under clause (i) occurs no later than the latest of—

(I) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs after the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after such total separation,

(II) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs before the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after the date of such certification,

(III) 45 days after the date specified in subclause (I) or (II), as the case may be, if the Secretary determines there are extenuating circumstances that justify an extension in the enrollment period,

(IV) in the case of a worker who fails to enroll by the date required by subclause (I), (II), or (III), as the case may be, due to the failure to provide the worker with timely information regarding the date specified in such subclause, the last day of a period determined by the Secretary, or

(V) the last day of a period determined by the Secretary to be approved for enrollment after the termination of a waiver issued pursuant to subsection (c) of this section,

(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 2296(a) of this title, or

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

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

If—

(1) the Secretary determines that—

(A) 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) of this section, or

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

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

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

no trade readjustment allowance may be paid to the adversely affected worker under this division 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 2296(a) of this title.

**(c) Waivers of training requirements**

**(1) Issuance of waivers**

The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a)(5)(A) of this section if the Secretary determines that it is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

**(A) Health**

The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.



**(B) Enrollment unavailable**

The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

**(C) Training not available**

Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area career and technical education schools, as defined in section 2302 of title 20, and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

**(2) Duration of waivers****(A) In general**

Except as provided in paragraph (3)(B), a waiver issued under paragraph (1) shall be effective for not more than 6 months after the date on which the waiver is issued, unless the Secretary determines otherwise.

**(B) Revocation**

The Secretary shall revoke a waiver issued under paragraph (1) if the Secretary determines that the basis of a waiver is no longer applicable to the worker and shall notify the worker in writing of the revocation.

**(3) Agreements under section 2311****(A) Issuance by cooperating States**

An agreement under section 2311 of this title shall authorize a cooperating State to issue waivers as described in paragraph (1).

**(B) Review of waivers**

An agreement under section 2311 of this title shall require a cooperating State to review each waiver issued by the State under subparagraph (A), (B), or (C) of paragraph (1)—

- (i) 3 months after the date on which the State issues the waiver; and
- (ii) on a monthly basis thereafter.

**(C) Submission of statements**

An agreement under section 2311 of this title shall include a requirement that the cooperating State submit to the Secretary the written statements provided under paragraph (1) and a statement of the reasons for the waiver.

(Pub. L. 93-618, title II, § 231, Jan. 3, 1975, 88 Stat. 2020; Pub. L. 97-35, title XXV, § 2503, Aug. 13, 1981, 95 Stat. 881; Pub. L. 99-272, title XIII, § 13003(a)(1), (2), (b), Apr. 7, 1986, 100 Stat. 300, 301; Pub. L. 100-418, title I, § 1423(a)(1)-(3), Aug. 23, 1988, 102 Stat. 1244, 1245; Pub. L. 102-318, title I, § 106(a), July 3, 1992, 106 Stat. 294; Pub. L. 107-210, div. A, title I, §§ 114, 115, Aug. 6, 2002, 116 Stat. 939; Pub. L. 109-270, § 2(b)(1), Aug. 12, 2006, 120 Stat. 746; Pub. L. 111-5, div. B, title I, §§ 1801(e)(3), 1821(a)-(c)(1), 1858(b), Feb. 17, 2009, 123 Stat. 371, 375, 376, 395; Pub. L. 112-40, title II, §§ 201(b), (c), 212(a), Oct. 21, 2011, 125 Stat. 403, 404.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

## REFERENCES IN TEXT

The Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (a)(4), is title II of Pub. L. 91-373, Aug. 10, 1970, 84 Stat. 708, which is classified generally as a note under section 3304 of Title 26, Internal Revenue Code. Section 202(a)(3) of such Act, referred to in subsec. (a)(4), is set out in the note under section 3304 of Title 26. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

## AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (c)(1). Pub. L. 112-40, §§ 212(a)(1), 233, temporarily redesignated subpars. (D) to (F) as (A) to (C), respectively, and temporarily struck out former subpars. (A) to (C) which provided reasons for waiver of training requirement based on worker's recall by the firm from which the separation occurred, possession of marketable skills, and entitlement to retire within 2 years. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c)(3)(B). Pub. L. 112-40, §§ 212(a)(2), 233, temporarily substituted "or (C)" for "(D), (E), or (F)" in introductory provisions. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a). Pub. L. 111-5, §§ 1821(c)(1)(A), 1893, temporarily substituted "on or after the date of such certification" for "more than 60 days after the date on which the petition that resulted in such certification was filed under section 2271 of this title" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1). Pub. L. 111-5, §§ 1858(b)(1)(A), 1893, temporarily substituted "the worker's application" for "his application" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1)(A). Pub. L. 111-5, §§ 1858(b)(1)(B), 1893, temporarily substituted "the worker is covered" for "he is covered". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2). Pub. L. 111-5, §§ 1801(e)(3)(A), 1893, temporarily struck out "or subdivision of a firm" after "single firm" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A). Pub. L. 111-5, §§ 1858(b)(2)(A), 1893, which directed the temporary substitution of a comma for a period, could not be executed because a period did not appear. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(C). Pub. L. 111-5, §§1801(e)(3)(B), 1893, temporarily struck out “or subdivision” after “such firm”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(D). Pub. L. 111-5, §§1858(b)(2)(B), 1893, temporarily made technical amendment to reference in original act which appears in text as reference to section 8521(a)(1) of title 5. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3)(A). Pub. L. 111-5, §§1858(b)(3)(A), 1893, temporarily substituted “the worker” for “he”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3)(B). Pub. L. 111-5, §§1858(b)(3)(A), 1893, temporarily substituted “the worker” for “he” in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3)(C). Pub. L. 111-5, §§1858(b)(3)(B), 1893, temporarily substituted “the worker” for “him”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(5)(A)(i)(I), (II). Pub. L. 111-5, §§1821(a)(1), 1893, temporarily added subcls. (I) and (II) and struck out former subcls. (I) and (II) which read as follows:

“(I) the last day of the 16th week after the worker’s most recent total separation from adversely affected employment which meets the requirements of paragraphs (1) and (2),

“(II) the last day of the 8th week after the week in which the Secretary issues a certification covering the worker.”

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(5)(A)(ii)(III). Pub. L. 111-5, §§1821(a)(2)(A), 1893, temporarily substituted “date specified in subclause (I) or (II), as the case may be” for “later of the dates specified in subclause (I) or (II)”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(5)(A)(ii)(IV), (V). Pub. L. 111-5, §§1821(a)(2)(B)–(4), 1893, temporarily added subcl. (IV) and redesignated former subcl. (IV) as (V). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b). Pub. L. 111-5, §§1821(c)(1)(B), 1893, temporarily struck out par. (1) designation before “If—”, redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively, redesignated cls. (i) and (ii) of former par. (1)(A) as subpars. (A) and (B), respectively, redesignated subcls. (I) and (II) of former par. (1)(A)(i) as cls. (i) and (ii), respectively, and struck out former par. (2) which read as follows: “The provisions of subsection (a)(5) of this section 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 2271 of this title, and

“(B) before the first week following the week in which such certification is made under subpart A of this part.”

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(1)(B). Pub. L. 111-5, §§1821(b)(1), 1893, temporarily designated existing provisions as cl. (i), inserted heading, and added cl. (ii). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(2)(A). Pub. L. 111-5, §§1821(b)(2), 1893, temporarily substituted “Except as provided in paragraph (3)(B), a waiver” for “A waiver”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(3)(A). Pub. L. 111-5, §§1821(b)(3)(A), 1893, temporarily substituted “An agreement under section 2311 of this title shall authorize a” for “Pursuant to an agreement under section 2311 of this title, the Secretary may authorize a”. See Codification note above

and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(3)(B), (C). Pub. L. 111-5, §§1821(b)(3)(B), (C), 1893, temporarily added subpar. (B) and redesignated former subpar. (B) as (C). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2006—Subsec. (c)(1)(F). Pub. L. 109-270 substituted “area career and technical education schools” for “area vocational education schools” and made technical amendment to reference in original act which appears in text as reference to section 2302 of title 20.

2002—Subsec. (a)(3)(B). Pub. L. 107-210, §114(a), inserted “, except additional compensation that is funded by a State and is not reimbursed from any Federal funds,” after “any unemployment insurance”.

Subsec. (a)(5)(A). Pub. L. 107-210, §114(b), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(5)(C). Pub. L. 107-210, §115(b), struck out “certified” after “statement”.

Subsec. (c). Pub. L. 107-210, §115(a), inserted heading and amended text generally, substituting provisions relating to issuance and duration of waivers of training requirements for provisions relating to approval of training programs, written certifications, revocation, and reports.

1992—Subsec. (a)(2). Pub. L. 102-318 added subpar. (D) and substituted “subparagraph (A) or (C), or both (and not more than 26 weeks, in the case of weeks described in subparagraph (B) or (D))” for “paragraph (A) or (C), or both” in closing provisions.

1988—Subsec. (a)(5). Pub. L. 100-418, §1423(a)(1), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “Such worker, unless the Secretary has determined that no acceptable job search program is reasonably available—

“(A) is enrolled in a job search program approved by the Secretary under section 2297(c) of this title, or

“(B) has, after the date on which the worker became totally separated, or partially separated, from the adversely affected employment, completed a job search program approved by the Secretary under section 2297(c) of this title.”

Subsec. (b). Pub. L. 100-418, §1423(a)(2), amended subsec. (b) generally, substituting provisions relating to withholding of trade readjustment allowance pending beginning or resumption of participation in training program, and period of applicability, for provisions relating to mandatory training or job-search.

Subsec. (c). Pub. L. 100-418, §1423(a)(3), amended subsec. (c) generally, substituting provisions relating to approval of training programs, written certifications, revocation of certification, and annual report, for provisions relating to withholding of trade readjustment allowance pending beginning or resumption of participation in job search program.

1986—Subsec. (a)(2). Pub. L. 99-272, §13003(b), substituted provisions restricting to no more than 7 the number of weeks to be treated as weeks of employment under this sentence for provisions designated as clauses (i) to (iii), limiting the weeks that may be treated as weeks of employment to 3, 7, and 7, respectively, under certain conditions.

Subsec. (a)(5). Pub. L. 99-272, §13003(a)(1), added par. (5).

Subsec. (c). Pub. L. 99-272, §13003(a)(2), added subsec. (c).

1981—Pub. L. 97-35 designated existing provisions as subsec. (a), substituted provisions respecting applicability of date upon which petition was filed for provisions respecting applicability of date specified in certification under section 2273(a) of this title, substantially revised and reorganized conditions by, among other changes, adding pars. (3) and (4), and added subsec. (b).

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section

2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 106(b) of Pub. L. 102-318 provided that: "The amendments made by subsection (a) [amending this section] shall apply to weeks beginning after August 1, 1990."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective on date that is 90 days after Aug. 23, 1988, see section 1430(f) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT; APPLICATION OF GRAMM-RUDMAN

Pub. L. 99-272, title XIII, §13009, Apr. 7, 1986, 100 Stat. 305, provided that:

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this part [part 1 (§§13001-13009) of subtitle A, amending this section, sections 2271, 2272, 2292, 2293, 2296, 2297, 2311, 2317, 2319, 2341 to 2344, and 2346 of this title, and provisions set out as a note preceding section 2271 of this title] shall take effect on the date of the enactment of this Act [Apr. 7, 1986].

"(b) JOB SEARCH PROGRAM REQUIREMENTS.—The amendments made by section 13003(a) [amending this section and section 2311 of this title] apply with respect to workers covered by petitions filed under section 221 of the Trade Act of 1974 [section 2271 of this title] on or after the date of the enactment of this Act [Apr. 7, 1986].

"(c) EXTENSION AND AUTHORIZATION.—Chapters 2 and 3 of title II of the Trade Act of 1974 (19 U.S.C. 2271, et seq.) [parts 2 and 3 of this subchapter] shall be applied as if the amendments made by sections 13007 and 13008 [amending sections 2317 and 2346 of this title and provisions set out as a note preceding section 2271 of this title] had taken effect on December 18, 1985.

"(d) APPLICATION OF GRAMM-RUDMAN.—Trade readjustment allowances payable under part I [of subchapter B] of chapter 2 of title II of the Trade Act of 1974 [19 U.S.C. 2291 et seq.] for the period from March 1, 1986, and until October 1, 1986, shall be reduced by a percentage equal to the non-defense sequester percentage applied in the Sequestration Report (submitted under the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under section 900 of Title 2, The Congress] and dated January 21, 1986) of the Comptroller General of the United States for fiscal year 1986."

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Pub. L. 97-35, title XXV, §2514, Aug. 13, 1981, 95 Stat. 889, as amended by Pub. L. 97-362, title II, §204, Oct. 24, 1982, 96 Stat. 1733, provided that:

"(a)(1) Except as provided in paragraph (2), this subtitle [enacting section 2275 of this title, amending this section and sections 2272, 2274, 2292, 2293, 2296, 2297, 2298, 2311, 2313, 2315, 2317, and 2319 of this title, repealing section 2318 of this title, enacting provisions set out as a note under section 2292 of this title, and amending provisions set out as a note preceding section 2271 of this title and under section 3304 of Title 26, Internal Revenue Code] shall take effect on the date of the enactment of this Act [Aug. 13, 1981].

"(2)(A) The amendments made by section 2501 [amending section 2272 of this title] shall apply with respect to all petitions for certification filed under section 221 of the Trade Act of 1974 [section 2271 of this title] on or after October 1, 1983.

"(B) The amendments made by sections 2503, 2504, 2505, and 2511 [amending this section, sections 2292, 2293, and 2319 of this title, and provisions set out as a note under section 3304 of Title 26, Internal Revenue Code] shall apply with respect to trade readjustment allowances payable for weeks of unemployment which begin after September 30, 1981.

"(C) The amendments made by sections 2506, 2507, and 2508 [amending sections 2296, 2297, and 2298 of this title] shall take effect with respect to determinations regarding training and applications for allowances under sections 236, 237, and 238 of the Trade Act of 1974 [sections 2296, 2297, and 2298 of this title] that are made or filed after September 30, 1981.

"(D)(i) Except as otherwise provided in clause (ii), the provisions of sections 233(d) and 236(a)(2) of the Trade Act of 1974 (as amended by this Act) [former subsec. (d), now (c), of section 2293 of this title and section 2296(a)(2) of this title], and the provisions of section 204(a)(2)(C) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by this Act) [set out as a note under section 3304 of Title 26] shall apply to State unemployment compensation laws for purposes of certifications under section 3304(c) of the Internal Revenue Code of 1954 [section 3304(c) of Title 26] on October 31, of any taxable year after 1981.

"(ii) In the case of any State the legislature of which—

"(I) does not meet in a session which begins after the date of the enactment of this Act [Aug. 13, 1981] and prior to September 1, 1982, and

"(II) if in session on the date of the enactment of this Act, does not remain in session for a period of at least 25 calendar days,

the date '1981' in clause (i) shall be deemed to be '1982'.

"(b) An adversely affected worker who is receiving or is entitled to receive payments of trade readjustment allowances under chapter 2 of the Trade Act of 1974 [this part] for weeks of unemployment beginning before October 1, 1981, shall be entitled to receive—

"(1) with respect to weeks of unemployment beginning before October 1, 1981, payments of trade readjustment allowances determined under such chapter 2 without regard to the amendments made by this subtitle; and

"(2) with respect to weeks of unemployment beginning after September 30, 1981, payments of trade readjustment allowances as determined under such chapter 2 as amended by this subtitle, except that the maximum amount of trade readjustment allowances payable to such an individual for such weeks of unemployment shall be an amount equal to the product of the trade readjustment allowance payable to the individual for a week of total unemployment (as determined under section 232(a) as so amended [section 2292(a) of this title]) multiplied by a factor determined by subtracting from fifty-two the sum of—

"(A) the number of weeks preceding the first week which begins after September 30, 1981, and

which are within the period covered by the same certification under such chapter 2 as such week of unemployment, for which the individual was entitled to a trade readjustment allowance or unemployment insurance, or would have been entitled to such allowance or unemployment insurance if he had applied therefor, and

“(B) the number of weeks preceding such first week that are deductible under section 232(d) (as in effect before the amendments made by section 2504) [section 2392(d) of this title];

except that the amount of trade readjustment allowances payable to an adversely affected worker under this paragraph shall be subject to adjustment on a week-to-week basis as may be required by section 232(b) [section 2392(b) of this title].”

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2292. Weekly amounts of readjustment allowance

#### (a) Formula

Subject to subsections (b), (c), and (d), the trade readjustment allowance payable to an adversely affected worker for a week of 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 2291(a)(3)(B) of this title) reduced (but not below zero) by—

(1) any training allowance deductible under subsection (c) of this section; and

(2) income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law, except that in the case of an adversely affected worker who is participating in training under this part, such income shall not include earnings from work for such week that are equal to or less than 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 2291(a)(3)(B) of this title).

#### (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) of this section 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 chapter 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 2291(b) of this title) 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 2293(a) of this title 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.

#### (d) Election of trade readjustment allowance or unemployment insurance

Notwithstanding section 2291(a)(3)(B) of this title, an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker's most recent total separation from adversely affected employment; and

(2) is otherwise entitled to a trade readjustment allowance.

(Pub. L. 93-618, title II, § 232, Jan. 3, 1975, 88 Stat. 2021; Pub. L. 97-35, title XXV, § 2504(a), Aug. 13, 1981, 95 Stat. 883; Pub. L. 99-272, title XIII, § 13003(c), Apr. 7, 1986, 100 Stat. 301; Pub. L. 100-418, title I, § 1423(b), Aug. 23, 1988, 102 Stat. 1246; Pub. L. 111-5, div. B, title I, § 1822, Feb. 17, 2009, 123 Stat. 377; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### REVERSION TO PROVISIONS IN EFFECT ON FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21,

2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Subsec. (a). Pub. L. 111-5, §§ 1822(1)(A), (B), 1893, temporarily substituted “unemployment shall” for “total unemployment shall” and “subsections (b), (c), and (d)” for “subsections (b) and (c)” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2). Pub. L. 111-5, §§ 1822(1)(C), 1893, temporarily inserted “, except that in the case of an adversely affected worker who is participating in training under this part, such income shall not include earnings from work for such week that are equal to or less than 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 2291(a)(3)(B) of this title)” before period. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d). Pub. L. 111-5, §§ 1822(2), 1893, temporarily added subsec. (d). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1988—Subsec. (b). Pub. L. 100-418, § 1423(b)(1), struck out “, including on-the-job training,” after “approved by the Secretary”.

Subsec. (c). Pub. L. 100-418, § 1423(b)(2), substituted “under section 2291(b)” for “under section 2291(c) or 2296(c)”.

1986—Subsec. (c). Pub. L. 99-272 substituted “under any Federal law other than this chapter” for “under any Federal law,” “section 2291(c) or 2296(c) of this title” for “section 2296(c) of this title”, and “If such training allowance” for “If the training allowance”.

1981—Subsec. (a). Pub. L. 97-35, § 2504(a)(1), substituted provisions setting forth amount of allowance as reduced (but not below zero) by training allowance and income deductions for provisions setting forth amount of allowance as computed by specified percentages of wages and reduced by paid remuneration.

Subsecs. (c), (d). Pub. L. 97-35, § 2504(a)(2)-(4), redesignated subsec. (d) as (c) and struck out references to unemployment insurance and to the inapplicability of former subsecs. (c) and (e) of this section. Former subsec. (c), which related to the computation of unemployment insurance, was struck out.

Subsec. (e). Pub. L. 97-35, § 2504(a)(2), struck out subsec. (e) which related to maximum total for all remuneration and allowances.

Subsec. (f). Pub. L. 97-35, § 2504(a)(2), struck out subsec. (f) which authorized rounding off to whole dollar amounts.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5

effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 1423(b)(1) effective Aug. 23, 1988, and amendment by section 1423(b)(2) of Pub. L. 100-418 effective on the date that is 90 days after Aug. 23, 1988, see section 1430(a), (f) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 applicable to allowances payable for weeks of unemployment which begin after Sept. 30, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

#### REFERENCE TO SUBSEC. (d) DEEMED REFERENCE TO (c)

Pub. L. 97-35, title XXV, § 2504(b), Aug. 13, 1981, 95 Stat. 883, provided that: “Any reference in any law to subsection (d) of section 232 of the Trade Act of 1974 [former subsec. (d) of this section] shall be considered a reference to subsection (c) thereof [subsec. (c) of this section].”

#### § 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 2292(a) of this title), 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 2291(a)(3)(A) of this title.

(2) A trade readjustment allowance under paragraph (1) 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 2291(a)(1) of this title, and

(B) with respect to which the worker meets the requirements of section 2291(a)(2) of this title.

(3) Notwithstanding paragraph (1), in order to assist the adversely affected worker to complete

a training program approved for the worker under section 2296 of this title, and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 65 additional weeks in the 78-week period that—

(A) follows the last week of entitlement to trade readjustment allowances otherwise payable under this part; 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 78-week period during which the individual is participating in such training.

**(b) Adjustments of amounts payable**

Amounts payable to an adversely affected worker under this division shall be subject to such adjustment on a week-to-week basis as may be required by section 2292(b) of this title.

**(c) Special adjustments for benefit years ending with extended benefit periods**

Notwithstanding any other provision of this chapter 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 division. 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.

**(d) Week during which worker received on-the-job training**

No trade readjustment allowance shall be paid to a worker under this division for any week during which the worker is receiving on-the-job training.

**(e) Workers treated as participating in training**

For purposes of this part, a worker shall be treated as participating in training during any week which is part of a break in training that does not exceed 30 days if—

(1) the worker was participating in a training program approved under section 2296(a) of this title before the beginning of such break in training, and

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

**(f) Payment of trade readjustment allowances to complete training**

Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 2296 of this title that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that

follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this part if—

(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

(2) the worker participates in training in each such week; and

(3) the worker—

(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

(B) is expected to continue to make progress toward the completion of the training; and

(C) will complete the training during that period of eligibility.

**(g) Special rule for calculating separation**

Notwithstanding any other provision of this part, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 2273 of this title shall not be counted for purposes of calculating the period of separation under subsection (a)(2).

**(h) Special rule for justifiable cause**

If the Secretary determines that there is justifiable cause, the Secretary may extend the period during which trade readjustment allowances are payable to an adversely affected worker under paragraphs (2) and (3) of subsection (a) (but not the maximum amounts of such allowances that are payable under this section).

**(i) Special rule with respect to military service**

**(1) In general**

Notwithstanding any other provision of this part, the Secretary may waive any requirement of this part that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a trade readjustment allowance, training, and other benefits under this part in the same manner and to the same extent as if the worker had not served the period of duty.

**(2) Period of duty described**

An adversely affected worker serves a period of duty described in this paragraph if, before completing training under section 2296 of this title, the worker—

(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32 for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

(Pub. L. 93-618, title II, § 233, Jan. 3, 1975, 88 Stat. 2022; Pub. L. 97-35, title XXV, § 2505(a), Aug. 13, 1981, 95 Stat. 883; Pub. L. 98-369, div. B, title VI,

§ 2671, July 18, 1984, 98 Stat. 1172; Pub. L. 99-272, title XIII, § 13003(d), Apr. 7, 1986, 100 Stat. 301; Pub. L. 100-418, title I, §§ 1423(c), 1425(a), Aug. 23, 1988, 102 Stat. 1246, 1250; Pub. L. 106-36, title I, § 1001(a)(1), June 25, 1999, 113 Stat. 130; Pub. L. 107-210, div. A, title I, § 116, Aug. 6, 2002, 116 Stat. 941; Pub. L. 111-5, div. B, title I, §§ 1821(c)(2), 1823, 1824, 1829(b), Feb. 17, 2009, 123 Stat. 377, 378, 383; Pub. L. 112-40, title II, §§ 201(b), (c), 213, Oct. 21, 2011, 125 Stat. 403, 404.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

The Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (c), is title II of Pub. L. 91-373, Aug. 10, 1970, 84 Stat. 708, which is classified generally as a note under section 3304 of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a)(2). Pub. L. 112-40, §§ 213(1)(A), 233, temporarily struck out “(or, in the case of an adversely affected worker who requires a program of prerequisite education or remedial education (as described in section 2296(a)(5)(D) of this title) in order to complete training approved for the worker under section 2296 of this title, the 130-week period)” after “104-week period” in introductory provisions. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (a)(3). Pub. L. 112-40, §§ 213(1)(B), 233, temporarily substituted “65” for “78” in introductory provisions and “78-week period” for “91-week period” in introductory and concluding provisions. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (f). Pub. L. 112-40, §§ 213(2), 233, temporarily amended subsec. (f) generally. Prior to amendment, text read as follows: “Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 2296 of this title which includes a program of prerequisite education or remedial education (as described in section 2296(a)(5)(D) of this title), 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 follows the last week of entitlement to trade readjustment allowances otherwise payable under this part.” See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a)(2). Pub. L. 111-5, §§ 1823(1), 1829(b)(1), 1893, in introductory provisions, temporarily inserted “under paragraph (1)” after “trade readjustment allowance” and “prerequisite education or” after “requires a program of”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3). Pub. L. 111-5, §§ 1823(2), 1893, in introductory provisions, temporarily substituted “a training program approved for the worker” for “training approved for him” and “78 additional weeks in the 91-week” for “52 additional weeks in the 52-week”, and, in concluding provisions, temporarily substituted “91-week” for “52-week”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (b) to (e). Pub. L. 111-5, §§ 1821(c)(2), 1893, temporarily redesignated subsecs. (c) to (f) as (b) to (e), respectively, and struck out former subsec. (b) which read as follows: “A trade readjustment allowance may not be paid for an additional week specified in subsection (a)(3) of this section 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 2296 of this title 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 2291(a)(1) of this title.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (f). Pub. L. 111-5, §§ 1821(c)(2)(B), 1829(b)(2), 1893, temporarily redesignated subsec. (g) as (f) and inserted “prerequisite education or” after “includes a program of”. Former subsec. (f) temporarily redesignated (e). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (g) to (i). Pub. L. 111-5, §§ 1824, 1893, temporarily added subsecs. (g) to (i). Former subsec. (g) temporarily redesignated (f). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2002—Subsec. (a)(2). Pub. L. 107-210, § 116(a)(1), in introductory provisions inserted “(or, in the case of an adversely affected worker who requires a program of remedial education (as described in section 2296(a)(5)(D) of this title) in order to complete training approved for the worker under section 2296 of this title, the 130-week period)” after “104-week period”.

Subsec. (a)(3). Pub. L. 107-210, § 116(a)(2), substituted “52” for “26” wherever appearing.

Subsec. (f). Pub. L. 107-210, § 116(b), substituted “30 days” for “14 days” in introductory provisions.

Subsec. (g). Pub. L. 107-210, § 116(c), added subsec. (g). 1999—Subsec. (a)(2). Pub. L. 106-36 realigned margins of introductory provisions and subpars. (A) and (B).

1988—Subsec. (a)(2). Pub. L. 100-418, § 1425(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “A trade readjustment allowance shall not be paid for any week after the 104-week period beginning with the first week following the first week in the period covered by the certification with respect to which the worker has exhausted (as determined for purposes of section 2291(a)(3)(B) of this title) all rights to that part of his unemployment insurance that is regular compensation.”

Subsec. (a)(3). Pub. L. 100-418, § 1423(c)(2), substituted “participating in such training” for “engaged in such training and has not been determined under section 2296(c) of this title to be failing to make satisfactory progress in the training” in last sentence.

Subsec. (a)(3)(B). Pub. L. 100-418, § 1423(c)(1), substituted “begins” for “is approved” after “training”.

Subsec. (f). Pub. L. 100-418, §1423(c)(3), added subsec. (f).

1986—Subsec. (a)(2). Pub. L. 99-272, §13003(d)(1), substituted “104-week period” for “52-week period”.

Subsec. (e). Pub. L. 99-272, §13003(d)(2), added subsec. (e).

1984—Subsec. (a)(3). Pub. L. 98-369 substituted “Notwithstanding paragraph (1), in order to assist the adversely affected worker to complete training approved for him under section 2296 of this title, 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 part; or

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

for “Notwithstanding paragraph (1), 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 following the last week of entitlement to trade readjustment allowances otherwise payable under this part in order to assist the adversely affected worker to complete training approved for the worker under section 2296 of this title.”

1981—Subsec. (a). Pub. L. 97-35 substituted provisions relating to maximum amount of allowance payable for provisions relating to time limitations on allowance payable.

Subsec. (b). Pub. L. 97-35 substituted provisions relating to payment for an additional week for provisions relating to payment for an additional week after the appropriate week and provisions determining the appropriate week.

Subsecs. (c), (d). Pub. L. 97-35 added subsecs. (c) and (d).

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 1423(c)(2) of Pub. L. 100-418 effective on date that is 90 days after Aug. 23, 1988, and amendment by section 1425(a) of Pub. L. 100-418 effective Aug. 23, 1988, but not applicable with respect to

any total separation of a worker from adversely affected employment (within the meaning of section 2319 of this title) that occurs before Aug. 23, 1988, if the application of such amendment with respect to such total separation would reduce the period for which such worker would (but for such amendment) be allowed to receive trade readjustment allowances under this division, see section 1430(a), (f), (g) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 applicable to allowances payable for weeks of unemployment which begin after Sept. 30, 1981, with transition provisions applicable, and with the amendment of subsec. (d) of this section applicable, except as otherwise provided, to laws for certification purposes under section 3304(c) of title 26 on Oct. 31, of any taxable year after 1981, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

#### WAIVER OF CERTAIN TIME LIMITATIONS

Pub. L. 100-418, title I, §1425(b), Aug. 23, 1988, 102 Stat. 1250, provided that:

“(1) The provisions of subsections (a)(2) and (b) of section 233 of the Trade Act of 1974 [19 U.S.C. 2293(a)(2), (b)] shall not apply with respect to any worker who became totally separated from adversely affected employment (within the meaning of section 247 of such Act [19 U.S.C. 2319]) during the period that began on August 13, 1981, and ended on April 7, 1986.

“(2)(A) Any worker who is otherwise eligible for payment of a trade readjustment allowance under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 [19 U.S.C. 2291 et seq.] by reason of paragraph (1) of this subsection may receive payments of such allowance only if such worker—

“(i) is enrolled in a training program approved by the Secretary under section 236(a) of such Act [19 U.S.C. 2296(a)], and

“(ii) has been unemployed continuously since the date on which the worker became totally separated from the adversely affected employment, not taking into account seasonal employment, odd jobs, or part-time, temporary employment.

“(B) If the Secretary of Labor determines that—

“(i) a worker—

“(I) has failed to begin participation in the training program the enrollment in which meets the requirement of subparagraph (A), 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,

no trade readjustment allowance may be paid to the worker under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 for the week in which such failure or cessation occurred, or any succeeding week, until the worker begins or resumes participation in a training program approved under section 236(a) of such Act.”

### § 2294. Application of State laws

#### (a) In general

Except where inconsistent with the provisions of this part 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).

**(b) Special rule on good cause for waiver of time limits or late filing of claims**

The Secretary shall establish procedures and criteria that allow for a waiver for good cause of the time limitations with respect to an application for a trade readjustment allowance or enrollment in training under this part.

(Pub. L. 93-618, title II, §234, Jan. 3, 1975, 88 Stat. 2022; Pub. L. 111-5, div. B, title I, §1825, Feb. 17, 2009, 123 Stat. 378; Pub. L. 112-40, title II, §§201(b), (c), 212(b), Oct. 21, 2011, 125 Stat. 403, 404.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (b). Pub. L. 112-40, §§212(b), 233, temporarily amended subsec. (b) generally. Prior to amendment, text read as follows: “Any law, regulation, policy, or practice of a cooperating State that allows for a waiver for good cause of any time limitation relating to the administration of the State unemployment insurance law shall, in the administration of the program under this part by the State, apply to any time limitation with respect to an application for a trade readjustment allowance or enrollment in training under this part.” See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Pub. L. 111-5, §§1825, 1893, temporarily designated existing provisions as subsec. (a), inserted heading, and added subsec. (b). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

Division II—Training, Other Employment  
Services, and Allowances

**§ 2295. Employment and case management services**

The Secretary shall make available, directly or through agreements with States under section 2311 of this title, to adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A of this part the following employment and case management services:

(1) Comprehensive and specialized assessment of skill levels and service needs, including through—

(A) diagnostic testing and use of other assessment tools; and

(B) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(2) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

(3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

(4) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a-16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for

determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.) [and 42 U.S.C. 2751 et seq.].

(5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

(6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this part, and after receiving such training for purposes of job placement.

(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(A) job vacancy listings in such labor market areas;

(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

(D) skills requirements for local occupations described in subparagraph (C).

(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

(Pub. L. 93-618, title II, §235, Jan. 3, 1975, 88 Stat. 2023; Pub. L. 100-418, title I, §1424(d)(1)(A), Aug. 23, 1988, 102 Stat. 1249; Pub. L. 107-210, div. A, title I, §119, Aug. 6, 2002, 116 Stat. 942; Pub. L. 111-5, div. B, title I, §1826(a), Feb. 17, 2009, 123 Stat. 379; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### REVERSION TO PROVISIONS IN EFFECT ON FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in par. (4), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination

Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Pub. L. 111-5, §§1826(a), 1893, temporarily amended section generally. Prior to amendment, text read as follows: “The Secretary shall make every reasonable effort to secure for adversely affected workers covered by a certification under subpart A of this part counseling, testing, and placement services, and supportive and other services, provided for under any other Federal law, including the services provided through one-stop delivery systems described in section 2864(c) of title 29. The Secretary shall, whenever appropriate, procure such services through agreements with the States.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2002—Pub. L. 107-210 inserted “, including the services provided through one-stop delivery systems described in section 2864(c) of title 29” before period at end of first sentence.

1988—Pub. L. 100-418 substituted “the States” for “cooperating State agencies”.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

#### § 2295a. Limitations on administrative expenses and employment and case management services

Of the funds made available to a State to carry out sections 2295 through 2298 of this title for a fiscal year, the State shall use—

(1) not more than 10 percent for the administration of the trade adjustment assistance for

workers program under this part, including for—

(A) processing waivers of training requirements under section 2291 of this title;

(B) collecting, validating, and reporting data required under this part; and

(C) providing reemployment trade adjustment assistance under section 2318 of this title; and

(2) not less than 5 percent for employment and case management services under section 2295 of this title.

(Pub. L. 93-618, title II, §235A, as added Pub. L. 111-5, div. B, title I, §1827(a), Feb. 17, 2009, 123 Stat. 380; as added and amended Pub. L. 112-40, title II, §§201(b), (c), 214(b)(1), Oct. 21, 2011, 125 Stat. 403, 405.)

#### TERMINATION OF SECTION

*For termination of section beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates notes below.*

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of section, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and this section, as added by Pub. L. 111-5 and as in effect on Feb. 12, 2011, was temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See Effective and Termination Dates notes below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§214(b)(1), 233, temporarily substituted “Limitations on” for “Funding for” in section catchline and temporarily substituted text for former text consisting of subssecs. (a) and (b) which related to funding for administrative expenses and employment and case management services. See Codification note above and Effective and Termination Dates note below.

#### EFFECTIVE AND TERMINATION DATES

For temporary revival and applicability of section, as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as Effective and Termination Dates of 2011 Revival notes preceding section 2271 of this title. For termination beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as an Effective and Termination Dates of 2011 Revival note preceding section 2271 of this title.

Pub. L. 111-5, div. B, title I, §1827(c), Feb. 17, 2009, 123 Stat. 381, provided that: “The amendments made by this section [enacting this section] shall take effect on the date of the enactment of this Act [Feb. 17, 2009].”

Except as otherwise provided and subject to certain applicability provisions, section effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, section not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if this section had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a Termination Date note preceding section 2271 of this title.

## § 2296. Training

### (a) In general

(1) If the Secretary determines, with respect to an adversely affected worker or an adversely affected incumbent worker, 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 career and technical education schools, as defined in section 2302 of title 20, and employers)<sup>1</sup>

(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 training (subject to the limitations imposed by this section) paid on the worker’s behalf by the Secretary directly or through a voucher system.

(2)(A) The total amount of funds available to carry out this section and sections 2295, 2297, and 2298 of this title shall not exceed—

(i) \$575,000,000 for each of fiscal years 2012 and 2013; and

(ii) \$143,750,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.

(B)(i) The Secretary shall, as soon as practicable after the beginning of each fiscal year, make an initial distribution of the funds made available to carry out this section and sections 2295, 2297, and 2298 of this title, in accordance with the requirements of subparagraph (C).

(ii) The Secretary shall ensure that not less than 90 percent of the funds made available to carry out this section and sections 2295, 2297, and 2298 of this title for a fiscal year are distributed to the States by not later than July 15 of that fiscal year.

(C)(i) In making the initial distribution of funds pursuant to subparagraph (B)(i) for a fiscal year, the Secretary shall hold in reserve 35 percent of the funds made available to carry out this section and sections 2295, 2297, and 2298 of this title for that fiscal year for additional distributions during the remainder of the fiscal year.

(ii) Subject to clause (iii), in determining how to apportion the initial distribution of funds pursuant to subparagraph (B)(i) in a fiscal year, the Secretary shall take into account, with respect to each State—

(I) the trend in the number of workers covered by certifications of eligibility under this part during the most recent 4 consecutive calendar quarters for which data are available;

<sup>1</sup> So in original. Probably should be followed by a comma.

(II) the trend in the number of workers participating in training under this section during the most recent 4 consecutive calendar quarters for which data are available;

(III) the number of workers estimated to be participating in training under this section during the fiscal year;

(IV) the amount of funding estimated to be necessary to provide training approved under this section to such workers during the fiscal year; and

(V) such other factors as the Secretary considers appropriate to carry out this section and sections 2295, 2297, and 2298 of this title.

(iii) In no case may the amount of the initial distribution to a State pursuant to subparagraph (B)(i) in a fiscal year be less than 25 percent of the initial distribution to the State in the preceding fiscal year.

(D) The Secretary shall establish procedures for the distribution of the funds that remain available for the fiscal year after the initial distribution required under subparagraph (B)(i). Such procedures may include the distribution of funds pursuant to requests submitted by States in need of such funds.

(E) If, during a fiscal year, the Secretary estimates that the amount of funds necessary to carry out this section and sections 2295, 2297, and 2298 of this title will exceed the dollar amount limitation specified in subparagraph (A), the Secretary shall decide how the amount of funds made available to carry out this section and sections 2295, 2297, and 2298 of this title that have not been distributed at the time of the estimate will be apportioned among the States for the remainder of the 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 paragraph (1).

(4)(A) If the costs of training an adversely affected worker or an adversely affected incumbent 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 or an adversely affected incumbent 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 or adversely affected incumbent 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 or adversely affected incumbent worker.

(5) Except as provided in paragraph (10), the training programs that may be approved under paragraph (1) include, but are not limited to—

(A) employer-based training, including—

(i) on-the-job training,

(ii) customized training, and

(iii) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),

(B) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.],

(C) any training program approved by a private industry council established under section 102 of such Act,

(D) any program of remedial education,

(E) any program of prerequisite education or coursework required to enroll in training that may be approved under this section,

(F) 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, or

(ii) from any source other than this section,

(G) any other training program approved by the Secretary, and

(H) any training program or coursework at an accredited institution of higher education (described in section 1002 of title 20), including a training program or coursework for the purpose of—

(i) obtaining a degree or certification; or

(ii) completing a degree or certification that the worker had previously begun at an accredited institution of higher education.

The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(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 part, 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 or adversely affected incumbent 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 or adversely affected incumbent 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 part, 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 subpart A of this part at any time after the date on which the group is certified under subpart A of this part, without regard to whether such worker has exhausted all rights to any unemployment insurance to which the worker is entitled.

(9)(A) Subject to subparagraph (B), 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)(i) In determining under paragraph (1)(E) whether a worker is qualified to undertake and complete training, the Secretary may approve training for a period longer than the worker's period of eligibility for trade readjustment allowances under division I if the worker demonstrates a financial ability to complete the training after the expiration of the worker's period of eligibility for such trade readjustment allowances.

(ii) In determining the reasonable cost of training under paragraph (1)(F) with respect to a worker, the Secretary may consider whether other public or private funds are reasonably available to the worker, except that the Secretary may not require a worker to obtain such funds as a condition of approval of training under paragraph (1).

(10) In the case of an adversely affected incumbent worker, the Secretary may not approve—

(A) on-the-job training under paragraph (5)(A)(i); or

(B) customized training under paragraph (5)(A)(ii), unless such training is for a position other than the worker's adversely affected employment.

(11) If the Secretary determines that an adversely affected incumbent worker for whom the Secretary approved training under this section is no longer threatened with a total or partial separation, the Secretary shall terminate the approval of such training.

**(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) On-the-job training requirements**

**(1) In general**

The Secretary may approve on-the-job training for any adversely affected worker if—

(A) the worker meets the requirements for training to be approved under subsection (a)(1);

(B) the Secretary determines that on-the-job training—

(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

(ii) is compatible with the skills of the worker;

(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

(C) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).

**(2) Monthly payments**

The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

**(3) Contracts for on-the-job training**

**(A) In general**

The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

**(B) Term of contract**

Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but may not exceed 104 weeks in any case.

**(4) Exclusion of certain employers**

The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

(A) continued, long-term employment as regular employees; and

(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

**(5) Labor standards**

The Secretary may pay the costs of on-the-job training, notwithstanding any other provision of this section, only if—

(A) no currently employed worker is displaced by such adversely affected worker (in-

cluding partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits),

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

(C) 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,

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

(E) 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,

(F) 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,

(G) 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 2272 of this title,

(H) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training,

(I) the employer has not received payment under subsection (a)(1) of this section with respect to any other on-the-job training provided by such employer which failed to meet the requirements of subparagraphs (A), (B), (C), (D), (E), and (F), and

(J) the employer has not taken, at any time, any action which violated the terms of any certification described in subparagraph (H) 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) of this section.

#### (d) Eligibility

An adversely affected worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subpart—

(1) because the worker—

(A) is enrolled in training approved under subsection (a);

(B) left work—

(i) that was not suitable employment in order to enroll in such training; or

(ii) that the worker engaged in on a temporary basis during a break in such training or a delay in the commencement of such training; or

(C) left on-the-job training not later than 30 days after commencing such training because the training did not meet the requirements of subsection (c)(1)(B); or

(2) because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.

#### (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.

#### (f) "Customized training" defined

For purposes of this section, the term "customized training" means training that is—

(1) designed to meet the special requirements of an employer or group of employers;

(2) conducted with a commitment by the employer or group of employers to employ an individual upon successful completion of the training; and

(3) for which the employer pays for a significant portion (but in no case less than 50 percent) of the cost of such training, as determined by the Secretary.

#### (g) Part-time training

##### (1) In general

The Secretary may approve full-time or part-time training for a worker under subsection (a).

##### (2) Limitation

Notwithstanding paragraph (1), a worker participating in part-time training approved under subsection (a) may not receive a trade readjustment allowance under section 2291 of this title.

(Pub. L. 93-618, title II, § 236, Jan. 3, 1975, 88 Stat. 2023; Pub. L. 97-35, title XXV, § 2506(2), Aug. 13, 1981, 95 Stat. 885; Pub. L. 99-272, title XIII, § 13004(a), Apr. 7, 1986, 100 Stat. 301; Pub. L. 100-418, title I, § 1424(a)-(c), Aug. 23, 1988, 102 Stat. 1248, 1249; Pub. L. 100-647, title IX, § 9001(a)(20), Nov. 10, 1988, 102 Stat. 3808; Pub. L. 103-66, title XIII, § 13803(b), Aug. 10, 1993, 107 Stat. 668; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 405(d)(14)(A), (f)(11)(A)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421, 2681-431; Pub. L. 107-210, div. A, title I, §§ 117, 118, Aug. 6, 2002, 116 Stat. 941; Pub. L. 109-270, § 2(b)(2), Aug. 12, 2006, 120 Stat. 746; Pub. L. 111-5, div. B, title I, §§ 1828(a)-(c), 1829(a), (c), 1830(a)(1), (b), 1831, 1832, Feb. 17, 2009, 123 Stat. 381-386; Pub. L. 111-344, title I, § 101(c)(1), Dec. 29, 2010, 124 Stat. 3613; Pub. L. 112-40, title II, §§ 201(b), (c), 214(a), (f), Oct. 21, 2011, 125 Stat. 403, 405, 406.)

#### REVERSION TO PROVISIONS IN EFFECT ON FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

#### REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(5), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat.

936. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

The Act of August 16, 1937, referred to in subsec. (a)(5)(A)(iii), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, popularly known as the National Apprenticeship Act, which is classified generally to chapter 4C (§50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

Section 102 of such Act, referred to in subsec. (a)(5)(C), meaning section 102 of the Job Training Partnership Act, was classified to section 1512 of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and Pub. L. 111-344 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009, 2010, and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, Effective Date of 2010 Amendment note, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 and 2010 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a)(2)(A). Pub. L. 112-40, §§214(a)(2), 233, temporarily substituted “of funds available to carry out this section and sections 2295, 2297, and 2298 of this title” for “of payments that may be made under paragraph (1)” in introductory provisions, added cls. (i) and (ii), and struck out former cls. (i) and (ii) which read as follows:

“(i) \$575,000,000 for fiscal year 2010; and

“(ii) \$66,500,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011.”

See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (a)(2)(B)(i), (ii), (C)(i). Pub. L. 112-40, §§214(a)(1), 233, temporarily inserted “and sections 2295, 2297, and 2298 of this title” after “to carry out this section”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (a)(2)(C)(ii)(V). Pub. L. 112-40, §§214(a)(3), 233, temporarily substituted “to carry out this section and sections 2295, 2297, and 2298 of this title” for “relating to the provision of training under this section”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (a)(2)(E). Pub. L. 112-40, §§214(a)(4), 233, temporarily substituted “necessary to carry out this section and sections 2295, 2297, and 2298 of this title” for “necessary to pay the costs of training approved under this section”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Pub. L. 112-40, §§214(a)(1), 233, temporarily inserted “and sections 2295, 2297, and 2298 of this title” after

“available to carry out this section”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b). Pub. L. 112-40, §§214(f)(1), 233, which directed temporary substitution of “appropriate” for “appropriate” in the first sentence, could not be executed because “appropriate” did not appear. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsecs. (g), (h). Pub. L. 112-40, §§214(f)(2), 233, temporarily redesignated subsec. (h) as (g) and temporarily struck out former subsec. (g). Prior to amendment, text of subsec. (g) read as follows:

“(1) IN GENERAL.—Not later than 1 year after February 17, 2009, the Secretary shall issue such regulations as may be necessary to carry out the provisions of subsection (a)(2).

“(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days before issuing any regulation pursuant to paragraph (1).” See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2010—Subsec. (a)(2)(A). Pub. L. 111-344 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “The total amount of payments that may be made under paragraph (1) shall not exceed—

“(i) for each of the fiscal years 2009 and 2010, \$575,000,000; and

“(ii) for the period beginning October 1, 2010, and ending December 31, 2010, \$143,750,000.”

See Codification note above.

2009—Subsec. (a)(1). Pub. L. 111-5, §§1831(b), 1893, in concluding provisions, temporarily struck out last sentence which read as follows: “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.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111-5, §§1830(a)(1)(A), 1893, temporarily inserted “, with respect to an adversely affected worker or an adversely affected incumbent worker,” after “determines” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111-5, §§1829(c)(1)(A), 1893, temporarily substituted “the worker’s behalf” for “his behalf” in concluding provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2). Pub. L. 111-5, §§1828(a), 1893, temporarily amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(A) The total amount of payments that may be made under paragraph (1) for any fiscal year shall not exceed \$220,000,000.

“(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.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3). Pub. L. 111-5, §§1829(c)(1)(B), 1893, temporarily substituted “paragraph (1)” for “this paragraph (1)”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(4)(A), (B). Pub. L. 111-5, §§1830(a)(1)(B)(i), 1893, temporarily inserted “or an adversely affected incumbent worker” after “an adversely affected worker”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(4)(C). Pub. L. 111-5, §§1830(a)(1)(B)(ii), 1893, temporarily inserted “or adversely affected incumbent

worker” after “adversely affected worker” in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(5). Pub. L. 111-5, §§ 1830(a)(1)(C), 1893, temporarily substituted “Except as provided in paragraph (10), the training programs” for “The training programs” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(5)(A)(iii). Pub. L. 111-5, §§ 1829(a)(1), 1893, temporarily added cl. (iii). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(5)(E) to (H). Pub. L. 111-5, §§ 1829(a)(2)–(6), 1893, temporarily added subpars. (E) and (H) and redesignated former subpars. (E) and (F) as (F) and (G), respectively. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(6)(B), (7)(B). Pub. L. 111-5, §§ 1830(a)(1)(D), (E), 1893, temporarily inserted “or adversely affected incumbent worker” after “adversely affected worker”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(9). Pub. L. 111-5, §§ 1828(b), 1893, temporarily designated existing provisions as subpar. (A), substituted “Subject to subparagraph (B), the Secretary” for “The Secretary”, and added subpar. (B). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(10), (11). Pub. L. 111-5, §§ 1830(a)(1)(F), 1893, temporarily added pars. (10) and (11). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(2). Pub. L. 111-5, §§ 1829(c)(2), 1893, which directed the temporary substitution of a period for “, and”, could not be executed because “, and” did not appear. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c). Pub. L. 111-5, §§ 1831(a), 1893, temporarily inserted subsec. heading, added pars. (1) to (4), redesignated existing provisions as par. (5), and in par. (5), temporarily inserted par. heading, substituted “The Secretary may pay the costs of on-the-job training,” for “The Secretary shall pay the costs of any on-the-job training of an adversely affected worker that is approved under subsection (a)(1) of this section in equal monthly installments, but the Secretary may pay such costs.”, redesignated former pars. (1) to (10) as subpars. (A) to (J), respectively, in subpar. (I) substituted “subparagraphs (A), (B), (C), (D), (E), and (F)” for “paragraphs (1), (2), (3), (4), (5), and (6)”, and in subpar. (J) substituted “subparagraph (H)” for “paragraph (8)”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d). Pub. L. 111-5, §§ 1832, 1893, temporarily amended subsec. (d) generally. Prior to amendment, text read as follows: “A worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subpart because the individual is in training approved under subsection (a) of this section, 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) of this section and the anticipated demand for such funds for any remaining quarters in the fiscal year concerned.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (g), (h). Pub. L. 111-5, §§ 1828(c), 1830(b), 1893, temporarily added subsecs. (g) and (h). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2006—Subsec. (a)(1)(D). Pub. L. 109-270 substituted “area career and technical education schools, as defined in section 2302 of title 20” for “area vocational

education schools, as defined in section 195(2) of the Vocational Education Act of 1963”.

2002—Subsec. (a)(2)(A). Pub. L. 107-210, § 117, substituted “\$220,000,000” for “\$80,000,000, except that for fiscal year 1997, the total amount of payments made under paragraph (1) shall not exceed \$70,000,000”.

Subsec. (a)(5)(A). Pub. L. 107-210, § 118(a), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “on-the-job training.”

Subsec. (c)(8). Pub. L. 107-210, § 118(b), amended par. (8) generally. Prior to amendment, par. (8) read as follows: “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.”

Subsec. (f). Pub. L. 107-210, § 118(c), added subsec. (f). 1998—Subsec. (a)(5)(B). Pub. L. 105-277, § 101(f) [title VIII, § 405(f)(11)(A)], struck out “section 1653 of title 29 or” before “title I of”.

Pub. L. 105-277, § 101(f) [title VIII, § 405(d)(14)(A)], substituted “section 1653 of title 29 or title I of the Workforce Investment Act of 1998” for “section 1653 of title 29”.

1993—Subsec. (a)(2)(A). Pub. L. 103-66 inserted before period at end “, except that for fiscal year 1997, the total amount of payments made under paragraph (1) shall not exceed \$70,000,000”.

1988—Subsec. (a)(1). Pub. L. 100-418, § 1424(a)(5)–(7), struck out “(to the extent appropriated funds are available)” after “the Secretary shall” in first sentence, and in second sentence inserted “(subject to the limitations imposed by this section)” after “costs of such training” and “directly or through a voucher system” after “by the Secretary”.

Subsec. (a)(1)(D). Pub. L. 100-418, § 1424(a)(1), substituted “is reasonably available” for “is available”.

Subsec. (a)(1)(F). Pub. L. 100-418, § 1424(a)(2)–(4), added subpar. (F).

Subsec. (a)(2). Pub. L. 100-418, § 1424(a)(11), (12), added par. (2) and redesignated former par. (2) as (3).

Subsec. (a)(2)(A). Pub. L. 100-418, § 1424(b), directed the amendment of subpar. (A) by substituting “\$120,000,000” for “\$80,000,000”, which amendment did not become effective pursuant to section 1430(d) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

Subsec. (a)(3), (4). Pub. L. 100-418, § 1424(a)(11), redesignated pars. (2) and (3) as (3) and (4), respectively. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 100-418, § 1424(a)(8)–(11), redesignated former par. (4) as (5), added subpars. (D) and (E), and redesignated former subpar. (D) as (F).

Subsec. (a)(6). Pub. L. 100-418, § 1424(a)(13), added par. (6).

Subsec. (a)(6)(B). Pub. L. 100-647 substituted “in clause (i) or (ii) of subparagraph (A)” for “in subparagraph (A) or (B) of paragraph (1)”.

Subsec. (a)(7) to (9). Pub. L. 100-418, § 1424(a)(13), added pars. (7) to (9).

Subsec. (c). Pub. L. 100-418, § 1424(c)(1), substituted present introductory provisions for “Notwithstanding any provision of subsection (a)(1) of this section, the Secretary may pay the costs of on-the-job training of an adversely affected worker under subsection (a)(1) of this section only if—”.

Pub. L. 100-418, § 1424(c)(2), (3), redesignated subsec. (d) as (c), and struck out former subsec. (c) which related to refusal to accept or continue training, or failure to make satisfactory progress.

Subsecs. (d) to (f). Pub. L. 100-418, § 1424(c)(3), redesignated subsecs. (e) and (f) as (d) and (e), respectively. Former subsec. (d) redesignated (c).

1986—Subsec. (a)(1). Pub. L. 99-272, § 13004(a)(2), substituted “shall (to the extent appropriated funds are available) approve” for “may approve” in first sentence.

Subsec. (a)(1)(A). Pub. L. 99-272, § 13004(a)(1), substituted “for an adversely affected worker” for “for a worker”.



Subsec. (a)(2). Pub. L. 99-272, § 13004(a)(6), added par. (2). Former par. (2) redesignated subsec. (e).

Pub. L. 99-272, § 13004(a)(3), which directed substitution of “under subsection (a)” for “under paragraph (1)” was executed by making the substitution for “under paragraph (1)” in both places it appeared, to reflect the probable intent of Congress.

Subsec. (a)(3). Pub. L. 99-272, § 13004(a)(6), added par. (3). Former par. (3) redesignated subsec. (f).

Pub. L. 99-272, § 13004(a)(4), substituted “this section” for “this subsection”.

Subsec. (a)(4). Pub. L. 99-272, § 13004(a)(6), added par. (4).

Subsec. (d). Pub. L. 99-272, § 13004(a)(7), added subsec. (d).

Subsecs. (e), (f). Pub. L. 99-272, § 13004(a)(5), redesignated pars. (2) and (3) of subsec. (a) as subsecs. (e) and (f), respectively.

1981—Subsec. (a). Pub. L. 97-35 redesignated existing provisions as par. (1), revised changes, made changes in nomenclature, inserted provisions respecting availability, payment, and scope of training, and added pars. (2) and (3).

Subsec. (b). Pub. L. 97-35 substituted provisions limiting the maximum amount of travel expenses on the basis of amounts paid under Federal travel regulations for provisions establishing specific maximum amounts for subsistence and transportation expenses.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-344 effective Jan. 1, 2011, see section 101(d) of Pub. L. 111-344, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Pub. L. 111-5, div. B, title I, § 1828(d), Feb. 17, 2009, 123 Stat. 382, provided that: “This section [amending this section] and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act [Feb. 17, 2009], except that—

“(1) subparagraph (A) of section 236(a)(2) of the Trade Act of 1974 [19 U.S.C. 2296(a)(2)(A)], as amended by subsection (a) of this section, shall take effect on the date of the enactment of this Act; and

“(2) subparagraphs (B), (C), and (D) of such section 236(a)(2) [19 U.S.C. 2296(a)(2)(B) to (D)] shall take effect on October 1, 2009.”

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, § 405(d)(14)(A)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, § 405(f)(11)(A)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, § 405(g)(1), (2)(B)], set out as a note under section 3502 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-647 applicable as if such amendment took effect on Aug. 23, 1988, see section 9001(b) of Pub. L. 100-647, set out as an Effective and Termination Dates of 1988 Amendments note under section 58c of this title.

Amendment by section 1424(c)(2), (3) of Pub. L. 100-418 effective on date that is 90 days after Aug. 23, 1988, see section 1430(f) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective for determinations made or filed after Sept. 30, 1981, with transition provisions applicable, and with the amendment of subsec. (a)(2) of this section applicable, except as otherwise provided, to laws for certification purposes under section 3304 of title 26 on Oct. 31, of any taxable year after 1981, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d) relating to submitting a quarterly report to Congress on funds for training under subsec. (a), see section 3003 of Pub. L. 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and page 124 of House Document No. 103-7.

### § 2297. Job search allowances

#### (a) Job search allowance authorized

##### (1) In general

Each State may use funds made available to the State to carry out sections 2295 through 2298 of this title to allow an adversely affected worker covered by a certification issued under subpart A of this part to file an application with the Secretary for payment of a job search allowance.

##### (2) Approval of applications

The Secretary may grant an allowance pursuant to an application filed under paragraph (1) when all of the following apply:

##### (A) Assist adversely affected worker

The allowance is paid to assist an adversely affected worker who has been totally separated in securing a job within the United States.

##### (B) Local employment not available

The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

##### (C) Application

The worker has filed an application for the allowance with the Secretary before—

(i) the later of—

(I) the 365th day after the date of the certification under which the worker is certified as eligible; or

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

(ii) the date that is the 182d day after the date on which the worker concluded training.

**(b) Amount of allowance**

**(1) In general**

Any allowance granted under subsection (a) of this section shall provide reimbursement to the worker of not more than 90 percent of the necessary job search expenses of the worker as prescribed by the Secretary in regulations.

**(2) Maximum allowance**

Reimbursement under this subsection may not exceed \$1,250 for any worker.

**(3) Allowance for subsistence and transportation**

Reimbursement under this subsection may not be made for subsistence and transportation expenses at levels exceeding those allowable under section 2296(b) (1) and (2) of this title.

**(c) Exception**

Notwithstanding subsection (b) of this section, a State may reimburse any adversely affected worker for necessary expenses incurred by the worker in participating in a job search program approved by the Secretary.

(Pub. L. 93-618, title II, §237, Jan. 3, 1975, 88 Stat. 2023; Pub. L. 97-35, title XXV, §2507, Aug. 13, 1981, 95 Stat. 886; Pub. L. 98-369, div. B, title VI, §2672(a), July 18, 1984, 98 Stat. 1172; Pub. L. 99-272, title XIII, §13005(a), Apr. 7, 1986, 100 Stat. 303; Pub. L. 107-210, div. A, title I, §121, Aug. 6, 2002, 116 Stat. 942; Pub. L. 111-5, div. B, title I, §1833(a), Feb. 17, 2009, 123 Stat. 386; Pub. L. 112-40, title II, §§201(b), (c), 214(d), Oct. 21, 2011, 125 Stat. 403, 406.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a)(1). Pub. L. 112-40, §§214(d)(1), 233, temporarily substituted “Each State may use funds made available to the State to carry out sections 2295 through 2298 of this title to allow an adversely affected worker” for “An adversely affected worker” and “to file” for “may file”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(1). Pub. L. 112-40, §§214(d)(2)(A), 233, temporarily substituted “Any” for “An” and “not more than 90 percent of the necessary job search expenses of the worker” for “all necessary job search expenses”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(2). Pub. L. 112-40, §§214(d)(2)(B), 233, temporarily substituted “\$1,250” for “\$1,500”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c). Pub. L. 112-40, §§214(d)(3), 233, temporarily substituted “a State may” for “the Secretary shall”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a)(2)(C)(ii). Pub. L. 111-5, §§1833(a)(1), 1893, temporarily struck out “, unless the worker received a waiver under section 2291(c) of this title” before period. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(1). Pub. L. 111-5, §§1833(a)(2)(A), 1893, temporarily substituted “all” for “90 percent of the cost of”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(2). Pub. L. 111-5, §§1833(a)(2)(B), 1893, temporarily substituted “\$1,500” for “\$1,250”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2002—Pub. L. 107-210 amended section generally. Prior to amendment, section related to applications for job search allowances, amounts of allowances, conditions for granting allowances, and reimbursement of worker expenses.

1986—Subsec. (c). Pub. L. 99-272 added subsec. (c).

1984—Subsec. (a)(1). Pub. L. 98-369 substituted “\$800” for “\$600”.

1981—Subsec. (a). Pub. L. 97-35, §2507(1), amended provisions generally, increasing percent of reimbursement of cost of job search from 80 to 90 and maximum amount from \$500 to \$600, and striking out requirement of total separation.

Subsec. (b)(1). Pub. L. 97-35, §2507(2)(A), inserted “who has been totally separated” after “to assist an adversely affected worker”.

Subsec. (b)(3). Pub. L. 97-35, §2507(2)(B), amended par. (3) generally, substituting the 182-day period for a reasonable period of time and inserting provision relating to 365 days after certification.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

## EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective for determinations made or filed after Sept. 30, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2298. Relocation allowances****(a) Relocation allowance authorized****(1) In general**

Each State may use funds made available to the State to carry out sections 2295 through 2298 of this title to allow an adversely affected worker covered by a certification issued under subpart A of this part to file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this section.

**(2) Conditions for granting allowance**

A relocation allowance may be granted if all of the following terms and conditions are met:

**(A) Assist an adversely affected worker**

The relocation allowance will assist an adversely affected worker in relocating within the United States.

**(B) Local employment not available**

The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

**(C) Total separation**

The worker is totally separated from employment at the time relocation commences.

**(D) Suitable employment obtained**

The worker—

(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

(ii) has obtained a bona fide offer of such employment.

**(E) Application**

The worker filed an application with the Secretary before—

(i) the later of—

(I) the 425th day after the date of the certification under subpart A of this part; or

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

(ii) the date that is the 182d day after the date on which the worker concluded training.

**(b) Amount of allowance**

Any relocation allowance granted to a worker under subsection (a) of this section shall include—

(1) not more than 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 2296(b)(1) and (2) of this title specified in regulations prescribed by the Secretary) incurred in transporting the worker, the worker's family, and household effects; and

(2) a lump sum equivalent to 3 times the worker's average weekly wage, up to a maximum payment of \$1,250.

**(c) Limitations**

A relocation allowance may not be granted to a worker unless—

(1) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

(2) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under section 2296(b)(1) and (2) of this title.

(Pub. L. 93-618, title II, §238, Jan. 3, 1975, 88 Stat. 2024; Pub. L. 97-35, title XXV, §2508, Aug. 13, 1981, 95 Stat. 886; Pub. L. 98-369, div. B, title VI, §2672(b), July 18, 1984, 98 Stat. 1172; Pub. L. 107-210, div. A, title I, §122, Aug. 6, 2002, 116 Stat. 943; Pub. L. 108-429, title II, §2004(a)(6), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, §1833(b), Feb. 17, 2009, 123 Stat. 386; Pub. L. 112-40, title II, §§201(b), (c), 214(e), Oct. 21, 2011, 125 Stat. 403, 406.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

## CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

## AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a)(1). Pub. L. 112-40, §§214(e)(1), 233, temporarily substituted "Each State may use funds made available to the State to carry out sections 2295 through 2298 of this title to allow an adversely affected worker" for "Any adversely affected worker" and "to file" for "may file". See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b). Pub. L. 112-40, §§ 214(e)(2)(A), 233, in introductory provisions, temporarily substituted “Any” for “The” and “shall include” for “includes”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(1). Pub. L. 112-40, §§ 214(e)(2)(B), 233, temporarily substituted “not more than 90 percent of the” for “all”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(2). Pub. L. 112-40, §§ 214(e)(2)(C), 233, temporarily substituted “\$1,250” for “\$1,500”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a)(2)(E)(ii). Pub. L. 111-5, §§ 1833(b)(1), 1893, temporarily struck out “, unless the worker received a waiver under section 2291(c) of this title” before period. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(1). Pub. L. 111-5, §§ 1833(b)(2)(A), 1893, temporarily substituted “all” for “90 percent of the”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(2). Pub. L. 111-5, §§ 1833(b)(2)(B), 1893, temporarily substituted “\$1,500” for “\$1,250”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (b)(1). Pub. L. 108-429 substituted “Secretary” for “Secretary,”.

2002—Pub. L. 107-210 amended section generally. Prior to amendment, section consisted of subssecs. (a) to (d) authorizing relocation allowances, specifying the conditions for granting them, and defining “relocation allowance”.

1984—Subsec. (d)(2). Pub. L. 98-369 substituted “\$800” for “\$600”.

1981—Subsec. (a). Pub. L. 97-35, § 2508(1), inserted provisions relating to time for filing application and struck out provisions respecting total separation.

Subsec. (b)(3). Pub. L. 97-35, § 2508(2), added par. (3).

Subsec. (c). Pub. L. 97-35, § 2508(3), substituted provisions respecting 182-day requirements for provisions respecting requirements involving entitlements for the week in which the application is filed and relocation occurring within a reasonable period of time.

Subsec. (d)(1). Pub. L. 97-35, § 2508(4)(A), increased percentage from 80 to 90 percent and inserted provision respecting allowable levels of subsistence and travel expenses.

Subsec. (d)(2). Pub. L. 97-35, § 2508(4)(B), increased maximum payment from \$500 to \$600.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this

subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective for determinations made or filed after Sept. 30, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

#### SUBPART C—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 subpart as “cooperating States” and “cooperating States agencies” respectively). Under such an agreement, the cooperating State agency (1) as agent of the United States, shall receive applications for, and shall provide, payments on the basis provided in this part, (2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A the employment and case management services described in section 2295 of this title, (3) shall make any certifications required under section 2291(c)(2)<sup>1</sup> of this title, and (4) shall otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this part.

#### (b) Amendment, suspension, and termination of agreements

Each agreement under this subpart shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

#### (c) Form and manner of data

Each agreement under this subpart shall—

(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this part; and

(2) specify the form and manner in which any such data requested by the Secretary shall be reported.

#### (d) Unemployment insurance

Each agreement under this subpart 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 part.

#### (e) Review

A determination by a cooperating State agency with respect to entitlement to program bene-

<sup>1</sup> See References in Text note below.

fits 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.

**(f) 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 2295 and 2296 of this title and under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] 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 part.

**(g) Advising and interviewing adversely affected workers**

Each cooperating State agency shall, in carrying out subsection (a)(2) of this section—

(1) advise each worker who applies for unemployment insurance of the benefits under this part and the procedures and deadlines for applying for such benefits,

(2) facilitate the early filing of petitions under section 2271 of this title for any workers that the agency considers are likely to be eligible for benefits under this part,

(3) advise each adversely affected worker to apply for training under section 2296(a) of this title before, or at the same time, the worker applies for trade readjustment allowances under division I of subpart B of this part,

(4) perform outreach to, intake of, and orientation for adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A with respect to assistance and benefits available under this part, and

(5) make employment and case management services described in section 2295 of this title available to adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A and, if funds provided to carry out this part are insufficient to make such services available, make arrangements to make such services available through other Federal programs.

**(h) Submission of information for coordination of workforce investment activities**

In order to promote the coordination of workforce investment activities in each State with activities carried out under this part, 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 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 2271(a)(2)(A) of this title.

**(i) Control measures**

**(1) In general**

The Secretary shall require each cooperating State and cooperating State agency to im-

plement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this part, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

**(2) Definition**

For purposes of paragraph (1), the term "control measures" means measures that—

(A) are internal to a system used by a State to collect data; and

(B) are designed to ensure the accuracy and verifiability of such data.

**(j) Data reporting**

**(1) In general**

Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

(A) the core indicators of performance described in paragraph (2)(A);

(B) the additional indicators of performance described in paragraph (2)(B), if any; and

(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

**(2) Core indicators described**

**(A) In general**

The core indicators of performance described in this paragraph are—

(i) the percentage of workers receiving benefits under this part who are employed during the first or second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

(ii) the percentage of such workers who are employed during the 2 calendar quarters following the earliest calendar quarter during which the worker was employed as described in clause (i);

(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (ii); and

(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this part or during the 1-year period after such workers cease receiving such benefits.

**(B) Additional indicators**

The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this part, as appropriate.

**(3) Standards with respect to reliability of data**

In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.

**(k) Verification of eligibility for program benefits****(1) In general**

An agreement under this subpart shall provide that the State shall periodically redetermine that a worker receiving benefits under this subpart who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1320b-7(d) of title 42 for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subpart. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1320b-7(d) of title 42.

**(2) Procedures**

The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.

(Pub. L. 93-618, title II, § 239, Jan. 3, 1975, 88 Stat. 2024; Pub. L. 97-35, title XXV, § 2513(d)(6), Aug. 13, 1981, 95 Stat. 889; Pub. L. 99-272, title XIII, §§ 13003(a)(3), 13004(c), Apr. 7, 1986, 100 Stat. 301, 303; Pub. L. 100-418, title I, §§ 1423(a)(4), 1424(d)(1)(B), (2), Aug. 23, 1988, 102 Stat. 1246, 1250; Pub. L. 105-220, title III, § 321, Aug. 7, 1998, 112 Stat. 1087; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 405(d)(14)(B), (f)(11)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421, 2681-431; Pub. L. 111-5, div. B, title I, §§ 1852, 1853, Feb. 17, 2009, 123 Stat. 390, 392; Pub. L. 112-40, title II, §§ 201(b), (c), 216(a)(1), Oct. 21, 2011, 125 Stat. 403, 407.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

REFERENCES IN TEXT

Section 2291(c)(2) of this title, referred to in subsec. (a)(3), was subsequently amended, and no longer contains provisions relating to certifications.

The Workforce Investment Act of 1998, referred to in subsec. (f), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936. Title I of the Act is classified principally to chapter 30 (§ 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

CODIFICATION

Section is comprised of subssecs. (a) to (k) of section 239 of Pub. L. 93-618. Another subsec. (e) of section 239 of Pub. L. 93-618 amended section 3302 of Title 26, Internal Revenue Code.

Amendment by section 1852(b)(1) of Pub. L. 111-5, which directed the temporary redesignation of subssecs. (c) through (g) of section 239 of Pub. L. 93-618 as subssecs. (d) through (h), respectively, was executed by re-

designating subssecs. (c) to (g) set out in this section and not redesignating the subsec. (e) that amended section 3302 of Title 26, Internal Revenue Code, to reflect the probable intent of Congress.

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

Amendment by section 1424(d)(1)(B) of Pub. L. 100-418, which directed amendment of subsec. (e) of section 239 of Pub. L. 93-618, was executed to the subsec. (e) (now subsec. (f)) set out in this section and not the subsec. (e) that amended section 3302 of Title 26, Internal Revenue Code, to reflect the probable intent of Congress.

AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (j)(2)(A). Pub. L. 112-40, §§ 216(a)(1), 233, temporarily amended subpar. (A) generally. Prior to amendment, text read as follows: "The core indicators of performance described in this paragraph are—

"(i) the percentage of workers receiving benefits under this part who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

"(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

"(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits."

See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a)(1). Pub. L. 111-5, §§ 1852(a)(2), 1893, temporarily substituted "shall" for "will" in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2). Pub. L. 111-5, §§ 1852(a)(1), 1893, temporarily amended cl. (2) generally. Prior to amendment, cl. (2) read as follows: "where appropriate, but in accordance with subsection (f) of this section, will afford adversely affected workers testing, counseling, referral to training and job search programs, and placement services." See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3), (4). Pub. L. 111-5, §§ 1852(a)(2), 1893, temporarily substituted "shall" for "will". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (c) to (f). Pub. L. 111-5, §§ 1852(b), 1893, temporarily added subsec. (c) and redesignated former subssecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) temporarily redesignated (g). See Codification notes above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g). Pub. L. 111-5, §§ 1852(b)(1), 1893, temporarily redesignated subsec. (f) as (g). Former subsec. (g) temporarily redesignated (h). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g)(3). Pub. L. 111-5, §§ 1852(c)(1), 1893, temporarily struck out "and" at end. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g)(4). Pub. L. 111-5, §§ 1852(c)(2), 1893, temporarily amended par. (4) generally. Prior to amendment, par. (4) read as follows: "as soon as practicable, interview the adversely affected worker regarding suitable

training opportunities available to the worker under section 2296 of this title and review such opportunities with the worker.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g)(5). Pub. L. 111-5, §§1852(c)(3), 1893, temporarily added par. (5). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (h). Pub. L. 111-5, §§1852(b)(1), (d), 1893, temporarily redesignated subsec. (g) as (h) and substituted “1998 (29 U.S.C. 2822(b)) and a description of the State’s rapid response activities under section 2271(a)(2)(A) of this title.” for “1998.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (i) to (k). Pub. L. 111-5, §§1852(e), 1853, 1893, temporarily added subsecs. (i) to (k). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1998—Subsec. (e). Pub. L. 105-277, §101(f) [title VIII, §405(f)(11)(B)], struck out “title III of the Job Training Partnership Act or” before “title I of the”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(14)(B)], substituted “under title III of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “under title III of the Job Training Partnership Act”.

Subsec. (g). Pub. L. 105-220 added subsec. (g).

1988—Subsec. (a)(3). Pub. L. 100-418, §1423(a)(4), amended cl. (3) generally. Prior to amendment, cl. (3) read as follows: “will make determinations and approvals regarding job search programs under sections 2291(c) and 2297(c) of this title, and”.

Subsec. (e). Pub. L. 100-418, §1424(d)(1)(B), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Agreements entered into under this section may be made with one or more State or local agencies including—

“(1) the employment service agency of such State,

“(2) any State agency carrying out title III of the Job Training Partnership Act [29 U.S.C. 1651 et seq.], or

“(3) any other State or local agency administering job training or related programs.”

See Codification note above.

Subsec. (f). Pub. L. 100-418, §1424(d)(2), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “Each cooperating State agency shall, in carrying out subsection (a)(2) of this section—

“(1) advise each adversely affected worker to apply for training under section 2296(a) of this title at the time the worker makes application for trade readjustment allowances (but failure of the worker to do so may not be treated as cause for denial of those allowances), and

“(2) within 60 days after application for training is made by the worker, interview the adversely affected worker regarding suitable training opportunities available to the worker under section 2296 of this title and review such opportunities with the worker.”

1986—Subsec. (a). Pub. L. 99-272, §13004(c)(1), inserted “but in accordance with subsection (f) of this section,” in cl. (2).

Pub. L. 99-272, §13003(a)(3), substituted “training and job search programs” for “training” in cl. (2), added cl. (3), and redesignated former cl. (3) as (4).

Subsecs. (e), (f). Pub. L. 99-272, §13004(c)(2), added subsecs. (e) and (f).

1981—Subsec. (a). Pub. L. 97-35 struck out provisions respecting persons applying for payments under this part.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L.

112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-40, title II, §216(a)(2), Oct. 21, 2011, 125 Stat. 407, provided that: “The amendment made by paragraph (1) [amending this section] shall—

“(A) take effect on October 1, 2011; and

“(B) apply with respect to agreements under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.”

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, §405(d)(14)(B)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(11)(B)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, §405(g)(1), (2)(B)], set out as a note under section 3502 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 1424(d)(1)(B), (2) of Pub. L. 100-418 effective Aug. 23, 1988, and amendment by section 1423(a)(4) of Pub. L. 100-418 effective on the date that is 90 days after Aug. 23, 1988, see section 1430(a), (f) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 13003(a) of Pub. L. 99-272 applicable with respect to workers covered by petitions filed under section 2271 of this title on or after Apr. 7, 1986, and amendment by section 13004(c) of Pub. L. 99-272 effective on Apr. 7, 1986, see section 13009(a), (b) of Pub. L. 99-272, set out as a note under section 2291 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 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 2311 of this title, the Secretary shall arrange under regulations prescribed by him for performance of all necessary functions under subpart B of this part, 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) of this section with respect to entitlement to program benefits under subpart B of this part is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42.

(Pub. L. 93-618, title II, §240, Jan. 3, 1975, 88 Stat. 2025.)

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 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 part.

**(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 subpart, to the Secretary of the Treasury.

**(c) Surety bonds**

Any agreement under this subpart 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 part.

(Pub. L. 93-618, title II, §241, Jan. 3, 1975, 88 Stat. 2025; Pub. L. 97-35, title XXV, §2513(b), Aug. 13, 1981, 95 Stat. 889.)

## AMENDMENTS

1981—Subsec. (a). Pub. L. 97-35 struck out provisions relating to payment to the State by the Secretary of the Treasury from the Adjustment Assistance Trust Fund prior to audit or settlement by the General Accounting Office.

Subsec. (b). Pub. L. 97-35 struck out provisions relating to crediting money returned to the Secretary of the Treasury to the Adjustment Assistance Trust Fund.

## EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2314. Liabilities of certifying and disbursing officers****(a) Certifying officer**

No person designated by the Secretary, or designated pursuant to an agreement under this subpart, 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 part.

**(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 part if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a) of this section.

(Pub. L. 93-618, title II, §242, Jan. 3, 1975, 88 Stat. 2026.)

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 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 part to which the person was not entitled, including a payment referred to in subsection (b) of this section, 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 shall waive such repayment if such agency or the Secretary determines that—

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

(B) requiring such repayment would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household).

(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 part, 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 part 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 part 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 part.

**(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) of this section 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.

(Pub. L. 93-618, title II, § 243, Jan. 3, 1975, 88 Stat. 2026; Pub. L. 97-35, title XXV, § 2509, Aug. 13, 1981, 95 Stat. 887; Pub. L. 111-5, div. B, title I, § 1855, Feb. 17, 2009, 123 Stat. 394; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Subsec. (a)(1). Pub. L. 111-5, § 1855(1), 1893, in introductory provisions, temporarily substituted “shall waive” for “may waive” and struck out “, in accordance with guidelines prescribed by the Secretary,” before “that—”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1)(B). Pub. L. 111-5, §§ 1855(2), 1893, temporarily substituted “would cause a financial hardship for the individual (or the individual’s household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household)” for “would be contrary to equity and good conscience”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1981—Subsec. (a). Pub. L. 97-35 designated existing provisions as par. (1), revised provisions, made changes in nomenclature and, among other changes, inserted provisions respecting waiver, and added par. (2).

Subsec. (b). Pub. L. 97-35 substituted provisions relating to ineligibility for other payments for provisions relating to deposit, return, and credit of repayments.

Subsecs. (c), (d). Pub. L. 97-35 added subsecs. (c) and (d).

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION  
PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2316. Penalties**

Any person who—

(1) 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 that person or for any other person any payment authorized to be furnished under this part or pursuant to an agreement under section 2311 of this title, or

(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under section 2271 of this title,

shall be imprisoned for not more than one year, or fined under title 18, or both.

(Pub. L. 93-618, title II, §244, Jan. 3, 1975, 88 Stat. 2026; Pub. L. 111-5, div. B, title I, §1801(d), Feb. 17, 2009, 123 Stat. 369; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Pub. L. 111-5, §§1801(d), 1893, temporarily amended section generally. Prior to amendment, text read as follows: “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 part or pursuant to an agreement under section 2311 of this title shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

§ 2317. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 2001, and ending December 31, 2013, such sums as may be necessary to carry out the purposes of this part.

(b) Period of expenditure

Funds obligated for any fiscal year to carry out activities under sections 2295 through 2298 of this title may be expended by each State receiving such funds during that fiscal year and the succeeding two fiscal years.

(c) Reallocation of funds

(1) In general

The Secretary may—

(A) reallocate funds that were allotted to any State to carry out sections 2295 through 2298 of this title and that remain unobligated by the State during the second or third fiscal year after the fiscal year in which the funds were provided to the State; and

(B) provide such reallocated funds to States to carry out sections 2295 through 2298 of this title in accordance with procedures established by the Secretary.

(2) Requests by States

In establishing procedures under paragraph (1)(B), the Secretary shall include procedures that provide for the distribution of reallocated funds under that paragraph pursuant to requests submitted by States in need of such funds.

(3) Availability of amounts

The reallocation of funds under paragraph (1) shall not extend the period for which such funds are available for expenditure.

(Pub. L. 93-618, title II, §245, Jan. 3, 1975, 88 Stat. 2026; Pub. L. 97-35, title XXV, §2510, Aug. 13, 1981, 95 Stat. 888; Pub. L. 98-120, §2(a), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-272, title XIII, §13008(a), Apr. 7, 1986, 100 Stat. 305; Pub. L. 100-418, title I, §1426(b)(1), Aug. 23, 1988, 102 Stat. 1251; Pub. L. 103-66, title XIII, §13803(a)(2), Aug. 10, 1993, 107 Stat. 668; Pub. L. 103-182, title V, §504, Dec. 8, 1993, 107 Stat. 2151; Pub. L. 105-277, div. J, title I, §1012(a), Oct. 21, 1998, 112 Stat. 2681-900; Pub. L. 106-113, div. B, §1000(a)(5) [title VII, §702(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319; Pub. L. 107-210, div. A, title I, §§111(a), 120, Aug. 6, 2002, 116 Stat. 936, 942; Pub. L. 109-280, title XIV, §1635(f)(3), Aug. 17, 2006, 120 Stat. 1171; Pub. L. 110-89, §1(a), Sept. 28, 2007, 121 Stat. 982; Pub. L. 111-5, div. B, title I, §1892(a), Feb. 17, 2009, 123 Stat. 421; Pub. L. 111-344, title I, §101(c)(2), Dec. 29, 2010, 124 Stat. 3613; Pub. L. 112-40, title II, §§201(b), (c), 214(c), 217, Oct. 21, 2011, 125 Stat. 403, 405, 409.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

## CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and Pub. L. 111-344 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009, 2010, and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, Effective Date of 2010 Amendment note, and Effective and Termination Dates of 2011 Revival note below.

## AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 and 2010 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a). Pub. L. 112-40, §§ 217, 233, temporarily substituted “December 31, 2013” for “February 12, 2011”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c). Pub. L. 112-40, §§ 214(c), 233, temporarily added subsec. (c). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2010—Subsec. (a). Pub. L. 111-344 substituted “February 12, 2011” for “December 31, 2010”. See Codification note above.

2009—Subsec. (a). Pub. L. 111-5, §§ 1892(a), 1893, temporarily substituted “December 31, 2010” for “December 31, 2007”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2007—Subsec. (a). Pub. L. 110-89 substituted “December 31, 2007” for “September 30, 2007”.

2006—Subsec. (a). Pub. L. 109-280 struck out “, other than subpart D” before period at end.

2002—Subsec. (a). Pub. L. 107-210, § 111(a), substituted “October 1, 2001, and ending September 30, 2007,” for “October 1, 1998, and ending September 30, 2001.”

Subsec. (b). Pub. L. 107-210, § 120, amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of subpart D of this part.”

Pub. L. 107-210, § 111(a), substituted “October 1, 2001, and ending September 30, 2007,” for “October 1, 1998, and ending September 30, 2001.”

1999—Subsecs. (a), (b). Pub. L. 106-113 substituted “September 30, 2001” for “June 30, 1999”.

1998—Subsec. (a). Pub. L. 105-277, § 1012(a)(1), substituted “for the period beginning October 1, 1998, and ending June 30, 1999,” for “for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998.”

Subsec. (b). Pub. L. 105-277, § 1012(a)(2), substituted “for the period beginning October 1, 1998, and ending June 30, 1999,” for “for each of fiscal years 1994, 1995, 1996, 1997, and 1998.”

1993—Pub. L. 103-182 designated existing provisions as subsec. (a), inserted heading and “, other than subpart D” after “this part”, and added subsec. (b).

Pub. L. 103-66 substituted “1993, 1994, 1995, 1996, 1997, and 1998” for “1988, 1989, 1990, 1991, 1992, and 1993”.

1988—Pub. L. 100-418 substituted “1988, 1989, 1990, 1991, 1992, and 1993” for “1986, 1987, 1988, 1989, 1990, and 1991”.

1986—Pub. L. 99-272 substituted “1986, 1987, 1988, 1989, 1990, and 1991” for “1982 through 1985”.

1983—Pub. L. 98-120 substituted “each of the fiscal years 1982 through 1985” for “each of fiscal years 1982 and 1983”.

1981—Pub. L. 97-35 substituted provisions relating to authorization of appropriations for fiscal years 1982 and 1983 for provisions relating to establishment of the Adjustment Assistance Trust Fund.

## EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and

233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

## EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-344 effective Jan. 1, 2011, see section 101(d) of Pub. L. 111-344, set out as a note preceding section 2271 of this title.

## EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, with certain exceptions, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

## EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-89, § 1(e), Sept. 28, 2007, 121 Stat. 982, provided that: “The amendments made by this section [amending this section and sections 2346 and 2401g of this title and provisions set out as a note preceding section 2271 of this title] shall be effective as of October 1, 2007.”

## EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-280 applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after Aug. 17, 2006, see section 1641 of Pub. L. 109-280, set out as a note under section 58c of this title.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

## EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, § 1000(a)(5) [title VII, § 702(e)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319, provided that: “The amendments made by this section [amending this section and sections 2331 and 2346 of this title and provisions set out as a note preceding section 2271 of this title] shall be effective as of July 1, 1999.”

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States [Jan. 1, 1994], see section 506(a) of Pub. L. 103-182, set out as a note under section 2271 of this title.

## EFFECTIVE DATE OF 1986 AMENDMENT

Parts 2 and 3 of this subchapter to be applied as if the amendment of this section by Pub. L. 99-272 had taken effect Dec. 18, 1985, see section 13009(c) of Pub. L. 99-272, set out as a note under section 2291 of this title.

## EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2318. Reemployment trade adjustment assistance program**

**(a) In general**

**(1) Establishment**

The Secretary shall establish a reemployment trade adjustment assistance program that provides the benefits described in paragraph (2).

**(2) Benefits**

**(A) Payments**

A State shall use the funds provided to the State under section 2313 of this title to pay, for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be), to a worker described in paragraph (3)(B), 50 percent of the difference between—

- (i) the wages received by the worker at the time of separation; and
- (ii) the wages received by the worker from reemployment.

**(B) Health insurance**

A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive, for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be), a credit for health insurance costs under section 35 of title 26.

**(C) Training and other services**

A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive training approved under section 2296 of this title and employment and case management services under section 2295 of this title.

**(3) Eligibility**

**(A) In general**

A group of workers certified under subpart A as eligible for adjustment assistance under subpart A is eligible for benefits described in paragraph (2) under the program established under paragraph (1).

**(B) Individual eligibility**

A worker in a group of workers described in subparagraph (A) may elect to receive benefits described in paragraph (2) under the program established under paragraph (1) if the worker—

- (i) is at least 50 years of age;
- (ii) earns not more than \$50,000 each year in wages from reemployment;
- (iii)(I) is employed on a full-time basis as defined by the law of the State in which the worker is employed and is not enrolled in a training program approved under section 2296 of this title; or
- (II) is employed at least 20 hours per week and is enrolled in a training program approved under section 2296 of this title; and

(iv) is not employed at the firm from which the worker was separated.

**(4) Eligibility period for payments**

**(A) Worker who has not received trade readjustment allowance**

In the case of a worker described in paragraph (3)(B) who has not received a trade readjustment allowance under division I of subpart B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period not to exceed 2 years beginning on the earlier of—

- (i) the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification; or
- (ii) the date on which the worker obtains reemployment described in paragraph (3)(B).

**(B) Worker who has received trade readjustment allowance**

In the case of a worker described in paragraph (3)(B) who has received a trade readjustment allowance under division I of subpart B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period of 104 weeks beginning on the date on which the worker obtains reemployment described in paragraph (3)(B), reduced by the total number of weeks for which the worker received such trade readjustment allowance.

**(5) Total amount of payments**

**(A) In general**

The payments described in paragraph (2)(A) made to a worker may not exceed—

- (i) \$10,000 per worker during the eligibility period under paragraph (4)(A); or
- (ii) the amount described in subparagraph (B) per worker during the eligibility period under paragraph (4)(B).

**(B) Amount described**

The amount described in this subparagraph is the amount equal to the product of—

- (i) \$10,000, and
- (ii) the ratio of—
  - (I) the total number of weeks in the eligibility period under paragraph (4)(B) with respect to the worker, to
  - (II) 104 weeks.

**(6) Calculation of amount of payments for certain workers**

**(A) In general**

In the case of a worker described in paragraph (3)(B)(iii)(II), paragraph (2)(A) shall be applied by substituting the percentage described in subparagraph (B) for “50 percent”.

**(B) Percentage described**

The percentage described in this subparagraph is the percentage—

- (i) equal to  $\frac{1}{2}$  of the ratio of—
  - (I) the number of weekly hours of employment of the worker referred to in paragraph (3)(B)(iii)(II), to

(II) the number of weekly hours of employment of the worker at the time of separation, but

(ii) in no case more than 50 percent.

**(7) Limitation on other benefits**

A worker described in paragraph (3)(B) may not receive a trade readjustment allowance under division I of subpart B pursuant to the certification described in paragraph (3)(A) during any week for which the worker receives a payment described in paragraph (2)(A).

**(b) Termination**

**(1) In general**

Except as provided in paragraph (2), no payments may be made by a State under the program established under subsection (a)(1) of this section after December 31, 2013.

**(2) Exception**

Notwithstanding paragraph (1), a worker receiving payments under the program established under subsection (a)(1) of this section on the termination date described in paragraph (1) shall continue to receive such payments if the worker meets the criteria described in subsection (a)(3) of this section.

(Pub. L. 93-618, title II, §246, as added Pub. L. 107-210, div. A, title I, §124(a), Aug. 6, 2002, 116 Stat. 944; amended Pub. L. 108-429, title II, §2004(a)(7), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, §1841(a), (b), Feb. 17, 2009, 123 Stat. 386, 389; Pub. L. 111-344, title I, §101(c)(3), Dec. 29, 2010, 124 Stat. 3613; Pub. L. 112-40, title II, §§201(b), (c), 215, Oct. 21, 2011, 125 Stat. 403, 407.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and Pub. L. 111-344 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009, 2010, and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, Effective Date of 2010 Amendment note, and Effective and Termination Dates of 2011 Revival note below.

PRIOR PROVISIONS

A prior section 2318, Pub. L. 93-618, title II, §246, as added Pub. L. 100-418, title I, §1423(d)(1), Aug. 23, 1988, 102 Stat. 1246; amended Pub. L. 101-382, title I, §136, Aug. 20, 1990, 104 Stat. 652, related to supplemental wage allowance demonstration projects, prior to repeal by Pub. L. 107-210, div. A, title I, §124(a), 151, Aug. 6, 2002, 116 Stat. 944, 953, applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002.

Another prior section 2318, Pub. L. 93-618, title II, §246, Jan. 3, 1975, 88 Stat. 2027, contained transition pro-

visions for events taking place during specified periods prior to the effective date of this part, prior to repeal by Pub. L. 97-35, title XXV, §2513(c), Aug. 13, 1981, 95 Stat. 889.

AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 and 2010 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a)(3)(B)(ii). Pub. L. 112-40, §§215(a)(1), 233, temporarily substituted “\$50,000” for “\$55,000”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (a)(5)(A)(i), (B)(i). Pub. L. 112-40, §§215(a)(2), 233, temporarily substituted “\$10,000” for “\$12,000”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(1). Pub. L. 112-40, §§215(b), 233, temporarily substituted “December 31, 2013” for “February 12, 2011”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2010—Subsec. (b)(1). Pub. L. 111-344 substituted “February 12, 2011” for “December 31, 2010”. See Codification note above.

2009—Pub. L. 111-5, §§1841(a)(1), 1893, temporarily substituted “Reemployment trade adjustment assistance program” for “Demonstration project for alternative trade adjustment assistance for older workers” in section catchline. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1). Pub. L. 111-5, §§1841(a)(2)(A), 1893, temporarily substituted “The Secretary” for “Not later than 1 year after August 6, 2002, the Secretary” and “a reemployment trade adjustment assistance program” for “an alternative trade adjustment assistance program for older workers”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A). Pub. L. 111-5, §§1841(a)(2)(B)(i)(I), 1893, temporarily substituted “for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)” for “for a period not to exceed 2 years” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(i), (ii). Pub. L. 111-5, §§1841(a)(2)(B)(i)(II), 1893, temporarily added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) the wages received by the worker from reemployment; and

“(ii) the wages received by the worker at the time of separation.”

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(B). Pub. L. 111-5, §§1841(a)(2)(B)(ii), 1893, temporarily substituted “for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)” for “for a period not to exceed 2 years” and struck out “, as added by section 201 of the Trade Act of 2002” before period. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(C). Pub. L. 111-5, §§1841(a)(2)(B)(iii), 1893, temporarily added subpar. (C). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3) to (7). Pub. L. 111-5, §§1841(a)(2)(C), 1893, temporarily added pars. (3) to (7) and struck out former pars. (3) to (5) which related to eligibility, total amount of payments, and limitation on other benefits, respectively. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(1). Pub. L. 111-5, §§1841(b), 1893, temporarily substituted “December 31, 2010.” for “the date that is 5 years after the date on which such program is implemented by the State.” See Codification note

above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(2). Pub. L. 111-5, §§ 1841(a)(3), 1893, temporarily substituted “subsection (a)(3)” for “subsection (a)(3)(B)”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below. 2004—Subsec. (a)(3)(B)(iii). Pub. L. 108-429, § 2004(a)(7)(A), struck out “and” after semicolon.

Subsec. (a)(5). Pub. L. 108-429, § 2004(a)(7)(B), substituted “paragraph (2)(B)” for “section 2298(a)(2)(B) of this title”.

Subsec. (b)(2). Pub. L. 108-429, § 2004(a)(7)(C), substituted “if” for “provided that”.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-344 effective Jan. 1, 2011, see section 101(d) of Pub. L. 111-344, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, with certain exceptions, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### EFFECTIVE DATE

Section applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as an Effective Date of 2002 Amendment note preceding section 2271 of this title.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2319. Definitions

For purposes of this part—

(1) The term “adversely affected employment” means employment in a firm, if workers of such firm are eligible to apply for adjustment assistance under this part.

(2) The term “adversely affected worker” means an individual who, because of lack of work in adversely affected employment, has been totally or partially separated from such employment.

(3) The term “firm” means—

(A) a firm, including an agricultural firm or service sector firm; or

(B) an appropriate subdivision thereof.

(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) 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.

(8) The term “State agency” means the agency of the State which administers the State law.

(9) The term “State law” means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of title 26.

(10) The term “total separation” means the layoff or severance of an individual from employment with a firm in which adversely affected employment exists.

(11) 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 and the Railroad Unemployment Insurance Act [45 U.S.C. 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).

(12) The term “week” means a week as defined in the applicable State law.

(13) 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.

(14) 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.

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

(16)(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.

(17) The term “service sector firm” means a firm engaged in the business of supplying services.

(18) The term “adversely affected incumbent worker” means a worker who—

(A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subpart A;

(B) has not been totally or partially separated from adversely affected employment; and

(C) the Secretary determines, on an individual basis, is threatened with total or partial separation.

(Pub. L. 93–618, title II, §247, Jan. 3, 1975, 88 Stat. 2028; Pub. L. 97–35, title XXV, §2511, Aug. 13, 1981, 95 Stat. 888; Pub. L. 99–272, title XIII, §§13004(b), 13005(b), Apr. 7, 1986, 100 Stat. 303; Pub. L. 111–5, div. B, title I, §§1801(a), 1830(a)(2), Feb. 17, 2009, 123 Stat. 367, 384; Pub. L. 112–40, title II, §§201(b), (c), 211(b), Oct. 21, 2011, 125 Stat. 403.)

#### REVERSION TO PROVISIONS IN EFFECT ON FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112–40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

#### REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in par. (11), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

#### CODIFICATION

Section 1893 of Pub. L. 111–5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111–5, was repealed by Pub. L. 112–40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111–5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112–40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112–40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Par. (3). Pub. L. 112–40, §§211(b)(1)(A), 233, temporarily substituted “The term” for “Subject to section 2272(d)(5) of this title, the term” in introductory provisions. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Par. (3)(A). Pub. L. 112–40, §§211(b)(1)(B), 233, temporarily substituted “or service sector firm” for “service sector firm, or public agency”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Pars. (7) to (19). Pub. L. 112–40, §§211(b)(2), (3), 233, temporarily redesignated pars. (8) to (19) as (7) to (18), respectively, and temporarily struck out former par. (7) which read as follows: “The term ‘public agency’ means a department or agency of a State or local government or of the Federal Government, or a subdivision thereof.” See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Par. (1). Pub. L. 111–5, §§1801(a)(1), 1893, temporarily struck out “or appropriate subdivision of a firm” after “employment in a firm” and “or subdivision” after “workers of such firm”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Par. (2). Pub. L. 111–5, §§1801(a)(2), 1893, temporarily substituted “employment, has been totally or partially separated from such employment.” for “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.”

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pars. (3), (7). Pub. L. 111–5, §§1801(a)(3), (4), 1893, temporarily added pars. (3) and (7). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Par. (11). Pub. L. 111–5, §§1801(a)(5), 1893, temporarily struck out “, or in a subdivision of which,” after “firm in which”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pars. (18), (19). Pub. L. 111–5, §§1801(a)(6), 1830(a)(2), 1893, temporarily added pars. (18) and (19). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1986—Pars. (16), (17). Pub. L. 99–272 added pars. (16) and (17).

1981—Par. (3). Pub. L. 97–35, §2511(1), struck out par. (3) defining “average weekly manufacturing wage”.

Par. (7). Pub. L. 97–35, §2511(1), struck out par. (7) defining “remuneration”.

Par. (12). Pub. L. 97–35, §2511(2), revised par. (12) generally, inserting definitions of “regular compensation”, “additional compensation”, and “extended compensation”.

Par. (14). Pub. L. 97–35, §2511(3), substituted provisions requiring determination under the applicable State law or Federal unemployment insurance law for provisions requiring computation applying percent of average weekly wage and time spent prior to separation.

Par. (15). Pub. L. 97–35, §2511(4), added par. (15).

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112–40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112–40, see section 233 of Pub. L. 112–40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION  
PROVISIONS

Amendment by Pub. L. 97-35 applicable to allowances payable for weeks of unemployment which begin after Sept. 30, 1981, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2320. Regulations****(a) In general**

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part.

**(b) Consultations**

Not later than 90 days before issuing a regulation under subsection (a), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the regulation.

(Pub. L. 93-618, title II, §248, Jan. 3, 1975, 88 Stat. 2029; Pub. L. 111-5, div. B, title I, §1857, Feb. 17, 2009, 123 Stat. 395; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

## CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

## AMENDMENTS

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Pub. L. 111-5, §§1857, 1893, temporarily designated existing provisions as subsec. (a), inserted heading, and added subsec. (b). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

## EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

EFFECTIVE AND TERMINATION DATES OF 2009  
AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

## TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

**§ 2321. Subpoena power****(a) Subpoena by Secretary**

The Secretary may require by subpoena the attendance of witnesses and the production of evidence necessary for the Secretary to make a determination under the provisions of this part.

**(b) Court order**

If a person refuses to obey a subpoena issued under subsection (a) of this section, a United States district court within the jurisdiction of which the relevant proceeding under this part is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpoena.

(Pub. L. 93-618, title II, §249, Jan. 3, 1975, 88 Stat. 2029; Pub. L. 111-5, div. B, title I, §1858(c), Feb. 17, 2009, 123 Stat. 395; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

REVERSION TO PROVISIONS IN EFFECT ON  
FEBRUARY 13, 2011

*For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates of 2011 Revival notes below.*

## CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111-5, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111-5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011,



until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival note below.

#### AMENDMENTS

2011—Pub. L. 112-40, §§ 201(b), (c), 233, temporarily revived the provisions of this section, as in effect on Feb. 12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

2009—Pub. L. 111-5, §§ 1858(c)(1), (2), 1893, temporarily substituted “Subpoena” for “Subpena” in section catchline and “subpoena” for “subpena” wherever appearing in text. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a). Pub. L. 111-5, §§ 1858(c)(3), 1893, temporarily substituted “the Secretary” for “him”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Except as otherwise provided and subject to certain applicability provisions, amendment by Pub. L. 111-5 effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, amendment by Pub. L. 111-5 not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if amendment by Pub. L. 111-5 had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2322. Office of Trade Adjustment Assistance

#### (a) Establishment

There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the “Office”).

#### (b) Head of Office

The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

#### (c) Principal functions

The principal functions of the administrator of the Office shall be—

- (1) to oversee and implement the administration of trade adjustment assistance program under this part; and
- (2) to carry out functions delegated to the Secretary of Labor under this part, including—

(A) making determinations under section 2273 of this title;

(B) providing information under section 2275 of this title about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

(C) providing assistance to employers of groups of workers that have filed petitions under section 2271 of this title in submitting information required by the Secretary relating to the petitions;

(D) ensuring workers covered by a certification of eligibility under subpart A receive the employment and case management services described in section 2295 of this title;

(E) ensuring that States fully comply with agreements entered into under section 2311 of this title;

(F) advocating for workers applying for benefits available under this part;

(G) establishing and overseeing a hotline that workers, employers, and other entities may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this part; and

(H) carrying out such other duties with respect to this part as the Secretary specifies for purposes of this section.

#### (d) Administration

##### (1) Designation

The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

##### (2) Duties

The employee designated under paragraph (1) shall—

(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this part;

(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

(C) compile basic information concerning such complaints and requests for assistance; and

(D) carry out such other duties with respect to this part as the Secretary specifies for purposes of this section.

(Pub. L. 93-618, title II, § 249A, as added Pub. L. 111-5, div. B, title I, § 1851(a), Feb. 17, 2009, 123 Stat. 389, and Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### TERMINATION OF SECTION

*For termination of section beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates notes below.*

#### CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of section, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403, and this section, as added by Pub. L. 111-5 and as in effect on Feb. 12, 2011, was temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§ 201(b), (c), 233. See Effective and Termination Dates notes below.

## PRIOR PROVISIONS

A prior section 2322, Pub. L. 93-618, title II, §249A, as added Pub. L. 103-182, title V, §503(c), Dec. 8, 1993, 107 Stat. 2151, prohibited assistance relating to a separation pursuant to certifications under subparts A and D of this part, prior to repeal by Pub. L. 107-210, div. A, title I, §123(b)(2), (c), Aug. 6, 2002, 116 Stat. 944, applicable with respect to petitions filed under this part on or after the date that was 90 days after Aug. 6, 2002, except with respect to certain workers.

Another prior section 2322, Pub. L. 93-618, title II, §250, Jan. 3, 1975, 88 Stat. 2029, provided for judicial review for workers or groups aggrieved by a final determination by the Secretary under section 2273 of this title, prior to repeal by Pub. L. 96-417, title VI, §612, title VII, §701(a), Oct. 10, 1980, 94 Stat. 1746, 1747, effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date. See section 2395 of this title.

## EFFECTIVE AND TERMINATION DATES

For temporary revival and applicability of section, as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as Effective and Termination Dates of 2011 Revival notes preceding section 2271 of this title. For termination beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as an Effective and Termination Dates of 2011 Revival note preceding section 2271 of this title.

Except as otherwise provided and subject to certain applicability provisions, section effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, section not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if this section had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a Termination Date note preceding section 2271 of this title.

### § 2323. Collection and publication of data and reports; information to workers

#### (a) In general

Not later than 180 days after February 17, 2009, the Secretary shall implement a system to collect and report the data described in subsection (b), as well as any other information that the Secretary considers appropriate to effectively carry out this part.

#### (b) Data to be included

The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:

##### (1) Data on petitions filed, certified, and denied

(A) The number of petitions filed, certified, and denied under this part.

(B) The number of workers covered by petitions filed, certified, and denied.

(C) The number of petitions, classified by—

(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and

(ii) congressional district of the United States.

(D) The average time for processing such petitions.

##### (2) Data on benefits received

(A) The number of workers receiving benefits under this part.

(B) The number of workers receiving each type of benefit, including training, trade readjustment allowances (including such allowances classified by payments under paragraphs (1) and (3) of section 2293(a) of this title, and section 2293(f) of this title, respectively) and payments under section 2318 of this title, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under section 35 of title 26.

(C) The average time during which such workers receive each such type of benefit.

(D) The average number of weeks trade readjustment allowances were paid to workers.

(E) The number of workers who report that they have received benefits under a prior certification issued under this part in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.

##### (3) Data on training

(A) The number of workers enrolled in training approved under section 2296 of this title, classified by major types of training, including classroom training, training through distance learning, training leading to an associate's degree, remedial education, prerequisite education, on-the-job training, and customized training.

(B) The number of workers who complete training approved under section 2296 of this title who were enrolled in pre-layoff training or part-time training at any time during that training.

(C) The average duration of training, and the average duration of training that does not include remedial or prerequisite education.

(D) The number of training waivers granted under section 2291(c) of this title, classified by type of waiver.

(E) The number of workers who complete training and the average duration of such training.

(F) The number of workers who do not complete training and the average duration of the training that was completed by such workers.

##### (4) Data on outcomes

(A) A summary of the quarterly reports required under section 2311(j) of this title.

(B) A summary of the data on workers in the quarterly reports required under section 2311(j) of this title classified by the age, pre-program educational level, and post-program credential attainment of the workers.

(C) The average earnings of workers described in section 2311(j)(2)(A)(i) of this title in the second, third, and fourth calendar quarters following the calendar quarter in which such workers cease receiving benefits under this part, expressed as a percentage of the average earnings of such workers in the 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this part.

(D) The sectors in which workers are employed after receiving benefits under this part.

**(5) Data on rapid response activities**

Whether rapid response activities were provided with respect to each petition filed under section 2271 of this title.

**(6) Data on spending**

(A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.

(B) The total amount of the payments to the States to carry out sections 2295 through 2298 of this title used for training, in the aggregate and for each State.

(C) The total amount of payments to the States to carry out sections 2295 through 2298 of this title used for the costs of administration, in the aggregate and for each State.

(D) The total amount of payments to the States to carry out sections 2295 through 2298 of this title used for job search and relocation allowances, in the aggregate and for each State.

**(c) Classification of data**

To the extent possible, in collecting and reporting the data described in subsection (b), the Secretary shall classify the data by industry, State, and national totals.

**(d) Report**

Not later than February 15 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes—

(1) a summary of the information collected under this section for the preceding fiscal year;

(2) information on the distribution of funds to each State pursuant to section 2296(a)(2) of this title; and

(3) any recommendations of the Secretary with respect to changes in eligibility requirements, benefits, or training funding under this part based on the data collected under this section.

**(e) Availability of data**

**(1) In general**

The Secretary shall make available to the public, by publishing on the website of the Department of Labor and by other means, as appropriate—

(A) the report required under subsection (d);

(B) the data collected under this section, in a searchable format; and

(C) a list of cooperating States and cooperating State agencies that failed to submit the data required by this section to the Secretary in a timely manner.

**(2) Updates**

The Secretary shall update the data under paragraph (1) on a quarterly basis.

(Pub. L. 93-618, title II, §249B, as added Pub. L. 111-5, div. B, title I, §1854(a), Feb. 17, 2009, 123 Stat. 392; as added and amended Pub. L. 112-40, title II, §§201(b), (c), 216(b)(1), (3), Oct. 21, 2011, 125 Stat. 403, 407, 409.)

TERMINATION OF SECTION

*For termination of section beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification and Effective and Termination Dates notes below.*

CODIFICATION

Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of section, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and this section, as added by Pub. L. 111-5 and as in effect on Feb. 12, 2011, was temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112-40, §§201(b), (c), 233. See Effective and Termination Dates notes below.

AMENDMENTS

2011—Subsec. (b)(2)(B). Pub. L. 112-40, §§216(b)(1)(A)(i), 233, temporarily inserted “(including such allowances classified by payments under paragraphs (1) and (3) of section 2293(a) of this title, and section 2293(f) of this title, respectively) and payments under section 2318 of this title” after “readjustment allowances”. See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(2)(D), (E). Pub. L. 112-40, §§216(b)(1)(A)(ii), 233, temporarily added subpars. (D) and (E). See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(3)(A). Pub. L. 112-40, §§216(b)(1)(B)(i), 233, temporarily inserted “training leading to an associate’s degree, remedial education, prerequisite education,” after “distance learning.” See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(3)(B). Pub. L. 112-40, §§216(b)(1)(B)(ii), 233, temporarily amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “The number of workers enrolled in full-time training and part-time training.” See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(3)(C). Pub. L. 112-40, §§216(b)(1)(B)(iii), 233, temporarily inserted “, and the average duration of training that does not include remedial or prerequisite education” after “training”. See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(3)(E). Pub. L. 112-40, §§216(b)(1)(B)(iv), 233, temporarily substituted “average duration” for “duration”. See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(3)(F). Pub. L. 112-40, §§216(b)(1)(B)(v), 233, temporarily inserted “and the average duration of the training that was completed by such workers” after “training”. See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(4)(B) to (D). Pub. L. 112-40, §§216(b)(1)(C), 233, temporarily added subpars. (B) and (C) and temporarily redesignated former subpar. (B) as (D). See Codification note above and Effective and Termination Dates note below.

Subsec. (b)(6). Pub. L. 112-40, §§216(b)(1)(D), 233, temporarily added par. (6). See Codification note above and Effective and Termination Dates note below.

Subsec. (d). Pub. L. 112-40, §§216(b)(3), 233, temporarily substituted “February 15” for “December 15” in introductory provisions. See Codification note above and Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

For temporary revival and applicability of section, as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112-40, set out as Effective and Termination Dates of 2011 Revival notes preceding section 2271 of this title. For termination beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see section 233 of Pub. L. 112-40, set out as an Effective and Termination Dates of Revival note preceding section 2271 of this title.

Pub. L. 111-5, div. B, title I, § 1854(c), Feb. 17, 2009, 123 Stat. 394, provided that: “The amendments made by this section [enacting this section] shall take effect on the date of the enactment of this Act [Feb. 17, 2009].”

Except as otherwise provided and subject to certain applicability provisions, section effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1891 of Pub. L. 111-5, set out as a note under section 2271 of this title.

Section 1893 of Pub. L. 111-5, which provided that, except as otherwise provided, section not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if this section had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a Termination Date note preceding section 2271 of this title.

#### DEADLINE FOR UPDATING DATA REPORTING SYSTEM

Pub. L. 112-40, title II, § 216(b)(2), Oct. 21, 2011, 125 Stat. 409, provided that: “Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1) [amending this section].”

#### SUBPART D—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

### § 2331. Repealed. Pub. L. 107-210, div. A, title I, § 123(a), Aug. 6, 2002, 116 Stat. 944

Section, Pub. L. 93-618, title II, § 250, as added Pub. L. 103-182, title V, § 502, Dec. 8, 1993, 107 Stat. 2149; amended Pub. L. 105-277, div. J, title I, § 1012(b), Oct. 21, 1998, 112 Stat. 2681-901; Pub. L. 106-113, div. B, § 1000(a)(5) [title VII, § 702(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319, established a NAFTA transitional adjustment assistance program.

#### PRIOR PROVISIONS

A prior section 250 of Pub. L. 93-618, title II, Jan. 3, 1975, 88 Stat. 2029, provided for judicial review for workers or groups aggrieved by a final determination by the Secretary under section 2273 of this title, and was classified to section 2322 of this title, prior to repeal by Pub. L. 96-417.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 107-210, div. A, title I, § 123(c), Aug. 6, 2002, 116 Stat. 944, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending sections 2275 and 2395 of this title and repealing this subpart and section 2322 of this title] shall apply with respect to petitions filed under chapter 2 of title II of the Trade Act of 1974 [this part], on or after the date that is 90 days after the date of enactment of this Act [Aug. 6, 2002].

“(2) WORKERS CERTIFIED AS ELIGIBLE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a), a worker receiving benefits under chapter 2 of title II of the Trade Act of 1974 shall continue to receive (or be eligible to receive) benefits and services under chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the amendments made by this section take effect under subsection (a), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date.”

#### PART 3—ADJUSTMENT ASSISTANCE FOR FIRMS

##### TERMINATION DATE

Except as otherwise provided, technical assistance and grants may not be provided under this part after

Dec. 31, 2013, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2341. Petitions and determinations

#### (a) Filing of petition; receipt of petition; initiation of investigation

A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary of Commerce (hereinafter in this part referred to as the “Secretary”) by a firm (including any agricultural firm or service sector firm) or its representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

#### (b) Public hearing

If the petitioner, or any other person, organization, or group 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) of this section 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.

#### (c) Certification

(1) The Secretary shall certify a firm (including any agricultural firm or service sector firm) as eligible to apply for adjustment assistance under this part if the Secretary determines—

(A) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated,

(B) that—

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

(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which data<sup>1</sup> are available have decreased absolutely,

(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and

(iv) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased compared to—

(I) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

(II) the average annual sales or production for the article or service during the

<sup>1</sup> So in original. Probably should be “data”.