



Trade Adjustment Assistance Program for Agriculture, Aquaculture, and Fishing

Overview

The U.S. Department of Agriculture provides technical assistance and cash benefits to eligible producers of agricultural commodities under the Trade Adjustment Assistance for Farmers Program (TAA). Fishermen and aquaculture producers may also qualify.

For a commodity to be approved for payments, producers must petition the Secretary of Agriculture. Approval of the commodity will occur if the Secretary determines that producer prices in the most recent marketing year were less than 80 percent of average prices in the preceding 5 marketing years, and that increases in imports of like or directly competitive commodities contributed importantly to the decline in prices.

TAA legislation authorizes up to \$90 million for each fiscal year from 2003 through 2007. These payments are provided to help producers adjust to competition from imports. Subtitle C of Title 1 of the Trade Act of 2002 (P.L. 107-210) established TAA.

Application Process for Commodities

A group of agricultural commodity producers or qualified fishermen in the United States, or their authorized representatives, may

file a petition for TAA. The petitioners may file on behalf of all producers in the United States, or they may file solely on behalf of producers in an impacted area of one or more states. Petitions will be approved if the Secretary determines that the commodity eligibility requirements have been satisfied.

The commodity petition form FAS-930 is available on the Internet at: <http://www.fas.usda.gov/itp/taa/resource.htm> or www.sc.egov.usda.gov. The petition can also be requested by phone at (202) 720-2916; or by writing to: USDA, Foreign Agricultural Service, Trade Adjustment Assistance, STOP 1021, 1400 Independence Avenue, SW, Washington, DC 20250-1021; or by e-mail at: trade.adjustment@fas.usda.gov. Petitions must be submitted to USDA's Foreign Agriculture Service (FAS) at this address between August 15 and January 30 of the following year.

Re-certification of Petitions

Petitions previously certified for payment do not need to be re-submitted in subsequent years -- they are automatically reviewed for renewal based on their original terms and conditions. However, original petitioners may, if they wish, submit comments on the terms of the original petition.

Application Process for Individuals

After a commodity petition is approved by FAS, producers of the approved commodity may apply for TAA benefits at the nearest USDA Farm Service Agency (FSA) office. Applications may be submitted in person. However, if applicants first complete certain identification and authorization forms at the FSA office, they may submit their application by fax or electronically. Producers of the commodity do not need to be members of the organization that petitioned for TAA benefits. Producers should contact their local FSA office if they have questions regarding their specific eligibility.

The TAA application Form, FSA-229, "Application for Trade Adjustment Assistance for Individual Producers," is available at www.sc.egov.usda.gov and at FSA offices.

Mandatory Technical Assistance

TAA applicants may receive no-cost technical assistance from USDA's Cooperative State Research, Education, and Extension Service (CSREES), which may include:

- information regarding the feasibility and desirability of substituting one or more

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alternative commodities for the adversely affected commodity; and

- technical assistance that will improve the competitiveness and marketing of the adversely affected commodity.

Assistance may be provided through group presentations, one-on-one meetings, and technical publications. Producers will also be provided information concerning procedures for applying for and receiving other Federal assistance and services available to workers adjusting to import competition. Completion of technical training is a requirement for eligibility for a cash payment, but in some cases, TAA training previously received from CSREES may satisfy the mandatory training requirement.

Elements of Applicant Eligibility

Production Evidence. Generally, applicants for TAA benefits must document that they marketed the agricultural commodity in the approved area and during the approved marketing period established by the petition. Crew members on fishing vessels who were compensated based on a share of the catch must provide evidence from the ship captain or ship owner as to their quantity of the catch if they do not have other conventional evidence of production.

Adjusted Gross Income (AGI). Producers must certify that they had AGI of \$2.5 million or less for

the three years prior to the year for which payments are provided. This certification is subject to spot-check, and documentation may be requested prior to payment.

Net Farm or Fishing Income. Applicants must provide documentation of having less net farm income or less net fishing income than for the latest year in which no TAA benefit was received. Net farm or net fishing income must be documented by either submitting copies of tax forms or by having income-related documents submitted by a certified public accountant or attorney. Commonly, the forms used are Internal Revenue Service Schedules C, C-EZ, or F; Form 1065 for partnerships, or Form 1120 for corporations. It is not sufficient for a producer to certify net income without providing documentation.

Evidence of Training. Applicants must provide documentation of having completed technical training provided for their commodity by CSREES.

Compliance with Highly Erodible Land and Wetland Conservation. Applicants associated with a farm must be in compliance with the highly erodible land and wetland conservation provisions of the Food Security Act of 1985 as amended. All applicants must sign and submit the form AD-1026 to certify their compliance. Fishermen, or other such applicants, with no interest in land, submit this form with the notation "I have no interest in land."

Average Adjusted Gross Income. Applicants must sign form CCC-526 to certify that the average adjusted gross income of the individual or entity for the prior three years was \$2.5 million or less. Applicants with average gross income exceeding \$2.5 million may be eligible if at least 75 percent of their income was derived from farming, ranching, or forestry operations.

Federal Crop Insurance Fraud/Controlled Substance. Applicants who are convicted under Federal or State law of a controlled substance violation, or who have violated FCIC regulations regarding fraudulent claims, are ineligible for TAA.

Application Dates and Deadlines

FAS will announce a 90-day period during which producers may apply for benefits under each approved commodity petition. This 90-day period generally begins the day after FAS announces the certification (or re-certification) of a petition. For an application to be approved, the local FSA office must receive the application, production evidence, and documentation of net income no later than the last day of the application period. Documentation of having received technical training from CSREES must be submitted not later than September 30 of the fiscal year in which the petition was announced. Applications received late will be disapproved.

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Payment Rate and Limitation

The payment rate provided may be reduced from the preliminary announced payment rate based on the total number of commodities and producers approved for payment. This may be necessary because TAA funds available to all applicants are limited to \$90 million for each fiscal year.

The maximum amount a producer can receive in any Federal fiscal year under TAA is \$10,000, even if the producer is receiving cash benefits for more than one commodity. Further, the total payment a producer receives under this program, combined with counter-cyclical payments made under P.L. 107-71, may not exceed \$65,000.

For example, if a producer receives a total of \$65,000 in counter-cyclical payments during a crop year, the producer would be ineligible for TAA payments for that same crop year. However, a producer who had received \$60,000 in counter-cyclical payments for a crop year would be eligible for TAA payments up to \$5,000.

For More Information

Additional information on TAA is available at local FSA offices, on FSA's Web site at www.fsa.usda.gov, and on FAS's Web site at: www.fas.usda.gov

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.