

[(i) to the extent funds are available pursuant to such chapter for such purpose; and

[(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

[(2) FARMERS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 [part 6 of this subchapter] after February 12, 2012.

[(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before February 12, 2012, may be provided—

[(i) to the extent funds are available pursuant to such chapter for such purpose; and

[(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.]

[Amendment by section 1892(b) of Pub. L. 111-5 to section 285 of Pub. L. 93-618, set out above, shall take effect upon the expiration of the 90-day period beginning on Feb. 17, 2009, except as otherwise provided, 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.]

[Amendment by Pub. L. 110-89 to section 285 of Pub. L. 93-618, set out above, effective Oct. 1, 2007, see section 1(e) of Pub. L. 110-89, set out as an Effective Date of 2007 Amendment note under section 2317 of this title.]

[Amendment by Pub. L. 106-113 to section 285 of Pub. L. 93-618, set out above, effective as of July 1, 1999, see section 1000(a)(5) [title VII, §702(e)] of Pub. L. 106-113, set out as an Effective Date of 1999 Amendment note under section 2317 of this title.]

[Amendment by Pub. L. 103-182 to section 285 of Pub. L. 93-618, set out above, effective on the date the North American Free Trade Agreement enters into force with respect to the United States (Jan. 1, 1994), see section 506(a) of Pub. L. 103-182, set out as an Effective Date of 1993 Amendment note under section 2271 of this title.]

[Parts 2 and 3 of this subchapter applicable as if amendments by sections 13007 and 13008 of Pub. L. 99-272, amending section 285 of Pub. L. 93-618, set out above, and sections 2317 and 2346 of this title, had taken effect Dec. 18, 1985, see section 13009(c) of Pub. L. 99-272, set out as an Effective Date of 1986 Amendment note under section 2291 of this title.]

#### SUBPART A—PETITIONS AND DETERMINATIONS

### § 2271. Petitions

#### (a) Filing of petitions; assistance; publication of notice

(1) A petition for certification of eligibility to apply for adjustment assistance for a group of workers under this part may be filed simultaneously with the Secretary of Labor and with the Governor of the State in which such workers' firm (as defined in section 2319 of this title) is located by any of the following:

(A) The group of workers.

(B) The certified or recognized union or other duly authorized representative of such workers.

(C) Employers of such workers, one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), including State employment security agencies, or the State dislocated worker unit established under title I of such Act [29 U.S.C. 2801 et seq.], on behalf of such workers.

(2) Upon receipt of a petition filed under paragraph (1), the Governor shall—

(A) ensure that rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws; and

(B) assist the Secretary in the review of the petition by verifying such information and providing such other assistance as the Secretary may request.

(3) Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register and on the website of the Department of Labor that the Secretary has received the petition and initiated an investigation.

#### (b) Hearing

If the petitioner, or any other person 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) of this section 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.

(Pub. L. 93-618, title II, § 221, Jan. 3, 1975, 88 Stat. 2019; Pub. L. 99-272, title XIII, § 13002(a), Apr. 7, 1986, 100 Stat. 300; Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, § 112(a), Aug. 6, 2002, 116 Stat. 937; Pub. L. 108-429, title II, § 2004(a)(4), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, § 1801(e)(1), Feb. 17, 2009, 123 Stat. 370; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### 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)(1)(C), 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.

#### 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 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 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—Subsec. (a)(1). Pub. L. 111-5, §§1801(e)(1)(A)(i), 1893, temporarily substituted “Secretary of Labor” for “Secretary” and “(as defined in section 2319 of this title)” for “or subdivision” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1)(A). Pub. L. 111-5, §§1801(e)(1)(A)(ii), 1893, temporarily struck out “(including workers in an agricultural firm or subdivision of any agricultural firm)” after “group of workers”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A). Pub. L. 111-5, §§1801(e)(1)(B), 1893, temporarily substituted “rapid response activities” for “rapid response assistance”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3). Pub. L. 111-5, §§1801(e)(1)(C), 1893, temporarily inserted “and on the website of the Department of Labor” after “Federal Register”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (a)(2)(A). Pub. L. 108-429 substituted “assistance and appropriate” for “assistance, and appropriate”.

2002—Subsec. (a). Pub. L. 107-210 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “A petition for a certification of eligibility to apply for adjustment assistance under this subpart may be filed with the Secretary of Labor (hereinafter in this part referred to as the ‘Secretary’) by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized 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.”

1993—Subsec. (a). Pub. L. 103-182 substituted “assistance under this subpart” for “assistance under this part”.

1986—Subsec. (a). Pub. L. 99-272 inserted “(including workers in any agricultural firm or subdivision of an agricultural firm)” after “group of workers”.

#### 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 this section. 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 this section.

#### EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Pub. L. 111-5, div. B, title I, §1891, Feb. 17, 2009, 123 Stat. 420, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this subtitle [subtitle I (§§1800-1899L) of title I of div. B of Pub. L. 111-5, enacting part 4 (§2371 et seq.) of this subchapter and sections 2295a, 2322, 2323, 2344, 2345, 2356, and 2397a of this title, amending sections 2271 to 2275, 2291 to 2295, 2296 to 2298, 2311, 2315 to 2321, 2341, 2343, 2348 to 2352, 2354, 2355, 2393, 2395, 2401 to 2401b, and 2401e to 2401g of this title, sections 35, 4980B, 7527, and 9801 of Title 26, Internal Revenue Code, section 1581 of Title 28, Judiciary and Judicial Procedure, sections 1162, 1181, 2918, and 2919 of Title 29, Labor, and sections 300bb-2 and 300gg of Title 42, The Public Health and Welfare, repealing former sections 2344 to 2347 of this title, enacting provisions set out as notes preceding section 2271 and under sections 2271, 2295a, 2296, 2323, 2344, 2371, and 2393 of this title and sections 1, 35, 4980B, 7527, and 9801 of Title 26, and amending provisions set out as a note preceding section 2271 of this title], and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

“(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act [Feb. 17, 2009]; and

“(2) shall apply to—

“(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 [this part and parts 3 and 6 of this subchapter] on or after the effective date described in paragraph (1); and

“(B) petitions for assistance and proposals for grants filed under chapter 4 of title II of the Trade Act of 1974 [part 4 of this subchapter] on or after such effective date.

“(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

“(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974 [subpart B of this part], as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

“(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or before such effective date; and

“(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

“(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974 [19 U.S.C. 2318(a)(2)], as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

“(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

“(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

“(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act of 1974 [part 3 of this subchapter], as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

“(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] on or before such effective date; and

“(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.”

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 this section.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-182, title V, §506, Dec. 8, 1993, 107 Stat. 2152, provided that:

“(a) IN GENERAL.—The amendments made by sections 501, 502, 503, 504, and 505 [enacting sections 2322 and 2331 of this title and amending this section, sections 2272, 2273, 2275, 2317, and 2395 of this title, and provisions set out as a note preceding this section] shall take effect on the date the Agreement [North American Free Trade Agreement] enters into force with respect to the United States [Jan. 1, 1994].

“(b) COVERED WORKERS.—

“(1) GENERAL RULE.—Except as provided in paragraph (2), no worker shall be certified as eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974 [former 19 U.S.C. 2331 et seq.] (as added by this subtitle) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurred before such date of entry into force.

“(2) REACHBACK.—Notwithstanding paragraph (1), any worker—

“(A) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurs—

“(i) after the date of the enactment of this Act [Dec. 8, 1993], and

“(ii) before such date of entry into force, and

“(B) who would otherwise be eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974,

shall be eligible to receive such assistance in the same manner as if such separation occurred on or after such date of entry into force.”

#### 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 this section.

#### APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS

Pub. L. 112–40, title II, § 231, Oct. 21, 2011, 125 Stat. 413, provided that:

“(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

“(1) PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.—

“(A) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

“(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act [Oct. 21, 2011], the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 [19 U.S.C. 2272] pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

“(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

“(I) reconsider that determination; and

“(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

“(iii) PETITION DESCRIBED.—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after February 13, 2011, and before the date of the enactment of this Act.

“(B) ELIGIBILITY FOR BENEFITS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for ad-

justment assistance under section 222 of the Trade Act of 1974 [19 U.S.C. 2272] pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act [Oct. 21, 2011], to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974 [this part], as in effect on such date of enactment.

“(ii) ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.—

“(I) IN GENERAL.—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 [19 U.S.C. 2272] pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date of the enactment of this Act [Oct. 21, 2011] may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

“(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

“(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

“(II) EFFECT OF FAILURE TO MAKE ELECTION.—

A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

“(III) COMPUTATION OF MAXIMUM BENEFITS.—

Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act [Oct. 21, 2011], or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

“(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271]—

“(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act [this part], as in effect on February 12, 2011; or

“(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

“(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—

Section 223(b) of the Trade Act of 1974 [19 U.S.C. 2273(b)], as in effect on the date of the enactment of this Act [Oct. 21, 2011], shall be applied and administered by substituting ‘before February 13, 2010’ for ‘more than one year before the date of the petition on which such certification was granted’ for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

“(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

“(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

“(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this

Act [Oct. 21, 2011], the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

“(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

“(i) reconsider that determination; and

“(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

“(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] on or after February 13, 2011, and before the date of the enactment of this Act [Oct. 21, 2011].

“(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

“(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 [19 U.S.C. 2341], as in effect on the date of the enactment of this Act [Oct. 21, 2011], if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

“(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

“(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and

“(ii) the provisions of chapter 3 of title II of the Trade Act of 1974 [part 3 of this subchapter], as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).”

#### DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN

Pub. L. 111–5, div. B, title I, §1886, Feb. 17, 2009, 123 Stat. 419, provided that: “For purposes of chapters 2 and 6 [this part and part 6 of this subchapter] of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

“(1) is a fisherman or aquaculture producer, and

“(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be, the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.”

#### DECLARATION OF POLICY; SENSE OF CONGRESS

Pub. L. 107–210, div. A, title I, §125, Aug. 6, 2002, 116 Stat. 946, provided that:

“(a) DECLARATION OF POLICY.—Congress reiterates that, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 [this part], workers are eligible for transportation, child-care, and healthcare assistance, as well as other related assistance under programs administered by the Department of Labor.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Labor, working independently and in conjunction with the States, should, in accordance with section 225 of the Trade Act of 1974 [19 U.S.C. 2275], provide more specific information about benefit allowances, training, and other employment services, and the petition and application procedures (including appropriate filing dates) for such allowances, training, and services, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 to workers who are applying for, or are certified to receive, assistance under that program, including information on all other Federal assistance available to such workers.”

#### § 2272. Group eligibility requirements; agricultural workers; oil and natural gas industry

##### (a) In general

A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; and

(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(II) imports of articles like or directly competitive with articles—

(aa) into which one or more component parts produced by such firm are directly incorporated, or

(bb) which are produced directly using services supplied by such firm,

have increased; or

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

##### (b) Adversely affected secondary workers

A group of workers shall be certified by the Secretary as eligible to apply for trade adjustment assistance benefits under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—