§ 2274. Study and notifications regarding certain affirmative determinations; industry notification of assistance

(a) Study of domestic industry
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 by the Secretary
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 and on the website of the Department of Labor.

(c) Notifications following affirmative global safeguard determinations
Upon making an affirmative determination under section 2252 (b)(1) of this title, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

(d) Notifications following affirmative bilateral or plurilateral safeguard determinations

(1) Notifications of determinations of market disruption
Upon making an affirmative determination under section 2451 (b)(1) of this title, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

(2) Notifications regarding trade agreement safeguards
Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

(3) Notifications regarding textile and apparel safeguards
Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

(e) Notifications following certain affirmative determinations under title VII of the Tariff Act of 1930
Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d (b)(1)(A) and 1673d (b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

(f) Industry notification of assistance

Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to a domestic industry—

(1) the Secretary of Labor shall—
   (A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—
      (i) the allowances, training, employment services, and other benefits available under this part;
      (ii) the manner in which to file a petition and apply for such benefits; and
      (iii) the availability of assistance in filing such petitions;
   (B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission’s determination and the identity of the firms; and
   (C) upon request, provide any assistance that is necessary to file a petition under section 2271 of this title;

(2) the Secretary of Commerce shall—
   (A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—
      (i) the benefits available under part 3;
      (ii) the manner in which to file a petition and apply for such benefits; and
      (iii) the availability of assistance in filing such petitions;
   (B) upon request, provide any assistance that is necessary to file a petition under section 2341 of this title; and

(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—
   (A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—
      (i) the benefits available under part 6;
      (ii) the manner in which to file a petition and apply for such benefits; and
      (iii) the availability of assistance in filing such petitions; and
   (B) upon request, provide any assistance that is necessary to file a petition under section 2401a of this title.

(g) Representatives of the domestic industry

For purposes of subsection (f), the term “representatives of the domestic industry” means the persons that petitioned for relief in connection with—

(1) a proceeding under section 2252 or 2451 of this title;
(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d (b) and 1673d (b) 1); or
(3) any safeguard investigation described in subsection (d)(2) or (d)(3).
19 USC 2274

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).

Footnotes
1 So in original. Probably should be “1671a(b) and 1673a(b)”.


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.

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.


Subsecs. (c) to (g). Pub. L. 111–5, §§ 1811(a)(4), 1893, temporarily added subsecs. (c) to (g). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.


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.

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 Pub. L. 100–418 effective Aug. 23, 1988, and applicable with respect to investigations initiated under part 1 (§ 2251 et seq.) of this subchapter on or after that date, see section 1401(c) of Pub. L. 100–418, set out as a note under section 2251 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.