

not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

“(III) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act [Oct. 21, 2011], or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

“(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271]—

“(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act [this part], as in effect on February 12, 2011; or

“(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

“(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974 [19 U.S.C. 2273(b)], as in effect on the date of the enactment of this Act [Oct. 21, 2011], shall be applied and administered by substituting ‘before February 13, 2010’ for ‘more than one year before the date of the petition on which such certification was granted’ for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

“(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

“(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

“(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act [Oct. 21, 2011], the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

“(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

“(i) reconsider that determination; and

“(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

“(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 [19 U.S.C. 2341] on or after February 13, 2011, and before the date of the enactment of this Act [Oct. 21, 2011].

“(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

“(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 [19 U.S.C. 2341], as in effect on the date of the enactment of this Act [Oct. 21, 2011], if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

“(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

“(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending on the day before the date of the enactment of this Act; and

“(ii) the provisions of chapter 3 of title II of the Trade Act of 1974 [part 3 of this subchapter], as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).”

DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN

Pub. L. 111–5, div. B, title I, §1886, Feb. 17, 2009, 123 Stat. 419, provided that: “For purposes of chapters 2 and 6 [this part and part 6 of this subchapter] of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

“(1) is a fisherman or aquaculture producer, and

“(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be, the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.”

DECLARATION OF POLICY; SENSE OF CONGRESS

Pub. L. 107–210, div. A, title I, §125, Aug. 6, 2002, 116 Stat. 946, provided that:

“(a) DECLARATION OF POLICY.—Congress reiterates that, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 [this part], workers are eligible for transportation, child-care, and healthcare assistance, as well as other related assistance under programs administered by the Department of Labor.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Labor, working independently and in conjunction with the States, should, in accordance with section 225 of the Trade Act of 1974 [19 U.S.C. 2275], provide more specific information about benefit allowances, training, and other employment services, and the petition and application procedures (including appropriate filing dates) for such allowances, training, and services, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 to workers who are applying for, or are certified to receive, assistance under that program, including information on all other Federal assistance available to such workers.”

§ 2272. Group eligibility requirements; agricultural workers; oil and natural gas industry

(a) In general

A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; and

(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; (II) imports of articles like or directly competitive with articles—

(aa) into which one or more component parts produced by such firm are directly incorporated, or

(bb) which are produced directly using services supplied by such firm,

have increased; or

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

(b) Adversely affected secondary workers

A group of workers shall be certified by the Secretary as eligible to apply for trade adjustment assistance benefits under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

(1) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under subsection (a), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection (c)(3) and (4)); and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

(c) Definitions

For purposes of this section—

(1) The term “contributed importantly” means a cause which is important but not necessarily more important than any other cause.

(2)(A) Any firm that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

(B) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

(3) **DOWNSTREAM PRODUCER.**—

(A) **IN GENERAL.**—The term “downstream producer” means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

(B) **VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.**—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.

(4) **SUPPLIER.**—The term “supplier” means a firm that produces and supplies directly to another firm component parts for articles, or services, used in the production of articles or in the supply of services, as the case may be, that were the basis for a certification of eligibility under subsection (a) of a group of workers employed by such other firm.

(d) Basis for Secretary's determinations

(1) In general

The Secretary shall, in determining whether to certify a group of workers under section 2273 of this title, obtain from the workers' firm, or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

(2) Additional information

The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a) or (b)—

(A) by contacting—

(i) officials or employees of the workers' firm;

(ii) officials of customers of the workers' firm;

(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

(iv) one-stop operators or one-stop partners (as defined in section 3102 of title 29); or

(B) by using other available sources of information.

(3) Verification of information

(A) Certification

The Secretary shall require a firm or customer to certify—

(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 2273 of this title, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

(B) Use of subpoenas

The Secretary shall require the workers' firm or a customer of the workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 2321 of this title if the firm or customer (as the case may be) fails to provide the information within 20 days after the date of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time.

(C) Protection of confidential information

The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

(e) Firms identified by the International Trade Commission

Notwithstanding any other provision of this part, a group of workers covered by a petition filed under section 2271 of this title shall be certified under subsection (a) as eligible to apply for adjustment assistance under this part if—

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 2252(b)(1) of this title;

(B) an affirmative determination of market disruption or threat thereof under section 2451(b)(1) of this title; or

(C) an affirmative final determination of material injury or threat thereof under section 1671d(b)(1)(A) or 1673d(b)(1)(A) of this title;

(2) the petition is filed during the one-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 2252(f)(1) of this title with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 2252(f)(3) of this title; or

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

(3) the workers have become totally or partially separated from the workers' firm with—

(A) the one-year period described in paragraph (2); or

(B) notwithstanding section 2273(b) of this title, the one-year period preceding the one-year period described in paragraph (2).

(Pub. L. 93-618, title II, § 222, Jan. 3, 1975, 88 Stat. 2019; Pub. L. 97-35, title XXV, § 2501, Aug. 13, 1981, 95 Stat. 881; Pub. L. 98-120, § 3(a), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-272, title XIII, § 13002(a), Apr. 7, 1986, 100 Stat. 300; Pub. L. 100-418, title I, § 1421(a)(1)(A), (b)(1), Aug. 23, 1988, 102 Stat. 1242, 1243; Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, § 113, Aug. 6, 2002, 116 Stat. 937; Pub. L. 108-429, title II, § 2004(a)(5), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, §§ 1801(b), (c), (e)(2), 1802, Feb. 17, 2009, 123 Stat. 367, 368, 370, 371; Pub. L. 112-40, title II, §§ 201(b), (c), 211(a), Oct. 21, 2011, 125 Stat. 403; Pub. L. 113-128, title V, § 512(hh)(2), July 22, 2014, 128 Stat. 1720; Pub. L. 114-27, title IV, § 402(b), (c), June 29, 2015, 129 Stat. 374.)

REVERSION TO PROVISIONS IN EFFECT ON JANUARY 1, 2014

For reversion, beginning on July 1, 2021, to provisions in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114-27, see Codification and Effective and Termination Dates of 2015 Revival notes below.

CODIFICATION

Section 233 of Pub. L. 112-40, which provided for the Jan. 1, 2014, revival of this section as in effect on Feb. 13, 2011, was repealed by Pub. L. 114-27, title IV, § 402(a), June 29, 2015, 129 Stat. 374, and the provisions of this section, as in effect on Dec. 31, 2013, were temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114-27, §§ 402(b), (c), 406. See 2011 and 2015 Amendment notes, Effective and Termination Dates of 2011 Revival notes, and Effective and Termination Dates of 2015 Revival notes below.

Amendment made by Pub. L. 113-128 was effective July 1, 2015, and was executed to this section as it existed on Dec. 31, 2013, pursuant to section 402(b) of Pub. L. 114-27, which revived the provisions of this section, effective June 29, 2015. See 2014 Amendment note below.

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 notes below.

AMENDMENTS

2015—Pub. L. 114-27, §§ 402(b), (c), 406, temporarily revived the provisions of this section, as in effect on Dec. 31, 2013. See Codification note above and 2011 Amendment and Effective and Termination Dates of 2015 Revival notes below.

2014—Subsec. (d)(2)(A)(iv). Pub. L. 113-128 substituted “one-stop operators or one-stop partners (as defined in section 3102 of title 29)” for “one-stop operators or one-

stop partners (as defined in section 2801 of title 29)". See Codification note above.

2011—Pub. L. 112-40, §§201(b), (c), 233, temporarily revised 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.

Subsec. (b). Pub. L. 112-40, §§211(a)(1), (2), 233, temporarily redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: "A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under section 2271 of this title if the Secretary determines that—

"(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

"(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

"(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation."

See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (b)(2). Pub. L. 112-40, §§211(a)(3), 233, temporarily substituted "(c)(3)" for "(d)(3)". See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c). Pub. L. 112-40, §§211(a)(2), 233, temporarily redesignated subsec. (d) as (c). Former subsec. (c) temporarily redesignated (b). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (c)(5). Pub. L. 112-40, §§211(a)(4), 233, temporarily struck out par. (5). Prior to amendment, text read as follows: "For purposes of subsection (a), the term 'firm' does not include a public agency." See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (d). Pub. L. 112-40, §§211(a)(2), 233, temporarily redesignated subsec. (e) as (d). Former subsec. (d) temporarily redesignated (c). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsec. (d)(2). Pub. L. 112-40, §§211(a)(5), 233, temporarily substituted "or (b)" for ", (b), or (c)" in introductory provisions. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

Subsecs. (e), (f). Pub. L. 112-40, §§211(a)(2), 233, temporarily redesignated subsec. (f) as (e). Former subsec. (e) temporarily redesignated (d). See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2009—Subsec. (a). Pub. L. 111-5, §§1801(e)(2)(A), 1893, temporarily struck out "(including workers in any agricultural firm or subdivision of an agricultural firm)" after "group of workers" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(1). Pub. L. 111-5, §§1801(e)(2)(B)(i), 1893, temporarily struck out ", or an appropriate subdivision of the firm," after "workers' firm". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(i). Pub. L. 111-5, §§1801(e)(2)(B)(ii), 1893, temporarily struck out "or subdivision" after "such firm". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(ii). Pub. L. 111-5, §§1801(b)(1)(A), 1893, temporarily amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "imports of articles like or directly competitive with articles produced by such firm or subdivision have increased; and". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(A)(iii). Pub. L. 111-5, §§1801(e)(2)(B)(ii), 1893, temporarily struck out "or subdivision" after

"such firm". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2)(B). Pub. L. 111-5, §§1801(b)(1)(B), 1893, temporarily amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows:

"(i) there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

"(ii)(I) the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

"(II) the country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

"(III) there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision."

See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (b). Pub. L. 111-5, §§1801(b)(2), (3), 1893, temporarily added subsec. (b) and redesignated former subsec. (b) as (c). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c). Pub. L. 111-5, §§1801(e)(2)(A), 1893, temporarily struck out "(including workers in any agricultural firm or subdivision of an agricultural firm)" after "group of workers" in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111-5, §§1801(b)(2), 1893, temporarily redesignated subsec. (b) as (c). Former subsec. (c) temporarily redesignated (d). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(2). Pub. L. 111-5, §§1801(e)(2)(C)(i), 1893, temporarily struck out "(or subdivision)" after "workers' firm" and after "producer to a firm", inserted "or service" after "the article", and substituted "(d)(3)" for "(c)(3)". See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (c)(3). Pub. L. 111-5, §§1801(e)(2)(C)(ii), 1893, temporarily struck out "(or subdivision)" after "the firm" in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d). Pub. L. 111-5, §§1801(e)(2)(D)(i), 1893, temporarily inserted heading. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Pub. L. 111-5, §§1801(b)(2), 1893, temporarily redesignated subsec. (c) as (d). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(2). Pub. L. 111-5, §§1801(e)(2)(D)(ii), 1893, temporarily struck out ", or appropriate subdivision of a firm," after "Any firm" in two places. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(3). Pub. L. 111-5, §§1801(e)(2)(D)(iii), 1893, temporarily amended par. (3) generally. Prior to amendment, text read as follows: "The term 'downstream producer' means a firm that performs additional, value-added production processes for a firm or subdivision, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were the basis for a certification of eligibility under subsection (a) of this section of a group of workers employed by such other firm, if the certification of eligibility under subsection (a) of this section is based on an increase in imports from, or a shift in production to, Canada or Mexico." See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(4). Pub. L. 111-5, §§1801(e)(2)(D)(iv), 1893, temporarily struck out "(or subdivision)" after "another firm" and inserted ", or services, used in the pro-

duction of articles or in the supply of services, as the case may be,” after “for articles”. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (d)(5). Pub. L. 111-5, §§1801(e)(2)(D)(v), 1893, temporarily added par. (5). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsecs. (e), (f). Pub. L. 111-5, §§1801(c), 1802, 1893, temporarily added subsecs. (e) and (f). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (b). Pub. L. 108-429 made technical amendment to heading and inserted “pursuant to a petition filed under section 2271 of this title” after “under this part” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-210, §113(a)(1)(A), inserted heading and amended text generally. Prior to amendment, text read as follows: “The Secretary shall certify a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) as eligible to apply for adjustment assistance under this subpart if he determines—

“(1) that a significant number or proportion of the workers in such workers’ firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

“(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

“(3) that increases of imports of articles like or directly competitive with articles produced by such workers’ firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.”

Subsec. (b). Pub. L. 107-210, §113(a)(1)(C), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-210, §113(b)(1), substituted “this section” for “subsection (a)(3) of this section” in introductory provisions.

Pub. L. 107-210, §113(a)(1)(B), redesignated subsec. (b) as (c).

Subsec. (c)(3), (4). Pub. L. 107-210, §113(b)(2), added pars. (3) and (4).

1993—Subsec. (a). Pub. L. 103-182 substituted “assistance under this subpart” for “assistance under this part”.

1988—Pub. L. 100-418, §1421(a)(1)(A), struck out last sentence which defined “contributed importantly” for purposes of par. (3), designated remaining provisions as subsec. (a), and added subsec. (b).

Subsec. (a)(3). Pub. L. 100-418, §1421(b)(1), directed the general amendment of par. (3) adding provisions relating to provision of essential goods or services by such workers’ firm, or appropriate subdivision thereof, which amendment did not become effective pursuant to section 1430(d) of Pub. L. 100-418, as amended, set out as an Effective Date note under section 2397 of this title.

1986—Pub. L. 99-272 inserted “(including workers in any agricultural firm or subdivision of an agricultural firm)” after “group of workers”.

1983—Pub. L. 98-120, §3(a)(2), substituted “For purposes of paragraph (3), the term ‘contributed importantly’ means a cause which is important, but not necessarily more important than any other cause” for “For purposes of paragraph (3), the term ‘substantial cause’ means a cause which is important and not less than any other cause” in provision following par. (3).

Par. (3). Pub. L. 98-120, §3(a)(1), substituted “contributed importantly to such total or partial separation, or threat thereof, and to such decline” for “were a substantial cause of such total or partial separation, or threat thereof, and of such decline”.

1981—Pub. L. 97-35 substituted provisions defining “substantial cause” and applicability of such term in par. (3) for provisions defining “contributed importantly” and applicability of such term in par. (3).

EFFECTIVE AND TERMINATION DATES OF 2015 REVIVAL

For revival and applicability, beginning on June 29, 2015, of the provisions of this section as in effect on

Dec. 31, 2013, see section 402(b), (c) of Pub. L. 114-27, set out as a note preceding section 2271 of this title.

For reversion, beginning on July 1, 2021, to the provisions of this section as in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114-27, see section 406 of Pub. L. 114-27, set out as a note preceding section 2271 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For revival and applicability, beginning on Oct. 21, 2011, of the provisions of this section as in effect on Feb. 12, 2011, see section 201(b), (c) of Pub. L. 112-40, set out as a note preceding section 2271 of this title.

Section 233 of Pub. L. 112-40, formerly set out as a note preceding section 2271 of this title, which provided for the reversion, beginning on Jan. 1, 2014, of the provisions of this section to those in effect on Feb. 13, 2011, subject to certain exceptions, was repealed by Pub. L. 114-27, title IV, §402(a), June 29, 2015, 129 Stat. 374, effective June 29, 2015. See Codification note above.

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, formerly set out as a Termination Date of 2009 Amendment note preceding section 2271 of this title, 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, effective Oct. 21, 2011. See Codification note above.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-210 applicable to petitions for certification filed under this part or part 3 of this subchapter on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107-210, set out as a note preceding section 2271 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States (Jan. 1, 1994), see section 506(a) of Pub. L. 103-182, set out as a note under section 2271 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-120, §3(b), Oct. 12, 1983, 97 Stat. 809, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to petitions for certification filed under section 221 of the Trade Act of 1974 [19 U.S.C. 2271] on or after October 1, 1983.”

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 applicable to petitions filed on or after Oct. 1, 1983, with transition provisions applicable, see section 2514 of Pub. L. 97-35, set out as a note under section 2291 of this title.

TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided

under this section after June 30, 2021, except as otherwise provided, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

WORKERS COVERED BY CERTIFICATION
NOTWITHSTANDING OTHER LAW

Pub. L. 100-418, title I, § 1421(a)(1)(B), Aug. 23, 1988, 102 Stat. 1243, provided that: “Notwithstanding section 223(b) of the Trade Act of 1974 [19 U.S.C. 2273(b)], or any other provision of law, any certification made under subchapter A of chapter 2 of title II of such Act [this subpart] which—

“(i) is made with respect to a petition filed before the date that is 90 days after the date of enactment of this Act [Aug. 23, 1988], and

“(ii) would not have been made if the amendments made by subparagraph (A) [amending this section] had not been enacted into law,

shall apply to any worker whose most recent total or partial separation from the firm, or appropriate subdivision of the firm, described in section 222(a) of such Act [19 U.S.C. 2272(a)] occurs after September 30, 1985.”

§ 2273. Determinations by Secretary of Labor

(a) Certification of eligibility

As soon as possible after the date on which a petition is filed under section 2271 of this title, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 2272 of this title and shall issue a certification of eligibility to apply for assistance under this subpart covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin.

(b) Workers covered by certification

A certification under this section shall not apply to any worker whose last total or partial separation from the firm before the worker's application under section 2291 of this title occurred more than one year before the date of the petition on which such certification was granted.

(c) Publication of determination in Federal Register

Upon reaching a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register and on the website of the Department of Labor, together with the Secretary's reasons for making such determination.

(d) Termination of certification

Whenever the Secretary determines, with respect to any certification of eligibility of the workers of a firm, that total or partial separations from such firm are no longer attributable to the conditions specified in section 2272 of this title, the Secretary shall terminate such certification and promptly have notice of such termination published in the Federal Register and on the website of the Department of Labor, together with the Secretary's reasons for making such determination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the Secretary.

(e) Standards for investigations and determinations

(1) In general

The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 2271 of this title and criteria for making determinations under subsection (a).

(2) Consultations

Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.

(Pub. L. 93-618, title II, § 223, Jan. 3, 1975, 88 Stat. 2019; Pub. L. 103-182, title V, § 503(a), Dec. 8, 1993, 107 Stat. 2151; Pub. L. 107-210, div. A, title I, § 112(b), Aug. 6, 2002, 116 Stat. 937; Pub. L. 111-5, div. B, title I, §§ 1803, 1858(a), Feb. 17, 2009, 123 Stat. 372, 395; Pub. L. 112-40, title II, § 201(b), (c), Oct. 21, 2011, 125 Stat. 403; Pub. L. 114-27, title IV, § 402(b), (c), June 29, 2015, 129 Stat. 374.)

REVERSION TO PROVISIONS IN EFFECT ON JANUARY 1, 2014

For reversion, beginning on July 1, 2021, to provisions in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114-27, see Codification and Effective and Termination Dates of 2015 Revival notes below.

CODIFICATION

Section 233 of Pub. L. 112-40, which provided for the Jan. 1, 2014, revival of this section as in effect on Feb. 13, 2011, was repealed by Pub. L. 114-27, title IV, § 402(a), June 29, 2015, 129 Stat. 374, and the provisions of this section, as in effect on Dec. 31, 2013, were temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114-27, §§ 402(b), (c), 406. See 2011 and 2015 Amendment notes, Effective and Termination Dates of 2011 Revival notes, and Effective and Termination Dates of 2015 Revival notes below.

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 notes below.

AMENDMENTS

2015—Pub. L. 114-27, §§ 402(b), (c), 406, temporarily revived the provisions of this section, as in effect on Dec. 31, 2013. See Codification note above and 2011 Amendment and Effective and Termination Dates of 2015 Revival notes below.

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. (b). Pub. L. 111-5, §§ 1803(1), 1893, temporarily substituted “before the worker's application under section 2291 of this title occurred more than one year before the date of the petition on which such certification was granted.” for “or appropriate subdivision of the firm before his application under section 2291 of this title occurred—