

PROHIBITION ON USE OF FUNDS FOR PROMOTION OF
TOBACCO OR TOBACCO PRODUCTS

Pub. L. 108-199, div. A, title VII, §770, Jan. 23, 2004, 118 Stat. 40, provided that: "Hereafter, no funds provided in this or any other Act shall be available to the Secretary of Agriculture acting through the Foreign Agricultural Service to promote the sale or export of tobacco or tobacco products."

USE OF DEPARTMENT OF AGRICULTURE PROGRAMS FOR
PROMOTION OF WOOD AND PROCESSED WOOD PRODUCTS

Pub. L. 100-418, title IV, §4404, Aug. 23, 1988, 102 Stat. 1402, provided that: "The Secretary of Agriculture shall actively use Department of Agriculture concessional programs and export credit guarantee programs to promote the export of wood and processed wood products."

§ 5603a. Global market strategy

(a) In general

Not later than 180 days after May 13, 2002, 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;
- (2) ensures that the resources, programs, and policies of the Department are coordinated with those of other agencies; and
- (3) remove¹ 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.

(Pub. L. 107-171, title III, §3206, May 13, 2002, 116 Stat. 301.)

CODIFICATION

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Agricultural Trade Act of 1978 which comprises this chapter.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 5604. Preservation of traditional markets

The Secretary shall, in implementing programs of the Department of Agriculture intended to encourage or assist exports of agricultural commodities, seek to preserve traditional markets for United States agricultural commodities.

(Pub. L. 95-501, title I, §104, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3672.)

¹ So in original. Probably should be "removes".

§ 5605. Independence of authorities

Each authority granted under this chapter shall be in addition to, and not in lieu of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

(Pub. L. 95-501, title I, §105, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3672.)

§ 5606. Implementation of commitments under Uruguay Round Agreements

Not later than September 30 of each year, the Secretary shall evaluate whether the obligations undertaken by foreign countries under the Uruguay Round Agreement on Agriculture are being fully implemented. If the Secretary has reason to believe (based on the evaluation) that any foreign country, by not implementing the obligations of the country, may be significantly constraining an opportunity for United States agricultural exports, the Secretary shall—

- (1) submit the evaluation to the United States Trade Representative; and
- (2) transmit a copy of the evaluation to 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.

(Pub. L. 95-501, title I, §106, as added Pub. L. 104-127, title II, §242(a), Apr. 4, 1996, 110 Stat. 964.)

§ 5607. Exporter assistance initiative

To provide a comprehensive source of information to facilitate exports of United States agricultural commodities, the Secretary shall maintain on a website on the Internet information to assist exporters and potential exporters of United States agricultural commodities.

(Pub. L. 95-501, title I, §107, as added Pub. L. 107-171, title III, §3101, May 13, 2002, 116 Stat. 288.)

SUBCHAPTER II—AGRICULTURAL EXPORT
PROGRAMS

PART A—PROGRAMS

§ 5621. Direct credit sales program

(a) Short-term program

To promote the sale of agricultural commodities, the Commodity Credit Corporation may finance the commercial export sale of such commodities from privately owned stocks on credit terms for not to exceed a 3-year period.

(b) Intermediate-term program

Subject to subsection (c), to promote the sale of agricultural commodities the Commodity Credit Corporation may finance the commercial export sales of agricultural commodities from privately owned stocks on credit terms for a period of not less than 3 years nor in excess of 10 years in a manner that will directly benefit United States agricultural producers.

(c) Determinations

The Commodity Credit Corporation shall not finance an export sale under subsection (b) un-

less the Secretary determines that such sale will—

- (1) develop, expand, or maintain the importing country as a foreign market, on a long-term basis, for the commercial sale and export of United States agricultural commodities, without displacing normal commercial sales;
- (2) improve the capability of the importing country to purchase and use, on a long-term basis, United States agricultural commodities; or
- (3) otherwise promote the export of United States agricultural commodities.

The reference in paragraphs (1) and (2) to “on a long-term basis” shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.

(d) Use of program

(1) General uses

The Commodity Credit Corporation may use export sales financing authorized under this section—

- (A) to increase exports of agricultural commodities;
- (B) to compete against foreign agricultural exports;
- (C) to assist countries in meeting their food and fiber needs, particularly—
 - (i) developing countries; and
 - (ii) countries that are emerging markets that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and
- (D) for such other purposes as the Secretary determines appropriate consistent with the provisions of subsection (c).

(2) General restrictions

Export sales financing authorized under this section shall not be used for foreign aid, foreign policy, or debt rescheduling purposes. The provisions of the cargo preference laws shall not apply to export sales financed under this section.

(e) Terms of credit assistance

Any contract for the financing of exports by the Commodity Credit Corporation under this section shall include—

- (1) a requirement that repayment shall be made in dollars with interest accruing thereon as determined appropriate by the Secretary; and
- (2) a requirement, if the Secretary determines such requirement appropriate to protect the interests of the United States, that an initial payment be made by the purchaser at the time of sale or shipment of the agricultural commodity that is subject to the contract.

(f) Restrictions

The Commodity Credit Corporation may not make export sales financing authorized under this section available in connection with sales of an agricultural commodity to any country that

the Secretary determines cannot adequately service the debt associated with such sale.

(Pub. L. 95-501, title II, §201, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3672; amended Pub. L. 102-511, title VII, §707(a)-(c), Oct. 24, 1992, 106 Stat. 3350, 3351; Pub. L. 104-127, title II, §277(c)(2), Apr. 4, 1996, 110 Stat. 979.)

PRIOR PROVISIONS

A prior section 201 of Pub. L. 95-501 enacted section 1707b of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

AMENDMENTS

1996—Subsec. (d)(1)(C)(ii). Pub. L. 104-127 substituted “emerging markets” for “emerging democracies”.

1992—Subsec. (c). Pub. L. 102-511, §707(a), inserted sentence at end.

Subsec. (d)(1)(C). Pub. L. 102-511, §707(b), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “to assist countries, particularly developing countries, in meeting their food and fiber needs; and”.

Subsec. (f). Pub. L. 102-511, §707(c), added subsec. (f).

REGULATIONS

Pub. L. 102-511, title VII, §707(d), Oct. 24, 1992, 106 Stat. 3351, required Secretary of Agriculture to issue final regulations to implement this section not later than 30 days after Oct. 24, 1992, prior to repeal by Pub. L. 104-127, title II, §276, Apr. 4, 1996, 110 Stat. 977.

§5622. Export credit guarantee program

(a) Short-term credit guarantees

The Commodity Credit Corporation may guarantee the repayment of credit made available to finance commercial export sales of agricultural commodities, including processed agricultural products and high-value agricultural products, from privately owned stocks on credit terms that do not exceed a 24-month period.

(b) Purpose of program

The Commodity Credit Corporation may use export credit guarantees authorized under this section—

- (1) to increase exports of agricultural commodities;
- (2) to compete against foreign agricultural exports;
- (3) to assist countries in meeting their food and fiber needs, particularly—
 - (A) developing countries; and
 - (B) countries that are emerging markets that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and
- (4) for such other purposes as the Secretary determines appropriate.

(c) Restrictions on use of credit guarantees

Export credit guarantees authorized by this section shall not be used for foreign aid, foreign policy, or debt rescheduling purposes. The provisions of the cargo preference laws shall not apply to export sales with respect to which credit is guaranteed under this section.