

**(B) Determination of contributed importantly**

The determination of whether imports of articles like or directly competitive with an agricultural commodity with respect to which a petition under this part was filed contributed importantly to a decline in the price of the agricultural commodity shall be made by the Secretary.

**(4) Duly authorized representative**

The term “duly authorized representative” means an association of agricultural commodity producers.

**(5) National average price**

The term “national average price” means the national average price paid to an agricultural commodity producer for an agricultural commodity in a marketing year as determined by the Secretary.

**(6) Secretary**

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 93-618, title II, §291, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 946; amended Pub. L. 109-280, title XIV, §1635(f)(4), Aug. 17, 2006, 120 Stat. 1171.)

## AMENDMENTS

2006—Par. (2). Pub. L. 109-280 substituted “1308(e)” for “1308(5)”.

## 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 L. 109-280 applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after Aug. 17, 2006, see section 1641 of Pub.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

Pub. L. 107-210, div. A, title I, §141(b), Aug. 6, 2002, 116 Stat. 953, as amended by Pub. L. 108-429, title II, §2004(a)(10), Dec. 3, 2004, 118 Stat. 2590, provided that: “The amendments made by this subtitle [subtitle C [§§141 to 143] of title I of Pub. L. 107-210, enacting this part and amending section 2395 of this title] shall take effect on the date that is 180 days after the date of enactment of this Act [Aug. 6, 2002].”

## TERMINATION DATE

No 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.

**§ 2401a. Petitions; group eligibility****(a) In general**

A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary by a group of agricultural commodity producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

**(b) Hearings**

If the petitioner, or any other person found by the Secretary to have a substantial interest in

the proceedings, submits not later than 10 days after the date of the Secretary’s publication under subsection (a) of this section a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

**(c) Group eligibility requirements**

The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this part if the Secretary determines—

(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and

(2) that increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price described in paragraph (1).

**(d) Special rule for qualified subsequent years**

A group of agricultural commodity producers certified as eligible under section 2401b of this title shall be eligible to apply for assistance under this part in any qualified year after the year the group is first certified, if the Secretary determines that—

(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1) of this section; and

(2) the requirements of subsection (c)(2) of this section are met.

**(e) Determination of qualified year and commodity**

In this part:

**(1) Qualified year**

The term “qualified year”, with respect to a group of agricultural commodity producers certified as eligible under section 2401b of this title, means each consecutive year after the year in which the group is certified and in which the Secretary makes the determination under subsection (c) or (d) of this section, as the case may be.

**(2) Classes of goods within a commodity**

In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 2401e of this title.

(Pub. L. 93-618, title II, §292, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 947.)

## TERMINATION DATE

No 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.

**§ 2401b. Determinations by Secretary of Agriculture**

**(a) In general**

As soon as practicable after the date on which a petition is filed under section 2401a 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 2401a(c) or (d) of this title, as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this part covering agricultural commodity producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this part begins.

**(b) Notice**

Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

**(c) Termination of certification**

Whenever the Secretary determines, with respect to any certification of eligibility under this part, that the decline in price for the agricultural commodity covered by the certification is no longer attributable to the conditions described in section 2401a of this title, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

(Pub. L. 93-618, title II, §293, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 948.)

## TERMINATION DATE

No 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.

**§ 2401c. Study by Secretary of Agriculture when International Trade Commission begins investigation**

**(a) In general**

Whenever the International Trade Commission (in this part referred to as the "Commission") begins an investigation under section 2252 of this title with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

(1) the number of agricultural commodity producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this part, and

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

**(b) Report**

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

(Pub. L. 93-618, title II, §294, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 949.)

## TERMINATION DATE

No 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.

**§ 2401d. Benefit information to agricultural commodity producers**

**(a) In general**

The Secretary shall provide full information to agricultural commodity producers about the benefit allowances, training, and other employment services available under this subchapter and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this subchapter.

**(b) Notice of benefits**

**(1) In general**

The Secretary shall mail written notice of the benefits available under this part to each agricultural commodity producer that the Secretary has reason to believe is covered by a certification made under this part.

**(2) Other notice**

The Secretary shall publish notice of the benefits available under this part to agricultural commodity producers that are covered by each certification made under this part in newspapers of general circulation in the areas in which such producers reside.

**(3) Other Federal assistance**

The Secretary shall also provide information concerning procedures for applying for and receiving all other Federal assistance and services available to workers facing economic distress.

(Pub. L. 93-618, title II, §295, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 949.)

## TERMINATION DATE

No adjustment assistance, vouchers, allowances, or other payments or benefits may be provided under this