

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 L. 111-5, which provided for Feb. 13, 2011, termination of section, was repealed by Pub.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)¹

(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;

¹ 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—