

“(A) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurs—

“(i) after the date of the enactment of this Act [Dec. 8, 1993], and

“(ii) before such date of entry into force, and

“(B) who would otherwise be eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974,

shall be eligible to receive such assistance in the same manner as if such separation occurred on or after such date of entry into force.”

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this part after Dec. 31, 2007, except as otherwise provided, see section 285 of Pub. L. 93-618, as amended, set out as a note preceding this section.

#### 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 (including workers in any agricultural firm or subdivision of an agricultural firm) 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, or an appropriate subdivision of the 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 or subdivision have decreased absolutely;

(ii) imports of articles like or directly competitive with articles produced by such firm or subdivision 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 subdivision; or

(B)(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 [19 U.S.C. 3201 et seq.], African Growth and Opportunity Act [19 U.S.C. 3701 et seq.], or the Caribbean Basin Economic Recovery Act [19 U.S.C. 2701 et seq.]; 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.

#### (b) Adversely affected secondary workers

A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) 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 (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility under subsection (a) of this section, and such supply or production is related to the article that was the basis for such certification (as defined in subsection (c)(3) and (4) of this section); and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm (or subdivision) 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 (or subdivision) 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, or appropriate subdivision of a 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, or appropriate subdivision of a 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.**—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.

(4) SUPPLIER.—The term “supplier” means a firm that produces and supplies directly to another firm (or subdivision) component parts 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.

(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.)

#### REFERENCES IN TEXT

The Andean Trade Preference Act, referred to in subsec. (a)(2)(B)(ii)(II), is title II of Pub. L. 102-182, Dec. 4, 1991, 105 Stat. 1236, as amended, which is classified generally to chapter 20 (§3201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

The African Growth and Opportunity Act, referred to in subsec. (a)(2)(B)(ii)(II), is title I of Pub. L. 106-200, May 18, 2000, 114 Stat. 252, as amended, which is classified principally to chapter 23 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

The Caribbean Basin Economic Recovery Act, referred to in subsec. (a)(2)(B)(ii)(II), is title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, as amended, which is classified principally to chapter 15 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

#### AMENDMENTS

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 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

Section 3(b) of Pub. L. 98-120 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 part after Dec. 31, 2007, except as otherwise provided, see section 285 of Pub. L. 93-618, as amended, set out as a note preceding section 2271 of this title.

#### WORKERS COVERED BY CERTIFICATION NOTWITHSTANDING OTHER LAW

Section 1421(a)(1)(B) of Pub. L. 100-418 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 or appropriate subdivision of the firm before his application under section 2291 of this title occurred—

(1) more than one year before the date of the petition on which such certification was granted, or

(2) more than 6 months before the effective date of this part.

#### (c) Publication of determination in Federal Register

Upon reaching his determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register together with his 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 or subdivision of the firm, that total or partial separations from such firm or subdivision are no longer attributable to the conditions specified in section 2272 of this title, he shall terminate such certification and promptly have notice of such termination published in the Federal Register together with his 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.

(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.)

#### REFERENCES IN TEXT

For the effective date of this part, referred to in subsec. (b)(2), see Effective and Termination Date note set out preceding section 2271 of this title.

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-210 substituted “40 days” for “60 days”.

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

#### 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.

#### TERMINATION DATE

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this part after Dec. 31, 2007, except as otherwise provided, see section 285 of Pub. L. 93-618, as amended, set out as a note preceding section 2271 of this title.

### § 2274. Study by Secretary of Labor when International Trade Commission begins investigation

#### (a) Subject matter of study

Whenever the International Trade Commission (hereafter referred to in this part as the “Commission”) begins an investigation under section 2252 of this title with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of—

(1) the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance, and

(2) the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

#### (b) Report; publication

The report of the Secretary of the study under subsection (a) of this section shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 2252(f) of this title. Upon making his report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

(Pub. L. 93-618, title II, § 224, Jan. 3, 1975, 88 Stat. 2020; Pub. L. 97-35, title XXV, § 2513(a), Aug. 13, 1981, 95 Stat. 889; Pub. L. 100-418, title I, § 1401(b)(1)(B), Aug. 23, 1988, 102 Stat. 1239.)

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-418 substituted “section 2252” for “section 2251”.

Subsec. (b). Pub. L. 100-418 substituted “section 2252(f)” for “section 2251”.

1981—Subsec. (c). Pub. L. 97-35 struck out subsec. (c) which related to availability of information to workers.