

“(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),

¹ See References in Text note below.

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

prescribed by regulations promulgated under section 1308(e) of title 7 (before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008).” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

Par. (7). Pub. L. 111–5, §§1881(3), 1893, temporarily added par. (7). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2008—Par. (2). Pub. L. 110–246, §1603(g)(6), as amended by Pub. L. 113–79, §1609(b)(1), inserted “(before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008)” before period at end.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 2015 REVIVAL

For revival and applicability, beginning on June 29, 2015, of the provisions of this section as in effect on Dec. 31, 2013, see section 402(b), (c) of Pub. L. 114–27, set out as a note preceding section 2271 of this title.

For reversion, beginning on July 1, 2021, to the provisions of this section as in effect on Jan. 1, 2014, with certain exceptions and subject to section 406(b) of Pub. L. 114–27, see section 406 of Pub. L. 114–27, set out as a note preceding section 2271 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–79 effective as if included in Pub. L. 110–246, see section 1609(b)(2) of Pub. L. 113–79, set out as a note under section 1471g of Title 7, Agriculture.

EFFECTIVE AND TERMINATION DATES OF 2011 REVIVAL

For revival and applicability, beginning on Oct. 21, 2011, of the provisions of this section as in effect on Feb. 12, 2011, see section 201(b), (c) of Pub. L. 112–40, set out as a note preceding section 2271 of this title.

Section 233 of Pub. L. 112–40, formerly set out as a note preceding section 2271 of this title, which provided for the reversion, beginning on Jan. 1, 2014, of the provisions of this section to those in effect on Feb. 13, 2011, subject to certain exceptions, was repealed by Pub. L. 114–27, title IV, §402(a), June 29, 2015, 129 Stat. 374, effective June 29, 2015. See Codification note above.

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, formerly set out as a Termination Date of 2009 Amendment note preceding section 2271 of this title, 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, effective Oct. 21, 2011. See Codification note above.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

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

Except as otherwise provided, technical assistance and financial 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.

§ 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); and

(2) the requirements of subsection (c)(2) 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), 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; amended Pub. L. 111-5, div. B, title I, §1882(a), Feb. 17, 2009, 123 Stat. 415; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403; 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

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.

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.