

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### 7 CFR Part 1580

RIN 0551-AA66

#### Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service.

ACTION: Proposed rule.

**SUMMARY:** This proposed rule would implement Chapter 6 of Title II of the Trade Act of 1974, as amended by Subtitle C of Title 1 of the Trade Act of 2002 (P.L. 107-210) to establish a new program, Trade Adjustment Assistance for Farmers. Under this program, the Department of Agriculture would provide technical assistance and cash benefits to eligible producers of raw agricultural commodities when the Administrator, Foreign Agricultural Service (FAS) determines that increased imports have contributed importantly to a specific price decline over five preceding marketing years. The proposed rule would establish the procedure by which producers of raw agricultural commodities can petition for certification of eligibility and apply for technical assistance and adjustment payments.

**DATES:** Comments should be received on or before July 9, 2003, to be assured of consideration.

**ADDRESSES:** Comments should be mailed or delivered to Jean-Louis Pajot, Import Policies and Programs Division, Foreign Agricultural Service, 1400 Independence Avenue, SW., STOP 1021, U.S. Department of Agriculture, Washington, DC 20250-1021. Comments may also be e-mailed to [Jean-Louis.Pajot@usda.gov](mailto:Jean-Louis.Pajot@usda.gov). Comments received may be inspected between 10 a.m. and 4 p.m. at room 5541-S, 1400 Independence Avenue, SW., Washington, DC 20250-1021.

**FOR FURTHER INFORMATION CONTACT:** Jean-Louis Pajot at the address above, or

telephone at 202-720-2916, or e-mail at [Jean-Louis.Pajot@usda.gov](mailto:Jean-Louis.Pajot@usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

The proposed rule has been determined to be significant under E.O. 12866 and has been reviewed by the Office of Management and Budget.

##### Regulatory Flexibility Act

The Regulatory Flexibility Act ensures that regulatory and information requirements are tailored to the size and nature of small businesses, small organizations, and small governmental jurisdictions. This proposed rule will not have a significant economic impact on a substantial number of small farm operations. Participation in the program is voluntary. Direct and indirect costs are likely to be very small as a percentage of revenue and in terms of absolute costs. The minimal regulatory requirements impact large and small businesses equally, and the program's benefits should improve cash flow and liquidity for farmers participating in the program.

##### Paperwork Reduction Act

**Summary:** In accordance with the Paperwork Reduction Act of 1995, the Department intends to request approval by the Office of Management and Budget (OMB) of an information collection required to support the proposed rule establishing an adjustment assistance program for farmers. Copies of the information collection may be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720-2568 or e-mail at [Chisley@fas.usda.gov](mailto:Chisley@fas.usda.gov).

To obtain program benefits, under this program, a group of raw agricultural commodity producers, or their duly authorized representative, must submit a petition to the Administrator for certification of eligibility to apply for adjustment assistance. The proposed rule contains an information collection that solicits data that is essential for the Administrator in making a determination on certification of eligibility for adjustment assistance. The information collection requires, to the maximum extent feasible, that a petition contain: a description of the raw agricultural product concerned; data on specific prices for the most recent marketing year; national average or

regional prices for the commodity for the five preceding marketing years; data on increases in imports of a directly competing commodity; and an assessment of the impact of increased imports on domestic prices, including any supporting evidence that imports contributed importantly to a decline in domestic prices. Within 90 days after certification, a producer may submit an application for adjustment assistance benefits. The application contains an information collection that conforms to the requirements of section 296 regarding conditions that must be met to qualify for cash benefits. The application requires submission of: standard business information; the quantity of production in the year covered by the certification accompanied by supporting documentation; data on gross income and net farm income accompanied by supporting documentation; certification that an applicant has not received other cash benefits; and certification that an applicant has obtained information and technical assistance from the Extension Service to assist the applicant in adjusting to import competition.

**Estimate of the Burden:** The average estimated public reporting burden is 14 hours.

**Respondents:** groups of farmers of raw agricultural commodities or their duly authorized representatives.

**Estimated Annual Number of Respondents:** 500.

**Estimated Number of Responses Per Respondent:** 1.

**Estimated Total Annual Burden on Respondents:** 7,000 hours.

Copies of the information collection can be obtained from Kimberly Chisley, the Agency Collection Coordinator, at (202) 720-2568.

**Requests for comments:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other