

heading, inserted “and services” after “imports of articles”, “and domestic supply of services” after “domestic production”, “or supplying services” after “producing articles”, and “, or supply of services,” after “changes in production”, and added subsec. (b). 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

Pub. L. 111-5, div. B, title I, §1804(c), Feb. 17, 2009, 123 Stat. 373, provided that: “The amendments made by this section [amending 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, 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 L. 111-5 had never been enacted, was repealed by Pub.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.

§ 2394. Firms relocating in foreign countries

Before moving productive facilities from the United States to a foreign country, every firm should—

- (1) provide notice of the move to its employees who are likely to be totally or partially separated as a result of the move at least 60 days before the date of such move, and
- (2) provide notice of the move to the Secretary of Labor and the Secretary of Commerce on the same day it notifies employees under paragraph (1).

(b)¹ It is the sense of the Congress that every such firm should—

- (1) apply for and use all adjustment assistance for which it is eligible under this subchapter,
- (2) offer employment opportunities in the United States, if any exist, to its employees who are totally or partially separated workers as a result of the move, and
- (3) assist in relocating employees to other locations in the United States where employment opportunities exist.

(Pub. L. 93-618, title II, §283, Jan. 3, 1975, 88 Stat. 2041.)

§ 2395. Judicial review

(a) Petition for review; time and place of filing

A worker, group of workers, certified or recognized union, or authorized representative of such worker or group aggrieved by a final determination of the Secretary of Labor under sec-

¹ So in original. The first paragraph was not designated subsec. (a).

tion 2273 of this title, a firm or its representative or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 2341 of this title, an agricultural commodity producer (as defined in section 2401(2) of this title) aggrieved by a determination of the Secretary of Agriculture under section 2401b or 2401e of this title, or a community or authorized representative of a community aggrieved by a final determination of the Secretary of Commerce under section 2371b of this title may, within sixty days after notice of such determination, commence a civil action in the United States Court of International Trade for review of such determination. The clerk of such court shall send a copy of the summons and the complaint in such action to the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture, as the case may be. Upon receiving a copy of such summons and complaint, such Secretary shall promptly certify and file in such court the record on which he based such determination.

(b) Findings of fact by Secretary; conclusiveness; new or modified findings

The findings of fact by the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture, as the case may be, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to such Secretary to take further evidence, and such Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Determination; review by Supreme Court

The Court of International Trade shall have jurisdiction to affirm the action of the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture, as the case may be, or to set such action aside, in whole or in part. The judgment of the Court of International Trade shall be subject to review by the United States Court of Appeals for the Federal Circuit as prescribed by the rules of such court. The judgment of the Court of Appeals for the Federal Circuit shall be subject to review by the Supreme Court of the United States upon certiorari as provided in section 1256¹ of title 28.

(Pub. L. 93-618, title II, §284, as added Pub. L. 96-417, title VI, §613(a), Oct. 10, 1980, 94 Stat. 1746; amended Pub. L. 97-164, title I, §163(a)(5), Apr. 2, 1982, 96 Stat. 49; Pub. L. 103-182, title V, §503(d), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, §§123(b)(4), 142(a), Aug. 6, 2002, 116 Stat. 944, 953; Pub. L. 108-429, title II, §2004(a)(11)(A), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, §1873(b)(1), Feb. 17, 2009, 123 Stat. 414; 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 cer-

¹ See References in Text note below.