

107TH CONGRESS  
1ST SESSION

# S. 1100

To amend the Trade Act of 1974 to provide trade adjustment assistance  
to farmers.

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2001

Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. DASCHLE, Mr.  
MURKOWSKI, Mrs. LINCOLN, and Mr. KERRY) introduced the following  
bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Trade Act of 1974 to provide trade  
adjustment assistance to farmers.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Trade Adjustment As-  
5       sistance for Farmers Act”.

6       **SEC. 2. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.**

7       (a) IN GENERAL.—Title II of the Trade Act of 1974  
8       (19 U.S.C. 2251 et seq.) is amended by adding at the end  
9       the following new chapter:

1   **“CHAPTER 6—ADJUSTMENT ASSISTANCE**  
2                           **FOR FARMERS**

3   **“SEC. 291. DEFINITIONS.**

4       “In this chapter:

5           “(1) AGRICULTURAL COMMODITY.—The term  
6       ‘agricultural commodity’ means any agricultural  
7       commodity (including livestock, fish, or harvested  
8       seafood) in its raw or natural state.

9           “(2) AGRICULTURAL COMMODITY PRODUCER.—  
10      The term ‘agricultural commodity producer’ means  
11      any person who is engaged in the production and  
12      sale of an agricultural commodity in the United  
13      States and who owns or shares the ownership and  
14      risk of loss of the agricultural commodity.

15          “(3) CONTRIBUTED IMPORTANTLY.—

16           “(A) IN GENERAL.—The term ‘contributed  
17       importantly’ means a cause which is important  
18       but not necessarily more important than any  
19       other cause.

20           “(B) DETERMINATION OF CONTRIBUTED  
21       IMPORTANTLY.—The determination of whether  
22       imports of articles like or directly competitive  
23       with an agricultural commodity with respect to  
24       which the petition under this chapter was filed  
25       contributed importantly to a decline in the price

1 of the agricultural commodity shall be made by  
2 the Secretary of Agriculture.

3 “(4) DULY AUTHORIZED REPRESENTATIVE.—  
4 The term ‘duly authorized representative’ means an  
5 association of agricultural commodity producers.

6 “(5) NATIONAL AVERAGE PRICE.—The term  
7 ‘national average price’ means the national average  
8 price paid to an agricultural commodity producer for  
9 an agricultural commodity in a marketing year as  
10 determined by the Secretary of Agriculture.

11 “(6) SECRETARY.—The term ‘Secretary’ means  
12 the Secretary of Agriculture.

13 **“SEC. 292. PETITIONS; GROUP ELIGIBILITY.**

14 “(a) IN GENERAL.—A petition for a certification of  
15 eligibility to apply for adjustment assistance under this  
16 chapter may be filed with the Secretary by a group of agri-  
17 cultural commodity producers or by their duly authorized  
18 representative. Upon receipt of the petition, the Secretary  
19 shall promptly publish notice in the Federal Register that  
20 the Secretary has received the petition and initiated an  
21 investigation.

22 “(b) HEARINGS.—If the petitioner, or any other per-  
23 son found by the Secretary to have a substantial interest  
24 in the proceedings, submits not later than 10 days after  
25 the date of the Secretary’s publication under subsection

1 (a) a request for a hearing, the Secretary shall provide  
 2 for a public hearing and afford such interested persons  
 3 an opportunity to be present, to produce evidence, and to  
 4 be heard.

5 “(c) GROUP ELIGIBILITY REQUIREMENTS.—The  
 6 Secretary shall certify a group of agricultural commodity  
 7 producers as eligible to apply for adjustment assistance  
 8 under this chapter if the Secretary determines—

9 “(1) that the national average price for the ag-  
 10 ricultural commodity, or a class of goods within the  
 11 agricultural commodity, produced by the group for  
 12 the most recent marketing year for which the na-  
 13 tional average price is available is less than 80 per-  
 14 cent of the average of the national average price for  
 15 such agricultural commodity, or such class of goods,  
 16 for the 5 marketing years preceding the most recent  
 17 marketing year; and

18 “(2) that increases in imports of articles like or  
 19 directly competitive with the agricultural commodity,  
 20 or class of goods within the agricultural commodity,  
 21 produced by the group contributed importantly to  
 22 the decline in price described in paragraph (1).

23 “(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT  
 24 YEARS.—A group of agricultural commodity producers  
 25 certified as eligible under section 293 shall be eligible to

1 apply for assistance under this chapter in any qualified  
 2 year after the year the group is first certified, if the Sec-  
 3 retary determines that—

4 “(1) the national average price for the agricul-  
 5 tural commodity, or class of goods within the agri-  
 6 cultural commodity, produced by the group for the  
 7 most recent marketing year for which the national  
 8 average price is available is equal to or less than the  
 9 price determined under subsection (c)(1); and

10 “(2) the requirements of subsection (c)(2) are  
 11 met.

12 “(e) DETERMINATION OF QUALIFIED YEAR AND  
 13 COMMODITY.—In this chapter:

14 “(1) QUALIFIED YEAR.—The term ‘qualified  
 15 year’, with respect to a group of agricultural com-  
 16 modity producers certified as eligible under section  
 17 293, means each consecutive year after the year in  
 18 which the group is certified that the Secretary  
 19 makes the determination under subsection (c) or (d),  
 20 as the case may be.

21 “(2) CLASSES OF GOODS WITHIN A COM-  
 22 MODITY.—In any case in which there are separate  
 23 classes of goods within an agricultural commodity,  
 24 the Secretary shall treat each class as a separate  
 25 commodity in determining group eligibility, the na-

1        tional average price, and level of imports under this  
2        section and section 296.

3        **“SEC. 293. DETERMINATIONS BY SECRETARY.**

4        “(a) IN GENERAL.—As soon as practicable after the  
5        date on which a petition is filed under section 292, but  
6        in any event not later than 60 days after that date, the  
7        Secretary shall determine whether the petitioning group  
8        meets the requirements of section 292 (c) or (d), as the  
9        case may be and shall, if the group meets the require-  
10       ments, issue a certification of eligibility to apply for assist-  
11       ance under this chapter covering agricultural commodity  
12       producers in any group that meet the requirements. Each  
13       certification shall specify the date on which eligibility  
14       under this chapter begins.

15       “(b) NOTICE.—Upon making a determination on a  
16       petition, the Secretary shall promptly publish a summary  
17       of the determination in the Federal Register, together with  
18       the Secretary’s reasons for making the determination.

19       “(c) TERMINATION OF CERTIFICATION.—Whenever  
20       the Secretary determines, with respect to any certification  
21       of eligibility under this chapter, that the decline in price  
22       for the agricultural commodity covered by the certification  
23       is no longer attributable to the conditions described in sec-  
24       tion 292, the Secretary shall terminate such certification  
25       and promptly cause notice of such termination to be pub-

lished in the Federal Register, together with the Secretary's reasons for making such determination.

**“SEC. 294. STUDY BY SECRETARY WHEN INTERNATIONAL  
TRADE COMMISSION BEGINS INVESTIGATION.**

“(a) IN GENERAL.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 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 chapter, 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 202(f), the Secretary shall submit a report to the President setting forth the findings of the study under subsection (a). Upon making his report to the President, the Secretary shall also promptly make it public (with the ex-

1 ception of information which the Secretary determines to  
 2 be confidential) and shall have a summary of it published  
 3 in the Federal Register.

4 **“SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL**  
 5 **COMMODITY PRODUCERS.**

6 “(a) IN GENERAL.—The Secretary shall provide full  
 7 information to producers about the benefit allowances,  
 8 training, and other employment services available under  
 9 this title and about the petition and application proce-  
 10 dures, and the appropriate filing dates, for such allow-  
 11 ances, training, and services. The Secretary shall provide  
 12 whatever assistance is necessary to enable groups to pre-  
 13 pare petitions or applications for program benefits under  
 14 this title.

15 “(b) NOTICE OF BENEFITS.—

16 “(1) IN GENERAL.—The Secretary shall mail  
 17 written notice of the benefits available under this  
 18 chapter to each agricultural commodity producer  
 19 that the Secretary has reason to believe is covered  
 20 by a certification made under this chapter.

21 “(2) OTHER NOTICE.—The Secretary shall pub-  
 22 lish notice of the benefits available under this chap-  
 23 ter to agricultural commodity producers that are  
 24 covered by each certification made under this chap-



1       ter in newspapers of general circulation in the areas  
2       in which such producers reside.

3   **“SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICUL-**  
4       **TURAL COMMODITY PRODUCERS.**

5       “(a) IN GENERAL.—Payment of a trade adjustment  
6   allowance shall be made to an adversely affected agricul-  
7   tural commodity producer covered by a certification under  
8   this chapter who files an application for such allowance  
9   within 90 days after the date on which the Secretary  
10   makes a determination and issues a certification of eligi-  
11   bility under section 293, if the following conditions are  
12   met:

13           “(1) The producer submits to the Secretary suf-  
14   ficient information to establish the amount of agri-  
15   cultural commodity covered by the application filed  
16   under subsection (a) that was produced by the pro-  
17   ducer in the most recent year.

18           “(2) The producer certifies that the producer  
19   has not received cash benefits under any provision of  
20   this title other than this chapter.

21           “(3) The producer’s net farm income (as deter-  
22   mined by the Secretary) for the most recent year is  
23   less than the producer’s net farm income for the lat-  
24   est year in which no adjustment assistance was re-  
25   ceived by the producer under this chapter.

1           “(4) The producer certifies that the producer  
 2           has met with an Extension Service employee or  
 3           agent to obtain, at no cost to the producer, informa-  
 4           tion and technical assistance that will assist the pro-  
 5           ducer in adjusting to import competition with re-  
 6           spect to the adversely affected agricultural com-  
 7           modity, including—

8                   “(A) information regarding the feasibility  
 9                   and desirability of substituting 1 or more alter-  
 10                  native commodities for the adversely affected  
 11                  agricultural commodity; and

12                  “(B) technical assistance that will improve  
 13                  the competitiveness of the production and mar-  
 14                  keting of the adversely affected agricultural  
 15                  commodity by the producer, including yield and  
 16                  marketing improvements.

17           “(b) AMOUNT OF CASH BENEFITS.—

18                  “(1) IN GENERAL.—Subject to the provisions of  
 19                  section 298, an adversely affected agricultural com-  
 20                  modity producer described in subsection (a) shall be  
 21                  entitled to adjustment assistance under this chapter  
 22                  in an amount equal to the product of—

23                   “(A) one-half of the difference between—

24                           “(i) an amount equal to 80 percent of  
 25                           the average of the national average price of

1 the agricultural commodity covered by the  
2 application described in subsection (a) for  
3 the 5 marketing years preceding the most  
4 recent marketing year, and

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

8 “(B) the amount of the agricultural com-  
9 modity produced by the agricultural commodity  
10 producer in the most recent marketing year.

11 “(2) SPECIAL RULE FOR SUBSEQUENT QUALI-  
12 FIED YEARS.—The amount of cash benefits for a  
13 qualified year shall be determined in the same man-  
14 ner as cash benefits are determined under paragraph  
15 (1) except that the average national price of the ag-  
16 ricultural commodity shall be determined under  
17 paragraph (1)(A)(i) by using the 5-marketing-year  
18 period used to determine the amount of cash bene-  
19 fits for the first certification.

20 “(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—  
21 The maximum amount of cash benefits an agricultural  
22 commodity producer may receive in any 12-month period  
23 shall not exceed \$10,000.

1       “(d) LIMITATIONS ON OTHER ASSISTANCE.—An ag-  
 2 ricultural commodity producer entitled to receive a cash  
 3 benefit under this chapter—

4           “(1) shall not be eligible for any other cash  
 5 benefit under this title, and

6           “(2) shall be entitled to employment services  
 7 and training benefits under sections 235 and 236.

8 **“SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.**

9       “(a) IN GENERAL.—

10           “(1) REPAYMENT.—If the Secretary, or a court  
 11 of competent jurisdiction, determines that any per-  
 12 son has received any payment under this chapter to  
 13 which the person was not entitled, such person shall  
 14 be liable to repay such amount to the Secretary, ex-  
 15 cept that the Secretary may waive such repayment  
 16 if the Secretary determines, in accordance with  
 17 guidelines prescribed by the Secretary, that—

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

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

22           “(2) RECOVERY OF OVERPAYMENT.—Unless an  
 23 overpayment is otherwise recovered, or waived under  
 24 paragraph (1), the Secretary shall recover the over-

1 payment by deductions from any sums payable to  
2 such person under this chapter.

3 “(b) FALSE STATEMENTS.—If the Secretary, or a  
4 court of competent jurisdiction, determines that a  
5 person—

6 “(1) knowingly has made, or caused another to  
7 make, a false statement or representation of a mate-  
8 rial fact, or

9 “(2) knowingly has failed, or caused another to  
10 fail, to disclose a material fact,

11 and, as a result of such false statement or representation,  
12 or of such nondisclosure, such person has received any  
13 payment under this chapter to which the person was not  
14 entitled, such person shall, in addition to any other pen-  
15 alty provided by law, be ineligible for any further pay-  
16 ments under this chapter.

17 “(c) NOTICE AND DETERMINATION.—Except for  
18 overpayments determined by a court of competent jurisdic-  
19 tion, no repayment may be required, and no deduction  
20 may be made, under this section until a determination  
21 under subsection (a)(1) by the Secretary has been made,  
22 notice of the determination and an opportunity for a fair  
23 hearing thereon has been given to the person concerned,  
24 and the determination has become final.

1       “(d) PAYMENT TO TREASURY.—Any amount recov-  
 2   ered under this section shall be returned to the Treasury  
 3   of the United States.

4       “(e) PENALTIES.—Whoever makes a false statement  
 5   of a material fact knowing it to be false, or knowingly fails  
 6   to disclose a material fact, for the purpose of obtaining  
 7   or increasing for himself or for any other person any pay-  
 8   ment authorized to be furnished under this chapter shall  
 9   be fined not more than \$10,000 or imprisoned for not  
 10  more than 1 year, or both.

11   **“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

12       “(a) IN GENERAL.—There are authorized to be ap-  
 13   propriated and there are appropriated to the Department  
 14   of Agriculture not to exceed \$100,000,000 for each of the  
 15   fiscal years 2002 through 2006 to carry out the purposes  
 16   of this chapter.

17       “(b) PROPORTIONATE REDUCTION.—If in any year,  
 18   the amount appropriated under this chapter is insufficient  
 19   to meet the requirements for adjustment assistance pay-  
 20   able under this chapter, the amount of assistance payable  
 21   under this chapter shall be reduced proportionately.”.

22       (b) CONFORMING AMENDMENT.—The table of con-  
 23   tents for title II of the Trade Act of 1974 is amended  
 24   by inserting after the items relating to chapter 5 the fol-  
 25   lowing:

## “CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

“Sec. 291. Definitions.

“Sec. 292. Petitions; group eligibility.

“Sec. 293. Determinations by Secretary.

“Sec. 294. Study by Secretary when International Trade Commission begins investigation.

“Sec. 295. Benefit information to agricultural commodity producers.

“Sec. 296. Qualifying requirements for agricultural commodity producers.

“Sec. 297. Fraud and recovery of overpayments.

“Sec. 298. Authorization of appropriations.”.

