§ 2292. Weekly amounts of readjustment allowance

(a) Formula

Subject to subsections (b), (c), and (d), the trade readjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker’s first exhaustion of unemployment insurance (as determined for purposes of section 2291 (a)(3)(B) of this title) reduced (but not below zero) by—

(1) any training allowance deductible under subsection (c) of this section; and
(2) income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law, except that in the case of an adversely affected worker who is participating in training under this part, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker’s first exhaustion of unemployment insurance (as determined for purposes of section 2291 (a)(3)(B) of this title).

(b) Adversely affected workers who are undergoing training

Any adversely affected worker who is entitled to trade readjustment allowances and who is undergoing training approved by the Secretary shall receive for each week in which he is undergoing any such training, a trade readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) of this section or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such trade readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) Deduction from total number of weeks of allowance entitlement

If a training allowance under any Federal law other than this chapter is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to any disqualification under section 2291 (b) of this title) to a trade readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of trade readjustment allowance otherwise payable to him under section 2293 (a) of this title when he applies for a trade readjustment allowance and is determined to be entitled to such allowance. If such training allowance paid to such worker for any week of unemployment is less than the amount of the trade readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a trade readjustment allowance and is determined to be entitled to such allowance, a trade readjustment allowance for such week equal to such difference.

(d) Election of trade readjustment allowance or unemployment insurance

Notwithstanding section 2291 (a)(3)(B) of this title, an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker’s most recent total separation from adversely affected employment; and
(2) is otherwise entitled to a trade readjustment allowance.


Reversion to Provisions in Effect on February 13, 2011

For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112–40, see Codification and Effective and Termination Dates of 2011 Revival notes below.

References in Text

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of this title and Tables.

Codification


Amendments

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). Pub. L. 111–5, §§ 1822(1)(A), (B), 1893, temporarily substituted “unemployment shall” for “total unemployment shall” and “subsections (b), (c), and (d)” for “subsections (b) and (c)” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Subsec. (a)(2). Pub. L. 111–5, §§ 1822(1)(C), 1893, temporarily inserted “, except that in the case of an adversely affected worker who is participating in training under this part, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker’s first exhaustion of unemployment insurance (as determined for purposes of section 2291 (a)(3)(B) of this title)” before period. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.


1988—Subsec. (b). Pub. L. 100–418, § 1423(b)(1), struck out “, including on-the-job training,” after “approved by the Secretary”.

Subsec. (c). Pub. L. 100–418, § 1423(b)(2), substituted “under section 2291 (b)” for “under section 2291 (c) or 2296 (c)”.

1986—Subsec. (c). Pub. L. 99–272 substituted “under any Federal law other than this chapter” for “under any Federal law,”, “section 2291 (c) or 2296 (c) of this title” for “section 2296 (c) of this title”, and “If such training allowance” for “If the training allowance”.

1981—Subsec. (a). Pub. L. 97–35, § 2504(a)(1), substituted provisions setting forth amount of allowance as reduced (but not below zero) by training allowance and income deductions for provisions setting forth amount of allowance as computed by specified percentages of wages and reduced by paid remuneration.

Subsecs. (c), (d), Pub. L. 97–35, § 2504(a)(2)–(4), redesignated subsec. (d) as (c) and struck out references to unemployment insurance and to the inapplicability of former subsecs. (c) and (e) of this section. Former subsec. (c), which related to the computation of unemployment insurance, was struck out.

Subsec. (e). Pub. L. 97–35, § 2504(a)(2), struck out subsec. (e) which related to maximum total for all remuneration and allowances.

Effective and Termination Dates of 2011 Revival

For temporary revival and applicability of provisions as in effect on Feb. 12, 2011, see sections 201(b), (c) and 233 of Pub. L. 112–40, set out as notes preceding section 2271 of this title. For reversion, beginning on Jan. 1, 2014, to provisions in effect on Feb. 13, 2011, with certain exceptions and subject to section 233(b) of Pub. L. 112–40, see section 233 of Pub. L. 112–40, set out as a note preceding section 2271 of this title.

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, 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. See Codification note above.

Effective Date of 1988 Amendment

Amendment by section 1423 (b)(1) effective Aug. 23, 1988, and amendment by section 1423(b)(2) of Pub. L. 100–418 effective on the date that is 90 days after Aug. 23, 1988, see section 1430(a), (f) of Pub. L. 100–418, set out as an Effective Date note under section 2397 of this title.

Effective Date of 1981 Amendment and Transition Provisions


Termination Date

No trade adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this section after Dec. 31, 2013, except as otherwise provided, see section 285 of Pub. L. 93–618, set out as a note preceding section 2271 of this title.

Reference to Subsec. (d) Deemed Reference to (c)

Pub. L. 97–35, title XXV, § 2504(b), Aug. 13, 1981, 95 Stat. 883, provided that: “Any reference in any law to subsection (d) of section 232 of the Trade Act of 1974 [former subsec. (d) of this section] shall be considered a reference to subsection (c) thereof [subsec. (c) of this section].”