

total production or sales of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely, and

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

For purposes of paragraph (3), the term ‘contributed importantly’ means a cause which is important but not necessarily more important than any other cause.”

Subsec. (c)(1)(C). Pub. L. 100-418, §1421(b)(2), directed the general amendment of subpar. (C) adding provisions relating to provision of essential goods or services by such firm, 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—Subsecs. (a), (c). Pub. L. 99-272, §13002(b)(1), inserted “(including any agricultural firm)” after “firm”.

Subsec. (c)(2). Pub. L. 99-272, §13002(b)(2), amended par. (2) generally, designating existing provisions as subpar. (A), substituting “of the firm have decreased absolutely, or” for “of such firm have decreased absolutely, and”, and adding subpar. (B).

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 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Jan. 1, 2014, of the provisions of this section to those in effect on Feb. 13, 2011, subject to certain exceptions, was repealed by Pub.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.

TERMINATION DATE

Except as otherwise provided, assistance may not be provided under this section after June 30, 2021, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

§ 2342. Approval of adjustment proposals

(a) Application for adjustment assistance

A firm certified under section 2341 of this title as eligible to apply for adjustment assistance

may, at any time within 2 years after the date of such certification, file an application with the Secretary for adjustment assistance under this part. Such application shall include a proposal for the economic adjustment of such firm.

(b) Technical assistance

(1) Adjustment assistance under this part consists of technical assistance. The Secretary shall approve a firm’s application for adjustment assistance only if the Secretary determines that the firm’s adjustment proposal—

(A) is reasonably calculated to materially contribute to the economic adjustment of the firm,

(B) gives adequate consideration to the interests of the workers of such firm, and

(C) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

(2) The Secretary shall make a determination as soon as possible after the date on which an application is filed under this section, but in no event later than 60 days after such date.

(c) Termination of certification of eligibility

Whenever the Secretary determines that any firm no longer requires assistance under this part, he shall terminate the certification of eligibility of such firm and promptly have notice of such termination published in the Federal Register. Such termination shall take effect on the termination date specified by the Secretary.

(Pub. L. 93-618, title II, §252, Jan. 3, 1975, 88 Stat. 2030; Pub. L. 99-272, title XIII, §13006(a)(1), (2), Apr. 7, 1986, 100 Stat. 304.)

AMENDMENTS

1986—Subsec. (b)(1). Pub. L. 99-272, §13006(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Adjustment assistance under this part consists of technical assistance and financial assistance, which may be furnished singly or in combination. The Secretary shall approve a firm’s application for adjustment assistance only if he determines—

“(A) that the firm has no reasonable access to financing through the private capital market, and

“(B) that the firm’s adjustment proposal—

“(i) is reasonably calculated materially to contribute to the economic adjustment of the firm,

“(ii) gives adequate consideration to the interests of the workers of such firm, and

“(iii) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.”

Subsecs. (c), (d). Pub. L. 99-272, §13006(a)(2), redesignated subsec. (d) as (c) and struck out former subsec. (c) which authorized the Secretary to assist an eligible firm in the preparation of a viable adjustment proposal.

TERMINATION DATE

Except as otherwise provided, assistance may not be provided under this section after June 30, 2021, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

§ 2343. Technical assistance

(a) Discretion of Secretary; types of assistance

The Secretary may provide a firm, on terms and conditions as the Secretary determines to be appropriate, with such technical assistance as in his judgment will carry out the purposes of

this part with respect to the firm. The technical assistance furnished under this part may consist of one or more of the following:

- (1) Assistance to a firm in preparing its petition for certification of eligibility under section 2341 of this title.
- (2) Assistance to a certified firm in developing a proposal for its economic adjustment.
- (3) Assistance to a certified firm in the implementation of such a proposal.

(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) 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; 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. (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)” 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 formerly 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 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 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 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, assistance may not be provided under this section after June 30, 2021, 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 methodology 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 Com-

mittee 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, and Pub. L. 114–27, title IV, § 402(b), (c), June 29, 2015, 129 Stat. 374.)

TERMINATION OF SECTION AND REPEAL

For termination of section and termination of repeal of former section 2344 beginning on July 1, 2021, with certain exceptions and subject to section 406(b) of Pub. L. 114–27, 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 233 of Pub. L. 112–40, which provided for Jan. 1, 2014, termination of section, was repealed by Pub. L. 114–27, title IV, § 402(a), June 29, 2015, 129 Stat. 374, and this section, as added by Pub. L. 112–40 and as in effect on Dec. 31, 2013, was temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114–27, §§ 402(b), (c), 406. See Effective and Termination Dates notes below.

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. Section 233 of Pub. L. 112–40, which provided for Jan. 1, 2014, termination of repeal, was repealed by Pub. L. 114–27, title IV, § 402(a), June 29, 2015, 129 Stat. 374, and this section, as added by Pub. L. 112–40 and as in effect on Dec. 31, 2013, was temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114–27, §§ 402(b), (c), 406. See Codification note above and Effective and Termination Dates notes below.

¹ See References in Text note below.