

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 June 30, 2021, 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 benefits under an agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent.

#### (f) Coordination of benefits and assistance

Any agreement entered into under this section shall provide for the coordination of the admin-

istration 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 Innovation and Opportunity Act [29 U.S.C. 3111 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)—

(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 descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act [29 U.S.C. 3112(b)(2)(B)(ii), 3113(b)(3)(A)], a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act [29 U.S.C. 3111(d)(3)(F)], 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 implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this part, including by means

<sup>1</sup> See References in Text note below.

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) Performance measures**

**(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 an annual basis comprehensive performance accountability measures, to consist of—

- (A) the primary 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 that promote efficiency and effectiveness.

**(2) Indicators of performance**

**(A) Primary indicators of performance described**

**(i) In general**

The primary indicators of performance referred to in paragraph (1)(A) shall consist of—

- (I) the percentage and number of workers who received benefits under the trade adjustment assistance program who are in unsubsidized employment during the second calendar quarter after exit from the program;
- (II) the percentage and number of workers who received benefits under the trade adjustment assistance program and who are in unsubsidized employment during the fourth calendar quarter after exit from the program;
- (III) the median earnings of workers described in subclause (I);
- (IV) the percentage and number of workers who received benefits under the trade adjustment assistance program who, subject to clause (ii), obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within 1 year after exit from the program; and
- (V) the percentage and number of workers who received benefits under the trade adjustment assistance program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment.

**(ii) Indicator relating to credential**

For purposes of clause (i)(IV), a worker who received benefits under the trade ad-

justment assistance program who obtained a secondary school diploma or its recognized equivalent shall be included in the percentage counted for purposes of that clause only if the worker, in addition to obtaining such a diploma or its recognized equivalent, has obtained or retained employment or is in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.

**(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 measures**

In preparing the annual 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 measures reported are valid and reliable.

**(4) Accessibility of State performance reports**

The Secretary shall, on an annual basis, make available (including by electronic means), in an easily understandable format, the reports of cooperating States or cooperating State agencies required by paragraph (1) and the information contained in those reports.

**(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; Pub. L. 113-128, title V, §512(hh)(4), July 22, 2014, 128 Stat. 1721; Pub. L. 114-27, title IV, §§402(b), (c), 404(a), June 29, 2015, 129 Stat. 374.)

REVERSION TO PROVISIONS IN EFFECT ON JANUARY 1, 2014

*For reversion, beginning on July 1, 2021, to provisions in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114-27, see Codification and Effective and Termination Dates of 2015 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 Innovation and Opportunity Act, referred to in subsec. (f), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 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 redesignating 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 233 of Pub. L. 112-40, which provided for the Jan. 1, 2014, revival of this section as in effect on Feb. 13, 2011, was repealed by Pub. L. 114-27, title IV, §402(a), June 29, 2015, 129 Stat. 374, and the provisions of this section, as in effect on Dec. 31, 2013, were temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114-27, §§402(b), (c), 406. See 2011 and 2015 Amendment notes, Effective and Termination Dates of 2011 Revival notes, and Effective and Termination Dates of 2015 Revival notes below.

Amendment made by Pub. L. 113-128 was effective July 1, 2015, and was executed to this section as it existed on Dec. 31, 2013, pursuant to section 402(b) of Pub. L. 114-27, which revived the provisions of this section, effective June 29, 2015. See 2014 Amendment note below.

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 notes 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

2015—Pub. L. 114-27, §§402(b), (c), 406, temporarily revived the provisions of this section, as in effect on Dec.

31, 2013. See Codification note above and 2011 Amendment and Effective and Termination Dates of 2015 Revival notes below.

Subsec. (j). Pub. L. 114-27, §§404(a)(1), 406, temporarily substituted “Performance measures” for “Data reporting” in heading. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(1). Pub. L. 114-27, §§404(a)(2)(A), 406, in introductory provisions, temporarily substituted “an annual” for “a quarterly” and “measures” for “data”. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(1)(A). Pub. L. 114-27, §§404(a)(2)(B), 406, temporarily substituted “primary” for “core”. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(1)(C). Pub. L. 114-27, §§404(a)(2)(C), 406, temporarily inserted “that promote efficiency and effectiveness” after “assistance program”. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(2). Pub. L. 114-27, §§404(a)(3)(A), 406, temporarily substituted “Indicators of performance” for “Core indicators described” in heading. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(2)(A). Pub. L. 114-27, §§404(a)(3)(B), 406, temporarily amended subpar. (A) generally. Prior to amendment, subpar. (A) set out 4 core indicators of performance to be reported as part of the comprehensive performance accountability data. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(3). Pub. L. 114-27, §§404(a)(4), 406, temporarily substituted “measures” for “data” in heading and “annual” for “quarterly” and “measures” for “data” in text. See Codification note above and Effective and Termination Dates of 2015 Revival note below.

Subsec. (j)(4). Pub. L. 114-27, §§404(a)(5), 406, temporarily added par. (4). See Codification note above and Effective and Termination Dates of 2015 Revival note below.

2014—Subsec. (f). Pub. L. 113-128, §512(hh)(4)(A), substituted “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 Innovation and Opportunity Act” for “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”. See Codification note above.

Subsec. (h). Pub. L. 113-128, §512(hh)(4)(B), substituted “the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act, a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act,” for “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))”. See Codification note above.

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 subsecs. (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 2015 REVIVAL

For revival and applicability, beginning on June 29, 2015, of the provisions of this section as in effect on Dec. 31, 2013, see section 402(b), (c) of Pub. L. 114-27, set out as a note preceding section 2271 of this title.

For reversion, beginning on July 1, 2021, to the provisions of this section as in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114-27, see section 406 of Pub. L. 114-27, set out as a note preceding section 2271 of this title.

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

#### EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For revival and applicability, beginning on Oct. 21, 2011, of the provisions of this section as in effect on Feb. 12, 2011, see section 201(b), (c) of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

Section 233 of Pub. L. 112-40, formerly set out as a note preceding section 2271 of this title, which provided for the reversion, beginning on Jan. 1, 2014, of the provisions of this section to those in effect on Feb. 13, 2011, subject to certain exceptions, was repealed by Pub. L. 114-27, title IV, § 402(a), June 29, 2015, 129 Stat. 374, effective June 29, 2015. See Codification note above.

#### 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 begin-

ning 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, formerly set out as a Termination Date of 2009 Amendment note preceding section 2271 of this title, 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, effective Oct. 21, 2011. 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 June 30, 2021, 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) 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 June 30, 2021, 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 June 30, 2021, 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