

Subsec. (d). Pub. L. 112-40, §§216(b)(3), 233, temporarily substituted “February 15” for “December 15” in introductory provisions. 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 Revival note preceding section 2271 of this title.

Pub. L. 111-5, div. B, title I, §1854(c), Feb. 17, 2009, 123 Stat. 394, 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 a 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that this section be applied and administered beginning Feb. 13, 2011, as if this section had never been enacted, was repealed by Pub.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.

#### DEADLINE FOR UPDATING DATA REPORTING SYSTEM

Pub. L. 112-40, title II, §216(b)(2), Oct. 21, 2011, 125 Stat. 409, provided that: “Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1) [amending this section].”

#### SUBPART D—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

### § 2331. Repealed. Pub. L. 107-210, div. A, title I, § 123(a), Aug. 6, 2002, 116 Stat. 944

Section, Pub. L. 93-618, title II, §250, as added Pub. L. 103-182, title V, §502, Dec. 8, 1993, 107 Stat. 2149; amended Pub. L. 105-277, div. J, title I, §1012(b), Oct. 21, 1998, 112 Stat. 2681-901; Pub. L. 106-113, div. B, §1000(a)(5) [title VII, §702(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319, established a NAFTA transitional adjustment assistance program.

#### PRIOR PROVISIONS

A prior section 250 of Pub. L. 93-618, title II, 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, and was classified to section 2322 of this title, prior to repeal by Pub. L. 96-417.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 107-210, div. A, title I, §123(c), Aug. 6, 2002, 116 Stat. 944, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending sections 2275 and 2395 of this title and repealing this subpart and section 2322 of this title] shall apply with respect to petitions filed under chapter 2 of title II of the Trade Act of 1974 [this part], on or after the date that is 90 days after the date of enactment of this Act [Aug. 6, 2002].

“(2) WORKERS CERTIFIED AS ELIGIBLE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a), a worker receiving benefits under chapter 2 of title II of the Trade Act of 1974 shall continue to receive (or be eligible to receive) benefits and services under chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the amendments made by this section take effect under subsection (a), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date.”

#### PART 3—ADJUSTMENT ASSISTANCE FOR FIRMS

##### TERMINATION DATE

Except as otherwise provided, technical assistance and grants may not be provided under this part after Dec. 31, 2013, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2341. Petitions and determinations

#### (a) Filing of petition; receipt of petition; initiation of investigation

A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary of Commerce (hereinafter in this part referred to as the “Secretary”) by a firm (including any agricultural firm or service sector firm) or its representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

#### (b) Public hearing

If the petitioner, or any other person, organization, or group 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.

#### (c) Certification

(1) The Secretary shall certify a firm (including any agricultural firm or service sector firm) as eligible to apply for adjustment assistance under this part if the Secretary determines—

(A) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated,

(B) that—

(i) sales or production, or both, of the firm have decreased absolutely,

(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which data<sup>1</sup> are available have decreased absolutely,

(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and

<sup>1</sup> So in original. Probably should be “data”.