

12, 2011. See Codification note above and 2009 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a)(1). Pub. L. 112-40, §§214(e)(1), 233, temporarily substituted “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” for “Any adversely affected worker” and “to file” for “may file”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b). Pub. L. 112-40, §§214(e)(2)(A), 233, in introductory provisions, temporarily substituted “Any” for “The” and “shall include” for “includes”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(1). Pub. L. 112-40, §§214(e)(2)(B), 233, temporarily substituted “not more than 90 percent of the” for “all”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(2). Pub. L. 112-40, §§214(e)(2)(C), 233, temporarily substituted “\$1,250” for “\$1,500”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a)(2)(E)(ii). Pub. L. 111-5, §§1833(b)(1), 1893, temporarily struck out “, unless the worker received a waiver under section 2291(c) of this title” before period. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(1). Pub. L. 111-5, §§1833(b)(2)(A), 1893, temporarily substituted “all” for “90 percent of the”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b)(2). Pub. L. 111-5, §§1833(b)(2)(B), 1893, temporarily substituted “\$1,500” for “\$1,250”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (b)(1). Pub. L. 108-429 substituted “Secretary” for “Secretary,”.

2002—Pub. L. 107-210 amended section generally. Prior to amendment, section consisted of subsections (a) to (d) authorizing relocation allowances, specifying the conditions for granting them, and defining “relocation allowance”.

1984—Subsec. (d)(2). Pub. L. 98-369 substituted “\$800” for “\$600”.

1981—Subsec. (a). Pub. L. 97-35, §2508(1), inserted provisions relating to time for filing application and struck out provisions respecting total separation.

Subsec. (b)(3). Pub. L. 97-35, §2508(2), added par. (3).

Subsec. (c). Pub. L. 97-35, §2508(3), substituted provisions respecting 182-day requirements for provisions respecting requirements involving entitlements for the week in which the application is filed and relocation occurring within a reasonable period of time.

Subsec. (d)(1). Pub. L. 97-35, §2508(4)(A), increased percentage from 80 to 90 percent and inserted provision respecting allowable levels of subsistence and travel expenses.

Subsec. (d)(2). Pub. L. 97-35, §2508(4)(B), increased maximum payment from \$500 to \$600.

#### 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.

#### 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 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, 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.

#### SUBPART C—GENERAL PROVISIONS

### § 2311. Agreements with States

#### (a) Authority of Secretary to enter into agreements

The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency (referred to in this subpart as “cooperating States” and “cooperating States agencies” respectively). Under such an agreement, the cooperating State agency (1) as agent of the United States, shall receive applications for, and shall provide, payments on the basis provided in this part, (2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A the employment and case management services described in section 2295 of this title, (3) shall make any certifications required under section 2291(c)(2)<sup>1</sup> of this title, and (4) shall otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this part.

#### (b) Amendment, suspension, and termination of agreements

Each agreement under this subpart shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

#### (c) Form and manner of data

Each agreement under this subpart shall—

(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this part; and

(2) specify the form and manner in which any such data requested by the Secretary shall be reported.

<sup>1</sup> See References in Text note below.

**(d) Unemployment insurance**

Each agreement under this subpart shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this part.

**(e) Review**

A determination by a cooperating State agency with respect to entitlement to program benefits under an agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent.

**(f) Coordination of benefits and assistance**

Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 2295 and 2296 of this title and under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement. Any agency of the State jointly administering such provisions under such agreement shall be considered to be a cooperating State agency for purposes of this part.

**(g) Advising and interviewing adversely affected workers**

Each cooperating State agency shall, in carrying out subsection (a)(2) of this section—

(1) advise each worker who applies for unemployment insurance of the benefits under this part and the procedures and deadlines for applying for such benefits,

(2) facilitate the early filing of petitions under section 2271 of this title for any workers that the agency considers are likely to be eligible for benefits under this part,

(3) advise each adversely affected worker to apply for training under section 2296(a) of this title before, or at the same time, the worker applies for trade readjustment allowances under division I of subpart B of this part,

(4) perform outreach to, intake of, and orientation for adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A with respect to assistance and benefits available under this part, and

(5) make employment and case management services described in section 2295 of this title available to adversely affected workers and adversely affected incumbent workers covered by a certification under subpart A and, if funds provided to carry out this part are insufficient to make such services available, make arrangements to make such services available through other Federal programs.

**(h) Submission of information for coordination of workforce investment activities**

In order to promote the coordination of workforce investment activities in each State with activities carried out under this part, any agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described

in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 2271(a)(2)(A) of this title.

**(i) Control measures****(1) In general**

The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this part, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

**(2) Definition**

For purposes of paragraph (1), the term "control measures" means measures that—

(A) are internal to a system used by a State to collect data; and

(B) are designed to ensure the accuracy and verifiability of such data.

**(j) Data reporting****(1) In general**

Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

(A) the core indicators of performance described in paragraph (2)(A);

(B) the additional indicators of performance described in paragraph (2)(B), if any; and

(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

**(2) Core indicators described****(A) In general**

The core indicators of performance described in this paragraph are—

(i) the percentage of workers receiving benefits under this part who are employed during the first or second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

(ii) the percentage of such workers who are employed during the 2 calendar quarters following the earliest calendar quarter during which the worker was employed as described in clause (i);

(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (ii); and

(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this part or during the 1-year period after such workers cease receiving such benefits.

**(B) Additional indicators**

The Secretary and a cooperating State or cooperating State agency may agree upon

additional indicators of performance for the trade adjustment assistance program under this part, as appropriate.

**(3) Standards with respect to reliability of data**

In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.

**(k) Verification of eligibility for program benefits**

**(1) In general**

An agreement under this subpart shall provide that the State shall periodically redetermine that a worker receiving benefits under this subpart who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1320b-7(d) of title 42 for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subpart. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1320b-7(d) of title 42.

**(2) Procedures**

The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.

(Pub. L. 93-618, title II, § 239, Jan. 3, 1975, 88 Stat. 2024; Pub. L. 97-35, title XXV, § 2513(d)(6), Aug. 13, 1981, 95 Stat. 889; Pub. L. 99-272, title XIII, §§ 13003(a)(3), 13004(c), Apr. 7, 1986, 100 Stat. 301, 303; Pub. L. 100-418, title I, §§ 1423(a)(4), 1424(d)(1)(B), (2), Aug. 23, 1988, 102 Stat. 1246, 1250; Pub. L. 105-220, title III, § 321, Aug. 7, 1998, 112 Stat. 1087; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 405(d)(14)(B), (f)(11)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421, 2681-431; Pub. L. 111-5, div. B, title I, §§ 1852, 1853, Feb. 17, 2009, 123 Stat. 390, 392; Pub. L. 112-40, title II, §§ 201(b), (c), 216(a)(1), Oct. 21, 2011, 125 Stat. 403, 407.)

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

Section 2291(c)(2) of this title, referred to in subsec. (a)(3), was subsequently amended, and no longer contains provisions relating to certifications.

The Workforce Investment Act of 1998, referred to in subsec. (f), 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 is comprised of subsecs. (a) to (k) of section 239 of Pub. L. 93-618. Another subsec. (e) of section 239 of Pub. L. 93-618 amended section 3302 of Title 26, Internal Revenue Code.

Amendment by section 1852(b)(1) of Pub. L. 111-5, which directed the temporary redesignation of subsecs. (c) through (g) of section 239 of Pub. L. 93-618 as subsecs. (d) through (h), respectively, was executed by redesignating subsecs. (c) to (g) set out in this section and not redesignating the subsec. (e) that amended section 3302 of Title 26, Internal Revenue Code, to reflect the probable intent of Congress.

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.

Amendment by section 1424(d)(1)(B) of Pub. L. 100-418, which directed amendment of subsec. (e) of section 239 of Pub. L. 93-618, was executed to the subsec. (e) (now subsec. (f)) set out in this section and not the subsec. (e) that amended section 3302 of Title 26, Internal Revenue Code, to reflect the probable intent of Congress.

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.

Subsec. (j)(2)(A). Pub. L. 112-40, §§ 216(a)(1), 233, temporarily amended subpar. (A) generally. Prior to amendment, text read as follows: "The core indicators of performance described in this paragraph are—

"(i) the percentage of workers receiving benefits under this part who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

"(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

"(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits."

See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a)(1). Pub. L. 111-5, §§ 1852(a)(2), 1893, temporarily substituted "shall" for "will" in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2). Pub. L. 111-5, §§ 1852(a)(1), 1893, temporarily amended cl. (2) generally. Prior to amendment, cl. (2) read as follows: "where appropriate, but in accordance with subsection (f) of this section, will afford adversely affected workers testing, counseling, referral to training and job search programs, and placement services,.". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(3), (4). Pub. L. 111-5, §§ 1852(a)(2), 1893, temporarily substituted "shall" for "will". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (c) to (f). Pub. L. 111-5, §§ 1852(b), 1893, temporarily added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) temporarily redesignated (g). See Codification notes above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g). Pub. L. 111-5, §§1852(b)(1), 1893, temporarily redesignated subsec. (f) as (g). Former subsec. (g) temporarily redesignated (h). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g)(3). Pub. L. 111-5, §§1852(c)(1), 1893, temporarily struck out “and” at end. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g)(4). Pub. L. 111-5, §§1852(c)(2), 1893, temporarily amended par. (4) generally. Prior to amendment, par. (4) read as follows: “as soon as practicable, interview the adversely affected worker regarding suitable training opportunities available to the worker under section 2296 of this title and review such opportunities with the worker.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (g)(5). Pub. L. 111-5, §§1852(c)(3), 1893, temporarily added par. (5). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (h). Pub. L. 111-5, §§1852(b)(1), (d), 1893, temporarily redesignated subsec. (g) as (h) and substituted “1998 (29 U.S.C. 2822(b)) and a description of the State’s rapid response activities under section 2271(a)(2)(A) of this title.” for “1998.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (i) to (k). Pub. L. 111-5, §§1852(e), 1853, 1893, temporarily added subsecs. (i) to (k). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1998—Subsec. (e). Pub. L. 105-277, §101(f) [title VIII, §405(f)(11)(B)], struck out “title III of the Job Training Partnership Act or” before “title I of the”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(14)(B)], substituted “under title III of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “under title III of the Job Training Partnership Act”.

Subsec. (g). Pub. L. 105-220 added subsec. (g).

1988—Subsec. (a)(3). Pub. L. 100-418, §1423(a)(4), amended cl. (3) generally. Prior to amendment, cl. (3) read as follows: “will make determinations and approvals regarding job search programs under sections 2291(c) and 2297(c) of this title, and”.

Subsec. (e). Pub. L. 100-418, §1424(d)(1)(B), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Agreements entered into under this section may be made with one or more State or local agencies including—

“(1) the employment service agency of such State,

“(2) any State agency carrying out title III of the Job Training Partnership Act [29 U.S.C. 1651 et seq.], or

“(3) any other State or local agency administering job training or related programs.”

See Codification note above.

Subsec. (f). Pub. L. 100-418, §1424(d)(2), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “Each cooperating State agency shall, in carrying out subsection (a)(2) of this section—

“(1) advise each adversely affected worker to apply for training under section 2296(a) of this title at the time the worker makes application for trade readjustment allowances (but failure of the worker to do so may not be treated as cause for denial of those allowances), and

“(2) within 60 days after application for training is made by the worker, interview the adversely affected worker regarding suitable training opportunities available to the worker under section 2296 of this title and review such opportunities with the worker.”

1986—Subsec. (a). Pub. L. 99-272, §13004(c)(1), inserted “but in accordance with subsection (f) of this section,” in cl. (2).

Pub. L. 99-272, §13003(a)(3), substituted “training and job search programs” for “training” in cl. (2), added cl. (3), and redesignated former cl. (3) as (4).

Subsecs. (e), (f). Pub. L. 99-272, §13004(c)(2), added subsecs. (e) and (f).

1981—Subsec. (a). Pub. L. 97-35 struck out provisions respecting persons applying for payments under this part.

#### 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 2011 AMENDMENT

Pub. L. 112-40, title II, §216(a)(2), Oct. 21, 2011, 125 Stat. 407, provided that: “The amendment made by paragraph (1) [amending this section] shall—

“(A) take effect on October 1, 2011; and

“(B) apply with respect to agreements under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.”

#### 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.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, §405(d)(14)(B)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(11)(B)] 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 AMENDMENT

Amendment by section 1424(d)(1)(B), (2) of Pub. L. 100-418 effective Aug. 23, 1988, and amendment by section 1423(a)(4) of Pub. L. 100-418 effective on the date that is 90 days after Aug. 23, 1988, see section 1430(a), (f) of Pub. L. 100-418, set out as an Effective Date note under section 2397 of this title.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 13003(a) of Pub. L. 99-272 applicable with respect to workers covered by petitions filed under section 2271 of this title on or after Apr. 7, 1986, and amendment by section 13004(c) of Pub. L. 99-272 effective on Apr. 7, 1986, see section 13009(a), (b) of Pub. L. 99-272, set out as a note under section 2291 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 1981, with transition provisions applicable, 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.

**§ 2312. Administration absent State agreement****(a) Promulgation of regulations; fair hearing**

In any State where there is no agreement in force between a State or its agency under section 2311 of this title, the Secretary shall arrange under regulations prescribed by him for performance of all necessary functions under subpart B of this part, including provision for a fair hearing for any worker whose application for payments is denied.

**(b) Review of final determination**

A final determination under subsection (a) of this section with respect to entitlement to program benefits under subpart B of this part is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42.

(Pub. L. 93-618, title II, § 240, Jan. 3, 1975, 88 Stat. 2025.)

## 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.

**§ 2313. Payments to States****(a) Certification to Secretary of the Treasury for payment to cooperating States**

The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating State the sums necessary to enable such State as agent of the United States to make payments provided for by this part.

**(b) Utilization or return of money**

All money paid a State under this section shall be used solely for the purposes for which it is paid; and money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this subpart, to the Secretary of the Treasury.

**(c) Surety bonds**

Any agreement under this subpart may require any officer or employee of the State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this part.

(Pub. L. 93-618, title II, § 241, Jan. 3, 1975, 88 Stat. 2025; Pub. L. 97-35, title XXV, § 2513(b), Aug. 13, 1981, 95 Stat. 889.)

## AMENDMENTS

1981—Subsec. (a). Pub. L. 97-35 struck out provisions relating to payment to the State by the Secretary of the Treasury from the Adjustment Assistance Trust Fund prior to audit or settlement by the General Accounting Office.

Subsec. (b). Pub. L. 97-35 struck out provisions relating to crediting money returned to the Secretary of the Treasury to the Adjustment Assistance Trust Fund.

## EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 1981, with transition provisions applicable, 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.

**§ 2314. Liabilities of certifying and disbursing officers****(a) Certifying officer**

No person designated by the Secretary, or designated pursuant to an agreement under this subpart, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment certified by him under this part.

**(b) Disbursing officer**

No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this part if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a) of this section.

(Pub. L. 93-618, title II, § 242, Jan. 3, 1975, 88 Stat. 2026.)

## 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.

**§ 2315. Fraud and recovery of overpayments****(a) Repayment; deductions**

(1) If a cooperating State agency, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this part to which the person was not entitled, including a payment referred to in subsection (b) of this section, such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, except that the State agency or the Secretary shall waive such repayment if such agency or the Secretary determines that—

(A) the payment was made without fault on the part of such individual, and

(B) requiring such repayment would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household).

(2) Unless an overpayment is otherwise recovered, or waived under paragraph (1), the State agency or the Secretary shall recover the overpayment by deductions from any sums payable to such person under this part, under any Federal unemployment compensation law administered by the State agency or the Secretary, or under any other Federal law administered by the State agency or the Secretary which provides for the payment of assistance or an allowance with respect to unemployment, and, not-