

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

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 repeal and reinstatement of former section 2346 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.

Repeal 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 an Effective and Termination Dates note under section 2344 of this title.

Except as otherwise provided and subject to certain applicability provisions, repeal 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, repeal of this section not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if the repeal had never been enacted, with certain exceptions, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403.

#### 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.

### § 2347. 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, § 257, Jan. 3, 1975, 88 Stat. 2033; Pub. L. 97-35, title XXV, § 2525, Aug. 13, 1981, 95 Stat. 892, related to administration of financial assistance.

#### 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 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 repeal and reinstatement of former section 2347 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.

Repeal 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 an Effective and Termination Dates note under section 2344 of this title.

Except as otherwise provided and subject to certain applicability provisions, repeal 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, repeal of this section not applicable on or after Feb. 13, 2011, and that this section be applied and administered beginning Feb. 13, 2011, as if the repeal had never been enacted, was repealed by Pub. L. 112-40, title II, § 201(a), Oct. 21, 2011, 125 Stat. 403.

#### 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.

#### DEPOSIT OF RECEIPTS FROM TRANSACTIONS UNDER THIS PART INTO ECONOMIC DEVELOPMENT REVOLVING FUND

Pub. L. 100-202, § 101(a) [title I, § 106], Dec. 22, 1987, 101 Stat. 1329, 1329-7, provided that: "Notwithstanding any other provision of law, including [former] section 257(c) of the Trade Act of 1974, as amended [former 19 U.S.C. 2347(c)], and section 203 of the Public Works and Economic Development Act of 1965, as amended [42 U.S.C. 3143], principal and interest repayments from loans, proceeds from the sale of loan assets or collateral, and other receipts arising out of transactions entered into pursuant to title II, chapter 3 of the Trade Act of 1974 [19 U.S.C. 2341 et seq.] shall be deposited into the economic development revolving fund established under section 203 of the Public Works and Economic Development Act of 1965 beginning October 1, 1987: *Provided*, That payments of obligations in connection with loans guaranteed under the authority of the Trade Act of 1974 [19 U.S.C. 2101 et seq.] or the Public Works and Economic Development Act of 1965 [42 U.S.C. 3121 et seq.], and any related expenses, shall be made from funds available in the economic development revolving fund: *Provided further*, That deposits to the economic development revolving fund of amounts appropriated for, or received in connection with, activities authorized under the Trade Act of 1974, made prior to October 1, 1987, shall be deemed valid deposits."

### § 2348. Protective provisions

#### (a) Recordkeeping

Each recipient of adjustment assistance under this part shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

#### (b) Audit and examination

The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under this part.

#### (c) Certifications

No adjustment assistance under this part shall be extended to any firm unless the owners, partners, or officers certify to the Secretary—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance; and

(2) the fees paid or to be paid to any such person.

(Pub. L. 93-618, title II, § 256, formerly § 258, Jan. 3, 1975, 88 Stat. 2033; renumbered § 256 and amended Pub. L. 111-5, div. B, title I, § 1864(a)(2), (c)(1), Feb. 17, 2009, 123 Stat. 397, 398; 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.*