

Subsec. (d). Pub. L. 111-5, §§1884, 1893, temporarily added subsec. (d). See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

#### 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 DATE OF 2011 AMENDMENT

Pub. L. 112-40, title II, §223(a)(2), Oct. 21, 2011, 125 Stat. 413, provided that: “The amendment made by paragraph (1) [amending this section] shall—

“(A) take effect on October 1, 2011; and

“(B) apply with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) on or after October 1, 2012.”

#### 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 L. 111-5 had never been enacted, was repealed by Pub.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.

#### TERMINATION DATE

Except as otherwise provided, technical assistance and financial assistance may not be provided under this section after Dec. 31, 2013, see section 285 of Pub. L. 93-618, 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

Except as otherwise provided, technical assistance and financial assistance may not be provided under this section after Dec. 31, 2013, see section 285 of Pub. L. 93-618, 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

Except as otherwise provided, technical assistance and financial assistance may not be provided under this section after Dec. 31, 2013, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2401e. Qualifying requirements and benefits for agricultural commodity producers

#### (a) In general

##### (1) Requirements

##### (A) In general

Benefits under this part shall be available to an agricultural commodity producer cov-

ered by a certification under this part who files an application for such benefits not later than 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 producer submits to the Secretary sufficient information to establish that—

(i) the producer produced the agricultural commodity covered by the application filed under this subsection in the marketing year with respect to which the petition is filed and in at least 1 of the 3 marketing years preceding that marketing year;

(ii)(I) the quantity of the agricultural commodity that was produced by the producer in the marketing year with respect to which the petition is filed has decreased compared to the most recent marketing year preceding that marketing year for which data are available; or

(II)(aa) the price received for the agricultural commodity by the producer during the marketing year with respect to which the petition is filed has decreased compared to the average price for the commodity received by the producer in the 3 marketing years preceding that marketing year; or

(bb) the county level price maintained by the Secretary for the agricultural commodity on the date on which the petition is filed has decreased compared to the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed; and

(iii) the producer is not receiving—

(I) cash benefits under part 2 or 3; or

(II) benefits based on the production of an agricultural commodity covered by another petition filed under this part.

**(B) Special rule with respect to crops not grown every year**

For purposes of subparagraph (A)(ii)(II)(aa), if a petition is filed with respect to an agricultural commodity that is not produced by the producer every year, an agricultural commodity producer producing that commodity may establish the average price received for the commodity by the producer in the 3 marketing years preceding the year with respect to which the petition is filed by using average price data for the 3 most recent marketing years in which the producer produced the commodity and for which data are available.

**(2) Limitations based on adjusted gross income**

**(A) 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 (as defined in section 1308-3a(a) of title 7) of the producer exceeds the level set forth in subparagraph (A) or (B) of section 1308-3a(b)(1) of title 7, whichever is applicable.

**(B) Demonstration of compliance**

An agricultural commodity producer shall provide to the Secretary such information as

the Secretary determines necessary to demonstrate that the producer is in compliance with the limitation under subparagraph (A).

**(C) Counter-cyclical and acre payments**

The total amount of payments made to an agricultural commodity producer under this part during any crop year may not exceed the limitations on payments set forth in subsections (b)(2), (b)(3), (c)(2), and (c)(3) of section 1308 of title 7.

**(b) Technical assistance**

**(1) Initial technical assistance**

**(A) In general**

An agricultural commodity producer that files an application and meets the requirements under subsection (a)(1) shall be entitled to receive initial technical assistance designed to improve the competitiveness of the production and marketing of the agricultural commodity with respect to which the producer was certified under this part. Such assistance shall include information regarding—

(i) improving the yield and marketing of that agricultural commodity; and

(ii) the feasibility and desirability of substituting one or more alternative agricultural commodities for that agricultural commodity.

**(B) Transportation and subsistence expenses**

**(i) In general**

The Secretary may authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses incurred by an agricultural commodity producer in connection with initial technical assistance under subparagraph (A) if such assistance is provided at facilities that are not within normal commuting distance of the regular place of residence of the producer.

**(ii) Exceptions**

The Secretary may not authorize payments to an agricultural commodity producer under clause (i)—

(I) for subsistence expenses that exceed the lesser of—

(aa) the actual per diem expenses for subsistence incurred by the producer; or

(bb) the prevailing per diem allowance rate authorized under Federal travel regulations; or

(II) for travel expenses that exceed the prevailing mileage rate authorized under the Federal travel regulations.

**(2) Intensive technical assistance**

A producer that has completed initial technical assistance under paragraph (1) shall be eligible to participate in intensive technical assistance. Such assistance shall consist of—

(A) a series of courses to further assist the producer in improving the competitiveness of the producer in producing—

(i) the agricultural commodity with respect to which the producer was certified under this part; or

(ii) another agricultural commodity; and  
 (B) assistance in developing an initial business plan based on the courses completed under subparagraph (A).

**(3) Initial business plan**

**(A) Approval by Secretary**

The Secretary shall approve an initial business plan developed under paragraph (2)(B) if the plan—

(i) reflects the skills gained by the producer through the courses described in paragraph (2)(A); and

(ii) demonstrates how the producer will apply those skills to the circumstances of the producer.

**(B) Financial assistance for implementing initial business plan**

Upon approval of the producer's initial business plan by the Secretary under subparagraph (A), a producer shall be entitled to an amount not to exceed \$4,000 to—

(i) implement the initial business plan; or

(ii) develop a long-term business adjustment plan under paragraph (4).

**(4) Long-term business adjustment plan**

**(A) In general**

A producer that has completed intensive technical assistance under paragraph (2) and whose initial business plan has been approved under paragraph (3)(A) shall be eligible for, in addition to the amount under subparagraph (C), assistance in developing a long-term business adjustment plan.

**(B) Approval of long-term business adjustment plans**

The Secretary shall approve a long-term business adjustment plan developed under subparagraph (A) if the Secretary determines that the plan—

(i) includes steps reasonably calculated to materially contribute to the economic adjustment of the producer to changing market conditions;

(ii) takes into consideration the interests of the workers employed by the producer; and

(iii) demonstrates that the producer will have sufficient resources to implement the business plan.

**(C) Plan implementation**

Upon approval of the producer's long-term business adjustment plan under subparagraph (B), a producer shall be entitled to an amount not to exceed \$8,000 to implement the long-term business adjustment plan.

**(c) Maximum amount of assistance**

An agricultural commodity producer may receive not more than \$12,000 under paragraphs (3) and (4) of subsection (b) in the 36-month period following certification under section 2401b of this title.

**(d) Limitations on other assistance**

An agricultural commodity producer that receives benefits under this part (other than ini-

tial technical assistance under subsection (b)(1)) shall not be eligible for cash benefits under part 2 or 3.

(Pub. L. 93-618, title II, §296, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 949; amended Pub. L. 108-429, title II, §2004(a)(9), Dec. 3, 2004, 118 Stat. 2590; Pub. L. 111-5, div. B, title I, §1883(a), Feb. 17, 2009, 123 Stat. 416; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

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

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 note below.

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.

2009—Pub. L. 111-5, §§1883(a), 1893, temporarily amended section generally. Prior to amendment, section related to qualifying requirements for adjustment assistance, amount of cash benefits, maximum amount in any 12-month period, and limitations on other assistance. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2004—Subsec. (a)(1). Pub. L. 108-429, §2004(a)(9)(A)(i), substituted “adjustment assistance under this part” for “trade adjustment allowance” and “such assistance” for “such allowance” in introductory provisions. Subsec. (a)(1)(A). Pub. L. 108-429, §2004(a)(9)(A)(ii), made technical amendment to reference in original act which appears in text as reference to this subsection.

Subsec. (b)(2). Pub. L. 108-429, §2004(a)(9)(B), substituted “paragraph (1), except” for “paragraph (1) except”.

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.

#### TERMINATION DATE

Except as otherwise provided, technical assistance and financial assistance may not be provided under this section after Dec. 31, 2013, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.

### § 2401f. Fraud and recovery of overpayments

#### (a) In general

##### (1) Repayment

If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this part to which the person was not entitled, or has expended funds received under this part for a purpose that was not approved by the Secretary, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

(A) the payment was made without fault on the part of such person; and

(B) requiring such repayment would be contrary to equity and good conscience.

##### (2) Recovery of overpayment

Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this part.

#### (b) False statement

A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this part—

(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this part to which the person was not entitled.

#### (c) Notice and determination

Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) of this section by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

#### (d) Payment to Treasury

Any amount recovered under this section shall be returned to the Treasury of the United States.

#### (e) Penalties

Whoever makes a false statement of a material fact knowing it to be false, or knowingly

fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this part shall be fined not more than \$10,000 or imprisoned for not more than 1 year, or both.

(Pub. L. 93-618, title II, §297, as added Pub. L. 107-210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 952; amended Pub. L. 111-5, div. B, title I, §1885, Feb. 17, 2009, 123 Stat. 419; Pub. L. 112-40, title II, §201(b), (c), Oct. 21, 2011, 125 Stat. 403.)

#### 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

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 note below.

#### 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.

2009—Subsec. (a)(1). Pub. L. 111-5, §§1885, 1893, temporarily inserted “or has expended funds received under this part for a purpose that was not approved by the Secretary,” after “entitled,” in introductory provisions. See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

#### 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.

#### TERMINATION DATE

Except as otherwise provided, technical assistance and financial assistance may not be provided under this section after Dec. 31, 2013, see section 285 of Pub. L. 93-618, set out as a note preceding section 2271 of this title.