retary shall undertake activities under this subtitle in coordination with the Office of Agricultural Environmental Quality in section 5402 of this title.

(b) Effect on existing authority

The authority granted in subsection (a) of this section does not alter or effect the responsibility of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(c) Participation

The following agencies shall participate in the Department's water program: the Agricultural Research Service; the Agricultural Stabilization and Conservation Service; the Animal and Plant Health Inspection Service; the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and State and county cooperative extension services; the Economic Research Service; the Forest Service; the National Agricultural Library; the National Agricultural Statistics Service; the Soil Conservation Service; and other agencies within the Department deemed appropriate by the Secretary.

(Pub. L. 101–624, title XIV, § 1499, Nov. 28, 1990, 104 Stat. 3632; Pub. L. 102–237, title II, § 201(g), Dec. 13, 1991, 105 Stat. 1847; Pub. L. 104–127, title VIII, § 859(b), Apr. 4, 1996, 110 Stat. 1173; Pub. L. 110–234, title VII, § 7511(c)(14), May 22, 2008, 122 Stat. 1268; Pub. L. 110–246, § 4(a), title VII, § 7511(c)(14), June 18, 2008, 122 Stat. 1664, 2030.)

REFERENCES IN TEXT

This subtitle, referred to in subsec. (a), means subtitle H (§§ 1491–1499) of title XIV of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3627, which enacted sections 136i–1 and 5506 of this title, amended sections 136a, 136a–1, 136d, 136w–3, and 450i of this title, and enacted provisions set out as a note under section 136a of this title. For complete classification of this subtitle to the Code, see Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (b), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92–516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§ 136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section was not enacted as part of the Agriculture and Water Policy Coordination Act which comprises this chapter.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110–246, § 7511(c)(14), substituted ''the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and State and county cooperative extension services; the Economic Research Service;'' for ''the Cooperative State Research Service in conjunction with the system of State agricultural experiment stations; the Economic Research Service; the Extension Service, in conjunction with State and county cooperative extension services;''.

1996—Subsec. (b). Pub. L. 104–127 struck out ''and section 3125c of this title'' before ''does not alter''.

1991—Subsec. (a). Pub. L. 102–237, § 201(g)(1), inserted ''Agricultural'' before ''Environmental Quality'' and substituted ''section 5402 of this title'' for ''section 1612 of this Act''.

Subsec. (b). Pub. L. 102–237, § 201(g)(2), substituted ''Effect'' for ''Affect'' in heading and inserted reference to section 3125c of this title.

Subsec. (c). Pub. L. 102–237, § 201(g)(3), inserted ''and'' after ''Animal''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(14) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–237 effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101–624, to which the amendment relates, see section 1101(b)(1) of Pub. L. 102–237, set out as a note under section 1421 of this title.

CHAPTER 87—EXPORT PROMOTION

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
5601. Purpose.
5602. Definitions.
5603. Agricultural export promotion strategy.
5603a. Global market strategy.
5604. Preservation of traditional markets.
5605. Independence of authorities.
5606. Implementation of commitments under Uruguay Round Agreements.
5607. Exporter assistance initiative.

SUBCHAPTER II—AGRICULTURAL EXPORT PROGRAMS

PART A—PROGRAMS

5621. Direct credit sales program.
5622. Export credit guarantee program.
5623. Market access program.
5624. Barter of agricultural commodities.
5625. Combination of programs.

PART B—IMPLEMENTATION

5641. Funding levels.

SUBCHAPTER III—BARRIERS TO EXPORTS

5651. Repealed.
5652. Relief from unfair trade practices.
5653. Equitable treatment of high-value and value-added United States agricultural commodities.

SUBCHAPTER IV—GENERAL PROVISIONS

PART A—PROGRAM CONTROLS

5661. Program controls for export programs.
5662. Compliance provisions.
5663. Departmental administration system.
5664. Repealed.

PART B—MISCELLANEOUS PROVISIONS

5671. Agricultural embargo protection.
5672. Development of plans to alleviate adverse impact of embargoes.
5673. Contracting authority to expand agricultural export markets.
5674. Trade consultations concerning imports.
5675. Technical assistance in trade negotiations.
5676. Limitation on use of certain export promotion programs.

Sec.
5677. Trade compensation and assistance programs.
5678. Edward R. Madigan United States Agricultural Export Excellence Award.
5679. Biotechnology and agricultural trade program.
5680. Technical assistance for specialty crops.

SUBCHAPTER V—FOREIGN AGRICULTURAL SERVICE

5691. Repealed.
5692. Administrator of Foreign Agricultural Service.
5693. Duties of Foreign Agricultural Service.
5694. Staff of Foreign Agricultural Service.
5695. Authorization of appropriations.

SUBCHAPTER VI—REPORTS

5711. Repealed.
5712. Export reporting and contract sanctity.
5713. Other reports to Congress.

SUBCHAPTER VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

5721. ''Eligible trade organization'' defined.
5722. Foreign market development cooperator program.
5723. Funding.

CODIFICATION

The Agricultural Trade Act of 1978, comprising this chapter, was originally enacted as Pub. L. 95–501, Oct. 21, 1978, 92 Stat. 1685, which enacted sections 1707b to 1707d, 1765a to 1765h, 1769, and 2211a of this title, amended sections 1707a, 1761, 1762, 1764, 1765, and 1766b of this title and section 5314 of Title 5, Government Organization and Employees, redesignated sections 1762(d), (f), and 1763 as sections 1766a to 1766c of this title, and enacted provisions set out as notes under sections 612c–3, 1761, and 2211a of this title and section 2431 of Title 19, Customs Duties. The Act is shown herein, however, as having been added by Pub. L. 101–624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3668, because of the extensive amendments, renumbering, reorganization of subject matter, and expansion of the basic Act's provisions by Pub. L. 101–624.

SUBCHAPTER I—GENERAL PROVISIONS

§ 5601. Purpose

It is the purpose of this chapter to increase the profitability of farming and to increase opportunities for United States farms and agricultural enterprises by—

(1) increasing the effectiveness of the Department of Agriculture in agricultural export policy formulation and implementation;

(2) improving the competitiveness of United States agricultural commodities and products in the world market; and

(3) providing for the coordination and efficient implementation of all agricultural export programs.

(Pub. L. 95–501, title I, § 101, as added Pub. L. 101–624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3669.)

PRIOR PROVISIONS

A prior section 101 of Pub. L. 95–501 amended section 1707a of this title prior to the complete revision of Pub. L. 95–501 by Pub. L. 101–624.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–465, title IV, § 411(a)(1), Dec. 8, 1994, 108 Stat. 4962, provided that: ''This subsection [amending section 5651 of this title] may be cited as the 'Export Enhancement Program Amendments of 1994'.''

SHORT TITLE

Section 1 of Pub. L. 95–501, as added by Pub. L. 101–624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3669, provided that: ''This Act [enacting this chapter] may be cited as the 'Agricultural Trade Act of 1978'.''

§ 5602. Definitions

As used in this chapter—

(1) Agricultural commodity

The term ''agricultural commodity'' means any agricultural commodity, food, feed, fiber, or livestock (including livestock as it is defined in section 1471(2) of this title and insects), and any product thereof.

(2) Developing country

The term ''developing country'' means a country that—

(A) has a shortage of foreign exchange earnings and has difficulty accessing sufficient commercial credit to meet all of its food needs, as determined by the Secretary; and

(B) has the potential to become a commercial market for agricultural commodities.

(3) Secretary

The term ''Secretary'' means the Secretary of Agriculture.

(4) Service

The term ''Service'' means the Foreign Agricultural Service of the Department of Agriculture.

(5) Unfair trade practice

(A) In general

Subject to subparagraph (B), the term ''unfair trade practice'' means any act, policy, or practice of a foreign country that—

(i) violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, any trade agreement to which the United States is a party;

(ii) in the case of a monopolistic state trading enterprise engaged in the export sale of an agricultural commodity, implements a pricing practice that is inconsistent with sound commercial practice;

(iii) provides a subsidy that—

(I) decreases market opportunities for United States exports; or

(II) unfairly distorts an agricultural market to the detriment of United States exporters;

(iv) imposes an unfair technical barrier to trade, including—

(I) a trade restriction or commercial requirement (such as a labeling requirement) that adversely affects a new technology (including biotechnology); and

(II) an unjustified sanitary or phytosanitary restriction (including any restriction that, in violation of the Uruguay Round Agreements, is not based on scientific principles;[1]

(v) imposes a rule that unfairly restricts imports of United States agricultural com-

[1] So in original. There probably should be a closing parenthesis.