

“(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 Repealed.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

worker meets the eligibility requirements of such chapter 2 as in effect on such date.”

#### PART 3—ADJUSTMENT ASSISTANCE FOR FIRMS

##### Statutory Notes and Related Subsidiaries

##### TERMINATION DATE

Except as otherwise provided, assistance may not be provided under this part after June 30, 2022, 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.

### § 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 its representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

#### (b) 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) 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) 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 such firm have decreased absolutely, or

(ii) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely, and

(C) increases of imports of articles like or directly competitive with articles which are produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(2) For purposes of paragraph (1)(C)—

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

(B)(i) Any firm which engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

(ii) 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.

**(d) Allowable period for determination**

A determination shall be made by the Secretary as soon as possible after the date on which the petition is filed under this section, but in any event not later than 60 days after that date.

(Pub. L. 93–618, title II, § 251, Jan. 3, 1975, 88 Stat. 2030; Pub. L. 99–272, title XIII, § 13002(b), Apr. 7, 1986, 100 Stat. 300; Pub. L. 100–418, title I, § 1421(a)(2), (b)(2), Aug. 23, 1988, 102 Stat. 1243, 1244; Pub. L. 111–5, div. B, title I, §§ 1861(a), (c), 1862, 1863, 1867(a), Feb. 17, 2009, 123 Stat. 396, 397, 400; Pub. L. 112–40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403; Pub. L. 114–27, title IV, § 402(b), (c), June 29, 2015, 129 Stat. 374.)

**TERMINATION OF ASSISTANCE**

*For termination of assistance under this part after June 30, 2022, see Termination Date note below.*

**Editorial Notes**

**CODIFICATION**

Section reflects the July 1, 2021, reversion to provisions in effect on Jan. 1, 2014. See Effective and Termination Dates of 2015 Revival note below.

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.

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.

**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—Subsec. (a). Pub. L. 111–5, §§ 1861(a), 1867(a)(1), 1893, temporarily inserted “or service sector firm” after “agricultural firm” and substituted “the Secretary has” for “he has”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(1). Pub. L. 111–5, §§ 1861(a), 1893, temporarily inserted “or service sector firm” after “agricultural firm” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(1)(B). Pub. L. 111–5, §§ 1862, 1893, temporarily amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “that—

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

“(ii) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely, and”.

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

Subsec. (c)(1)(C). Pub. L. 111–5, §§ 1861(c)(1), 1893, temporarily inserted “or services” after “imports of articles” and “or services which are supplied” after “produced”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(2)(B)(ii). Pub. L. 111–5, §§ 1861(c)(2), 1893, temporarily amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “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.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d). Pub. L. 111–5, §§ 1867(a)(2), 1893, temporarily substituted “40 days” for “60 days”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (e), (f). Pub. L. 111–5, §§ 1863, 1893, temporarily added subsecs. (e) and (f). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1988—Subsec. (c). Pub. L. 100–418, § 1421(a)(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this part if he determines—

“(1) 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.

“(2) that—

“(A) sales or production, or both, of the firm have decreased absolutely, or

“(B) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely, and

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

For purposes of paragraph (3), the term ‘contributed importantly’ means a cause which is important but not necessarily more important than any other cause.”

Subsec. (c)(1)(C). Pub. L. 100–418, § 1421(b)(2), directed the general amendment of subpar. (C) adding provisions relating to provision of essential goods or services by such firm, 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—Subsecs. (a), (c). Pub. L. 99–272, § 13002(b)(1), inserted “(including any agricultural firm)” after “firm”.

Subsec. (c)(2). Pub. L. 99–272, § 13002(b)(2), amended par. (2) generally, designating existing provisions as subpar. (A), substituting “of the firm have decreased absolutely, or” for “of such firm have decreased absolutely, and”, and adding subpar. (B).

**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

Except as otherwise provided, technical assistance and grants may not be provided under this part after June 30, 2022, 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.

### § 2342. Approval of adjustment proposals

#### (a) Application for adjustment assistance

A firm certified under section 2341 of this title as eligible to apply for adjustment assistance may, at any time within 2 years after the date of such certification, file an application with the Secretary for adjustment assistance under this part. Such application shall include a proposal for the economic adjustment of such firm.

#### (b) Technical assistance

(1) Adjustment assistance under this part consists of technical assistance. The Secretary shall approve a firm's application for adjustment assistance only if the Secretary determines that the firm's adjustment proposal—

(A) is reasonably calculated to materially contribute to the economic adjustment of the firm,

(B) gives adequate consideration to the interests of the workers of such firm, and

(C) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

(2) The Secretary shall make a determination as soon as possible after the date on which an application is filed under this section, but in no event later than 60 days after such date.

### (c) Termination of certification of eligibility

Whenever the Secretary determines that any firm no longer requires assistance under this part, he shall terminate the certification of eligibility of such firm and promptly have notice of such termination published in the Federal Register. Such termination shall take effect on the termination date specified by the Secretary.

(Pub. L. 93-618, title II, § 252, Jan. 3, 1975, 88 Stat. 2030; Pub. L. 99-272, title XIII, § 13006(a)(1), (2), Apr. 7, 1986, 100 Stat. 304.)

#### Editorial Notes

##### AMENDMENTS

1986—Subsec. (b)(1). Pub. L. 99-272, § 13006(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Adjustment assistance under this part consists of technical assistance and financial assistance, which may be furnished singly or in combination. The Secretary shall approve a firm's application for adjustment assistance only if he determines—

“(A) that the firm has no reasonable access to financing through the private capital market, and

“(B) that the firm's adjustment proposal—

“(i) is reasonably calculated materially to contribute to the economic adjustment of the firm,

“(ii) gives adequate consideration to the interests of the workers of such firm, and

“(iii) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.”

Subsecs. (c), (d). Pub. L. 99-272, § 13006(a)(2), redesignated subsec. (d) as (c) and struck out former subsec. (c) which authorized the Secretary to assist an eligible firm in the preparation of a viable adjustment proposal.

#### Statutory Notes and Related Subsidiaries

##### TERMINATION DATE

Except as otherwise provided, technical assistance and grants may not be provided under this part after June 30, 2022, 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.

### § 2343. Technical assistance

#### (a) Discretion of Secretary; types of assistance

The Secretary may provide a firm, on terms and conditions as the Secretary determines to be appropriate, with such technical assistance as in his judgment will carry out the purposes of this part with respect to the firm. The technical assistance furnished under this part may consist of one or more of the following:

(1) Assistance to a firm in preparing its petition for certification of eligibility under section 2341 of this title.

(2) Assistance to a certified firm in developing a proposal for its economic adjustment.

(3) Assistance to a certified firm in the implementation of such a proposal.

#### (b) Utilization of existing agencies, private individuals, etc., in furnishing assistance; grants to intermediary organizations

(1) The Secretary shall furnish technical assistance under this part through existing agencies and through private individuals, firms, or institutions (including private consulting services), or by grants to intermediary organizations (including Trade Adjustment Assistance Centers).