

SUBCHAPTER III—BARRIERS TO EXPORTS

§ 5651. Repealed. Pub. L. 110-246, title III, § 3103(a), June 18, 2008, 122 Stat. 1832

Section, Pub. L. 95-501, title III, § 301, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3678; amended Pub. L. 102-237, title III, § 311, Dec. 13, 1991, 105 Stat. 1856; Pub. L. 102-511, title VII, § 709(b), Oct. 24, 1992, 106 Stat. 3352; Pub. L. 103-465, title IV, § 411(a)(3), (4), Dec. 8, 1994, 108 Stat. 4963; Pub. L. 104-127, title II, § 245, Apr. 4, 1996, 110 Stat. 968; Pub. L. 107-171, title III, § 3104(a), May 13, 2002, 116 Stat. 290, related to an export enhancement program and cash bonuses to exporters, users, and processors.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 5652. Relief from unfair trade practices**(a) Use of programs****(1) In general**

The Secretary may, for each article described in paragraph (2), make available some or all of the commercial export promotion programs of the Department of Agriculture and the Commodity Credit Corporation to help mitigate or offset the effects of the unfair trade practice serving as the basis for the proceeding described in paragraph (2).

(2) Commodities specified

Paragraph (1) shall apply in the case of articles for which the United States has instituted, under any international trade agreement, any dispute settlement proceeding based on an unfair trade practice if such proceeding has been prevented from progressing to a decision by the refusal of the party maintaining the unfair trade practice to permit the proceeding to progress.

(b) Consultations required

For any article described in subsection (a)(2), the Secretary shall—

(1) promptly consult with representatives of the industry producing such articles and other allied groups or individuals regarding specific actions or the development of an integrated marketing strategy utilizing some or all of the commercial export programs of the Department of Agriculture and the Commodity Credit Corporation to help mitigate or offset the effects of the unfair trade practice identified in subsection (a)(2); and

(2) ascertain and take into account the industry preference for the practical use of available commercial export promotion programs in implementing subsection (a)(1).

(Pub. L. 95-501, title III, § 301, formerly § 302, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3680; renumbered § 301, Pub. L. 110-246, title III, § 3103(b)(2), June 18, 2008, 122 Stat. 1832.)

PRIOR PROVISIONS

A prior section 301 of Pub. L. 95-501 was classified to section 5651 of this title prior to repeal by Pub. L. 110-246.

Another prior section 301 of Pub. L. 95-501 amended sections 1761, 1762, 1764, and 1765 of this title prior to

the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

§ 5653. Equitable treatment of high-value and value-added United States agricultural commodities

In the case of any program operated by the Secretary or the Commodity Credit Corporation during the fiscal years 1991 through 1995, for the purpose of discouraging unfair trade practices, the Secretary shall establish as an objective to expend annually at least 25 percent of the total funds available (or 25 percent of the value of any commodities employed) for program activities involving the export sales of high-value agricultural commodities and value-added products of United States agricultural commodities.

(Pub. L. 95-501, title III, § 302, formerly § 303, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3680; renumbered § 302 and amended Pub. L. 110-246, title III, § 3103(b)(2), (3), June 18, 2008, 122 Stat. 1832.)

PRIOR PROVISIONS

A prior section 302 of Pub. L. 95-501 was renumbered section 301 and is classified to section 5652 of this title.

AMENDMENTS

2008—Pub. L. 110-246, § 3103(b)(3), struck out “, such as that established under section 5651 of this title,” after “any program”.

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.

SUBCHAPTER IV—GENERAL PROVISIONS

PART A—PROGRAM CONTROLS

§ 5661. Program controls for export programs**(a) Arrival certification**

With respect to a commodity provided, or for which financing or a credit guarantee or other assistance is made available, under a program authorized in section 5621 or 5622 of this title, the Commodity Credit Corporation shall require the exporter of the commodity to maintain records of an official or customary commercial nature or other documents as the Secretary may require, and shall allow representatives of the Commodity Credit Corporation access to the records or documents as needed, to verify the arrival of the commodity in the country that is the intended destination of the commodity.

(b) Diversion

The unauthorized diversion of commodities under the programs authorized in sections 5621 and 5622 of this title is prohibited. The Commodity Credit Corporation shall establish procedures providing for the annual audit of a sufficient number of export transactions under such programs to ensure that the agricultural commodities that were the subject of such transactions arrived in the country of destination as provided in the sales agreement.

(c) Good faith

The failure of an exporter, seller or other person to comply with the provisions of this section