

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 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 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.

#### 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 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, 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 L. 111-5 had never been enacted, was repealed by Pub.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.

#### 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.

### § 2322. Office of Trade Adjustment Assistance

#### (a) Establishment

There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the “Office”).

#### (b) Head of Office

The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

#### (c) Principal functions

The principal functions of the administrator of the Office shall be—

- (1) to oversee and implement the administration of trade adjustment assistance program under this part; and
- (2) to carry out functions delegated to the Secretary of Labor under this part, including—

(A) making determinations under section 2273 of this title;

(B) providing information under section 2275 of this title about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

(C) providing assistance to employers of groups of workers that have filed petitions under section 2271 of this title in submitting information required by the Secretary relating to the petitions;

(D) ensuring workers covered by a certification of eligibility under subpart A receive the employment and case management services described in section 2295 of this title;

(E) ensuring that States fully comply with agreements entered into under section 2311 of this title;

(F) advocating for workers applying for benefits available under this part;

(G) establishing and overseeing a hotline that workers, employers, and other entities may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this part; and

(H) carrying out such other duties with respect to this part as the Secretary specifies for purposes of this section.

#### (d) Administration

##### (1) Designation

The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

##### (2) Duties

The employee designated under paragraph (1) shall—

(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this part;

(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

(C) compile basic information concerning such complaints and requests for assistance; and

(D) carry out such other duties with respect to this part as the Secretary specifies for purposes of this section.

(Pub. L. 93-618, title II, § 249A, as added Pub. L. 111-5, div. B, title I, § 1851(a), Feb. 17, 2009, 123 Stat. 389, and Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### 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.

## PRIOR PROVISIONS

A prior section 2322, 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 subparts A and D of this part, prior to repeal by Pub. L. 107-210, div. A, title I, §123(b)(2), (c), Aug. 6, 2002, 116 Stat. 944, applicable with respect to petitions filed under this part on or after the date that was 90 days after Aug. 6, 2002, except with respect to certain workers.

Another 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.

## 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.

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.

### § 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 enrolled in 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 complete training approved under section 2296 of this title who were enrolled in 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 complete training and the average duration of such training.

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

##### (4) Data on outcomes

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

(B) A summary of the data on workers in the quarterly 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 average earnings of workers described in section 2311(j)(2)(A)(i) of this title in the second, third, and fourth calendar quarters following the calendar quarter in which such workers cease receiving benefits under this part, expressed as a percentage of the average earnings of such workers in the 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this part.