

conomic factors, including currency fluctuations and a debt-related slowdown in the economic growth of agricultural markets in certain developing countries; and

(F) the rapid buildup of surplus stocks as a consequence of favorable weather for agricultural production during the 1980's;

(7) increasing the volume and value of exports is important to the financial well-being of the farm sector in the United States and to increasing farm income in the United States;

(8) in order to increase agricultural exports and improve prices for farmers and ranchers in the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including programs established under the Food for Peace Act (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(9) greater use should be made by the Secretary of Agriculture of the authorities established under section 4<sup>1</sup> of the Food for Peace Act of 1966 (7 U.S.C. 1707a), the Food for Peace Act (7 U.S.C. 1691 et seq.), section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), and the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) to provide intermediate credit financing and other assistance for the establishment of facilities in importing countries to—

(A) improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) increase livestock production to enhance the demand for United States feed grains;

(10) food aid and export assistance programs in developing countries stimulate economic activity which causes incomes to rise, and, as incomes rise, diets improve and the demand for and ability to purchase food increases;

(11) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs; and

(12) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives—

(A) provides communities with health care, credit systems, and tools for development; and

(B) establishes the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products.

(Pub. L. 100-418, title IV, § 4101, Aug. 23, 1988, 102 Stat. 1388; Pub. L. 110-246, title III, § 3001(b)(1)(A), (2)(J), June 18, 2008, 122 Stat. 1820.)

#### REFERENCES IN TEXT

The Food for Peace Act, referred to in pars. (8) and (9), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§1691 et seq.) of this title. For complete classification of this Act to the

<sup>1</sup> See References in Text note below.

Code, see Short Title note set out under section 1691 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in pars. (8) and (9), is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

Section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a), referred to in par. (9), was repealed by Pub. L. 101-624, title XV, §1574, Nov. 28, 1990, 104 Stat. 3702. See subchapter II (§5621 et seq.) of chapter 87 of this title.

#### AMENDMENTS

2008—Pars. (8), (9). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

#### 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.

#### SHORT TITLE

Pub. L. 100-418, title IV, §4001, Aug. 23, 1988, 102 Stat. 1388, provided that: “This title [enacting this chapter, section 2112 of Title 16, Conservation, and sections 1401, 1402, and 1403 of Title 21, Food and Drugs, amending sections 608c, 608e-1, 626, 1704, 1707a, 1726, 1736o, 1736s, 1736t, 1736v, 1736x, 1736bb, and 1736bb-3 to 1736bb-6 of this title, section 713a-14 of Title 15, Commerce and Trade, and section 620 of Title 21, and enacting provisions set out as notes under sections 624, 1431, 1446, 1691, and 1736t of this title and section 1401 of Title 21] may be cited as the ‘Agricultural Competitiveness and Trade Act of 1988.’”

#### § 5202. Policy

It is the policy of the United States—

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

(2) to support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

(3) to support fully the negotiating objectives set forth in section 2901(b) of title 19 to eliminate or reduce substantially constraints on fair and open trade in agricultural commodities and products;

(4) to use statutory authority to counter unfair foreign trade practices and to use all available means, including export promotion programs, and, if necessary, restrictions on United States imports of agricultural commodities and products, in order to encourage fair and open trade; and

(5) to provide for increased representation of United States agricultural trade interests in the formulation of national fiscal and monetary policy affecting trade.

(Pub. L. 100-418, title IV, §4102, Aug. 23, 1988, 102 Stat. 1390.)

#### § 5203. Purpose

It is the purpose of this chapter—

(1) to increase the effectiveness of the Department of Agriculture in agricultural trade policy formulation and implementation and in assisting United States agricultural producers to participate in international agricultural

trade, by strengthening the operations of the Department of Agriculture; and

(2) to improve the competitiveness of United States agricultural commodities and products in the world market.

(Pub. L. 100-418, title IV, § 4103, Aug. 23, 1988, 102 Stat. 1390.)

## SUBCHAPTER II—AGRICULTURAL TRADE INITIATIVES

### PART A—GENERAL PROVISIONS

#### §§ 5211, 5212. Repealed. Pub. L. 101-624, title XV, § 1571, Nov. 28, 1990, 104 Stat. 3702

Section 5211, Pub. L. 100-418, title IV, § 4201, Aug. 23, 1988, 102 Stat. 1390, related to annual reports by Secretary of Agriculture on long-term agricultural trade strategy. See section 5711 of this title.

Section 5212, Pub. L. 100-418, title IV, § 4202, Aug. 23, 1988, 102 Stat. 1391, directed Secretary of Agriculture to provide technical services to United States Trade Representative on matters concerning agricultural trade. See section 5675 of this title.

#### § 5213. Joint development assistance agreements with certain trading partners

##### (a) Development of plan

With respect to any country that has a substantial positive trade balance with the United States, the Secretary of Agriculture, in consultation with the Secretary of State and (through the Secretary of State) representatives of such country, may develop an appropriate plan under which that country would purchase United States agricultural commodities or products for use in development activities in developing countries. In developing such plan, the Secretary of Agriculture shall take into consideration the agricultural economy of such country, the nature and extent of such country's programs to assist developing countries, and other relevant factors. The Secretary of Agriculture shall submit each such plan to the President as soon as practicable.

##### (b) Agreement

The President may enter into an agreement with any country that has a positive trade balance with the United States under which that country would purchase United States agricultural commodities or products for use in agreed-on development activities in developing countries.

(Pub. L. 100-418, title IV, § 4203, Aug. 23, 1988, 102 Stat. 1392.)

#### § 5214. Reorganization evaluation

The Secretary of Agriculture shall evaluate the reorganization proposal recommended by the National Commission on Agricultural Trade and Export Policy and other proposals to improve management of international trade activities of the Department of Agriculture. To assist the Secretary in the evaluation, the Secretary shall appoint a private sector advisory committee of not less than 4 members, who shall be appointed from among individuals representing farm and commodity organizations, market development cooperators, and agribusiness. Not

later than April 30, 1989, the Secretary shall report the findings of the evaluation to Congress, together with the views and recommendations of the private sector advisory committee.

(Pub. L. 100-418, title IV, § 4204, Aug. 23, 1988, 102 Stat. 1392.)

#### §§ 5215, 5216. Repealed. Pub. L. 101-624, title XV, § 1571, Nov. 28, 1990, 104 Stat. 3702

Section 5215, Pub. L. 100-418, title IV, § 4205, Aug. 23, 1988, 102 Stat. 1392, authorized Secretary of Agriculture to contract with individuals for services to be performed outside United States. See section 5673 of this title.

Section 5216, Pub. L. 100-418, title IV, § 4206, Aug. 23, 1988, 102 Stat. 1392, provided for establishment of a trade assistance office within Foreign Agricultural Service.

### PART B—FOREIGN AGRICULTURAL SERVICE

#### §§ 5231 to 5233. Repealed. Pub. L. 101-624, title XV, § 1571, Nov. 28, 1990, 104 Stat. 3702

Section 5231, Pub. L. 100-418, title IV, § 4211, Aug. 23, 1988, 102 Stat. 1393, provided for staffing of Foreign Agricultural Service. See section 5694 of this title.

Section 5232, Pub. L. 100-418, title IV, § 4212, Aug. 23, 1988, 102 Stat. 1394, provided for an agricultural attaché educational program. See section 1749 of this title.

Section 5233, Pub. L. 100-418, title IV, § 4213, Aug. 23, 1988, 102 Stat. 1394, provided for the allocation of agricultural attaché resource time.

#### § 5234. Cooperator organizations

##### (a) Sense of Congress

It is the sense of Congress that the foreign market development cooperator program of the Service, and the activities of individual foreign market cooperator organizations, have been among the most successful and cost-effective means to expand United States agricultural exports. Congress affirms its support for the program and the activities of the cooperator organizations. The Administrator and the private sector should work together to ensure that the program, and the activities of cooperator organizations, are expanded in the future.

##### (b) Commodities for cooperator organizations

The Secretary of Agriculture may make available to cooperator organizations agricultural commodities owned by the Commodity Credit Corporation, for use by such cooperators in projects designed to expand markets for United States agricultural commodities and products.

##### (c) Relation to funds

Commodities made available to cooperator organizations under this section shall be in addition to, and not in lieu of, funds appropriated for market development activities of such cooperator organizations.

##### (d) Conflicts of interest

The Secretary shall take appropriate action to prevent conflicts of interest among cooperator organizations participating in the cooperator program.

##### (e) Evaluation

It is the sense of Congress that the Secretary should establish a consistent, objective means for the evaluation of cooperator programs.