

§ 2345. Authorization of appropriations**(a) In general**

There are authorized to be appropriated to the Secretary to carry out the provisions of this part \$16,000,000 for each of the fiscal years 2012 and 2013, and \$4,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013. Amounts appropriated pursuant to this subsection shall remain available until expended.

(b) Personnel

Of the amounts appropriated pursuant to this section for each fiscal year, \$350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this part. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this part.

(Pub. L. 93-618, title II, §255, as added Pub. L. 111-5, div. B, title I, §1864(a)(3), Feb. 17, 2009, 123 Stat. 398; amended Pub. L. 111-344, title I, §101(c)(4), Dec. 29, 2010, 124 Stat. 3613; as added and amended Pub. L. 112-40, title II, §201(b), (c), 221(b), Oct. 21, 2011, 125 Stat. 403, 410.)

TERMINATION OF SECTION AND REPEAL

For termination of section and termination of repeal of former section 2345 beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Codification, Prior Provisions, 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 L. 111-5, which provided for Feb. 13, 2011, termination of section, was repealed by Pub.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, as amended by Pub. L. 111-344, 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 Prior Provisions, 2010 and 2011 Amendment, and Effective and Termination Dates notes below.

PRIOR PROVISIONS

A prior section 2345, Pub. L. 93-618, title II, §255, Jan. 3, 1975, 88 Stat. 2031; Pub. L. 97-35, title XXV, §2523, Aug. 13, 1981, 95 Stat. 891; Pub. L. 98-120, §4(a), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, which related to conditions for financial assistance, was temporarily repealed effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, by Pub. L. 111-5, div. B, title I, §§1864(a)(1), (e), 1893, Feb. 17, 2009, 123 Stat. 397, 399, 422. Section 1893 of Pub. L. 111-5, which provided for Feb. 13, 2011, termination of repeal, 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, as amended by Pub. L. 111-344, 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 Codification note above and Effective and Termination Dates notes 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 2010 Amendment and Effective and Termination Dates notes below.

Subsec. (a). Pub. L. 112-40, §§221(b), 233, temporarily substituted “\$16,000,000 for each of the fiscal years 2012 and 2013, and \$4,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013. Amounts appropriated pursuant to this subsection shall remain available until expended.” for “\$50,000,000 for fiscal year 2010 and \$5,800,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011. Amounts appropriated pursuant to this subsection shall—

“(1) be available to provide adjustment assistance to firms that file a petition for such assistance pursuant to this part on or before February 12, 2011; and

“(2) otherwise remain available until expended.”

See Codification note above and Effective and Termination Dates note below.

2010—Subsec. (a). Pub. L. 111-344, §101(c)(4)(A), in introductory provisions, substituted “There are authorized to be appropriated to the Secretary to carry out the provisions of this part \$50,000,000 for fiscal year 2010 and \$5,800,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011.” for “There are authorized to be appropriated to the Secretary \$50,000,000 for each of the fiscal years 2009 through 2010, and \$12,501,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the provisions of this part.” See Codification note above.

Subsec. (a)(1). Pub. L. 111-344, §101(c)(4)(B), substituted “February 12, 2011” for “December 31, 2010”. See Codification note above.

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

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 of section and reinstatement of former section 2345 of this title 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.

Section effective upon the expiration of the 90-day period beginning on Feb. 17, 2009, see section 1864(e) of Pub. L. 111-5, set out as a note under section 2344 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, this section and the repeal of former section 2345 of this title not applicable on or after Feb. 13, 2011, and that this part be applied and administered beginning Feb. 13, 2011, as if this section and the repeal had never been enacted, was repealed by Pub. L. 112-40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification and Prior Provisions notes above.

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

§ 2345a. Annual report on trade adjustment assistance for firms**(a) In general**

Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this part for

the preceding fiscal year. The data shall include the following:

- (1) The number of firms that inquired about the program.
- (2) The number of petitions filed under section 2341 of this title.
- (3) The number of petitions certified and denied by the Secretary.
- (4) The average time for processing petitions after the petitions are filed.
- (5) The number of petitions filed and firms certified for each congressional district of the United States.
- (6) Of the number of petitions filed, the number of firms that entered the program and received benefits.
- (7) The number of firms that received assistance in preparing their petitions.
- (8) The number of firms that received assistance developing business recovery plans.
- (9) The number of business recovery plans approved and denied by the Secretary.
- (10) The average duration of benefits received under the program nationally and in each region served by an intermediary organization referred to in section 2343(b)(1) of this title.
- (11) Sales, employment, and productivity at each firm participating in the program at the time of certification.
- (12) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.
- (13) The number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and in each year during the 2-year period following completion of the program.
- (14) The financial assistance received by each firm participating in the program.
- (15) The financial contribution made by each firm participating in the program.
- (16) The types of technical assistance included in the business recovery plans of firms participating in the program.
- (17) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.
- (18) The total amount expended by all intermediary organizations referred to in section 2343(b)(1) of this title and by each such organization to administer the program.
- (19) The total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

(b) Classification of data

To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

(c) Report to Congress; publication

The Secretary shall—

- (1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

- (2) publish the report in the Federal Register and on the website of the Department of Commerce.

(d) Protection of confidential information

(1) In general

The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

(2) Rule of construction

Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.

(Pub. L. 93-618, title II, §255A, as added Pub. L. 112-40, title II, §221(a)(1), Oct. 21, 2011, 125 Stat. 409.)

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 Termination Date note below.

TERMINATION DATE

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

§ 2346. Repealed. Pub. L. 111-5, div. B, title I, § 1864(a)(1), Feb. 17, 2009, 123 Stat. 397; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403

Section, Pub. L. 93-618, title II, § 256, Jan. 3, 1975, 88 Stat. 2032; Pub. L. 97-35, title XXV, § 2524, Aug. 13, 1981, 95 Stat. 892; Pub. L. 99-272, title XIII, § 13008(b), Apr. 7, 1986, 100 Stat. 305; Pub. L. 100-418, title I, § 1426(b)(2), Aug. 23, 1988, 102 Stat. 1251; Pub. L. 103-66, title XIII, § 13803(a)(2), Aug. 10, 1993, 107 Stat. 668; Pub. L. 105-277, div. J, title I, § 1012(c), Oct. 21, 1998, 112 Stat. 2681-901; Pub. L. 106-113, div. B, § 1000(a)(5) [title VII, § 702(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319; Pub. L. 107-210, div. A, title I, §§ 111(b), 131, Aug. 6, 2002, 116 Stat. 936, 946; Pub. L. 108-429, title II, § 2004(a)(3), Dec. 3, 2004, 118 Stat. 2589; Pub. L. 110-89, § 1(b), Sept. 28, 2007, 121 Stat. 982, related to delegation of functions to Small Business Administration.

TERMINATION OF REPEAL

For termination of repeal of section beginning on Jan. 1, 2014, with certain exceptions and subject to section 233(b) of Pub. L. 112-40, see Effective and Termination Dates of Repeal notes below.

EFFECTIVE AND TERMINATION DATES OF REPEAL

For temporary revival and applicability of repeal, as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233