

§ 5677. Trade compensation and assistance programs

(a) In general

Except as provided in subsection (f), notwithstanding any other provision of law, if, after April 4, 1996, the President or any other member of the executive branch causes exports from the United States to any country to be unilaterally suspended for reasons of national security or foreign policy, and if within 90 days after the date on which the suspension is imposed on United States exports no other country with an agricultural economic interest agrees to participate in the suspension, the Secretary shall carry out a trade compensation assistance program in accordance with this section (referred to in this section as a “program”).

(b) Compensation or provision of funds

Under a program, the Secretary shall, based on an evaluation by the Secretary of the method most likely to produce the greatest compensatory benefit for producers of the commodity involved in the suspension—

(1) compensate producers of the commodity by making payments available to producers, as provided by subsection (c)(1); or

(2) make available an amount of funds calculated under subsection (c)(2), to promote agricultural exports or provide agricultural commodities to developing countries under any authorities available to the Secretary.

(c) Determination of amount of compensation or funds

(1) Compensation

If the Secretary makes payments available to producers under subsection (b)(1), the amount of the payment shall be determined by the Secretary based on the Secretary’s estimate of the loss suffered by producers of the commodity involved due to any decrease in the price of the commodity as a result of the suspension.

(2) Determination of amount of funds

For each fiscal year of a program, the amount of funds made available under subsection (b)(2) shall be equal to 90 percent of the average annual value of United States agricultural exports to the country with respect to which exports are suspended during the most recent 3 years prior to the suspension for which data are available.

(d) Duration of program

For each suspension of exports for which a program is implemented under this section, funds shall be made available under subsection (b) for each fiscal year or part of a fiscal year for which the suspension is in effect, but not to exceed 3 fiscal years.

(e) Commodity Credit Corporation

The Secretary shall use funds of the Commodity Credit Corporation to carry out this section.

(f) Exception to carrying out program

This section shall not apply to any suspension of trade due to a war or armed hostility.

(g) Partial year embargoes

If the Secretary makes funds available under subsection (b)(2), regardless of whether an em-

bargo is in effect for only part of a fiscal year, the full amount of funds as calculated under subsection (c)(2) shall be made available under a program for the fiscal year. If the Secretary determines that making the required amount of funds available in a partial fiscal year is impracticable, the Secretary may make all or part of the funds required to be made available in the following fiscal year (in addition to any funds otherwise required under a program to be made available in the following fiscal year).

(h) Short supply embargoes

If the President or any other member of the executive branch causes exports to be suspended based on a determination of short supply, the Secretary shall carry out section 1310 of this title.

(Pub. L. 95-501, title IV, §417, as added Pub. L. 104-127, title II, §249, Apr. 4, 1996, 110 Stat. 969.)

§ 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.

(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.

(Pub. L. 104-127, title II, §261, Apr. 4, 1996, 110 Stat. 972.)

CODIFICATION

Section was enacted as part of the Federal Agriculture Improvement and Reform Act of 1996, and not as part of the Agricultural Trade Act of 1978 which comprises this chapter.

§ 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 5602 of this title) 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;¹ or
- (3) the Cochran Fellowship Program under section 3293 of this title.

(d) Funding

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

(Pub. L. 101-624, title XV, §1543A, as added Pub. L. 107-171, title III, §3204, May 13, 2002, 116 Stat. 300.)

REFERENCES IN TEXT

Section 1542, referred to in subsec. (c)(2), is section 1542 of title XV of Pub. L. 101-624, which is set out as a note under section 5622 of this title.

¹ See References in Text note below.