

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.

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.

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.

Statutory Notes and Related Subsidiaries

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 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Jan. 1, 2014, of the provisions of this section to those in effect on Feb. 13, 2011, subject to certain exceptions, was repealed by Pub.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 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, 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.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this part after June 30, 2022, except as otherwise

provided, see section 285 of Pub. L. 93-618, as modified by section 406(a)(7) of Pub. L. 114-27, set out as notes preceding section 2271 of this title.

§ 2322. Repealed. Pub. L. 107-210, div. A, title I, § 123(b)(2), Aug. 6, 2002, 116 Stat. 944

Section, 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 both subparts A and D of this part.

PRIOR PROVISIONS

A 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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 a note under section 2331 of this title.

§ 2323. Omitted

Editorial Notes

CODIFICATION

Section, 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; as added and amended Pub. L. 114-27, title IV, §§ 402(b), (c), 404(b), June 29, 2015, 129 Stat. 374, 376, was omitted in view of the reversion of this part, effective July 1, 2021, to provisions in effect on Jan. 1, 2014, by section 406 of Pub. L. 114-27, set out as a note preceding section 2271 of this title. Prior to omission, section 2323 read as follows:

“§ 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 who received 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 exited training approved under section 2296 of this title, including who received 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 exited training and the average duration of such training.

“(F) The number of workers who do not exit training and the average duration of the training that was completed by such workers.

“(G) The average cost per worker of receiving training approved under section 2296 of this title.

“(H) The percentage of workers who received training approved under section 2296 of this title and obtained unsubsidized employment in a field related to that training.

“(4) DATA ON OUTCOMES.—

“(A) A summary of the annual reports required under section 2311(j) of this title.

“(B) A summary of the data on workers in the annual 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 median earnings of workers described in section 2311(j)(2)(A)(i)(III) of this title during the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers 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 reports required under section 2311(j) of this title;

“(C) the data collected under this section, in a searchable format; and

“(D) 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 an annual basis.”

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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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