

agency or the Secretary shall recover the overpayment by deductions from any sums payable to such person under this part, under any Federal unemployment compensation law administered by the State agency or the Secretary, or under any other Federal law administered by the State agency or the Secretary which provides for the payment of assistance or an allowance with respect to unemployment, and, notwithstanding any other provision of State law or Federal law to the contrary, the Secretary may require the State agency to recover any overpayment under this part by deduction from any unemployment insurance payable to such person under the State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

(b) False representation or nondisclosure of material fact

If a cooperating State agency, the Secretary, or a court of competent jurisdiction determines that an individual—

- (1) knowingly has made, or caused another to make, a false statement or representation of a material fact, or
- (2) knowingly has failed, or caused another to fail, to disclose a material fact,

and as a result of such false statement or representation, or of such nondisclosure, such individual has received any payment under this part to which the individual was not entitled, such individual shall, in addition to any other penalty provided by law, be ineligible for any further payments under this part.

(c) Notice of determination; fair hearing; finality

Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) of this section by the State agency or the Secretary, as the case may be, has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the individual concerned, and the determination has become final.

(d) Recovered amount returned to Treasury

Any amount recovered under this section shall be returned to the Treasury of the United States.

(Pub. L. 93-618, title II, §243, Jan. 3, 1975, 88 Stat. 2026; Pub. L. 97-35, title XXV, §2509, Aug. 13, 1981, 95 Stat. 887.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-35 designated existing provisions as par. (1), revised provisions, made changes in nomenclature and, among other changes, inserted provisions respecting waiver, and added par. (2).

Subsec. (b). Pub. L. 97-35 substituted provisions relating to ineligibility for other payments for provisions relating to deposit, return, and credit of repayments.

Subsecs. (c), (d). Pub. L. 97-35 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, 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.

§ 2316. Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this part or pursuant to an agreement under section 2311 of this title shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(Pub. L. 93-618, title II, §244, Jan. 3, 1975, 88 Stat. 2026.)

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.

§ 2317. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 2001, and ending December 31, 2007, such sums as may be necessary to carry out the purposes of this part.

(b) Period of expenditure

Funds obligated for any fiscal year to carry out activities under sections 2295 through 2298 of this title may be expended by each State receiving such funds during that fiscal year and the succeeding two fiscal years.

(Pub. L. 93-618, title II, §245, Jan. 3, 1975, 88 Stat. 2026; Pub. L. 97-35, title XXV, §2510, Aug. 13, 1981, 95 Stat. 888; Pub. L. 98-120, §2(a), Oct. 12, 1983, 97 Stat. 809; Pub. L. 99-272, title XIII, §13008(a), Apr. 7, 1986, 100 Stat. 305; Pub. L. 100-418, title I, §1426(b)(1), Aug. 23, 1988, 102 Stat. 1251; Pub. L. 103-66, title XIII, §13803(a)(2), Aug. 10, 1993, 107 Stat. 668; Pub. L. 103-182, title V, §504, Dec. 8, 1993, 107 Stat. 2151; Pub. L. 105-277, div. J, title I, §1012(a), Oct. 21, 1998, 112 Stat. 2681-900; Pub. L. 106-113, div. B, §1000(a)(5) [title VII, §702(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319; Pub. L. 107-210, div. A, title I, §§111(a), 120, Aug. 6, 2002, 116 Stat. 936, 942; Pub. L. 109-280, title XIV, §1635(f)(3), Aug. 17, 2006, 120 Stat. 1171; Pub. L. 110-89, §1(a), Sept. 28, 2007, 121 Stat. 982.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-89 substituted “December 31, 2007” for “September 30, 2007”.

2006—Subsec. (a). Pub. L. 109-280 struck out “, other than subpart D” before period at end.

2002—Subsec. (a). Pub. L. 107-210, §111(a), substituted “October 1, 2001, and ending September 30, 2007,” for “October 1, 1998, and ending September 30, 2001.”

Subsec. (b). Pub. L. 107-210, §120, amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Department of Labor, for the period be-

ginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of subpart D of this part.”

Pub. L. 107-210, §111(a), substituted “October 1, 2001, and ending September 30, 2007,” for “October 1, 1998, and ending September 30, 2001.”

1999—Subsecs. (a), (b). Pub. L. 106-113 substituted “September 30, 2001” for “June 30, 1999”.

1998—Subsec. (a). Pub. L. 105-277, §1012(a)(1), substituted “for the period beginning October 1, 1998, and ending June 30, 1999,” for “for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998.”

Subsec. (b). Pub. L. 105-277, §1012(a)(2), substituted “for the period beginning October 1, 1998, and ending June 30, 1999,” for “for each of fiscal years 1994, 1995, 1996, 1997, and 1998.”

1993—Pub. L. 103-182 designated existing provisions as subsec. (a), inserted heading and “, other than subpart D” after “this part”, and added subsec. (b).

Pub. L. 103-66 substituted “1993, 1994, 1995, 1996, 1997, and 1998” for “1988, 1989, 1990, 1991, 1992, and 1993”.

1988—Pub. L. 100-418 substituted “1988, 1989, 1990, 1991, 1992, and 1993” for “1986, 1987, 1988, 1989, 1990, and 1991”.

1986—Pub. L. 99-272 substituted “1986, 1987, 1988, 1989, 1990, and 1991” for “1982 through 1985”.

1983—Pub. L. 98-120 substituted “each of the fiscal years 1982 through 1985” for “each of fiscal years 1982 and 1983”.

1981—Pub. L. 97-35 substituted provisions relating to authorization of appropriations for fiscal years 1982 and 1983 for provisions relating to establishment of the Adjustment Assistance Trust Fund.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-89, §1(e), Sept. 28, 2007, 121 Stat. 982, provided that: “The amendments made by this section [amending this section and sections 2346 and 2401g of this title and provisions set out as a note preceding section 2271 of this title] shall be effective as of October 1, 2007.”

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-280 applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after Aug. 17, 2006, see section 1641 of Pub. L. 109-280, set out as a note under section 58c of this title.

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 1999 AMENDMENT

Pub. L. 106-113, div. B, §1000(a)(5) [title VII, §702(e)], Nov. 29, 1999, 113 Stat. 1536, 1501A-319, provided that: “The amendments made by this section [amending this section and sections 2331 and 2346 of this title and provisions set out as a note preceding section 2271 of this title] shall be effective as of July 1, 1999.”

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 1986 AMENDMENT

Parts 2 and 3 of this subchapter applicable as if the amendment of this section by Pub. L. 99-272 had taken effect Dec. 18, 1985, see section 13009(c) of Pub. L. 99-272, set out as a note under section 2291 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, 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.

§ 2318. Demonstration project for alternative trade adjustment assistance for older workers

(a) In general

(1) Establishment

Not later than 1 year after August 6, 2002, the Secretary shall establish an alternative trade adjustment assistance program for older workers that provides the benefits described in paragraph (2).

(2) Benefits

(A) Payments

A State shall use the funds provided to the State under section 2313 of this title to pay, for a period not to exceed 2 years, to a worker described in paragraph (3)(B), 50 percent of the difference between—

- (i) the wages received by the worker from reemployment; and
- (ii) the wages received by the worker at the time of separation.

(B) Health insurance

A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive, for a period not to exceed 2 years, a credit for health insurance costs under section 35 of title 26, as added by section 201 of the Trade Act of 2002.

(3) Eligibility

(A) Firm eligibility

(i) In general

The Secretary shall provide the opportunity for a group of workers on whose behalf a petition is filed under section 2271 of this title to request that the group of workers be certified for the alternative trade adjustment assistance program under this section at the time the petition is filed.

(ii) Criteria

In determining whether to certify a group of workers as eligible for the alternative trade adjustment assistance program, the Secretary shall consider the following criteria:

- (I) Whether a significant number of workers in the workers’ firm are 50 years of age or older.
- (II) Whether the workers in the workers’ firm possess skills that are not easily transferable.
- (III) The competitive conditions within the workers’ industry.

(iii) Deadline

The Secretary shall determine whether the workers in the group are eligible for