

the alternative trade adjustment assistance program by the date specified in section 2273(a) of this title.

**(B) Individual eligibility**

A worker in the group that the Secretary has certified as eligible for the alternative trade adjustment assistance program may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

- (i) is covered by a certification under subpart A of this part;
- (ii) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;
- (iii) is at least 50 years of age;
- (iv) earns not more than \$50,000 a year in wages from reemployment;
- (v) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and
- (vi) does not return to the employment from which the worker was separated.

**(4) Total amount of payments**

The payments described in paragraph (2)(A) made to a worker may not exceed \$10,000 per worker during the 2-year eligibility period.

**(5) Limitation on other benefits**

Except as provided in paragraph (2)(B), if a worker is receiving payments pursuant to the program established under paragraph (1), the worker shall not be eligible to receive any other benefits under this subchapter.

**(b) Termination**

**(1) In general**

Except as provided in paragraph (2), no payments may be made by a State under the program established under subsection (a)(1) of this section after the date that is 5 years after the date on which such program is implemented by the State.

**(2) Exception**

Notwithstanding paragraph (1), a worker receiving payments under the program established under subsection (a)(1) of this section on the termination date described in paragraph (1) shall continue to receive such payments if the worker meets the criteria described in subsection (a)(3)(B) of this section.

(Pub. L. 93-618, title II, §246, as added Pub. L. 107-210, div. A, title I, §124(a), Aug. 6, 2002, 116 Stat. 944; amended Pub. L. 108-429, title II, §2004(a)(7), Dec. 3, 2004, 118 Stat. 2590.)

**PRIOR PROVISIONS**

A prior section 2318, Pub. L. 93-618, title II, §246, as added Pub. L. 100-418, title I, §1423(d)(1), Aug. 23, 1988, 102 Stat. 1246; amended Pub. L. 101-382, title I, §136, Aug. 20, 1990, 104 Stat. 652, related to supplemental wage allowance demonstration projects, prior to repeal by Pub. L. 107-210, div. A, title I, §§124(a), 151, Aug. 6, 2002, 116 Stat. 944, 953, 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.

Another prior section 2318, Pub. L. 93-618, title II, §246, Jan. 3, 1975, 88 Stat. 2027, contained transition provisions for events taking place during specified periods

prior to the effective date of this part, prior to repeal by Pub. L. 97-35, title XXV, §2513(c), Aug. 13, 1981, 95 Stat. 889.

**AMENDMENTS**

2004—Subsec. (a)(3)(B)(iii). Pub. L. 108-429, §2004(a)(7)(A), struck out “and” after semicolon.

Subsec. (a)(5). Pub. L. 108-429, §2004(a)(7)(B), substituted “paragraph (2)(B)” for “section 2298(a)(2)(B) of this title”.

Subsec. (b)(2). Pub. L. 108-429, §2004(a)(7)(C), substituted “if” for “provided that”.

**EFFECTIVE DATE**

Section 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 an Effective Date of 2002 Amendment note preceding 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.

**§ 2319. Definitions**

For purposes of this part—

(1) The term “adversely affected employment” means employment in a firm or appropriate subdivision of a firm, if workers of such firm or subdivision are eligible to apply for adjustment assistance under this part.

(2) The term “adversely affected worker” means an individual who, because of lack of work in adversely affected employment—

(A) has been totally or partially separated from such employment, or

(B) has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(3) Repealed. Pub. L. 97-35, title XXV, §2511(1), Aug. 13, 1981, 95 Stat. 888.

(4) The term “average weekly wage” means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual’s total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term “average weekly hours” means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term “partial separation” means, with respect to an individual who has not been totally separated, that he has had—

(A) his hours of work reduced to 80 percent or less of his average weekly hours in adversely affected employment, and

(B) his wages reduced to 80 percent or less of his average weekly wage in such adversely affected employment.

(7) Repealed. Pub. L. 97-35, title XXV, §2511(1), Aug. 13, 1981, 95 Stat. 888.

(8) The term “State” includes the District of Columbia and the Commonwealth of Puerto Rico; and the term “United States” when used in the geographical sense includes such Commonwealth.

(9) The term “State agency” means the agency of the State which administers the State law.

(10) The term “State law” means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of title 26.

(11) The term “total separation” means the layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(12) The term “unemployment insurance” means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5 and the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.]. The terms “regular compensation”, “additional compensation”, and “extended compensation” have the same respective meanings that are given them in section 205(2), (3), and (4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(13) The term “week” means a week as defined in the applicable State law.

(14) The term “week of unemployment” means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

(15) The term “benefit period” means, with respect to an individual—

(A) the benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation, or

(B) the equivalent to such a benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

(16) The term “on-the-job training” means training provided by an employer to an individual who is employed by the employer.

(17)(A) The term “job search program” means a job search workshop or job finding club.

(B) The term “job search workshop” means a short (1 to 3 days) seminar designed to provide participants with knowledge that will enable the participants to find jobs. Subjects are not limited to, but should include, labor market information, resume writing, interviewing techniques, and techniques for finding job openings.

(C) The term “job finding club” means a job search workshop which includes a period (1 to 2 weeks) of structured, supervised activity in which participants attempt to obtain jobs.

(Pub. L. 93-618, title II, §247, Jan. 3, 1975, 88 Stat. 2028; Pub. L. 97-35, title XXV, §2511, Aug. 13, 1981, 95 Stat. 888; Pub. L. 99-272, title XIII, §§13004(b), 13005(b), Apr. 7, 1986, 100 Stat. 303.)

#### REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in par. (12), is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1986—Pars. (16), (17). Pub. L. 99-272 added pars. (16) and (17).

1981—Par. (3). Pub. L. 97-35, §2511(1), struck out par. (3) defining “average weekly manufacturing wage”.

Par. (7). Pub. L. 97-35, §2511(1), struck out par. (7) defining “remuneration”.

Par. (12). Pub. L. 97-35, §2511(2), revised par. (12) generally, inserting definitions of “regular compensation”, “additional compensation”, and “extended compensation”.

Par. (14). Pub. L. 97-35, §2511(3), substituted provisions requiring determination under the applicable State law or Federal unemployment insurance law for provisions requiring computation applying percent of average weekly wage and time spent prior to separation.

Par. (15). Pub. L. 97-35, §2511(4), added par. (15).

#### EFFECTIVE DATE OF 1981 AMENDMENT AND TRANSITION PROVISIONS

Amendment by Pub. L. 97-35 applicable to allowances payable for weeks of unemployment which begin after Sept. 30, 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.

### § 2320. Regulations

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part.

(Pub. L. 93-618, title II, §248, Jan. 3, 1975, 88 Stat. 2029.)

#### 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.

### § 2321. Subpena power

#### (a) Subpena by Secretary

The Secretary may require by subpena the attendance of witnesses and the production of evidence necessary for him to make a determination under the provisions of this part.

#### (b) Court order

If a person refuses to obey a subpena issued under subsection (a) of this section, a United States district court within the jurisdiction of which the relevant proceeding under this part is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpena.