

§ 101(c)(4), Dec. 29, 2010, 124 Stat. 3613; as added and amended Pub. L. 112-40, title II, §§ 201(b), (c), 221(b), Oct. 21, 2011, 125 Stat. 403, 410; as added and amended Pub. L. 114-27, title IV, §§ 402(b), (c), 403(d)(2), June 29, 2015, 129 Stat. 374, ceased to be effective after the reversion, effective July 1, 2021, of this section to provisions in effect on Jan. 1, 2014, pursuant to section 406 of Pub. L. 114-27, set out as a note preceding section 2271 of this title. Prior to reversion, section 2345 read as follows:

“§ 2345. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the provisions of this part \$16,000,000 for each of the fiscal years 2015 through 2021. Amounts appropriated pursuant to this subsection shall remain available until expended.

“(b) PERSONNEL.—Of the amounts appropriated pursuant to this section for each fiscal year, \$350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this part. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this part.”

AMENDMENTS

1986—Subsecs. (b)(2)(B), (i)(3)(E), (5)(A), (B). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1983—Subsec. (i). Pub. L. 98-120 added subsec. (i).

1981—Subsec. (b). Pub. L. 97-35, § 2523(1), amended subsec. (b) generally, substituting provisions limiting the maximum rate of interest on loans guaranteed under this part on the basis of comparison with other Federally guarantee loans for provisions limiting the maximum interest rate on the basis of 15 U.S.C. 636(a) and inserting provisions prohibiting the guarantee of loans if the interest is tax exempt.

Subsec. (c). Pub. L. 97-35, § 2523(2)(A), (B), inserted references to section 2344 of this title, alternative limitation of useful life of asset, and prohibition of guarantees in excess of 10 years in introductory provisions.

Subsec. (c)(2). Pub. L. 97-35, § 2523(2)(C), inserted “or servicing” after “liquidation”.

Subsec. (d). Pub. L. 97-35, § 2523(3), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 97-35, § 2523(4), substituted provisions respecting conditions applicable to loan guarantees for provisions relating to percentage maximum on loan guarantees which are covered in par. (1).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-120, § 4(b), Oct. 12, 1983, 97 Stat. 812, provided that: “The amendment made by subsection (a) [amending this section] shall become effective on the date of the enactment of this Act [Oct. 12, 1983].”

Effective Date of 1981 Amendment

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, except as otherwise provided with respect to applications for adjustment assistance, see section 2529 of Pub. L. 97-35, set out as a note under section 2343 of this title.

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.

§ 2345a. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 93-618, title II, § 255A, as added Pub. L. 112-40, title II, § 221(a)(1), Oct. 21, 2011, 125 Stat. 409, and Pub. L. 114-27, title IV, § 402(b), (c), June 29, 2015, 129 Stat. 374, 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 2345a read as follows:

“§ 2345a. Annual report on trade adjustment assistance for firms

“(a) IN GENERAL.—Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this part for the preceding fiscal year. The data shall include the following:

“(1) The number of firms that inquired about the program.

“(2) The number of petitions filed under section 2341 of this title.

“(3) The number of petitions certified and denied by the Secretary.

“(4) The average time for processing petitions after the petitions are filed.

“(5) The number of petitions filed and firms certified for each congressional district of the United States.

“(6) Of the number of petitions filed, the number of firms that entered the program and received benefits.

“(7) The number of firms that received assistance in preparing their petitions.

“(8) The number of firms that received assistance developing business recovery plans.

“(9) The number of business recovery plans approved and denied by the Secretary.

“(10) The average duration of benefits received under the program nationally and in each region served by an intermediary organization referred to in section 2343(b)(1) of this title.

“(11) Sales, employment, and productivity at each firm participating in the program at the time of certification.

“(12) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.

“(13) The number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and in each year during the 2-year period following completion of the program.

“(14) The financial assistance received by each firm participating in the program.

“(15) The financial contribution made by each firm participating in the program.

“(16) The types of technical assistance included in the business recovery plans of firms participating in the program.

“(17) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.

“(18) The total amount expended by all intermediary organizations referred to in section 2343(b)(1) of this title and by each such organization to administer the program.

“(19) The total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

“(b) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

“(c) REPORT TO CONGRESS; PUBLICATION.—The Secretary shall—

“(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

“(2) publish the report in the Federal Register and on the website of the Department of Commerce.

“(d) PROTECTION OF CONFIDENTIAL INFORMATION.—

“(1) IN GENERAL.—The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.”

§ 2346. Delegation of functions to Small Business Administration; authorization of appropriations

(a) Delegation of functions as to eligibility certification

In the case of any firm which is small (within the meaning of the Small Business Act [15 U.S.C. 631 et seq.] and regulations promulgated thereunder), the Secretary may delegate all of his functions under this part (other than the functions under sections 2341 and 2342(d)¹ of this title with respect to the certification of eligibility and section 2354 of this title) to the Administrator of the Small Business Administration.

(b) Authorization of appropriations

There are authorized to be appropriated to the Secretary \$16,000,000 for each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning on October 1, 2007,² to carry out the Secretary's functions under this part in connection with furnishing adjustment assistance to firms. Amounts appropriated under this subsection shall remain available until expended.

(c) Transfer of unexpended appropriations

The unexpended balances of appropriations authorized by section 1912(d)¹ of this title are transferred to the Secretary to carry out his functions under this part.

(Pub. L. 93–618, title II, § 256, Jan. 3, 1975, 88 Stat. 2032; Pub. L. 97–35, title XXV, § 2524, Aug. 13, 1981, 95 Stat. 892; Pub. L. 99–272, title XIII, § 13008(b), Apr. 7, 1986, 100 Stat. 305; Pub. L. 100–418, title I, § 1426(b)(2), Aug. 23, 1988, 102 Stat. 1251; Pub. L. 103–66, title XIII, § 13803(a)(2), Aug. 10, 1993, 107 Stat. 668; Pub. L. 105–277, div. J, title I, § 1012(c), Oct. 21, 1998, 112 Stat. 2681–901; Pub. L. 106–113, div. B, § 1000(a)(5) [title VII, § 702(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A–319; Pub. L. 107–210, div. A, title I, §§ 111(b), 131, Aug. 6, 2002, 116 Stat. 936, 946; Pub. L. 108–429, title II, § 2004(a)(3), Dec. 3, 2004, 118 Stat. 2589; Pub. L. 110–89, § 1(b), Sept. 28, 2007, 121 Stat. 982.)

¹ See References in Text note below.

² See Application of Subsection (b) note below.

TERMINATION OF ASSISTANCE

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

Editorial Notes

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (a), is Pub. L. 85–536, § 2 (1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

Section 2342(d) of this title, referred to in subsec. (a), was redesignated section 2342(c) of this title by Pub. L. 99–272, title XIII, § 13006(a)(2), Apr. 7, 1986, 100 Stat. 304.

Section 1912 of this title, referred to in subsec. (c), was repealed by Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072. Section 1912(d) of this title authorized appropriations to the Secretary of Commerce to carry out functions under part II of subchapter III of chapter 7 of this title in connection with furnishing adjustment assistance to firms. See section 2341 et seq. of this title for successor provisions.

CODIFICATION

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

AMENDMENTS

2007—Subsec. (b). Pub. L. 110–89 inserted “and \$4,000,000 for the 3-month period beginning on October 1, 2007,” after “2007.”

2004—Subsec. (b). Pub. L. 108–429 deemed amendment by Pub. L. 107–210, § 111(b), never to have been enacted. See 2002 Amendment note below.

2002—Subsec. (b). Pub. L. 107–210, § 131, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There are hereby authorized to be appropriated to the Secretary for the period beginning October 1, 1998, and ending September 30, 2001, such sums as may be necessary to carry out his functions under this part in connection with furnishing adjustment assistance to firms (including, but not limited to, the payment of principal, interest, and reasonable costs incident to default on loans guaranteed by the Secretary under the authority of this part), which sums are authorized to be appropriated to remain available until expended.”

Pub. L. 107–210, § 111(b), substituted “October 1, 2001, and ending September 30, 2007,” for “October 1, 1998, and ending September 30, 2001”. Pub. L. 108–429, title II, § 2004(a)(3), provided that the amendment by Pub. L. 107–210, § 111(b), shall be deemed never to have been enacted.

1999—Subsec. (b). Pub. L. 106–113 substituted “September 30, 2001” for “June 30, 1999”.

1998—Subsec. (b). Pub. L. 105–277 substituted “for the period beginning October 1, 1998, and ending June 30, 1999” for “for fiscal years 1993, 1994, 1995, 1996, 1997, and 1998”.

1993—Subsec. (b). Pub. L. 103–66 substituted “1993, 1994, 1995, 1996, 1997, and 1998” for “1988, 1989, 1990, 1991, 1992, and 1993”.

1988—Subsec. (b). Pub. L. 100–418 substituted “1988, 1989, 1990, 1991, 1992, and 1993” for “1986, 1987, 1988, 1989, 1990, and 1991”.

1986—Subsec. (b). Pub. L. 99–272 inserted “for fiscal years 1986, 1987, 1988, 1989, 1990, and 1991” after “Secretary”, struck out “from time to time” after “as may be necessary”, and struck out “Direct loans and commitments to guarantee loans may be made under this part during any fiscal year only to such extent and in such amounts as are provided in advance in appropriations Acts.” after “available until expended.”

1981—Subsec. (b). Pub. L. 97–35 inserted provisions relating to payment of principal, interest, and reasonable