

§ 1302(b)(1), Aug. 10, 1993, 107 Stat. 330; Pub. L. 103-465, title IV, § 411(d), Dec. 8, 1994, 108 Stat. 4963; Pub. L. 104-127, title II, § 244(a)(1), (b), Apr. 4, 1996, 110 Stat. 967, 968; Pub. L. 110-246, title III, § 3102(a), June 18, 2008, 122 Stat. 1832.)

REFERENCES IN TEXT

Section 1736s of this title, referred to in subsec. (g)(3), was repealed by Pub. L. 101-624, title XV, § 1572(3), Nov. 28, 1990, 104 Stat. 3702.

PRIOR PROVISIONS

A prior section 203 of Pub. L. 95-501 enacted section 1707d of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246 inserted “(including commodities that are organically produced (as defined in section 6502 of this title))” after “agricultural commodities”.

1996—Pub. L. 104-127, § 244(a)(1)(A), substituted “access” for “promotion” in section catchline.

Subsecs. (e)(2)(B), (f)(2)(B), (C). Pub. L. 104-127, § 244(a)(1)(B), substituted “market access program” for “marketing promotion program”.

Subsec. (f)(4). Pub. L. 104-127, § 244(b), added par. (4).

1994—Subsec. (c). Pub. L. 103-465, § 411(d)(1), struck out par. (1) designation and heading, redesignated subpars. (A) to (C) of former par. (1) as pars. (1) to (3), respectively, and realigned margins, and struck out former par. (2) which related to assistance to counter or offset adverse effects of subsidy, import quota, or other unfair trade practice of foreign country, except in the case of activities conducted by small entities operating through regional State-related organizations.

Subsec. (f)(2)(C) to (E). Pub. L. 103-465, § 411(d)(2), inserted “or” at end of subpar. (C), redesignated subpar. (E) as (D), and struck out former subpar. (D) which read as follows: “the unfair trade practice that was the basis of the provision of assistance has been discontinued and marketing assistance is no longer required to offset its effects; or”.

1993—Subsec. (c)(2). Pub. L. 103-66 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall provide export assistance under this section on a priority basis in the case of an unfair trade practice.”

1991—Subsec. (g)(3). Pub. L. 102-237 substituted “November 28, 1990,” for “the date of enactment of this Act”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

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.

PROHIBITION ON ASSISTANCE TO MINK ASSOCIATIONS

Pub. L. 105-277, div. A, § 101(a) [title VII, § 718], Oct. 21, 1998, 112 Stat. 2681, 2681-27, as amended by Pub. L. 106-31, title V, § 5001(b), May 21, 1999, 113 Stat. 109, provided that: “Hereafter, none of the funds made available in annual appropriations Acts may be used to provide assistance to, or to pay the salaries of personnel to carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.”

SECRETARIAL ACTIONS TO ACHIEVE SAVINGS IN MARKET ACCESS PROGRAM; REGULATIONS

Pub. L. 103-66, title I, § 1302(b), (c), Aug. 10, 1993, 107 Stat. 330, 331, as amended by Pub. L. 104-127, title II, § 244(a)(2)(A)(ii), Apr. 4, 1996, 110 Stat. 968, provided that:

“(b) SECRETARIAL ACTIONS TO ACHIEVE SAVINGS.—In order to enable the Secretary of Agriculture to achieve the savings required in the market access program established by section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) as a result of the amendments made by this section [amending this section and section 5641 of this title]:

“(1) UNFAIR TRADE PRACTICES.—[Amended subsec. (c)(2) of this section.]

“(2) GUIDELINES.—The Secretary of Agriculture should implement changes in the market access program established by section 203 of such Act, beginning with fiscal year 1994, in order to improve the effectiveness of the program and to meet the following objectives:

“(A) PRIORITY.—In providing assistance for branded promotion, the Secretary should give priority to small-sized entities.

“(B) GRADUATION.—The Secretary should not provide assistance under the program to promote a specific branded product in a single market for more than 5 years unless the Secretary determines that further assistance is necessary in order to meet the objectives of the program.

“(C) CONTRIBUTION LEVEL.—

“(i) IN GENERAL.—The Secretary should require a minimum contribution level of 10 percent from an eligible trade organization that receives assistance for nonbranded promotion.

“(ii) INCREASES IN CONTRIBUTION LEVEL.—The Secretary may increase the contribution level in any subsequent year that an eligible trade organization receives assistance for nonbranded promotion.

“(D) ADDITIONALITY.—The Secretary should require each participant in the program to certify that any Federal funds received supplement, but do not supplant, private or third party participant funds or other contributions to program activities.

“(E) INDEPENDENT AUDITS.—If as a result of an evaluation or audit of activities of a participant under the program, the Secretary determines that a further review is justified in order to ensure compliance with the requirements of the program, the Secretary should require the participant to contract for an independent audit of the program activities, including activities of any subcontractor.

“(3) TOBACCO.—No funds made available under the market access program may be used for activities to develop, maintain, or expand foreign markets for tobacco.

“(c) REGULATIONS.—Not later than 90 days after the date of enactment of this Act [Aug. 10, 1993], the Secretary of Agriculture shall issue regulations to implement this section [amending this section and section 5641 of this title] and the amendments made by this section.”

§ 5624. Barter of agricultural commodities

(a) In general

The Secretary or the Commodity Credit Corporation may provide eligible commodities in barter for foreign products under such terms and conditions as the Secretary or the Corporation shall prescribe.

(b) Eligible commodities

Unless otherwise specified, eligible commodities shall include—

(1) agricultural commodities acquired by the Commodity Credit Corporation through price support operations; and

(2) agricultural commodities acquired by the Secretary or the Commodity Credit Corporation in the normal course of business and available for disposition.

(c) Barter by exporters of agricultural commodities

(1) Purpose

The Secretary or the Commodity Credit Corporation shall encourage exporters of agricultural commodities to barter such commodities for foreign products—

(A) to acquire such foreign products needed by such exporters; and

(B) to develop, maintain, or expand foreign markets for United States agricultural exports.

(2) Eligible activities

The Secretary or the Commodity Credit Corporation may provide eligible commodities to exporters to assist such exporters in barter transactions.

(3) Technical assistance

The Secretary or the Commodity Credit Corporation shall provide technical advice and assistance relating to the barter of agricultural commodities to any United States exporter who requests such advice or assistance.

(d) Transfer of foreign products to other Government agencies

The Secretary or the Commodity Credit Corporation may transfer any foreign products that the Secretary or such Corporation obtains through barter activities to other Government agencies if the Corporation receives assurances that it will receive full reimbursement from the agency within the same fiscal year in which such transfer occurs.

(e) Corporation authority not limited

Nothing contained in this section shall limit the authority of the Commodity Credit Corporation to acquire, hold, or dispose of such foreign materials as such Corporation determines appropriate in carrying out the functions and protecting the assets of the Corporation.

(f) Prohibited activities

The Secretary or the Commodity Credit Corporation shall take reasonable precautions to prevent the misuse of eligible commodities in a barter or exchange program, including activities that—

(1) displace or interfere with commercial sales of United States agricultural commodities that otherwise might be made;

(2) unduly disrupt world prices of agricultural commodities or the normal patterns of commercial trade with recipient countries; or

(3) permit the resale or transshipment of eligible commodities to countries other than the intended recipient country.

(Pub. L. 95-501, title II, §204, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3676; amended Pub. L. 102-237, title III, §320, Dec. 13, 1991, 105 Stat. 1857.)

AMENDMENTS

1991—Subsec. (d). Pub. L. 102-237 amended heading and substituted “Government” for “government” in text.

§ 5625. Combination of programs

The Commodity Credit Corporation may carry out a program under which commercial export credit guarantees available under section 5622 of this title are combined with direct credits from the Commodity Credit Corporation under section 5621 of this title to reduce the effective rate of interest on export sales of agricultural commodities.

(Pub. L. 95-501, title II, §205, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3677.)

PART B—IMPLEMENTATION

§ 5641. Funding levels

(a) Direct credit programs

The Commodity Credit Corporation may make available for each fiscal year such funds of the Commodity Credit Corporation as it determines necessary to carry out any direct credit program established under section 5621 of this title.

(b) Export credit guarantee programs

The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2012 credit guarantees under section 5622(a) of this title in an amount equal to but not more than the lesser of—

(1) \$5,500,000,000 in credit guarantees; or

(2) the sum of—

(A) the amount of credit guarantees that the Commodity Credit Corporation can make available using budget authority of \$40,000,000 for each fiscal year for the costs of the credit guarantees; and

(B) the amount of credit guarantees that the Commodity Credit Corporation can make available using unobligated budget authority for prior fiscal years.

(c) Market access programs

(1) In general

The Commodity Credit Corporation or the Secretary shall make available for market access activities authorized to be carried out by the Commodity Credit Corporation under section 5623 of this title—

(A) in addition to any funds that may be specifically appropriated to implement a market access program, not more than \$90,000,000 for fiscal year 2001, \$100,000,000 for fiscal year 2002, \$110,000,000 for fiscal year 2003, \$125,000,000 for fiscal year 2004, \$140,000,000 for fiscal year 2005, and \$200,000,000 for each of fiscal years 2008 through 2012, of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation; and

(B) any funds that may be specifically appropriated to carry out a market access program under section 5623 of this title.

(2) Program priorities

In providing any amount of funds made available under paragraph (1)(A) for any fiscal year that is in excess of the amount made available under paragraph (1)(A) for fiscal year 2001, the Secretary shall, to the maximum extent practicable—