

sult as appropriate with the Food Policy Assistance Council established by section 3 of Executive Order 12752 of February 25, 1991, as amended [7 U.S.C. 1691 note], and such heads of Federal departments and agencies as the Secretary determines appropriate.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 1736p. Trade policy declaration

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.

(Pub. L. 99-198, title XI, §1121, Dec. 23, 1985, 99 Stat. 1480; Pub. L. 104-127, title II, §267, Apr. 4, 1996, 110 Stat. 974.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Food for Peace Act which comprises this chapter.

AMENDMENTS

1996—Pub. L. 104-127 struck out subsec. (a) which stated congressional findings regarding United States agricultural export policy, struck out subsec. designation “(b)”, and substituted pars. (1) to (4) for former pars. (1) to (4) which read as follows:

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

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

“(3) cooperate fully in all efforts to negotiate with foreign countries reductions in current barriers to fair trade;

“(4) counter aggressively unfair foreign trade practices using all available means, including export restitution, export bonus programs, and, if necessary, restrictions on United States imports of foreign agricultural commodities and their products, as a means to encourage fairer trade;”.

§ 1736q. Repealed. Pub. L. 104-127, title II, § 268, Apr. 4, 1996, 110 Stat. 975

Section, Pub. L. 99-198, title XI, §1122, Dec. 23, 1985, 99 Stat. 1480, related to liberalization of agricultural trade policy.

§ 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;

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 nontransparent 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 sup-

ports 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.

(Pub. L. 99-198, title XI, §1123, Dec. 23, 1985, 99 Stat. 1481; Pub. L. 104-127, title II, §269, Apr. 4, 1996, 110 Stat. 975.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Food for Peace Act which comprises this chapter.

AMENDMENTS

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions relating to initiation and pursuit of agricultural trade consultations among major agricultural producing countries, providing for sense of Congress concerning objectives of such consultations, and requiring annual reports by Secretary of Agriculture on progress of such consultations.

AGRICULTURAL TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS

Pub. L. 106-200, title IV, §409, May 18, 2000, 114 Stat. 295, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) United States agriculture contributes positively to the United States balance of trade and United States agricultural exports support in excess of 1,000,000 United States jobs;

“(2) United States agriculture competes successfully worldwide despite the fact that United States producers are at a competitive disadvantage because of the trade distorting support and subsidy practices of other countries and despite the fact that significant tariff and nontariff barriers exist to United States exports; and

“(3) a successful conclusion of the current World Trade Organization agricultural negotiations is critically important to the United States agricultural sector.

“(b) OBJECTIVES.—The agricultural trade negotiating objectives of the United States with respect to the current World Trade Organization agricultural negotiations include as matters of the highest priority—

“(1) the expeditious elimination of all export subsidies worldwide while maintaining bona fide food aid and preserving United States market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

“(2) leveling the playing field for United States producers of agricultural products by eliminating blue box subsidies and disciplining domestic supports in a way that forces producers to face world prices on all production in excess of domestic food security needs while allowing the preservation of nontrade distorting programs to support family farms and rural communities;

“(3) the elimination of state trading enterprises or the adoption of rigorous disciplines that ensure operational transparency, competition, and the end of discriminatory pricing practices, including policies supporting cross-subsidization and price undercutting in export markets;

“(4) affirming that the World Trade Organization Agreement on the Application of Sanitary and Phyto-

sanitary Measures applies to new technologies, including biotechnology, and that labeling requirements to allow consumers to make choices regarding biotechnology products or other regulatory requirements may not be used as disguised barriers to trade;

“(5) increasing opportunities for United States exports of agricultural products by reducing tariffs to the same levels that exist in the United States or to lower levels and by eliminating all nontariff barriers, including—

“(A) restrictive or trade distorting practices, including those that adversely impact perishable or cyclical products;

“(B) restrictive rules in the administration of tariff-rate quotas; and

“(C) other barriers to agriculture trade, including unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

“(6) eliminating government policies that create price-depressing surpluses; and

“(7) strengthening dispute settlement procedures to ensure prompt compliance by foreign governments with their World Trade Organization obligations including commitments not to maintain unjustified restrictions on United States exports.

“(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—

“(1) CONSULTATION BEFORE OFFER MADE.—In developing and before submitting an initial or revised negotiating proposal that would reduce United States tariffs on agricultural products or require a change in United States agricultural law, the United States Trade Representative shall consult with the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate and the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives.

“(2) CONSULTATION WITH CONGRESSIONAL TRADE ADVISERS.—Prior to and during the course of current negotiations on agricultural trade, the United States Trade Representative shall consult closely with the congressional trade advisers.

“(3) CONSULTATION BEFORE AGREEMENT INITIALED.—Not less than 48 hours before initialing an agreement reached as part of current World Trade Organization agricultural negotiations, the United States Trade Representative shall 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.

“(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding addressing agricultural trade with a foreign government or governments (whether oral or in writing) that relates to a trade agreement with respect to which Congress must enact implementing legislation and that is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

“(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

“(1) granting the President trade negotiating authority is essential to the successful conclusion of the new round of World Trade Organization agricultural negotiations;

“(2) reaching a successful agreement on agriculture should be the top priority of United States negotiators; and

“(3) if by the conclusion of the negotiations, the primary agricultural competitors of the United States do not agree 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.”

§§ 1736s, 1736t. Repealed. Pub. L. 101-624, title XV, § 1572(3), Nov. 28, 1990, 104 Stat. 3702

Section 1736s, Pub. L. 99-198, title XI, §1124, Dec. 23, 1985, 99 Stat. 1481; Pub. L. 99-260, §5, Mar. 20, 1986, 100 Stat. 49; Pub. L. 100-418, title IV, §4304, Aug. 23, 1988, 102 Stat. 1397; Pub. L. 101-239, title I, §1005(b), Dec. 19, 1989, 103 Stat. 2109, provided for targeted export assistance for fiscal years 1986 through 1990.

Section 1736t, Pub. L. 99-198, title XI, §1125, Dec. 23, 1985, 99 Stat. 1482; Pub. L. 100-418, title IV, §4402(a), Aug. 23, 1988, 102 Stat. 1400, provided for short-term export credits.

EXPORT CREDIT GUARANTEE PROGRAM

Pub. L. 100-418, title IV, §4305, Aug. 23, 1988, 102 Stat. 1398, which stated the sense of Congress that, to the extent that the Commodity Credit Corporation made a specified allocation of credit guarantees available under the export credit guarantee program referred to in section 1736t for short-term credit extended to finance the export sales of United States agricultural commodities and products, such allocation was to be made on a country-only basis and not on a commodity basis or a commodity and country basis, was repealed by Pub. L. 101-624, title XV, §1571, Nov. 28, 1990, 104 Stat. 3702.

§ 1736u. Cooperator market development program

(a) Sense of Congress

It is the sense of Congress that the cooperator market development program of the Foreign Agricultural Service should be continued to help develop new markets and expand and maintain existing markets for United States agricultural commodities, using nonprofit agricultural trade organizations to the maximum extent practicable.

(b) Exemption from requirements of OMB circular

The cooperator market development program shall be exempt from the requirements of Circular A 110 issued by the Office of Management and Budget.

(Pub. L. 99-198, title XI, §1126(a), (b), Dec. 23, 1985, 99 Stat. 1482.)

CODIFICATION

Section consists of subsecs. (a) and (b) of section 1126 of Pub. L. 99-198. Subsec. (c) of section 1126 amended section 1736m(a)(5)(B) of this title.

Section was enacted as part of the Food Security Act of 1985, and not as part of the Food for Peace Act which comprises this chapter.

§§ 1736v to 1736x. Repealed. Pub. L. 101-624, title XV, § 1572(3), Nov. 28, 1990, 104 Stat. 3702

Section 1736v, Pub. L. 99-198, title XI, §1127, Dec. 23, 1985, 99 Stat. 1483; Pub. L. 99-260, §6, Mar. 20, 1986, 100 Stat. 50; Pub. L. 100-418, title IV, §4306, Aug. 23, 1988, 102 Stat. 1398, provided for program to develop and expand markets for United States agricultural commodities.

Section 1736w, Pub. L. 99-198, title XI, §1128, Dec. 23, 1985, 99 Stat. 1485, provided for program of export sales of poultry, beef and pork meats and meat-food products for 1986 through 1989.

Section 1736x, Pub. L. 99-198, title XI, §1132, Dec. 23, 1985, 99 Stat. 1488; Pub. L. 100-418, title IV, §4307, Aug. 23, 1988, 102 Stat. 1398, provided for reports by agricultural attachés. See section 1748 of this title.

§ 1736y. Contract sanctity and producer embargo protection

It is hereby declared to be the policy of the United States—

(1) to foster and encourage the export of agricultural commodities and the products of such commodities;

(2) not to restrict or limit the export of such commodities and products except under the most compelling circumstances;

(3) that any prohibition or limitation on the export of such commodities or products should be imposed only in time of a national emergency declared by the President under the Export Administration Act [50 U.S.C. 4601 et seq.]; and

(4) that contracts for the export of such commodities or products entered into before the imposition of any prohibition or limitation on the export of such commodities or products should not be abrogated.

(Pub. L. 99-198, title XI, §1133(a), Dec. 23, 1985, 99 Stat. 1489.)

REFERENCES IN TEXT

The Export Administration Act, referred to in par. (3), probably means the Export Administration Act of 1979, Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which is classified principally to chapter 56 (§4601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of section 1133(a) of Pub. L. 99-198. Section 1133(b) of Pub. L. 99-198 amended section 1736j of this title.

Section was enacted as part of the Food Security Act of 1985, and not as part of the Food for Peace Act which comprises this chapter.

§§ 1736z, 1736aa. Repealed. Pub. L. 101-624, title XV, § 1572(3), Nov. 28, 1990, 104 Stat. 3702

Section 1736z, Pub. L. 99-198, title XI, §1162, Dec. 23, 1985, 99 Stat. 1499, provided for a regular assessment of certain projects and activities administered by the Secretary and Department of Agriculture.

Section 1736aa, Pub. L. 99-198, title XI, §1167(d), Dec. 23, 1985, 99 Stat. 1503, provided for barter by exporters of agricultural commodities and products for foreign products needed by exporters.

§§ 1736bb to 1736bb-6. Repealed. Pub. L. 104-127, title II, § 271(a), Apr. 4, 1996, 110 Stat. 976

Section 1736bb, Pub. L. 100-202, §1, Dec. 22, 1987, 101 Stat. 1329-445; Pub. L. 100-418, title IV, §4610(b), Aug. 23, 1988, 102 Stat. 1411, related to establishment of agricultural aid and trade missions.

Section 1736bb-1, Pub. L. 100-202, §2, Dec. 22, 1987, 101 Stat. 1329-445, related to required and additional missions and eligible countries.

Section 1736bb-2, Pub. L. 100-202, §3, Dec. 22, 1987, 101 Stat. 1329-446, related to functions of members of missions to eligible countries.

Section 1736bb-3, Pub. L. 100-202, §4, Dec. 22, 1987, 101 Stat. 1329-446; Pub. L. 100-418, title IV, §4610(b), Aug. 23, 1988, 102 Stat. 1411, related to mission reports.

Section 1736bb-4, Pub. L. 100-202, §5, Dec. 22, 1987, 101 Stat. 1329-446; Pub. L. 100-418, title IV, §4610(b), Aug. 23, 1988, 102 Stat. 1411, related to quarterly progress reports on implementing recommendations of missions.

Section 1736bb-5, Pub. L. 100-202, §6, Dec. 22, 1987, 101 Stat. 1329-447; Pub. L. 100-418, title IV, §4610(b), Aug. 23, 1988, 102 Stat. 1411, related to authorization of appropriations.