

2. APPROPRIATIONS ACTS

[As Amended Through P.L. 107-223, August 21, 2002]

a. FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(ALLOTMENT FROM COMMODITY CREDIT CORPORATION)

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, FY 1983^{1a-1}

* * * The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit annual^{1a-2} reports to the appropriate committees of Congress concerning such developments.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002^{1a-3}

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$121,813,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That none of the funds appropriated in this account may be used to pay the salaries and expenses of personnel to disburse funds to any rice trade association under the market access program or the foreign market development program at any time when the applicable international activity agreement for such program is not in effect.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

^{1a-1} Pub. L. 97-370, 96 Stat. 1808, Dec. 18, 1982.

^{1a-2} Section 202 of Pub. L. 99-386, 100 Stat. 823, Aug. 22, 1986, substituted "annual" for "quarterly".

^{1a-3} P.L. 107-76, 115 Stat. 728, Nov. 28, 2001.

b. COMMODITY CREDIT CORPORATION EXPORT CREDIT PROGRAMS

URGENT SUPPLEMENTAL APPROPRIATIONS, FY 1984

SEC. 106.¹⁰⁶⁻¹ (a) The Secretary of Agriculture shall utilize the authorities provided in the Charter of the Commodity Credit Corporation to expand the export of United States agricultural commodities through competitive sales, including shipping costs and credit terms, and donations as authorized by law. In carrying out the authorities and responsibilities imposed by the Charter, the Secretary shall assist in the financing of export sales of United States agricultural products, either through direct or guaranteed loans. The Secretary shall use the Commodity Credit Corporation, a revolving fund capitalized at \$25,000,000,000, to make available under the export credit program carried out by the Corporation short-term credit to finance export sales of United States agricultural commodities, and shall also use such other authorities as necessary to regain the rightful share of world markets for United States agricultural commodities.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002^{1b-1}

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$790,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

c. EXPORT PROMOTION TO MEET SUBSIDIZED FOREIGN COMPETITION

AGRICULTURE DEPARTMENT APPROPRIATION, FY 1984

SEC. 625.⁶²⁵⁻¹ (a) The Commodity Credit Corporation shall use the authority in its charter, including blended credit or other authorities, to promote exports of farm commodities, including perishables as well as basic commodities.

To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture to facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsidized directly or indirectly resulting in a competitive disadvantage for such United States products.

¹⁰⁶⁻¹ H.J. Res. 492, P.L. 98-332, 98 Stat. 287, July 2, 1984.

^{1b-1} P.L. 107-76, 115 Stat. 729, Nov. 28, 2001.

⁶²⁵⁻¹ Section 625 appears in the Conference Report of H.R. 3223 (Report No. 98-450, 98th Cong., 1st. Sess., Oct. 27, 1983). The provisions of H.R. 3223 as modified by the Conference Report were enacted into law by H.J. Res. 413, P.L. 98-151, 97 Stat. 972, Nov. 14, 1983.

3. TRIGGERED EXPORT ENHANCEMENT

Omnibus Budget Reconciliation Act of 1990

[SEC. 1302.¹³⁰²⁻¹ [7 U.S.C. 1421 note] READJUSTMENT OF SUPPORT LEVELS.]

Omnibus Trade and Competitiveness Act of 1988

[SEC. 4301.⁴³⁰¹⁻¹ [7 U.S.C. 1446 note] TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.]

3. ASSISTANCE FOR SPECIFIC COMMODITIES

a. Dairy Export Incentive Program

FOOD SECURITY ACT OF 1985

DAIRY EXPORT INCENTIVE PROGRAM

SEC. 153.¹⁵³⁻¹ [15 U.S.C. 713a-14] (a) During the period beginning 60 days after the date of enactment of this Act and ending on December 31, 2007,¹⁵³⁻² the Commodity Credit Corporation shall establish and operate an export incentive program as described in this section for dairy products under section 5 of the Commodity Credit Corporation Charter Act.

(b) The program established under subsection (a) shall provide for the Corporation to make payments, on a bid basis, to an entity that sells for export United States dairy products. The Secretary shall have sole¹⁵³⁻³ discretion to accept or reject bids under such criteria as the Secretary deems appropriate.

(c) The program shall be operated under such rules and regulations issued by the Secretary as the Secretary deems necessary to ensure, among other things, that—

(1) payments may be made under the program only on the quantity of dairy products sold by an entity for export in any year that is in addition to, and not in place of, any export sales of dairy products that the entity would otherwise make in the absence of the program;

(2) to the extent practicable, dairy products sold for export under the program will not displace commercial export sales of United States dairy products by other exporters;

¹³⁰²⁻¹ Sec. 1302 was repealed by sec. 263(a) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 1302, see p. 7-4 and 7-5 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

⁴³⁰¹⁻¹ Sec. 4301 was repealed by sec. 263(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 4301, see p. 7-6 and 7-7 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹⁵³⁻¹ Pub. L. 101-624, § 114, 104 Stat. 3380, Nov. 28, 1990 substituted December 31, 1995 for September 30, 1990.

¹⁵³⁻² Section 411(b) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4963, Dec. 8, 1994, amended subsection (a) by striking “1995” and inserting “2001”. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

Sec. 148(a) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (a) by striking “2001” and inserting “2002”.

Sec. 1503(a) of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 207, May 13, 2002, amended subsec. (a) by striking “2002” and inserting “2007”.

¹⁵³⁻³ Sec. 148(b) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (b) by inserting “sole” before “discretion”.

(3)¹⁵³⁻⁴ the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization is exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

(4)¹⁵³⁻⁴ payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.

(d)(1) The regulations issued by the Secretary may provide for payments under the program to be made in cash or in commodities of equal value that are available in Commodity Credit Corporation stock.

(2)¹⁵³⁻⁵ If payments in commodities are authorized, such payments shall be made through the issuance of generic certificates redeemable in commodities.

(3)¹⁵³⁻⁵ If generic certificates issued in accordance with the program provided for by this section are exchanged for dairy products owned by the Commodity Credit Corporation, the regulations issued by the Secretary shall ensure that—

(A) such dairy products, or an equal quantity of other dairy products, will be sold for export by the entity; and

(B) any such export sales by the entity—

(i) will be in addition to, and not in place of, export sales of dairy products that the entity would otherwise make under the program or in the absence of the program; and

(ii) to the extent practicable, will not displace commercial export sales of United States dairy products by other exporters.

(e)(1) The payments made under the program shall be made at a rate or rates established or approved by the Secretary, taking into consideration, among other things the type of product to be exported, the domestic price of dairy products, the world price of the dairy products, and any additional amount that may be required to assist in the development of world markets for United States dairy products.¹⁵³⁻⁶

(2) Any such rate established or approved by the Secretary shall be published in the Federal Register or publicly announced through other appropriate means, and shall be at a level or levels as will encourage the exportation of United States dairy products by entities.

¹⁵³⁻⁴Sec. 148(c) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (c) by adding paras. (3) and (4) and making conforming amendments.

¹⁵³⁻⁵Section 4308 of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1399, Aug. 23, 1988, substituted new paragraphs (2) and (3).

¹⁵³⁻⁶Sec. 148(d) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (e) by inserting “, and any additional amount that may be required to assist in the development of world markets for United States dairy products” and making a conforming amendment.

(f) ¹⁵³⁻⁷ REQUIRED FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year.

(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.

b. Technical Assistance for Specialty Crops

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

SEC. 3205.³²⁰⁵⁻¹ [7 U.S.C. 5680] TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish an export assistance program (referred to in this section as the “program”) to address unique barriers that prohibit or threaten the export of United States specialty crops.

(b) PURPOSE.—The program shall provide direct assistance through public and private sector projects and technical assistance to remove, resolve, or mitigate sanitary and phytosanitary and related barriers to trade.

(c) PRIORITY.—The program shall address time sensitive and strategic market access projects based on—

(1) trade effect on market retention, market access, and market expansion; and

(2) trade impact.

(d) FUNDING.—For each of fiscal years 2002 through 2007, the Secretary shall make available \$2,000,000 of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation.

¹⁵³⁻⁷ Sec. 148(e) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 921, April 4, 1996, added subsec. (f).

³²⁰⁵⁻¹ P.L. 107-171, 116 Stat. 301, May 13, 2002.

c. Triggered Marketing Loans for Wheat and Feed Grains

Omnibus Budget Reconciliation Act of 1990

[SEC. 1302.¹³⁰²⁻¹ [7 U.S.C. 1421 note] READJUSTMENT OF SUPPORT LEVELS.]

Omnibus Trade and Competitiveness Act of 1988

[SEC. 4301.⁴³⁰¹⁻¹ [7 U.S.C. 1446 note] TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.]

4. ASSISTANCE TO SPECIFIC COUNTRIES

a. Assistance for Panama

JOINT RESOLUTION OF DECEMBER 22, 1987

SEC. 570.⁵⁷⁰⁻¹ [22 U.S.C. 2151 note] (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from non-military activities and institutions;

(2) the Government of Panama is conducting an impartial investigation into allegations of illegal actions by members of the Panama Defense Forces;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for Panama in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the period January 1, 1988, through December 31, 1988.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section the term “United States assistance” means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

¹³⁰²⁻¹ Sec. 1302 was repealed by sec. 263(a) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 1302, see p. 7-4 and 7-5 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

⁴³⁰¹⁻¹ Sec. 4301 was repealed by sec. 263(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 4301, see p. 7-6 and 7-7 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

⁵⁷⁰⁻¹ P.L. 100-202, 101 Stat. 1329-174.

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence; except that the term “United States assistance” does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the continued financing of education for Panamanians in the United States, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of Treasury shall instruct the United States Executive Directors to the Multilateral Development Banks (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

b. Emerging Markets

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990 SEC. 1542.¹⁵⁴²⁻¹ [7 U.S.C. 5622 note] PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.¹⁵⁴²⁻²

(a)¹⁵⁴²⁻³ FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2007¹⁵⁴²⁻⁴ not less than \$1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to

¹⁵⁴²⁻¹ Pub. L. 101-624, 104 Stat. 3691, Nov. 28, 1990.

¹⁵⁴²⁻² Sec. 277(a)(1)(A) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended the sec. heading by striking “EMERGING DEMOCRACIES” and inserting “EMERGING MARKETS”.

¹⁵⁴²⁻³ Sec. 277(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsec. (a) in its entirety. For the text of former subsec. (a), see p. 7-11 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹⁵⁴²⁻⁴ Sec. 3203 of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 300, May 13, 2002, amended subsec. (a) by striking “2002” and inserting “2007”.

the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.

(b)¹⁵⁴²⁻⁵ FACILITIES AND SERVICES.—A portion of such export credit guarantees shall be made available for—

(1) the establishment or improvement of facilities, or

(2) the provision of services or United States products goods,

in emerging markets¹⁵⁴²⁻⁶ by United States persons to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities and products thereof if the Secretary of Agriculture determines that such guarantees will primarily promote the export of United States agricultural commodities (as defined in section 102(7)¹⁵⁴²⁻⁷ of the Agricultural Trade Act of 1978). The Commodity Credit Corporation shall give priority under this subsection to—

(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs.¹⁵⁴²⁻⁸

(c) CONSULTATIONS.—Before the authority under this section is exercised, the Secretary of Agriculture shall consult with exporters of United States agricultural commodities (as defined in section 102(7)¹⁵⁴²⁻⁹ of the Agricultural Trade Act of 1978), nongovernmental experts, and other Federal Government agencies in order to ensure that facilities in an emerging market¹⁵⁴²⁻¹⁰ for which financing is guaranteed under paragraph (1)(B) do not primarily benefit countries which are in close geographic proximity to that emerging democracy.

(d)¹⁵⁴²⁻¹¹ E (KIKI) DE LA GARZA AGRICULTURAL FELLOWSHIP PROGRAM.—The Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) shall establish a program, to be known as the “E (Kika) de la Garza Agricultural Fellowship Program”, to develop agricultural markets in emerging markets¹⁵⁴²⁻¹² and to promote cooperation and exchange of information between agricultural institutions and agribusinesses in the United States and emerging markets,¹⁵⁴²⁻¹³ as follows:

(1) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—

(A) IN GENERAL.—

¹⁵⁴²⁻⁵ Section 706(2)(B) of P.L. 102-511 added reference to provision of services and United States goods.

¹⁵⁴²⁻⁶ Sec. 277(a)(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsecs. (b), (d), and (e) by striking “emerging democracies” each place it appears and inserting “emerging markets”.

¹⁵⁴²⁻⁷ Sec. 277(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subsecs. (b) and (c) by striking “section 101(6)” each place it appears and inserting “section 102(7)”.

¹⁵⁴²⁻⁸ Sec. 277(a)(3)(A) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended the last sentence of subsec. (b) in its entirety. For the text of former last sentence, see p. 7-12 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹⁵⁴²⁻⁹ See footnote 1542-7.

¹⁵⁴²⁻¹⁰ Sec. 277(a)(1)(C) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsec. (c) by striking “emerging democracy” each place it appears and inserting “emerging market”.

¹⁵⁴²⁻¹¹ Pub. L. 102-237, 105 Stat. 1859-60, Dec. 13, 1991.

¹⁵⁴²⁻¹² See footnote 1542-6.

¹⁵⁴²⁻¹³ Sec. 277(a)(3)(B)(i) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended the matter preceding para. (1) by striking “the Soviet Union” and inserting “emerging markets”.

(i) ESTABLISHMENT OF PROGRAM.—For each of the fiscal years 1991 through 2007,¹⁵⁴²⁻¹⁴ the Secretary of Agriculture (hereafter in this section referred to as the “Secretary”), in order to develop, maintain, or expand markets for United States agricultural exports, is directed to make available to emerging markets¹⁵⁴²⁻¹⁵ the expertise of the United States to make assessments of the food and rural business systems needs of such democracies, make recommendations on measures necessary to enhance the effectiveness of the systems, including potential reductions in trade barriers, and identify and carry out¹⁵⁴²⁻¹⁶ specific opportunities and projects to enhance the effectiveness of those systems.

(ii) EXTENT OF PROGRAM.—The Secretary shall implement this paragraph with respect to at least 3 emerging markets¹⁵⁴²⁻¹⁷ in each fiscal year.

(B) EXPERTS FROM THE UNITED STATES.—The Secretary may¹⁵⁴²⁻¹⁸ implement the requirements of subparagraph (A)—

(i) by providing assistance to teams consisting primarily of agricultural consultants, farmers, other persons from the private sector and government officials expert in assessing the food and rural business systems of other countries to enable such teams to conduct the assessments, make the recommendations, and identify the opportunities and projects specified in subparagraph (A) in emerging markets;¹⁵⁴²⁻¹⁹

(ii) by providing necessary subsistence expenses in the United States and necessary transportation expenses by individuals designated by emerging markets¹⁵⁴²⁻¹⁹ to enable such individuals to consult with food and rural business system experts in the United States to enhance such systems of such emerging markets;¹⁵⁴²⁻¹⁹ and

(iii) by providing for necessary subsistence expenses in emerging markets¹⁵⁴²⁻¹⁹ and necessary transportation expenses of United States agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to assist in transferring their knowledge and expertise to entities in emerging markets.¹⁵⁴²⁻¹⁹

(C) COST-SHARING.—The Secretary shall encourage the nongovernmental experts described in subparagraph (B) to

¹⁵⁴²⁻¹⁴ Sec. 277(a)(3)(B)(ii)(I)(aa) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended clause (i) by striking “1995” and inserting “2002”. Sec. 3203 of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 300, May 13, 2002, amended subsec. (d)(1)(A)(i) by striking “2002” and inserting “2007”.

¹⁵⁴²⁻¹⁵ See footnote 1542-6.

¹⁵⁴²⁻¹⁶ Sec. 277(a)(3)(B)(ii)(I)(bb) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended clause (i) by striking “those systems, and identify” and inserting “the systems, including potential reductions in trade barriers, and identify and carry out”.

¹⁵⁴²⁻¹⁷ See footnote 1542-6.

¹⁵⁴²⁻¹⁸ Sec. 277(a)(3)(B)(ii)(II) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subpara. (B) by striking “shall” and inserting “may”.

¹⁵⁴²⁻¹⁹ See footnote 1542-6.

share the costs of, and otherwise assist in, the participation of such experts in the program under this paragraph.

(D)¹⁵⁴²⁻²⁰ TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance (including the establishment of extension services)¹⁵⁴²⁻²¹ to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under subparagraph (A)(i). Notwithstanding any other provision of law, the assistance shall include assistance for administrative and overhead expenses of the International Cooperation and Development Program Area of the Foreign Agriculture Service, to the extent that the expenses were incurred pursuant to reimbursable agreements entered into prior to September 30, 1993, the expenses do not exceed \$2,000,000 per year, and the expenses are not incurred for information technology systems.¹⁵⁴²⁻²²

(E) REPORTS TO SECRETARY.—A team that receives assistance under subparagraph (B) shall prepare such reports as the Secretary may designate.

(F)¹⁵⁴²⁻²³ ADVISORY COMMITTEE.—To provide the Secretary with information that may be useful to the Secretary in carrying out the provisions of this paragraph, the Secretary shall establish an advisory committee composed of representatives of the various sectors of the food and rural business systems of the United States.

(G)¹⁵⁴²⁻²³ USE OF CCC.—The Secretary shall implement this paragraph through the funds and facilities of the Commodity Credit Corporation. The authority provided under this paragraph shall be in addition to and not in place of any other authority of the Secretary or the Commodity Credit Corporation.

(H)¹⁵⁴²⁻²³ LEVEL OF ASSISTANCE.—The Secretary shall provide assistance under this paragraph of not more than \$10,000,000 in any fiscal year.

(2) AGRICULTURAL INFORMATION PROGRAM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program, administered to complement the emerging markets¹⁵⁴²⁻²⁴ export promotion program developed under this section, to initiate and develop collaboration between the United States Department of Agriculture, United States agribusinesses, and appropriate agricultural institutions in emerging markets¹⁵⁴²⁻²⁵ in order to promote the exchange of information and resources that will make

¹⁵⁴²⁻²⁰ Amended by section 706(2)(D) of P.L. 102-511.

¹⁵⁴²⁻²¹ Sec. 277(a)(3)(B)(ii)(III) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subpara. (D) by inserting “(including the establishment of extension services)” after “technical assistance”.

¹⁵⁴²⁻²² Sec. 278 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, amended subpara. (D) by adding this sentence.

¹⁵⁴²⁻²³ Subclauses (IV) and (V) of sec. 277(a)(3)(B)(ii) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, struck former subpara. (F) and redesignated former subparas. (G), (H), and (I) as subparas. (F), (G), and (H), respectively. For the text of former subpara. (F), see p. 7-13 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994)

¹⁵⁴²⁻²⁴ See footnote 1542-6.

¹⁵⁴²⁻²⁵ Sec. 277(a)(3)(B)(iii)(I) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended para. (2) by striking “the Soviet Union” each place it appears and inserting “emerging markets”.

a long-term contribution to the establishment of free market food production and distribution systems¹⁵⁴²⁻²⁶ in emerging markets¹⁵⁴²⁻²⁷ and the enhancement of agricultural trade with the United States.

(B) IMPLEMENTATION.—The Secretary shall draw on the Department of Agriculture’s experience to design, implement, and evaluate, on a cost-sharing basis with cooperating agricultural institutions, a program to—

(i) compile, through contacts with the governments¹⁵⁴²⁻²⁸ of emerging markets¹⁵⁴²⁻²⁹ and private sector officials in emerging markets,¹⁵⁴²⁻²⁹ a list of their agricultural institutions, including the location, capabilities, and needs of the institutions;

(ii) make such information available through an appropriate agency of the Department of Agriculture to agribusinesses and agricultural institutions in the United States and other agencies of the United States Government; and

(iii) carry out a program—

(I) to review available agricultural information resources, to determine which would be useful for the purposes of this program;

(II) to arrange for the exchange of persons associated with such agricultural institutions and agribusinesses with experience or interest in the areas of need identified in clause (i);

(III) to help establish contacts between agricultural entrepreneurs and businesses in the United States and emerging markets,¹⁵⁴²⁻²⁹ which may include individuals and entities participating in the program established under paragraph (1), to facilitate cooperation and joint enterprises; and

(IV)¹⁵⁴²⁻³⁰ to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.

(C) CONSULTATION AND COORDINATION.—The Secretary shall consult and coordinate with the Secretary of State and the Agency for International Development in the formulation and implementation of this program in conjunction with overall assistance to emerging markets.¹⁵⁴²⁻³¹

¹⁵⁴²⁻²⁶ Sec. 277(a)(3)(B)(iii)(II) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subpara. (A) by striking “a free market food production and distribution system” and inserting “free market food production and distribution systems”.

¹⁵⁴²⁻²⁷ See footnote 1542-25.

¹⁵⁴²⁻²⁸ Sec. 277(a)(3)(B)(iii)(III)(aa) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended clause (i) by striking “Government” and inserting “governments”.

¹⁵⁴²⁻²⁹ See footnote 1542-25.

¹⁵⁴²⁻³⁰ Sec. 277(a)(3)(B)(iii)(III) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, added subclause (IV) and made conforming amendments.

¹⁵⁴²⁻³¹ See footnote 1542-25.

(D)¹⁵⁴²⁻³² AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program established under this paragraph.

[(3)¹⁵⁴²⁻³³]

(e) FOREIGN DEBT BURDENS.—

(1) EFFECT OF CREDITS.—In carrying out the program described in subsection (a), the Secretary of Agriculture shall ensure that the credits for which repayment is guaranteed under subsection (a) do not negatively affect the political and economic situation in emerging markets¹⁵⁴²⁻³⁴ by excessively adding to the foreign debt burdens of such countries.

(2) CONSULTATION AND REPORT.—Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not¹⁵⁴²⁻³⁵ later than 6 months after the effective date of this title, and not later than the end of each 6-month period occurring thereafter, the Secretary of Agriculture, in consultation with other appropriate Federal departments, shall prepare and transmit to the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report to assist the Congress in assessing the extent to which credits for which repayment is guaranteed under subsection (a) meet the requirements of subparagraph (A). The report shall include—

(A) the amount and allocation, by country, of credit guarantees issued under subsection (a);

(B) the aggregate foreign debt burdens of countries receiving commodities or facilities under such credit guarantees, expressed in terms of debt on account of agricultural commodities or products thereof, or facilities for which guarantees may be made under subsection (a)(1)(B), and all other debt;

(C) the activities of creditor governments and private creditors to reschedule or reduce payments due on existing debt owed to such creditors by a country in cases where such country has been unable to fully meet its debt obligations; and

(D) an analysis of—

(i) the economic effects of the foreign debt burden of each recipient country, and in particular the economic effects on each recipient country of the credits for which repayment is guaranteed under subsection (a); and

(ii) the relationship between any negative economic effects on any recipient country caused by its

¹⁵⁴²⁻³² Sec. 277(a)(3)(B)(iii)(IV) and (V) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, struck former subpara. (D) and redesignated former subpara. (E) as subpara. (D). For the text of former subpara. (D), see p. 7-14 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹⁵⁴²⁻³³ Sec. 277(a)(3)(B)(iv) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, struck former para. (3). For the text of former para. (3), see p. 7-15 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994)

¹⁵⁴²⁻³⁴ See footnote 1542-6.

¹⁵⁴²⁻³⁵ Sec. 277(a)(5) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended para. (2) by striking “Not” and inserting “Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not”.

overall foreign debt burden and debt incurred under subsection (a) and such country's political stability.

(f) ¹⁵⁴²⁻³⁶ EMERGING MARKET.—In this section and section 1543, the term “emerging market” means any country that the Secretary determines—

(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.

SEC. 1543. ¹⁵⁴³⁻¹ **[7 U.S.C. 3293] AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS.** ¹⁵⁴³⁻²

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a fellowship program, to be known as the “Cochran Fellowship Program”, to provide fellowships to individuals from eligible countries (as determined under subsection (b)) ¹⁵⁴³⁻³ who specialize in agriculture for study in the United States.

(b) ¹⁵⁴³⁻⁴ ELIGIBLE COUNTRIES.—Countries described in any of the following paragraphs shall be eligible to participate in the program established under this section:

(1) MIDDLE-INCOME COUNTRY.—A country that has developed economically to the point where it no longer qualifies for bilateral foreign aid assistance from the United States because its per capita income level exceeds the eligibility requirements of such assistance programs (hereafter referred to in this section as a “middle-income” country).

(2) ONGOING RELATIONSHIP.—A middle-income country that has never qualified for bilateral foreign aid assistance from the United States, but with respect to which an ongoing relationship with the United States, including technical assistance and training, would provide mutual benefits to such country and the United States.

(3) TYPE OF GOVERNMENT.—A country that has recently begun the transformation of its system of government from a non-representative type of government to a representative democracy and that is encouraging democratic institution building, and the cultural values, institutions, and organizations of democratic pluralism.

(4) ¹⁵⁴³⁻⁵ INDEPENDENT STATES OF THE FORMER SOVIET UNION.—A country that is an independent state of the former Soviet Union (as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)), to the extent that the Secretary of Agriculture determines that such country should be

¹⁵⁴²⁻³⁶ Sec. 277(a)(1)(D) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsec. (f) in its entirety. For the text of former subsec. (f), see p. 7-16 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹⁵⁴³⁻¹ Pub. L. 101-624, 104 Stat. 3694, Nov. 28, 1990.

¹⁵⁴³⁻² Sec. 277(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, amended the sec. heading by striking “MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES” and inserting “MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS”.

¹⁵⁴³⁻³ Parenthetical was added by section 705(a)(1) of Pub. L. 102-511.

¹⁵⁴³⁻⁴ Section 705(a)(2)(A) of P.L. 102-511 struck “that meet the following requirements” and inserted “described in any of the following paragraphs”.

¹⁵⁴³⁻⁵ Added by section 705(a)(2)(B) of P.L. 102-511.

eligible to participate in the program established under this section.

(5) ¹⁵⁴³⁻⁶ EMERGING MARKET.—Any emerging market, as defined in section 1542(f).

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this section shall be provided to permit the recipients to gain knowledge and skills that will—

(1) assist eligible countries to develop agricultural systems necessary to meet the food and fiber needs ¹⁵⁴³⁻⁷ of their domestic populations; and

(2) strengthen and enhance trade linkages between eligible countries and agricultural interests in the United States.

(d) INDIVIDUALS WHO MAY RECEIVE FELLOWSHIPS.—The Secretary shall utilize the expertise of United States agricultural counselors, trade officers, and commodity trade promotion groups working in participating countries to help identify program candidates for fellowships under this section from both the public and private sectors of those countries. The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries. ¹⁵⁴³⁻⁸

(e) PROGRAM IMPLEMENTATION.—The Secretary shall consult with other United States Government agencies, United States universities, and the private agribusiness sector, as appropriate, to design and administer training programs to accomplish the objectives of the Program established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the program established under this section, except that the amount of such funds in any fiscal year shall not exceed—

(1) for eligible countries that meet the requirements of subsection (b)(1), \$3,000,000;

(2) for eligible countries that meet the requirements of subsection (b)(2), \$2,000,000; and

(3) for eligible countries that meet the requirements of subsection (b)(3), \$5,000,000.

(g) COMPLEMENTARY FUNDS.—If the Secretary of Agriculture determines that it is advisable in furtherance of the purposes of the program established under this section, the Secretary may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and may, in any manner, dispose of all such holdings and use the receipts generated from such disposition as general program funds under this section. All funds so designated for the program established under this section shall remain available until expended.

6. TRADE STRATEGY AND CONSULTATIONS

(See also section 601 of the Agricultural Trade Act of 1978 printed in section 1 of this part of this compilation.)

¹⁵⁴³⁻⁶Sec. 277(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, added para. (5).

¹⁵⁴³⁻⁷Sec. 277(b)(3) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, amended para. (1) by striking “food needs” and inserting “food and fiber needs”.

¹⁵⁴³⁻⁸This sentence was added by section 705(b) of P.L. 102-511.

a. Development Assistance Agreements

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

SEC. 4203. ⁴²⁰³⁻¹ [7 U.S.C. 5213] **JOINT DEVELOPMENT ASSISTANCE AGREEMENTS WITH CERTAIN TRADING PARTNERS.**

(a) **DEVELOPMENT OF PLAN.**—With respect to any country that has a substantial positive trade balance with the United States, the Secretary of Agriculture, in consultation with the Secretary of State and (through the Secretary of State) representatives of such country, may develop an appropriate plan under which that country would purchase United States agricultural commodities or products for use in development activities in developing countries. In developing such plan, the Secretary of Agriculture shall take in-to consideration the agricultural economy of such country, the nature and extent of such country's programs to assist developing countries, and other relevant factors. The Secretary of Agriculture shall submit each such plan to the President as soon as practicable.

(b) **AGREEMENT.**—The President may enter into an agreement with any country that has a positive trade balance with the United States under which that country would purchase United States agricultural commodities or products for use in agreed-on development activities in developing countries.

b. Trade Negotiations Policy

FOOD SECURITY ACT OF 1985

SEC. 1123. ¹¹²³⁻¹ [7 U.S.C. 1736r] **TRADE NEGOTIATIONS POLICY.**

(a) **FINDINGS.**—Congress finds that—

(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

(2) exports of United States agricultural products accounted for \$54,000,000,000 in 1995, contributing a net \$24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

(B) developing common rules for the application of sanitary and phytosanitary restrictions;

⁴²⁰³⁻¹ Pub. L. 100-418, 102 Stat. 1392, Aug. 23, 1988.

¹¹²³⁻¹ Pub. L. 99-198, 99 Stat. 1481, Dec. 23, 1985. Sec. 269 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 975, April 4, 1996, amended sec. 1123 in its entirety. For the text of former sec. 1123, see p. 7-18 and 7-19 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use non-transparent and discriminatory pricing as a hidden de facto export subsidy;

(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

(b) GOALS OF THE UNITED STATES IN AGRICULTURAL TRADE NEGOTIATIONS.—The objectives of the United States with respect to future negotiations on agricultural trade include—

(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at prices below domestic market prices or prices below their full costs of acquiring and delivering agricultural products to the foreign markets; and

(4) encouraging government policies that avoid price-depressing surpluses.

c. Global Market Strategy

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

SEC. 3206. ³²⁰⁶⁻¹ [7 U.S.C. 5603a] GLOBAL MARKET STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Secretary of Agriculture shall consult with the Committee on Agriculture, and the Committee on International Relations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the formulation and implementation of a global market strategy for the Department of Agriculture that, to the maximum extent practicable—

(1) identifies opportunities for the growth of agricultural exports to overseas markets;

³²⁰⁶⁻¹ P.L. 107-171, 116 Stat. 301, May 13, 2002.

(2) ensures that the resources, programs, and policies of the Department are coordinated with those of other agencies; and

(3) remove barriers to agricultural trade in overseas markets.

(b) REVIEW.—The consultations under subsection (a) shall include a review of—

(1) the strategic goals of the Department; and

(2) the progress of the Department in implementing the strategic goals through the global market strategy.

7. DEPARTMENT OF AGRICULTURE PERSONNEL

a. Technical Support

(See also “Title V—Foreign Agricultural Service” of the Agricultural Act of 1978 printed in section 1 of this part of this compilation.)

AGRICULTURAL ACT OF 1970

SEC. 811.⁸¹¹⁻¹ [7 U.S.C. 612c-2] The Department of Agriculture shall provide technical support to exporters and importers of United States agricultural products when so requested. Such support shall include, but not be limited to, a review of the feasibility of the export proposal, adequacy of sources of supply, compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

b. Agricultural Attaches

AGRICULTURAL ACT OF 1954

SEC. 108.¹⁰⁸⁻¹ [7 U.S.C. 1748] ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

(a) IN GENERAL.—The Secretary shall require appropriate officers and employees of the Department of Agriculture, including those stationed in foreign countries, to prepare and submit annually to the Secretary detailed reports that—

(1) document the nature and extent of—

(A) programs in such countries that provide direct or indirect government support for the export of agricultural commodities and the products thereof;

(B) other trade practices that may impede the entry of United States agricultural commodities and the products thereof into such countries; and

(C) where practicable, the average prices and costs of production in such countries for like commodities exported from the United States to such countries; and

(2) identify opportunities for the export of United States agricultural commodities and the products thereof to such countries.

(b) DUTIES.—The Secretary shall—

(1) annually compile the information contained in reports prepared under subsection (a)—

(A) on a country by country basis; and

(B) on a commodity by commodity basis for exports of United States agricultural commodities,¹⁰⁸⁻² as determined appropriate by the Secretary, the export of which is hampered by an unfair trade practice. Where practicable, the

⁸¹¹⁻¹ Pub. L. 91-524, 84 Stat. 1358, Nov. 30, 1970. Section 811 was added by section 1(27) of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, 87 Stat. 238, Aug. 10, 1973.

¹⁰⁸⁻¹ Pub. L. 101-624, 104 Stat. 3689, Nov. 28, 1990.

¹⁰⁸⁻² Sec. 272 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996, amended subpara. (B) by striking “including fruits, vegetables, legumes, popcorn and ducks”.

report shall include a comparison of the average prices and costs of production for such commodities in the United States and in the importing countries for the previous crop year;

(2) in consultation with the agricultural technical advisory committees established under section 135(c) of the Trade Act of 1974 (19 U.S.C. 2155(c)), include in the compilation a priority ranking of those trade barriers identified in subsection (a) by commodity group;

(3) include in the compilation a list of actions undertaken to reduce or eliminate such trade barriers; and

(4) not later than January 15 of each year, make the compilation available to Congress, the agricultural policy advisory committee, and other interested parties.¹⁰⁸⁻³

(c) MEETING.—The Secretary and the United States Trade Representative shall convene a meeting, at least once each year, of the Agricultural Policy Advisory Committee and the agricultural technical advisory committees to develop specific recommendations for actions to be taken by the Federal Government and private industry to—

(1) reduce or eliminate trade barriers or distortions identified in the annual reports required to be submitted under subsections (a) and (b); and

(2) expand United States agricultural export opportunities identified in such annual reports.

SEC. 109.¹⁰⁹⁻¹ [7 U.S.C. 1749] **ATTACHE EDUCATIONAL PROGRAM.**

The Administrator of the Foreign Agricultural Service shall establish a program within the Service that directs attaches of the Service who are reassigned from abroad to the United States, and other personnel of the Service, to visit and consult with producers and exporters of agricultural commodities and products and State officials throughout the United States concerning various methods to increase exports of United States agricultural commodities and products.”.

* * * * *

SEC. 601.⁶⁰¹⁻¹ [7 U.S.C. 1761] For the purposes of encouraging and promoting the marketing of agricultural commodities of the United States and assisting American farmers, processors, distributors, and exporters to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall acquire information regarding the competition and demand for United States agricultural commodities, the marketing and distribution of said commodities in foreign countries and shall be responsible for the interpretation and dissemination of such information in the United States and shall make investigations abroad regarding the factors affecting and influencing the export of United States agricultural commodities, and shall conduct abroad any other activities including the demonstration of standards of quality for American agricultural commodities for which the Department of Agriculture now has or in the future may have such standards, as he deems necessary.

¹⁰⁸⁻³ Section 318 of P.L. 102-237 deleted an obsolete cross reference to the trade assistance office authorized by the Agricultural Trade Act of 1978.

¹⁰⁹⁻¹ Pub. L. 101-624, 104 Stat. 3690, Nov. 28, 1990.

⁶⁰¹⁻¹ Pub. L. 83-690, 68 Stat. 899, Aug. 27, 1954. The word “commodities” was substituted for “products” throughout the section by section 301 of the Agricultural Trade Act of 1978, Pub. L. 95-501, 92 Stat. 1685, Oct. 21, 1978.

Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority now exists.

c. United States Agricultural Trade Offices

AGRICULTURAL ACT OF 1954

SEC. 605A. ^{605A-1} [7 U.S.C. 1765a] (a) For the purpose of developing, maintaining, the Secretary of Agriculture, after consultation with the Secretary of State, shall establish not less than six nor more than twenty-five United States Agricultural Trade Offices in other nations.

* * * * *

SEC. 605B. ^{605A-1} [7 U.S.C. 1765b] The functions of each United States Agricultural Trade Office shall be to—

(1) increase the effectiveness of agricultural export promotion efforts through consolidation of activities, providing services and facilities for foreign buyers and United States trade representatives, and coordination of market development activities sponsored by the Department of Agriculture;

(2) establish goals by nation or region and agricultural commodity for developing, expanding, and maintaining markets for United States agricultural commodities;

(3) initiate programs to achieve the export marketing goals approved by the Department of Agriculture;

(4) maintain facilities for use by nonresident cooperators, private trade groups, and other individuals engaged in the import and export of United States agricultural commodities where the use of such facilities would aid in the conduct of market development activities, and cooperate, to the maximum extent practicable, with such cooperators, groups, and individuals to expand the level of United States agricultural exports;

(5) develop and maintain a current listing of trade, government, and other appropriate organizations for each agricultural commodity area and make such listing available to persons with a bona fide interest in exporting or importing United States agricultural commodities;

(6) originate and provide assistance for exhibits, sales teams, and other functions for the promotion of United States agricultural commodities;

(7) provide practical assistance for the use of the programs under the Agricultural Trade Development and Assistance Act of 1954, the export credit sales program, the export incentives program, and related programs of the United States Government where use of such programs will serve as a market development tool for United States agriculture;

(8) supervise project agreements with United States co-operators, coordinate the activities of the United States Agricultural Trade Office with those of the cooperators, and submit annual recommendations to the Secretary of Agriculture on the efficacy of cooperator programs;

^{605A-1} Section 401 of the Agricultural Trade Act of 1978, Pub. L. 95-501, Oct. 31, 1978, added sections 605A and 605B.

(9) publicize the services offered by the United States Agricultural Trade Office through advertisements in trade journals or by other appropriate means; and

(10) perform such other functions as the Secretary of Agriculture, in consultation with the Secretary of State, determines to be necessary and proper for achieving the purposes of this subtitle.

d. Agricultural Aid and Trade Missions

[AGRICULTURAL AID AND TRADE MISSIONS ACT¹⁻¹]

[ACT OF APRIL 4, 1988

[SEC. 7.⁷⁻¹ [7 U.S.C. 1736bb note] INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO AGRICULTURAL AID AND TRADE MISSIONS.]

8. CONGRESSIONAL POLICY

a. Trade Policy Declaration

FOOD SECURITY ACT OF 1985

Subtitle B—Maintenance and Development of Export Markets

SEC. 1121.¹¹²¹⁻¹ **[7 U.S.C. 1736p]** It is hereby declared to be the agricultural trade policy of the United States to—

(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;

(5) remove foreign policy constraints to maximize United States economic interests through agricultural trade; and

(6) provide for consideration of United States agricultural trade interests in the design of national fiscal and monetary policy that may foster continued strength in the value of the dollar.

¹⁻¹ The Agricultural Aid and Trade Missions Act was repealed by sec. 271(a) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of the Act, see p. 7-22 through 7-25 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

⁷⁻¹ Sec. 7 was repealed by sec. 271(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of sec. 7, see p. 7-25 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹¹²¹⁻¹ Pub. L. 99-198, 99 Stat. 1480, Dec. 23, 1985. Sec. 267 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996, amended sec. 1121 by striking former subsec. (a), striking “(b)”, and amending paras. (1) through (4) in their entirety.

b. Trade Liberalization

FOOD SECURITY ACT OF 1985

[SEC. 1122.¹¹²²⁻¹ [7 U.S.C. 1736q]]

c. Expansion of International Markets

AGRICULTURE AND FOOD ACT OF 1981

[SEC. 1207.¹²⁰⁷⁻¹ [7 U.S.C. 1736m]]

d. Unfair Trade Practices

FOOD SECURITY ACT OF 1985

[SEC. 1164.¹¹⁶⁴⁻¹]

e. Negotiating Objectives

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

SEC. 1101. [19 U.S.C. 2901] OVERALL AND PRINCIPAL TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.

* * * * *

(7)¹¹⁰¹⁻¹ AGRICULTURE.—The principal negotiating objectives of the United States with respect to agriculture are to achieve, on an expedited basis to the maximum extent feasible, more open and fair conditions of trade in agricultural commodities by—

(A) developing, strengthening, and clarifying rules for agricultural trade, including disciplines on restrictive or trade-distorting import and export practices;

(B) increasing United States agricultural exports by eliminating barriers to trade (including transparent and nontransparent barriers) and reducing or eliminating the subsidization of agricultural production consistent with the United States policy of agricultural stabilization in cyclical and unpredictable markets;

(C) creating a free and more open world agricultural trading system by resolving questions pertaining to export and other trade-distorting subsidies, market pricing and market access and eliminating and reducing substantially other specific constraints to fair trade and more open market access, such as tariffs, quotas, and other nontariff practices, including unjustified phytosanitary and sanitary restrictions; and

(D) seeking agreements by which the major agricultural exporting nations agree to pursue policies to reduce excessive production of agricultural commodities during periods of oversupply, with due regard for the fact that the United States already undertakes such policies, and without recourse to arbi-

¹¹²²⁻¹ Sec. 1122 was repealed by sec. 268 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 975, April 4, 1996. For the text of sec. 1122, see p. 7-26 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹²⁰⁷⁻¹ Sec. 1207 was repealed by sec. 266 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 1207, see p. 7-26 and 7-27 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹¹⁶⁴⁻¹ Sec. 1164 was repealed by sec. 270 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of sec. 1164, see p. 7-28 and 7-29 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

¹¹⁰¹⁻¹ Pub. L. 100-418, 102 Stat. 1122, Aug. 23, 1988.

trary schemes to divide market shares among major exporting countries.

* * * * *

f. Agricultural Competitiveness and Trade

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

TITLE IV—AGRICULTURAL TRADE

SEC. 4001.⁴⁰⁰¹⁻¹ [7 U.S.C. 5201 note] SHORT TITLE.

This title may be cited as the “Agricultural Competitiveness and Trade Act of 1988”.

SUBTITLE A—FINDINGS, POLICY, AND PURPOSE

SEC. 4101. [7 U.S.C. 5201] FINDINGS.

Congress finds that—

(1) United States agricultural exports have declined by more than 36 percent since 1981, from \$43,800,000,000 in 1981 to \$27,900,000,000 in 1987;

(2) the United States share of the world market for agricultural commodities and products has dropped by 20 percent during the last 6 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of \$1,000,000,000 in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms and the economic well-being of rural communities in the United States;

(6) factors contributing to the loss of United States agricultural exports include changes in world agricultural markets such as—

(A) the addition of new exporting nations;

(B) innovations in agricultural technology;

(C) increased use of export subsidies designed to lower the price of commodities on the world market;

(D) the existence of barriers to agricultural trade;

(E) the slowdown in the growth of world food demand in the 1980's due to cyclical economic factors, including currency fluctuations and a debt-related slowdown in the economic growth of agricultural markets in certain developing countries; and

(F) the rapid buildup of surplus stocks as a consequence of favorable weather for agricultural production during the 1980's;

(7) increasing the volume and value of exports is important to the financial well-being of the farm sector in the United States and to increasing farm income in the United States;

(8) in order to increase agricultural exports and improve prices for farmers and ranchers in the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including programs established under the Agricultural Trade Development and As-

⁴⁰⁰¹⁻¹ Pub. L. 100-418, 102 Stat. 1388, Aug. 23, 1988.

sistance Act of 1954 (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(9) greater use should be made by the Secretary of Agriculture of the authorities established under section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a),⁴¹⁰¹⁻¹ the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), and the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) to provide intermediate credit financing and other assistance for the establishment of facilities in importing countries to—

(A) improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) increase livestock production to enhance the demand for United States feed grains;

(10) food aid and export assistance programs in developing countries stimulate economic activity which causes incomes to rise, and, as incomes rise, diets improve and the demand for and ability to purchase food increases;

(11) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs; and

(12) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives—

(A) provides communities with health care, credit systems, and tools for development; and

(B) establishes the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products.

SEC. 4102. [7 U.S.C. 5202] POLICY.

It is the policy of the United States—

(1) to provide, through all possible means, agricultural commodities and products for export at competitive prices, with full assurance of quality and reliability of supply;

(2) to support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

(3) to support fully the negotiating objectives set forth in section 1101(b) of this Act to eliminate or reduce substantially constraints on fair and open trade in agricultural commodities and products;

(4) to use statutory authority to counter unfair foreign trade practices and to use all available means, including export promotion programs, and, if necessary, restrictions on United States imports of agricultural commodities and products, in order to encourage fair and open trade; and

(5) to provide for increased representation of United States agricultural trade interests in the formulation of national fiscal and monetary policy affecting trade.

SEC. 4103. [7 U.S.C. 5203] PURPOSE.

It is the purpose of this title—

⁴¹⁰¹⁻¹ Note: Section 4 of the Food for Peace Act of 1966 was repealed by section 1574 of Pub. L. 101-624.

(1) to increase the effectiveness of the Department of Agriculture in agricultural trade policy formulation and implementation and in assisting United States agricultural producers to participate in international agricultural trade, by strengthening the operations of the Department of Agriculture; and

(2) to improve the competitiveness of United States agricultural commodities and products in the world market.

* * * * *

g. Congressional Consultation on Bilateral Agreements

AGRICULTURE AND FOOD ACT OF 1981 ¹²⁰²⁻¹

SEC. 1202. ¹²⁰²⁻² [7 U.S.C. 1736h] As soon as practicable before the Government of the United States enters into any bilateral international agreement, other than a treaty, involving a commitment on the part of the United States to assure access by a foreign country or instrumentality thereof to United States agricultural commodities or products thereof on a commercial basis, the President is encouraged to notify and consult with the appropriate committees of Congress for the purpose of setting forth in detail the terms of and reasons for negotiating such agreement.

* * * * *

h. Multilateral Disciplines on Credit Guarantees

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996

SEC. 282. ²⁸²⁻¹ **SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.**

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board, the Canadian Wheat Board, the New Zealand Dairy Board, and the Australian Dairy Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

¹²⁰²⁻¹ Pub. L. 97-98, 95 Stat. 1213, Dec. 22, 1981.

¹²⁰²⁻² 95 Stat. 1275.

²⁸²⁻¹ P.L. 104-127, 110 Stat. 980, April 4, 1996.

i. Foreign Assistance Programs and Agricultural Trade

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

SEC. 3209.³²⁰⁹⁻¹ SENSE OF CONGRESS CONCERNING FOREIGN ASSISTANCE PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the international community faces a continuing epidemic of ethnic, sectarian, and criminal violence;

(2) poverty, hunger, political uncertainty, and social instability are the principal causes of violence and conflict around the world;

(3) broad-based, equitable economic growth and agriculture development facilitates political stability, food security, democracy, and the rule of law;

(4) democratic governments are more likely to advocate and observe international laws, protect civil and human rights, pursue free market economies, and avoid external conflicts;

(5) the United States Agency for International Development has provided critical democracy and governance assistance to a majority of the nations that successfully made the transition to democratic governments during the past 2 decades;

(6) 43 of the top 50 consumer nations of American agricultural products were once United States foreign aid recipients;

(7) in the past 50 years, infant child death rates in the developing world have been reduced by 50 percent, and health conditions around the world have improved more during this period than in any other period;

(8) the United States Agency for International Development child survival programs have significantly contributed to a 10 percent reduction in infant mortality rates worldwide in just the past 8 years;

(9) in providing assistance by the United States and other donors in better seeds and teaching more efficient agricultural techniques over the past 2 decades have helped make it possible to feed an additional 1,000,000,000 people in the world;

(10) despite this progress, approximately 1,200,000,000 people, one-quarter of the world's population, live on less than \$1 per day, and approximately 3,000,000,000 people live on only \$2 per day;

(11) 95 percent of new births occur in developing countries, including the world's poorest countries; and

(12) only ½ percent of the Federal budget is dedicated to international economic and humanitarian assistance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States foreign assistance programs should play an increased role in the global fight against terrorism to complement the national security objectives of the United States;

(2) the United States should lead coordinated international efforts to provide increased financial assistance to countries with impoverished and disadvantaged populations that are the breeding grounds for terrorism; and

(3) the United States Agency for International Development and the Department of Agriculture should substantially

³²⁰⁹⁻¹ P.L. 107-171, 116 Stat. 302, May 13, 2002.

increase humanitarian, economic development, and agricultural assistance to foster international peace and stability and the promotion of human rights.

SEC. 3210.³²¹⁰⁻¹ SENSE OF THE SENATE CONCERNING AGRICULTURAL TRADE.

(a) **AGRICULTURE TRADE NEGOTIATING OBJECTIVES.**—It is the sense of the Senate that the principal negotiating objective of the United States with respect to agricultural trade in all multilateral, regional, and bilateral negotiations is to obtain competitive opportunities for the export of United States agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of agricultural trade in bulk and value-added commodities by—

(1) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for the export of United States agricultural commodities, giving priority to United States agricultural commodities that are subject to significantly higher tariffs or subsidy regimes of major producing countries;

(2) immediately eliminating all export subsidies on agricultural commodities worldwide while maintaining bona fide food aid and preserving United States agricultural market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(3) leveling the playing field for United States agricultural producers by disciplining domestic supports such that no other country can provide greater support, measured as a percentage of total agricultural production value, than the United States does while preserving existing green box category to support conservation activities, family farms, and rural communities;

(4) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities for United States agricultural commodities or distort agricultural markets to the detriment of the United States, including—

(A) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on—

(i) requiring price transparency in the operation of state trading enterprises and such other mechanisms; and

(ii) ending discriminatory pricing practices for agricultural commodities that amount to de facto export subsidies so that the enterprises or other mechanisms do not (except in cases of bona fide food aid) sell agricultural commodities in foreign markets at prices below domestic market prices or prices below the full costs of acquiring and delivering agricultural commodities to the foreign markets;

(B) unjustified trade restrictions or commercial requirements affecting new agricultural technologies, including biotechnology;

³²¹⁰⁻¹ P.L. 107-171, 116 Stat. 303, May 13, 2002.

(C) unjustified sanitary or phytosanitary restrictions, including restrictions that are not based on scientific principles, in contravention of the Agreement on the Application of Sanitary and Phytosanitary Measures (as described in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(D) other unjustified technical barriers to agricultural trade; and

(E) restrictive and nontransparent rules in the administration of tariff rate quotas;

(5) improving import relief mechanisms to recognize the unique characteristics of perishable agricultural commodities;

(6) taking into account whether a party to negotiations with respect to trading in an agricultural commodity has—

(A) failed to adhere to the provisions of an existing bilateral trade agreement with the United States;

(B) circumvented obligations under a multilateral trade agreement to which the United States is a signatory; or

(C) manipulated its currency value to the detriment of United States agricultural producers or exporters; and

(7) otherwise ensuring that countries that accede to the World Trade Organization—

(A) have made meaningful market liberalization commitments in agriculture; and

(B) make progress in fulfilling those commitments over time.

(b) PRIORITY FOR AGRICULTURE TRADE.—It is the sense of the Senate that—

(1) reaching a successful agreement on agriculture should be the top priority of United States negotiators in World Trade Organization talks; and

(2) if the primary export competitors of the United States fail to reduce their trade distorting domestic supports and eliminate export subsidies in accordance with the negotiating objectives expressed in this section, the United States should take steps to increase the leverage of United States negotiators and level the playing field for United States producers, within existing World Trade Organization commitments.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—It is the sense of the Senate that—

(1) before the United States Trade Representative negotiates a trade agreement that would reduce tariffs on agricultural commodities or require a change in United States agricultural law, the United States Trade Representative should consult with the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate;

(2) not less than 48 hours before initialing an agreement relating to agricultural trade negotiated under the auspices of the World Trade Organization, the United States Trade Representative should consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

- (B) the potential impact of the agreement on United States agricultural producers; and
- (C) any changes in United States law necessary to implement the agreement; and
- (3) any agreement or other understanding (whether verbal or in writing) that relates to agricultural trade that is not disclosed to Congress before legislation implementing a trade agreement is introduced in either the Senate or the House of Representatives should not be considered to be part of the agreement approved by Congress and should have no force and effect under United States law or in any dispute settlement body.

9. MISCELLANEOUS

a. Edward R. Madigan United States Agricultural Export Excellence Award

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996
SEC. 261.²⁶¹⁻¹ [7 U.S.C. 5678] **EDWARD R. MADIGAN UNITED STATES AGRICULTURAL EXPORT EXCELLENCE AWARD.**

- (a) FINDINGS.—Congress finds that—
- (1) United States producers of agricultural products are some of the most productive and efficient producers of agricultural products in the world;
 - (2) continued growth and expansion of markets for United States agricultural exports is crucial to the continued development and economic well-being of rural areas of the United States and the agricultural sector of the United States economy;
 - (3) in recent years, United States agricultural exports have steadily increased, surpassing \$54,000,000,000 in value in 1995;
 - (4) as United States agricultural producers move toward a market-oriented system in which planting and other decisions by producers are driven by national and international market signals, developing new and expanding agricultural export markets is vital to maintaining a vibrant and healthy agricultural sector and rural economy; and
 - (5) a United States agricultural export excellence award will increase United States agricultural exports by—
 - (A) identifying efforts of United States entities to develop and expand markets for United States agricultural exports through the development of new products and services and through the use of innovative marketing techniques;
 - (B) recognizing achievements of those who have exhibited or supported entrepreneurial efforts to expand and create new markets for United States agricultural exports or increase the volume or value of United States agricultural exports; and
 - (C) disseminating information on successful methods used to develop and expand markets for United States agricultural exports.

²⁶¹⁻¹ P.L. 104-127, 110 Stat. 972, April 4, 1996.

(b) ESTABLISHMENT.—There is established the Edward R. Madigan United States Agricultural Export Excellence Award, which shall be evidenced by a medal bearing the inscription “Edward R. Madigan United States Agricultural Export Excellence Award”. The medal shall be of such design and materials and bear such additional inscriptions as the Secretary of Agriculture (referred to in this section as the “Secretary”) may prescribe.

(c) SELECTION OF RECIPIENT.—The President or the Secretary (on the basis of recommendations received from the board established under subsection (h)) shall periodically provide the award to companies and other entities that in the judgment of the President or the Secretary substantially encourage entrepreneurial efforts in the food and agriculture sector for advancing United States agricultural exports.

(d) PRESENTATION OF AWARD.—The presentation of the award shall be made by the President or the Secretary with such ceremonies as the President or the Secretary considers proper.

(e) PUBLICATION OF AWARD.—An entity to which an award is made under this section may publicize the receipt of the award by the entity and use the award in advertising of the entity.

(f) CATEGORIES FOR WHICH AWARD MAY BE GIVEN.—Separate awards shall be made to qualifying entities in each of the following categories:

(1) Development of new products or services for agricultural export markets.

(2) Development of new agricultural export markets.

(3) Creative marketing of products or services in agricultural export markets.

(g) CRITERIA FOR QUALIFICATION.—An entity may qualify for an award under this section only if the entity—

(1)(A) applies to the board established under subsection (h) in writing for the award; or

(B) is recommended for the award by a Governor of a State;

(2)(A) has exhibited significant entrepreneurial effort to create new markets for United States agricultural exports or increase United States agricultural exports; or

(B) has provided significant assistance to others in an effort to create new markets for United States agricultural exports or increase United States agricultural exports;

(3) has not received another award in the same category under subsection (f) during the preceding 5-year period; and

(4) meets such other requirements and specifications as the Secretary determines are appropriate to achieve the objectives of this section.

(h) BOARD.—

(1) SELECTION.—The Secretary shall appoint a board of evaluators, consisting of at least 5 individuals from the private sector selected for their knowledge and experience in exporting United States agricultural products.

(2) MEETINGS.—The board shall meet at least once annually to review and evaluate all applicants and entities recommended by States under subsection (g)(1).

(3) RECOMMENDATIONS OF BOARD.—The board shall report its recommendations concerning the making of the award to the Secretary.

(4) TERM.—Each member of the board may serve a term of not to exceed 3 years.

(i) FUNDING.—The Secretary may seek and accept gifts from public and private sources to carry out this section.

* * * * *

b. International Cotton Advisory Committee

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996 SEC. 283.²⁸³⁻¹ [22 U.S.C. 288 note] INTERNATIONAL COTTON ADVISORY COMMITTEE.

(a) IN GENERAL.—The President shall ensure that the Government of the United States participates as a full member of the International Cotton Advisory Committee.

(b) REPRESENTATION BY THE SECRETARY.—The Secretary of Agriculture shall represent the Government of the United States as a member of the International Cotton Advisory Committee and shall delegate the primary responsibility to represent the Government of the United States to appropriately qualified individuals.

c. Biotechnology and Agricultural Trade Program

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990 SEC. 1543A.^{1543A-1} [7 U.S.C. 5679] BIOTECHNOLOGY AND AGRICULTURAL TRADE PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department the biotechnology and agricultural trade program.

(b) PURPOSE.—The purpose of the program shall be to remove, resolve, or mitigate significant regulatory nontariff barriers to the export of United States agricultural commodities (as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602)) into foreign markets through public and private sector projects funded by grants that address—

(1) quick response intervention regarding nontariff barriers to United States exports involving—

(A) United States agricultural commodities produced through biotechnology;

(B) food safety;

(C) disease; or

(D) other sanitary or phytosanitary concerns; or

(2) developing protocols as part of bilateral negotiations with other countries on issues such as animal health, grain quality, and genetically modified commodities.

(c) ELIGIBLE PROGRAMS.—Depending on need, as determined by the Secretary, activities authorized under this section may be carried out through—

(1) this section;

(2) the emerging markets program under section 1542; or

(3) the Cochran Fellowship Program under section 1543.

(d) FUNDING.—There is authorized to be appropriated \$6,000,000 for each of fiscal years 2002 through 2007.

²⁸³⁻¹ P.L. 104-127, 110 Stat. 980, April 4, 1996.

^{1543A-1} Sec. 1543A added by sec. 3204 of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 300, May 13, 2002.

10. TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT

TITLE IX—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT⁹⁰¹⁻¹

SEC. 901. [22 U.S.C. 7201 note] SHORT TITLE.

This title may be cited as the “Trade Sanctions Reform and Export Enhancement Act of 2000”.

SEC. 902. [22 U.S.C. 7201] DEFINITIONS.

In this title:

(1) **AGRICULTURAL COMMODITY.**—The term “agricultural commodity” has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) **AGRICULTURAL PROGRAM.**—The term “agricultural program” means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) **JOINT RESOLUTION.**—The term “joint resolution” means—

(A) in the case of section 903(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 903(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 903(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____.”, with the blank completed with the appropriate date; and

(B) in the case of section 906(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 906(2) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 906(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____.”, with the blank completed with the appropriate date.

(4) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

⁹⁰¹⁻¹ P.L. 106–387; 114 Stat. 1549, 1549A–67; Oct. 28, 2000.

(5) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) **UNILATERAL AGRICULTURAL SANCTION.**—The term “unilateral agricultural sanction” means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(7) **UNILATERAL MEDICAL SANCTION.**—The term “unilateral medical sanction” means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

SEC. 903. [22 U.S.C. 7202] RESTRICTION.

(a) **NEW SANCTIONS.**—Except as provided in sections 904 and 905 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) **EXISTING SANCTIONS.**—The President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

SEC. 904. [22 U.S.C. 7203] EXCEPTIONS.

Section 903 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 903—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C)⁹⁰⁴⁻¹ used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.

SEC. 905. [22 U.S.C. 7204] TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 903(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 906. [22 U.S.C. 7205] STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of this title (other than section 904), the export of agricultural commodities, medicine, or medical devices to Cuba, the Taliban or the territory of Afghanistan controlled by the Taliban,⁹⁰⁶⁻¹ or to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), or to any other entity in such a country, shall only be made pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract, ex-

⁹⁰⁴⁻¹ Sec. 221(a)(1) of the USA Patriot Act, P.L. 107-56, 115 Stat. 292, Oct. 26, 2001, amended subpara. (C) in its entirety.

⁹⁰⁶⁻¹ Sec. 221(a)(2)(A) of the USA Patriot Act, P.L. 107-56, 115 Stat. 292, Oct. 26, 2001, amended para. (1) by inserting “, the Taliban or the territory of Afghanistan controlled by the Taliban,” after “Cuba”.

cept that the requirements of such one-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of the Treasury, except that procedures shall be in place to deny licenses for exports to any entity within such country, or in the territory of Afghanistan controlled by the Taliban,⁹⁰⁶⁻² promoting international terrorism.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the export of agricultural commodities, medicine, or medical devices to the Government of Syria or to the Government of North Korea, or to any other entity in Syria or North Korea.⁹⁰⁶⁻³

(b) QUARTERLY REPORTS.—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) BIENNIAL REPORTS.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

- (1) the number and types of licenses applied for;
- (2) the number and types of licenses approved;
- (3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;
- (4) the extent to which the licensing procedures were effectively implemented; and
- (5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 907. [22 U.S.C. 7206] CONGRESSIONAL PROCEDURES.

(a) REFERRAL OF REPORT.—A report described in section 903(a)(1) or 905(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(b) REFERRAL OF JOINT RESOLUTION.—

(1) IN GENERAL.—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations, and a joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations.

(2) REPORTING DATE.—A joint resolution referred to in paragraph (1) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

SEC. 908. [22 U.S.C. 7207] PROHIBITION ON UNITED STATES ASSISTANCE AND FINANCING.

(a) PROHIBITION ON UNITED STATES ASSISTANCE.—

⁹⁰⁶⁻²Sec. 221(a)(2)(B) of the USA Patriot Act, P.L. 107-56, 115 Stat. 292, Oct. 26, 2001, amended para. (1) by inserting “, or in the territory of Afghanistan controlled by the Taliban,” after “within such country”.

⁹⁰⁶⁻³Sec. 221(a)(3) of the USA Patriot Act, P.L. 107-56, 115 Stat. 292, Oct. 26, 2001, amended para. (2) by inserting “, or to any other entity in Syria or North Korea” after “Korea”.

(1) IN GENERAL.—Notwithstanding any other provision of law, no United States Government assistance, including United States foreign assistance, United States export assistance, and any United States credit or guarantees shall be available for exports to Cuba or for commercial exports to Iran, Libya, North Korea, or Sudan.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to alter, modify, or otherwise affect the provisions of section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) or any other provision of law relating to Cuba in effect on the day before the date of the enactment of this Act.

(3) WAIVER.—The President may waive the application of paragraph (1) with respect to Iran, Libya, North Korea, and Sudan to the degree the President determines that it is in the national security interest of the United States to do so, or for humanitarian reasons.

(b) PROHIBITION ON FINANCING OF AGRICULTURAL SALES TO CUBA.—

(1) IN GENERAL.—No United States person may provide payment or financing terms for sales of agricultural commodities or products to Cuba or any person in Cuba, except in accordance with the following terms (notwithstanding part 515 of title 31, Code of Federal Regulations, or any other provision of law):

(A) Payment of cash in advance.

(B) Financing by third country financial institutions (excluding United States persons or Government of Cuba entities), except that such financing may be confirmed or advised by a United States financial institution.

Nothing in this paragraph authorizes payment terms or trade financing involving a debit or credit to an account of a person located in Cuba or of the Government of Cuba maintained on the books of a United States depository institution.

(2) PENALTIES.—Any private person or entity that violates paragraph (1) shall be subject to the penalties provided in the Trading With the Enemy Act for violations under that Act.

(3) ADMINISTRATION AND ENFORCEMENT.—The President shall issue such regulations as are necessary to carry out this section, except that the President, in lieu of issuing new regulations, may apply any regulations in effect on the date of the enactment of this Act, pursuant to the Trading With the Enemy Act, with respect to the conduct prohibited in paragraph (1).

(4) DEFINITIONS.—In this subsection—

(A) the term “financing” includes any loan or extension of credit;

(B) the term “United States depository institution” means any entity (including its foreign branches or subsidiaries) organized under the laws of any jurisdiction within the United States, or any agency, office or branch located in the United States of a foreign entity, that is engaged primarily in the business of banking (including a bank, savings bank, savings association, credit union, trust company, or United States bank holding company); and

(C) the term “United States person” means the Federal Government, any State or local government, or any private person or entity of the United States.

SEC. 909. [22 U.S.C. 7208] PROHIBITION ON ADDITIONAL IMPORTS FROM CUBA.

Nothing in this title shall be construed to alter, modify, or otherwise affect the provisions of section 515.204 of title 31, Code of Federal Regulations, relating to the prohibition on the entry into the United States of merchandise that (1) is of Cuban origin, (2) is or has been located in or transported from or through Cuba, or (3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

SEC. 910. [22 U.S.C. 7209] REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALE OF AGRICULTURAL COMMODITIES.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, may be authorized on a case-by-case basis by a specific license for travel to, from, or within Cuba for the commercial export sale of agricultural commodities pursuant to the provisions of this title.

(b) PROHIBITION ON TRAVEL RELATING TO TOURIST ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Secretary of the Treasury, or any other Federal official, may not authorize the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, either by a general license or on a case-by-case basis by a specific license for travel to, from, or within Cuba for tourist activities.

(2) DEFINITION.—In this subsection, the term “tourist activities” means any activity with respect to travel to, from, or within Cuba that is not expressly authorized in subsection (a) of this section, in any of paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000).

SEC. 911. [22 U.S.C. 7201 note] EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of enactment of this Act, and shall apply thereafter in any fiscal year.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title shall take effect 120 days after the date of enactment of this Act, and shall apply thereafter in any fiscal year.

USA PATRIOT ACT

SEC. 221. TRADE SANCTIONS.

* * * * *

(b)²²¹⁻¹ [22 U.S.C. 7210] APPLICATION OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall

²²¹⁻¹ P.L. 107-56, 115 Stat. 292, Oct. 26, 2001.

limit the application or scope of any law establishing criminal or civil penalties, including any Executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order No. 12947 of January 23, 1995, as amended;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132);

(3) a foreign organization, group, or person designated pursuant to Executive Order No. 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order No. 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106-120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

* * * * *

SEC. 807.⁸⁰⁷⁻¹ [22 U.S.C. 7211] TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106-387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

⁸⁰⁷⁻¹ P.L. 107-56, 115 Stat. 378, Oct. 26, 2001.