

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.)

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§ 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.)

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§ 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.)

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§ 2401e. Qualifying requirements for agricultural commodity producers

(a) In general

(1) Requirements

Payment of a¹ adjustment assistance under this part shall be made to an adversely affected agricultural commodity producer covered by a certification under this part who files an application for such assistance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 2401b of this title, if the following conditions are met:

(A) The producer submits to the Secretary sufficient information to establish the amount of agricultural commodity covered by the application filed under this subsection that was produced by the producer in the most recent year.

(B) The producer certifies that the producer has not received cash benefits under any provision of this subchapter other than this part.

(C) The producer's net farm income (as determined by the Secretary) for the most recent year is less than the producer's net farm income for the latest year in which no adjustment assistance was received by the producer under this part.

(D) The producer certifies that the producer has met with an Extension Service employee or agent to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected agricultural commodity, including—

(i) information regarding the feasibility and desirability of substituting 1 or more alternative commodities for the adversely affected agricultural commodity; and

(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected agricultural commodity by the producer, including yield and marketing improvements.

(2) Limitations

(A) Adjusted gross income

(i) In general

Notwithstanding any other provision of this part, an agricultural commodity producer shall not be eligible for assistance under this part in any year in which the average adjusted gross income of the producer exceeds the level set forth in section 1308-3a of title 7.

(ii) Certification

To comply with the limitation under subparagraph (A),² an individual or entity shall provide to the Secretary—

(I) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income of the producer does not exceed the level set forth in section 1308-3a of title 7; or

(II) information and documentation regarding the adjusted gross income of the producer through other procedures established by the Secretary.

(B) Counter-cyclical payments

The total amount of payments made to an agricultural producer under this part during any crop year may not exceed the limitation on counter-cyclical payments set forth in section 1308(c) of title 7.

(C) Definitions

In this subsection:

(i) Adjusted gross income

The term “adjusted gross income” means adjusted gross income of an agricultural commodity producer—

(I) as defined in section 62 of title 26 and implemented in accordance with procedures established by the Secretary; and

(II) that is earned directly or indirectly from all agricultural and non-agricultural sources of an individual or entity for a fiscal or corresponding crop year.

(ii) Average adjusted gross income

(I) In general

The term “average adjusted gross income” means the average adjusted gross income of a producer for each of the 3 preceding taxable years.

(II) Effective adjusted gross income

In the case of a producer that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the producer with an effective adjusted gross income for the applicable year.

(b) Amount of cash benefits

(1) In general

Subject to the provisions of section 2401g of this title, an adversely affected agricultural commodity producer described in subsection (a) of this section shall be entitled to adjustment assistance under this part in an amount equal to the product of—

(A) one-half of the difference between—

(i) an amount equal to 80 percent of the average of the national average price of the agricultural commodity covered by the application described in subsection (a) of this section for the 5 marketing years preceding the most recent marketing year, and

(ii) the national average price of the agricultural commodity for the most recent marketing year, and

(B) the amount of the agricultural commodity produced by the agricultural commodity producer in the most recent marketing year.

¹ So in original. Probably should be “an”.

² So in original. Probably should be a reference to clause (i).