

(b) Utilization of existing agencies, private individuals, etc., in furnishing assistance; grants to intermediary organizations

(1) The Secretary shall furnish technical assistance under this part through existing agencies and through private individuals, firms, or institutions (including private consulting services), or by grants to intermediary organizations (including Trade Adjustment Assistance Centers).

(2) In the case of assistance furnished through private individuals, firms, or institutions (including private consulting services), the Secretary may share the cost thereof (but not more than 75 percent of such cost for assistance described in paragraph (2) or (3) of subsection (a) of this section may be borne by the United States).

(3) The Secretary may make grants to intermediary organizations in order to defray up to 100 percent of administrative expenses incurred in providing such technical assistance to a firm.

(Pub. L. 93-618, title II, §253, Jan. 3, 1975, 88 Stat. 2031; Pub. L. 97-35, title XXV, §2521, Aug. 13, 1981, 95 Stat. 890; Pub. L. 99-272, title XIII, §13006(a)(3), Apr. 7, 1986, 100 Stat. 304; Pub. L. 111-5, div. B, title I, §1867(b), Feb. 17, 2009, 123 Stat. 400; 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.

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 L. 111-5, was repealed by Pub.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)(3). Pub. L. 111-5, §§1867(b), 1893, which directed the temporary substitution of “to a certified firm” for “of a certified firm”, could not be executed because “of a certified firm” did not appear. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

1986—Subsec. (b)(2). Pub. L. 99-272 substituted “such cost for assistance described in paragraph (2) or (3) of subsection (a) of this section” for “such cost”.

1981—Subsec. (a). Pub. L. 97-35 amended subsec. (a) generally, incorporating provisions formerly contained in subsec. (b) and, in those provisions, substituted discretionary language for non-discretionary language relating to the assistance furnished and allowed the giving of assistance to firms in the preparation of their petitions for certification of eligibility under section 2341 of this title.

Subsec. (b). Pub. L. 97-35 amended subsec. (b) generally, incorporating in pars. (1) and (2) provisions for-

merly contained in subsec. (c), inserted reference to grants to intermediary organizations (including Trade Adjustment Assistance Centers) in par. (1), and added par. (3). Provisions formerly contained in subsec. (b) were transferred to subsec. (a).

Subsec. (c). Pub. L. 97-35 struck out subsec. (c) and transferred the provisions to subsec. (b)(1) and (2).

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 1981 AMENDMENT

Pub. L. 97-35, title XXV, §2529, Aug. 13, 1981, 95 Stat. 893, provided that:

“(a) Subject to subsection (b), the amendments made by this subtitle [subtitle B (§§2521-2529) of title XXV of Pub. L. 97-35, enacting section 2355 of this title, amending this section and sections 2344 to 2347 of this title, and repealing section 2353 of this title] shall take effect on the date of the enactment of this Act [Aug. 13, 1981].

“(b) Applications for adjustment assistance under chapter 3 of title II of the Trade Act of 1974 [this part] which the Secretary of Commerce accepted for processing before the date of the enactment of this Act [Aug. 13, 1981] shall continue to be processed in accordance with the requirements of such chapter as in effect before such date of enactment.”

TERMINATION DATE

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 note preceding section 2271 of this title.

§ 2344. Oversight and administration

(a) In general

The Secretary shall, to such extent and in such amounts as are provided in appropriations Acts, provide grants to intermediary organizations (referred to in section 2343(b)(1) of this title) throughout the United States pursuant to agreements with such intermediary organizations. Each such agreement shall require the intermediary organization to provide benefits to firms certified under section 2341 of this title. The Secretary shall, to the maximum extent practicable, provide by October 1, 2010, that contracts entered into with intermediary organizations be for a 12-month period and that all such contracts have the same beginning date and the same ending date.

(b) Distribution of funds

(1) In general

Not later than 90 days after February 17, 2009, the Secretary shall develop a methodol-

ogy for the distribution of funds among the intermediary organizations described in subsection (a).

(2) Prompt initial distribution

The methodology described in paragraph (1) shall ensure the prompt initial distribution of funds and establish additional criteria governing the apportionment and distribution of the remainder of such funds among the intermediary organizations.

(3) Criteria

The methodology described in paragraph (1) shall include criteria based on the data in the annual report on the trade adjustment assistance for firms program described in section 2356¹ of this title.

(c) Requirements for contracts

An agreement with an intermediary organization described in subsection (a) shall require the intermediary organization to contract for the supply of services to carry out grants under this part in accordance with terms and conditions that are consistent with guidelines established by the Secretary.

(d) Consultations

(1) Consultations regarding methodology

The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives—

(A) not less than 30 days before finalizing the methodology described in subsection (b); and

(B) not less than 60 days before adopting any changes to such methodology.

(2) Consultations regarding guidelines

The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the guidelines described in subsection (c) or adopting any subsequent changes to such guidelines.

(Pub. L. 93-618, title II, § 254, as added Pub. L. 111-5, div. B, title I, § 1864(a)(3), Feb. 17, 2009, 123 Stat. 397, and Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

TERMINATION OF SECTION AND REPEAL

For termination of section and termination of repeal of former section 2344 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.

REFERENCES IN TEXT

Section 2356 of this title, referred to in subsec. (b)(3), was repealed by Pub. L. 112-40, title II, § 221(a)(3), Oct. 21, 2011, 125 Stat. 410.

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 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 and Effective and Termination Dates notes below.

PRIOR PROVISIONS

A prior section 2344, Pub. L. 93-618, title II, § 254, Jan. 3, 1975, 88 Stat. 2031; Pub. L. 97-35, title XXV, § 2522, Aug. 13, 1981, 95 Stat. 891; Pub. L. 99-272, title XIII, § 13006(b), Apr. 7, 1986, 100 Stat. 304, which related to provision of 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 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.

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 2344 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.

Pub. L. 111-5, div. B, title I, § 1864(e), Feb. 17, 2009, 123 Stat. 399, provided that: “This section [enacting this section and section 2345 of this title, amending sections 2348 to 2352, 2354, and 2355 of this title, repealing former sections 2344 to 2347 of this title, and enacting provisions set out as a note under this section] and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act [Feb. 17, 2009], except that subsections (b) and (d) of section 254 of the Trade Act of 1974 [19 U.S.C. 2344(b), (d)] (as added by subsection (a) of this section) shall take effect on such date of enactment.”

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 2344 of this title not applicable on or after Feb. 13, 2011, and that this section 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.

RESIDUAL AUTHORITY

Pub. L. 111-5, div. B, title I, § 1864(b), Feb. 17, 2009, 123 Stat. 398, provided that: “The Secretary of Commerce shall have the authority to modify, terminate, resolve, liquidate, or take any other action with respect to a loan, guarantee, contract, or any other financial assistance that was extended under section 254, 255, 256, or 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345, 2346, and 2347), as in effect on the day before the effective date set forth in section 1891 [set out as an Effective and Termination Dates of 2009 Amendment note under section 2271 of this title].”

¹ See References in Text note below.

§ 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