

§ 55314. Transportation requirements for certain exports sponsored by the Secretary of Agriculture

[(a) Repealed. Pub. L. 112–141, div. F, title I, § 100124(a)(1), July 6, 2012, 126 Stat. 915.]

(b) APPLICABLE EXPORT ACTIVITY.—The activities specified in this subsection are export activities (except inspection or weighing activities, other activities carried out for health or safety, or technical assistance provided in the handling of commercial transactions) of the Secretary of Agriculture or the Commodity Credit Corporation—

(1) carried out under the Food for Peace Act (7 U.S.C. 1691 et seq.);

(2) carried out under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(3) carried out under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1);

(4) under which agricultural commodities or their products are—

(A) donated through foreign governments or private or public agencies, including intergovernmental organizations; or

(B) sold for foreign currencies or for dollars on credit terms of more than 10 years;

(5) under which agricultural commodities or their products are made available for emergency food relief at less than prevailing world market prices;

(6) under which a cash grant is made directly or through an intermediary to a foreign purchaser to enable the purchaser to obtain United States agricultural commodities or their products in an amount greater than the difference between the prevailing world market price and the United States market price, free along side vessel at a United States port; or

(7) under which agricultural commodities owned or controlled by or under loan from the Corporation are exchanged or bartered for materials, goods, equipment, or services produced in foreign countries, except export activities described in section 55313(5) of this title.

[(c) Repealed. Pub. L. 112–141, div. F, title I, § 100124(a)(1), July 6, 2012, 126 Stat. 915.]

(Pub. L. 109–304, § 8(c), Oct. 6, 2006, 120 Stat. 1645; Pub. L. 110–246, title III, § 3001(b)(1)(A), (2)(Y), June 18, 2008, 122 Stat. 1820, 1821; Pub. L. 110–417, div. C, title XXXV, § 3511(d), Oct. 14, 2008, 122 Stat. 4770; Pub. L. 111–84, div. A, title X, § 1073(c)(15), Oct. 28, 2009, 123 Stat. 2475; Pub. L. 112–141, div. F, title I, § 100124(a), July 6, 2012, 126 Stat. 915.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55314(a)(1) ..	46 App.:1241f(a).	June 29, 1936, ch. 858, title IX, § 901b(a)–(d), as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1491; Pub. L. 101–624, title XV, § 1525, Nov. 28, 1990, 104 Stat. 3667; Pub. L. 104–239, § 17, Oct. 8, 1996, 110 Stat. 3138; Pub. L. 108–136, title XXXV, § 3514, Nov. 24, 2003, 117 Stat. 1792.
	46 App.:1241o.	June 29, 1936, ch. 858, title IX, § 901k, as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1496.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55314(a)(2) ..	46 App.:1241f(c)(2).	
55314(b)	46 App.:1241f(b), (d).	
55314(c)	46 App.:1241f(c)(1), (3), (4).	

In this section, the words “commercial vessels of the United States” are substituted for “United States-flag commercial vessels” for consistency in the revised title.

In subsection (a)(1), before subparagraph (A), the text of 46 App. U.S.C. 1241f(a)(2)(A) and (B) is omitted as obsolete. Subparagraphs (A) and (B) are substituted for 46 App. U.S.C. 1241o to improve the organization and to eliminate unnecessary words.

In subsection (a)(2), the words “the 12-month period beginning October 1 of each year” are substituted for “12 month periods commencing April 1, 1986, the 18-month period beginning April 1, 2002, and the 12-month period beginning October 1, 2003, and each year thereafter” to eliminate obsolete and unnecessary language.

In subsection (c)(4), before subparagraph (A), the words “or instrumentality” are omitted as unnecessary because of the definition of “agency” in chapter 1.

REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (b)(1), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. Title II of the Act is classified generally to subchapter III (§1721 et seq.) of chapter 41 of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–141, § 100124(a)(1), struck out subsec. (a), which related to minimum tonnage of agricultural commodities and their products.

Subsec. (b). Pub. L. 112–141, § 100124(a)(2), substituted “The activities specified in this subsection are export activities” for “This section applies to export activity” in introductory provisions.

Subsec. (c). Pub. L. 112–141, § 100124(a)(1), struck out subsec. (c), which related to additional requirements for this section and section 55305 of this title.

2009—Subsec. (a). Pub. L. 111–84 amended directory language of Pub. L. 110–417, § 3511(d). See 2008 Amendment notes below.

2008—Subsec. (a). Pub. L. 110–417, § 3511(d), as amended by Pub. L. 111–84, substituted “fiscal” for “calendar” in two places in text.

Subsec. (a)(2). Pub. L. 110–417, § 3511(d), as amended by Pub. L. 111–84, which directed substitution of “FISCAL” for “CALENDAR” in heading, was executed by substituting “FISCAL” for “CALENDAR” to reflect the probable intent of Congress.

Subsecs. (b)(1), (c)(2). Pub. L. 110–246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(15) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110–417 as enacted.

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 Title 7, Agriculture.

§ 55315. Minimum tonnage

(a) DEFINITION.—In this section, the term “base period” means the 5-year period running

from the sixth through the second prior fiscal years.

(b) REQUIREMENT.—For each fiscal year, the minimum quantity of agricultural commodities to be exported under programs specified in section 55314(b) of this title is the average of the tonnage exported under those programs during the base period, discarding the high and low years.

(c) WAIVERS.—The President may waive the minimum quantity for a fiscal year under this section if the President determines and reports to Congress, together with reasons, that the quantity cannot be used effectively for the purposes of those programs or, based on a certification by the Secretary of Agriculture, that the commodities are not available for reasons that include the unavailability of funds.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1646; Pub. L. 112-141, div. F, title I, §100124(c)(1), July 6, 2012, 126 Stat. 915.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55315	46 App.:1241g.	June 29, 1936, ch. 858, title IX, §901c, as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1493.

In subsection (b), the words “For fiscal year 1986 and” are omitted as obsolete.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-141 substituted “specified in section 55314(b)” for “subject to section 55314”.

§ 55316. Financing the transportation of agricultural commodities

[(a) Repealed. Pub. L. 112-141, div. F, title I, §100124(b), July 6, 2012, 126 Stat. 915.]

(b) REIMBURSEMENT OF INCREASED CHARGES.—

(1) IN GENERAL.—The Secretary of Transportation shall reimburse the Secretary of Agriculture and the Commodity Credit Corporation for the amount by which, in any fiscal year—

(A) the total cost of ocean freight and ocean freight differential for which obligations are incurred by the Secretary of Agriculture and the Corporation on exports of agricultural commodities and their products under the agricultural export programs specified in section 55314(b) of this title; exceeds

(B) 20 percent of the value of the commodities and their products and the cost of the ocean freight and ocean freight differential on which obligations are incurred by the Secretary of Agriculture and the Corporation during that fiscal year.

(2) COMMODITIES SHIPPED FROM INVENTORY.—For purposes of this subsection, commodities shipped from the inventory of the Corporation shall be valued as provided in section 412(d) of the Food for Peace Act (7 U.S.C. 1736f(d)).

(c) ISSUANCE AND PURCHASE OF OBLIGATIONS.—

(1) ISSUANCE.—To meet the expenses required to be assumed under subsection (b), the Secretary of Transportation shall issue obligations to the Secretary of the Treasury. The Secretary of Transportation, with the ap-

proval of the Secretary of the Treasury, shall prescribe the form, denomination, maturity, and other terms (except the interest rate) of the obligations. The Secretary of the Treasury shall set the interest rate for the obligations, considering the average market yield on outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued.

(2) PURCHASE.—The Secretary of the Treasury shall purchase the obligations issued under this subsection. To purchase the obligations, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of securities issued under chapter 31 of title 31. The purposes for which securities may be issued under that chapter are extended to include the purchase of obligations under this subsection. A redemption or purchase of the obligations by the Secretary of the Treasury is a public debt transaction of the Government.

(d) SOURCE OF FUNDS FOR REIMBURSEMENT.—Reimbursement of the Secretary of Transportation for costs incurred under this section shall be made with appropriated funds rather than through cancellation of notes.

(e) APPROPRIATIONS.—

(1) AUTHORIZATION.—Each fiscal year, there is authorized to be appropriated an amount sufficient to reimburse the Secretary of Transportation for the costs incurred under this section, including administrative expenses and the principal and interest due on obligations issued to the Secretary of the Treasury.

(2) APPROPRIATION FOR ADMINISTRATIVE EXPENSES.—Each fiscal year, such amounts as may be necessary are hereby appropriated to pay interest and to liquidate debt on obligations issued to the Secretary of the Treasury under this section.

(f) NOTIFICATION TO CONGRESS OF INSUFFICIENCY.—If the Secretary of Transportation is unable to obtain the funds necessary to finance the increased ocean freight charges resulting from the requirements of subsection (b), the Secretary shall notify Congress within 10 working days of the discovery of the insufficiency.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1647; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(Y), June 18, 2008, 122 Stat. 1820, 1821; Pub. L. 112-141, div. F, title I, §100124(b), (c)(2), July 6, 2012, 126 Stat. 915.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55316(a)	46 App.:1241h(a).	June 29, 1936, ch. 858, title IX, §901d, as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1493.
55316(b)	46 App.:1241h(b).	
55316(c)	46 App.:1241h(c).	
55316(d)	46 App.:1241h(d)	
	(last sentence).	
55316(e)(1) ..	46 App.:1241h(d) (1st sentence).	
55316(e)(2) ..	46 App.:1241h note.	Pub. L. 100-202, 101(a) [title V (par. under heading “Ocean Freight Differential”)], Dec. 22, 1987, 101 Stat. 1329, 1329-27.
55316(f)	46 App.:1241h(e).	