

July 30, 1947, ch. 356, title II, § 202, 61 Stat. 550.

§ 713a-11. Annual appropriations to reimburse Commodity Credit Corporation for net realized loss

There is authorized to be appropriated annually for each fiscal year by means of a current, indefinite appropriation, out of any money in the Treasury not otherwise appropriated, an amount sufficient to reimburse Commodity Credit Corporation for its net realized loss incurred during such fiscal year, as reflected in its accounts and shown in its report of its financial condition as of the close of such fiscal year. Reimbursement of net realized loss shall be with appropriated funds, as provided herein, rather than through the cancellation of notes.

(Pub. L. 87-155, § 2, Aug. 17, 1961, 75 Stat. 391; Pub. L. 100-203, title I, § 1506(a), Dec. 22, 1987, 101 Stat. 1330-28.)

AMENDMENTS

1987—Pub. L. 100-203 substituted “by means of a current, indefinite appropriation” for “, commencing with the fiscal year ending June 30, 1961”.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 1506(c) of Pub. L. 100-203 provided that: “This section and the amendment made by this section [amending this section and enacting provisions set out as a note below] shall apply beginning with fiscal year 1988.”

OPERATING EXPENSES

Section 1506(b) of Pub. L. 100-203 provided that: “No funds may be appropriated for operating expenses of the Commodity Credit Corporation except as authorized under section 2 of Public Law 87-155 [15 U.S.C. 713a-11] to reimburse the Corporation for net realized losses.”

§ 713a-11a. Interest prohibited when reimbursing Corporation for net realized losses

After September 30, 1964, the portion of borrowings from Treasury equal to the unreimbursed realized losses recorded on the books of the Commodity Credit Corporation after September 30 of the fiscal year in which such losses are realized, shall not bear interest and interest shall not be accrued or paid thereon.

(Pub. L. 89-316, title III, § 301, Nov. 2, 1965, 79 Stat. 1178; Pub. L. 94-273, § 2(6), Apr. 21, 1976, 90 Stat. 375.)

AMENDMENTS

1976—Pub. L. 94-273 substituted “September” for “June”.

§ 713a-12. Deposit of net realized gain of Commodity Credit Corporation in Treasury

In the event the accounts of the Commodity Credit Corporation reflect a net realized gain for any such fiscal year, the amount of such net realized gain shall be deposited in the Treasury by the Commodity Credit Corporation and shall be credited to miscellaneous receipts.

(Pub. L. 87-155, § 3, Aug. 17, 1961, 75 Stat. 391.)

§ 713a-13. Policies and procedures for minimum acquisition of stocks by Commodity Credit Corporation, encouragement of marketing through private trade channels and procurement of maximum returns in marketplace for producers and Corporation

Congress hereby reconfirms its long-standing policy of favoring the use by governmental agencies of the usual and customary channels, facilities, and arrangements of trade and commerce, and directs the Secretary of Agriculture and the Commodity Credit Corporation to the maximum extent practicable to adopt policies and procedures designed to minimize the acquisition of stocks by the Commodity Credit Corporation, to encourage orderly marketing of farm commodities through private competitive trade channels, both cooperative and non-cooperative, and to obtain maximum returns in the marketplace for producers and for the Commodity Credit Corporation.

(Pub. L. 87-703, title IV, § 402, Sept. 27, 1962, 76 Stat. 632.)

§ 713a-14. Dairy export incentive program

(a) Establishment and operation

During the period beginning 60 days after December 23, 1985, and ending on December 31, 2012, the Commodity Credit Corporation shall establish and operate an export incentive program as described in this section for dairy products under section 714c of this title.

(b) Payments to entity that sells for export United States dairy products; bid basis; criteria for acceptance or rejection of bids

The program established under subsection (a) of this section 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 sole discretion to accept or reject bids under such criteria as the Secretary deems appropriate.

(c) Rules and regulations

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;

(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 3511 of title 19 is exported under the program each year (minus the volume sold under section 1163 of this Act 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 permitted under subsection (f); and

(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) Payments under program to be made in cash or commodities

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

(3) 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) Payment rates; publication in Federal Register or other public announcement

(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.

(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.

(f) Required funding

(1) Funds and commodities

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 under the Uruguay Round Agreements approved under section 3511 of title 19, minus the amount expended under section 1163 of this Act during that year.

(2) Volume limitations

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

(Pub. L. 99-198, title I, § 153, Dec. 23, 1985, 99 Stat. 1377; Pub. L. 100-418, title IV, § 4308, Aug. 23, 1988,

102 Stat. 1399; Pub. L. 100-435, title I, § 106, Sept. 19, 1988, 102 Stat. 1651; Pub. L. 101-624, title I, § 114, Nov. 28, 1990, 104 Stat. 3380; Pub. L. 103-465, title IV, § 411(b), Dec. 8, 1994, 108 Stat. 4963; Pub. L. 104-127, title I, § 148, Apr. 4, 1996, 110 Stat. 920; Pub. L. 107-171, title I, § 1503(a), May 13, 2002, 116 Stat. 207; Pub. L. 110-234, title I, § 1503, May 22, 2008, 122 Stat. 992; Pub. L. 110-246, § 4(a), title I, § 1503, June 18, 2008, 122 Stat. 1664, 1721.)

REFERENCES IN TEXT

Section 1163 of this Act, referred to in subsections (c)(3) and (f)(1), is section 1163 of Pub. L. 99-198, which is set out as a note under section 1731 of Title 7, Agriculture.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 1503(a), substituted “2012” for “2007”.

Subsec. (c)(3). Pub. L. 110-246, § 1503(b)(1), added par. (3) and struck out former par. (3) which read as follows: “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) of this section; and”

Subsec. (f)(1). Pub. L. 110-246, § 1503(b)(2), added par. (1) and struck out former par. (1). Text read as follows: “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.”

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1996—Subsec. (a). Pub. L. 104-127, § 148(a), substituted “2002” for “2001”.

Subsec. (b). Pub. L. 104-127, § 148(b), inserted “sole” before “discretion”.

Subsec. (c)(3), (4). Pub. L. 104-127, § 148(c), added pars. (3) and (4).

Subsec. (e)(1). Pub. L. 104-127, § 148(d), substituted “the world price” for “and world price” and inserted before period at end “, and any additional amount that may be required to assist in the development of world markets for United States dairy products”.

Subsec. (f). Pub. L. 104-127, § 148(e), added subsec. (f). 1994—Subsec. (a). Pub. L. 103-465 substituted “2001” for “1995”.

1990—Subsec. (a). Pub. L. 101-624 substituted “December 31, 1995” for “September 30, 1990”.

1988—Subsec. (a). Pub. L. 100-435 substituted “1990” for “1989”.

Subsec. (d)(2), (3). Pub. L. 100-418 amended pars. (2) and (3) generally. Prior to amendment pars. (2) and (3) read as follows:

“(2) If payments in commodities are authorized, such payments may be made through the issuance of certificates redeemable in commodities.

“(3) If payments are authorized to be made in dairy products, the regulations issued by the Secretary shall ensure that such dairy products, or an equal amount of other dairy products, will be sold for export by the entity and that any such export sales by the entity will be in addition to, and not in place of, export sales of

dairy products that the entity would otherwise make under program or in the absence of the program, and, to the extent practicable, will not displace commercial export sales of United States dairy products by other exporters.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-435 effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as a note under section 2012 of Title 7, Agriculture.

§ 713b. Repealed. July 31, 1945, ch. 341, § 10, 59 Stat. 529

Section, acts Jan. 31, 1935, ch. 2, § 9, 49 Stat. 4; Jan. 26, 1937, ch. 6, § 2(a), 50 Stat. 5; Mar. 4, 1939, ch. 5, § 1(b), (c), 53 Stat. 510; Mar. 2, 1940, ch. 34, 54 Stat. 38; Sept. 26, 1940, ch. 734, § 3, 54 Stat. 962, related to the Export-Import Bank of Washington, its continuation of existence, and its powers. See chapter 6A (§635 et seq.) of Title 12, Banks and Banking.

Section was also repealed by act June 30, 1947, ch. 166, title II, §206(m), 61 Stat. 208.

Section 10 of act July 31, 1945, which repealed this section, was repealed by Pub. L. 102-429, title I, §121(c)(1), Oct. 21, 1992, 106 Stat. 2199.

DISSOLUTION OF SECOND EXPORT-IMPORT BANK OF WASHINGTON, D.C.

Ex. Ord. No. 7365, May 7, 1936, 1 F.R. 372, dissolved said Bank on June 30, 1936, and provided that all remaining funds be covered into United States Treasury as miscellaneous receipts and all records transferred to Export-Import Bank of Washington.

§ 713c. Federal Surplus Commodities Corporation; continuance of existence; purchase and distribution of surplus agricultural commodities

In carrying out the provisions of clause (2) of section 612c of title 7, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation, which Corporation is continued, until June 30, 1945, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section, as may be necessary for the purpose of effectuating clause (2) of said section: *Provided*, That such transferred funds, together with other funds of the Corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, storing, and handling of agricultural commodities and products thereof and inspection costs, commis-

sions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration. In carrying out clause (2) of said section, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and products thereof purchased under the preceding paragraph of this section, may be donated for relief purposes and for use in nonprofit summer camps for children.

(June 28, 1937, ch. 385, 50 Stat. 323; Feb. 16, 1938, ch. 30, title II, §204, 52 Stat. 38; June 27, 1942, ch. 454, 56 Stat. 461; Pub. L. 85-483, §2, July 2, 1958, 72 Stat. 287.)

AMENDMENTS

1958—Pub. L. 85-483 permitted donation of commodities for use in nonprofit summer camps for children.

1942—Act June 27, 1942, provided for the continuance of the Corporation from June 30, 1942, to June 30, 1945. It read as follows: “The Federal Surplus Commodities Corporation is hereby continued as an agency of the United States, under the direction of the Secretary of Agriculture, until June 30, 1945.”

1938—Act Feb. 16, 1938, substituted “until June 30, 1942” for “until June 30, 1939”.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Surplus Commodities Corporation, see Transfer of Functions note set out under section 712a of this title.

§ 713c-1. Annual report to Congress by Federal Surplus Commodities Corporation

The Federal Surplus Commodities Corporation shall submit to Congress on the first day of each regular session an annual report setting forth a statement of the activities, receipts, and expenditures of the Corporation during the previous year.

(Feb. 16, 1938, ch. 30, title II, §204, 52 Stat. 38.)

CODIFICATION

Section was previously classified to section 1293 of Title 7, Agriculture.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Surplus Commodities Corporation, see Transfer of Functions note set out under section 712a of this title.

§ 713c-2. Purchase and distribution of surplus fishery products

Any part of the funds not to exceed \$1,500,000 per year, created under and to carry out the provisions of section 612c of title 7, may also be used by the Secretary of Agriculture for the purpose of diverting surplus fishery products (including fish, shellfish, mollusks, and crustacea) from the normal channels of trade and commerce by acquiring them and providing for their