

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 L. 111-5 had never been enacted, was repealed by Pub.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

§ 2401g. Authorization of appropriations**(a) In general**

There are authorized to be appropriated to the Department of Agriculture not to exceed \$90,000,000 for each of the fiscal years 2012 and 2013, and \$22,500,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013, to carry out the purposes of this part, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.

(b) Proportionate reduction

If in any year the amount appropriated under this part is insufficient to meet the requirements for adjustment assistance payable under this part, the amount of assistance payable under this part shall be reduced proportionately.

(Pub. L. 93–618, title II, §298, as added Pub. L. 107–210, div. A, title I, §141(a), Aug. 6, 2002, 116 Stat. 952; amended Pub. L. 110–89, §1(c), Sept. 28, 2007, 121 Stat. 982; Pub. L. 111–5, div. B, title I, §1887, Feb. 17, 2009, 123 Stat. 420; Pub. L. 111–344, title I, §101(c)(12), Dec. 29, 2010, 124 Stat. 3614; Pub. L. 112–40, title II, §§201(b), (c), 223(b), Oct. 21, 2011, 125 Stat. 403, 413.)

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 Pub. L. 111–344 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, 2010, and 2011 Amendment notes, Effective and Termination Dates of 2009 Amendment notes, Effective Date of 2010 Amendment note, 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 and 2010 Amendment and Effective and Termination Dates of 2011 Revival notes below.

Subsec. (a). Pub. L. 112–40, §§223(b), 233, temporarily struck out “and there are appropriated” after “to be appropriated” and temporarily substituted “not to exceed \$90,000,000 for each of the fiscal years 2012 and 2013, and \$22,500,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013” for “not to exceed \$10,400,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011”. See Codification note above and Effective and Termination Dates of 2011 Revival note below.

2010—Subsec. (a). Pub. L. 111–344 substituted “\$10,400,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011” for “\$90,000,000 for each of the fiscal years 2009 and 2010, and \$22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010”. See Codification note above.

2009—Subsec. (a). Pub. L. 111–5, §§1887, 1893, temporarily substituted “fiscal years 2009 and 2010, and

\$22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the purposes of this part, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.” for “fiscal years 2003 through 2007 to carry out the purposes of this part, and there are authorized to be appropriated and there are appropriated to the Department of Agriculture to carry out this part \$9,000,000 for the 3-month period beginning on October 1, 2007.” See Codification note above and Effective and Termination Dates of 2009 Amendment note below.

2007—Subsec. (a). Pub. L. 110–89 inserted before period at end “, and there are authorized to be appropriated and there are appropriated to the Department of Agriculture to carry out this part \$9,000,000 for the 3-month period beginning on October 1, 2007”.

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 2010 AMENDMENT

Amendment by Pub. L. 111–344 effective Jan. 1, 2011, see section 101(d) of Pub. L. 111–344, 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, with certain exceptions, was repealed by Pub. L. 112–40, title II, §201(a), Oct. 21, 2011, 125 Stat. 403. See Codification note above.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–89 effective Oct. 1, 2007, see section 1(e) of Pub. L. 110–89, set out as a note under section 2317 of this title.

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.

SUBCHAPTER III—ENFORCEMENT OF
UNITED STATES RIGHTS UNDER TRADE
AGREEMENTS AND RESPONSE TO CER-
TAIN FOREIGN TRADE PRACTICES

§ 2411. Actions by United States Trade Representative

(a) Mandatory action

(1) If the United States Trade Representative determines under section 2414(a)(1) of this title that—

(A) the rights of the United States under any trade agreement are being denied; or

(B) an act, policy, or practice of a foreign country—

(i) violates, or is inconsistent with, the provisions of, or otherwise denies benefits to