

such programs shall certify that none of the vegetable oil or vegetable oil product has been or will be used as the basis of a claim for any refund specified in subsection (b).

**(d) Regulations**

The Secretary shall promulgate regulations to carry out this section.

**(e) Applicability**

This section shall not apply to quantities of agricultural commodities and products with respect to which an exporter has entered into a contract, prior to November 28, 1990, for an export sale.

(Pub. L. 95-501, title IV, §416, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3685; amended Pub. L. 102-237, title III, §313, Dec. 13, 1991, 105 Stat. 1856; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(K), June 18, 2008, 122 Stat. 1820.)

**Editorial Notes**

REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454. Title I of the Act is classified generally to subchapter II (§1701 et seq.) of chapter 41 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables.

AMENDMENTS

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

1991—Subsec. (e). Pub. L. 102-237 substituted “November 28, 1990” for “the effective date of this section”.

**Statutory Notes and Related Subsidiaries**

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.

**§ 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 embargo 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.)

**Editorial Notes**

**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 or new agricultural production technologies;

(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<sup>1</sup> and section 5623(d) of this title; or

(3) the Cochran Fellowship Program under section 3293 of this title.

**(d) Funding**

There is authorized to be appropriated \$2,000,000 for each of fiscal years 2019 through 2023.

(Pub. L. 101-624, title XV, §1543A, as added Pub. L. 107-171, title III, §3204, May 13, 2002, 116 Stat. 300; amended Pub. L. 115-334, title III, §§3201(b)(3)(C), 3301, Dec. 20, 2018, 132 Stat. 4617.)

**Editorial Notes**

**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.

**CODIFICATION**

Section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Agricultural Trade Act of 1978 which comprises this chapter.

**AMENDMENTS**

2018—Subsec. (b)(1)(A). Pub. L. 115-334, §3301(1), inserted “or new agricultural production technologies” after “biotechnology”.

Subsec. (c)(2). Pub. L. 115-334, §3201(b)(3)(C), inserted “and section 5623(d) of this title” after “section 1542”.

Subsec. (d). Pub. L. 115-334, §3301(2), substituted “\$2,000,000 for each of fiscal years 2019 through 2023” for “\$6,000,000 for each of fiscal years 2002 through 2007”.

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

**§ 5680. Repealed. Pub. L. 115-334, title III, § 3201(b)(4), Dec. 20, 2018, 132 Stat. 4617**

Section, Pub. L. 107-171, title III, §3205, May 13, 2002, 116 Stat. 301; Pub. L. 110-246, title III, §3203, June 18, 2008, 122 Stat. 1837; Pub. L. 113-79, title III, §3205(a), (b), Feb. 7, 2014, 128 Stat. 780, related to program to provide direct and technical assistance to remove, resolve, or mitigate sanitary and phytosanitary and technical barriers that prohibit or threaten the export of United States specialty crops.

**SUBCHAPTER V—FOREIGN AGRICULTURAL SERVICE**

**§ 5691. Repealed. Pub. L. 103-354, title II, § 225(e)(1), Oct. 13, 1994, 108 Stat. 3214**

Section, Pub. L. 95-501, title V, §501, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3686, established position of Under Secretary of Agriculture for International Affairs and Commodity Programs.

A prior section 501 of Pub. L. 95-501 enacted section 2211a of this title, amended section 5314 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 2211a of this title, prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

**§ 5692. Administrator of Foreign Agricultural Service**

**(a) Establishment**

There is hereby established in the Department of Agriculture the position of Administrator of the Foreign Agricultural Service.

**(b) Duties**

The Administrator of the Foreign Agricultural Service is authorized to exercise such functions and perform such duties related to foreign agriculture, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.

**(c) Use of Service**

In carrying out the duties under this section, the Administrator shall oversee the operations of the Foreign Agricultural Service, the General Sales Manager, and the Agricultural Attaché Service.

(Pub. L. 95-501, title V, §502, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3686.)

**§ 5693. Duties of Foreign Agricultural Service**

The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

(1) acquiring information pertaining to agricultural trade;

(2) carrying out market promotion and development activities;

(3) providing agricultural technical assistance and training; and

(4) carrying out the programs authorized under this chapter, the Food for Peace Act (7 U.S.C. 1691 et seq.), and other Acts.

(Pub. L. 95-501, title V, §503, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3686; amended Pub. L. 104-127, title II, §250, Apr. 4, 1996, 110 Stat. 971; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(K), June 18, 2008, 122 Stat. 1820.)