

“(2) If the President determines on the date that is 2 years after the date of enactment of this Act that the fee imposed by the amendment made by section 1428(b) is not in the national economic interest, subparagraph (B) of paragraph (1) shall not be taken into account in applying the provisions of paragraph (1). [See Determination of President of the United States, No. 90–34, set out below.]

“(3) The amendment made by section 1428(b) shall apply (if at all) to the products of any foreign country described in section 1428(a)(1)(B) [set out as a note below] that are entered, or withdrawn from warehouse for consumption, after the later of—

“(A) the first date on which the fee imposed by such amendment applies with respect to products of foreign countries that are not described in section 1428(a)(1)(B), or

“(B) the date on which the President submits to the Congress the written statement described in section 1428(a)(3)(B) [set out as a note below] certifying the consent of such foreign country to the imposition of the fee.

“(c) **TRUST FUND.**—The amendments made by section 1427 [enacting section 2396 of this title] shall take effect on the first date on which the amendment made by section 1428(b) [enacting this section] applies with respect to any articles.

“(d) **ELIGIBILITY OF WORKERS AND FIRMS.**—The amendments made by sections 1421(b) and 1424(b) [amending sections 2272, 2296, and 2341 of this title] shall take effect on the date that is 1 year after the first date on which the amendment made by section 1428(b) [enacting this section] applies with respect to any articles.

“(e) **NOTIFICATION REQUIREMENTS.**—The amendments made by section 1422 [amending section 2275 of this title] shall take effect on the date that is 30 days after the date of enactment of this Act [Aug. 23, 1988].

“(f) **TRAINING REQUIREMENT.**—The amendments made by subsections (a), (b)(2), and (c)(2) of section 1423 and by paragraphs (2) and (3) of section 1424(c) [amending sections 2291 to 2293, 2296, and 2311 of this title] shall take effect on the date that is 90 days after the date of enactment of this Act [Aug. 23, 1988].

“(g) **LIMITATION ON PERIOD FOR WHICH TRADE READJUSTMENT ALLOWANCES MAY BE MADE.**—The amendment made by section 1425(a) [amending section 2293 of this title] shall not apply with respect to any total separation of a worker from adversely affected employment (within the meaning of section 1424 of such Act [19 U.S.C. 2319]) that occurs before the date of enactment of this Act [Aug. 23, 1988] if the application of such amendment with respect to such total separation would reduce the period for which such worker would (but for such amendment) be allowed to receive trade readjustment allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 [19 U.S.C. 2291 et seq.].”

IMPOSITION OF SMALL UNIFORM FEE ON ALL IMPORTS

Pub. L. 100–418, title I, §1428(a), Aug. 23, 1988, 102 Stat. 1254, provided that:

“(1) The President shall—

“(A) undertake negotiations necessary to achieve changes in the General Agreement on Tariffs and Trade that would allow any country to impose a small uniform fee of not more than 0.15 percent on all imports to such country for the purpose of using the revenue from such fee to fund programs which directly assist adjustment to import competition, and

“(B) undertake negotiations with any foreign country that has entered into a free trade agreement with the United States under subtitle A [§§1101 to 1125, of title I of Pub. L. 100–418, see Tables for classification] or under section 102 of the Trade Act of 1974 [19 U.S.C. 2112] to obtain the consent of such country to the imposition of such a fee by the United States.

“(2) In the report that is submitted under section 163 of the Trade Act of 1974 [19 U.S.C. 2213] for 1989 and 1990, the President shall include a statement on the progress of negotiations conducted under paragraph (1).

“(3)(A) On the first day after the date of enactment of this Act [Aug. 23, 1988] on which the General Agreement on Tariffs and Trade allows any country to impose a fee described in paragraph (1), the President shall submit to the Congress, and publish in the Federal Register, a written statement certifying such allowance.

“(B) On the first day after the date of enactment of this Act on which any foreign country described in paragraph (1)(B) consents to the imposition of such a fee by the United States, the President shall submit to the Congress, and publish in the Federal Register, a written statement certifying such consent.

“(4) If—

“(A) the President does not submit to the Congress the written statement described in paragraph (3)(A) before the date that is 2 years after the date of enactment of this Act [Aug. 23, 1988], and

“(B) the President determines on such date that the fee imposed by the amendment made by subsection (b) [enacting this section] is not in the national economic interest,

the President shall submit to the Congress, and publish in the Federal Register, written notice of such determination on such date. [See Determination of President of the United States, No. 90–34, set out below.]

“(5)(A) Any disapproval resolution that is introduced in the Senate or House of Representatives within the 90-day period beginning on the date that is 2 years after the date of enactment of this Act [Aug. 23, 1988] shall, for purposes of section 152 of the Trade Act of 1974 (19 U.S.C. 2192), be treated as a joint resolution described in section 152(a)(1)(A) of such Act.

“(B) For purposes of this part [see Effective Date note above], the term ‘disapproval resolution’ means a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: ‘That the Congress disapproves of the determination made by the President under section 1428(a)(4)(A) of the Omnibus Trade and Competitiveness Act of 1988 [subsec. (a)(4)(A) of this note].’”

Executive Documents

DETERMINATION THAT CERTAIN IMPORT FEES ARE NOT IN THE NATIONAL ECONOMIC INTEREST

Determination of President of the United States, No. 90–34, Aug. 23, 1990, 55 F.R. 34889, provided:

Pursuant to section 1428(a)(4)(B) of the Omnibus Trade and Competitiveness Act of 1988 [Pub. L. 100–418, set out above], I determine that it is not in the national economic interest to impose the fee described under subsection (b) of that section [enacting this section].

I hereby authorize and direct the United States Trade Representative to submit to the Congress and publish in the Federal Register written notice of this determination.

GEORGE BUSH.

§ 2397a. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 93–618, title II, §288, as added Pub. L. 111–5, div. B, title I, §1856(a), Feb. 17, 2009, 123 Stat. 394, and Pub. L. 112–40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403, and Pub. L. 114–27, title IV, §402(b), (c), June 29, 2015, 129 Stat. 374, was omitted in view of the reversion of this part, effective July 1, 2021, to provisions in effect on Jan. 1, 2014, by section 406 of Pub. L. 114–27, set out as a note preceding section 2271 of this title. Prior to omission, section 2397a read as follows:

“§ 2397a. Sense of Congress

“It is the sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of part 2 (relating to adjustment assistance

for workers), part 3 (relating to adjustment assistance for firms), part 4 (relating to adjustment assistance for communities), and part 6 (relating to adjustment assistance for farmers), respectively, with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits under such parts.”

PART 6—ADJUSTMENT ASSISTANCE FOR FARMERS

Statutory Notes and Related Subsidiaries

TERMINATION DATE

Except as otherwise provided, assistance may not be provided under this part after June 30, 2022, see section 285 of Pub. L. 93–618, as modified by section 406(a)(7) of Pub. L. 114–27, set out as notes preceding section 2271 of this title.

§ 2401. Definitions

In this part:

(1) Agricultural commodity

The term “agricultural commodity” means any agricultural commodity (including livestock) in its raw or natural state.

(2) Agricultural commodity producer

The term “agricultural commodity producer” has the same meaning as the term “person” as prescribed by regulations promulgated under section 1308(e) of title 7 (before the amendment made by section 1703(a)¹ of the Food, Conservation, and Energy Act of 2008).

(3) Contributed importantly

(A) In general

The term “contributed importantly” means a cause which is important but not necessarily more important than any other cause.

(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; Pub. L. 110–234, title I, §1603(g)(6), May 22, 2008, 122 Stat. 1012; Pub. L. 110–246, §4(a), title I, §1603(g)(6),

June 18, 2008, 122 Stat. 1664, 1740; Pub. L. 111–5, div. B, title I, §1881, Feb. 17, 2009, 123 Stat. 414; Pub. L. 112–40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403; Pub. L. 113–79, title I, §1609(b)(1), Feb. 7, 2014, 128 Stat. 709; Pub. L. 114–27, title IV, §402(b), (c), June 29, 2015, 129 Stat. 374.)

TERMINATION OF ASSISTANCE

For termination of assistance under this part after June 30, 2022, see Termination Date note below.

Editorial Notes

REFERENCES IN TEXT

Section 1703(a) of the Food, Conservation, and Energy Act of 2008, referred to in par. (2), probably should be a reference to section 1603 of Pub. L. 110–246, because Pub. L. 110–246 does not contain a section 1703, and subsec. (b)(3) of section 1603 of Pub. L. 110–246 amended section 1308 of Title 7, Agriculture, by striking out subsec. (e), which had related to issuance of regulations defining “person”.

CODIFICATION

Section reflects the July 1, 2021, reversion to provisions in effect on Jan. 1, 2014. See Effective and Termination Dates of 2015 Revival note below.

Section 233 of Pub. L. 112–40, which provided for the Jan. 1, 2014, revival of this section as in effect on Feb. 13, 2011, was repealed by Pub. L. 114–27, title IV, §402(a), June 29, 2015, 129 Stat. 374, and the provisions of this section, as in effect on Dec. 31, 2013, were temporarily revived, effective June 29, 2015, until July 1, 2021, by Pub. L. 114–27, §§402(b), (c), 406. See 2011 and 2015 Amendment notes, Effective and Termination Dates of 2011 Revival notes, and Effective and Termination Dates of 2015 Revival notes below.

Section 1893 of Pub. L. 111–5, which provided for Feb. 13, 2011, termination of amendment by Pub. L. 111–5, was repealed by Pub. L. 112–40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403, and the provisions of this section, as amended by Pub. L. 111–5 and as in effect on Feb. 12, 2011, were temporarily revived, effective Oct. 21, 2011, until Jan. 1, 2014, by Pub. L. 112–40, §§201(b), (c), 233. See 2009 and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, and Effective and Termination Dates of 2011 Revival notes below.

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2015—Pub. L. 114–27, §§402(b), (c), 406, temporarily revived the provisions of this section, as in effect on Dec. 31, 2013. See Codification note above and 2011 Amendment and Effective and Termination Dates of 2015 Revival notes below.

2014—Par. (2). Pub. L. 113–79, §1609(b)(1), amended language inserted by Pub. L. 110–246, §1603(g)(6). See 2008 Amendment note below.

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—Par. (1). Pub. L. 111–5, §§1881(1), 1893, temporarily amended par. (1) generally. Prior to amendment, text read as follows: “The term ‘agricultural commodity’ means any agricultural commodity (including livestock) in its raw or natural state.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Par. (2). Pub. L. 111–5, §§1881(2), 1893, temporarily amended par. (2) generally. Prior to amendment, text read as follows: “The term ‘agricultural commodity producer’ has the same meaning as the term ‘person’ as

¹ See References in Text note below.