

struct promotion panels to take account of language ability and, all criteria for promotion otherwise being equal, to give precedence in promotions to officers who have achieved at least the General Professional Speaking Proficiency level in 1 or more foreign languages over officers who lack that level of proficiency.”

#### § 5695. Authorization of appropriations

There are hereby authorized to be appropriated for the Service such sums as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 95-501, title V, § 505, formerly § 506, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3687; renumbered § 505, Pub. L. 102-237, title III, § 314, Dec. 13, 1991, 105 Stat. 1856.)

#### SUBCHAPTER VI—REPORTS

#### § 5711. Repealed. Pub. L. 104-127, title II, § 241(c)(1), Apr. 4, 1996, 110 Stat. 964

Section, Pub. L. 95-501, title VI, § 601, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3687; amended Pub. L. 102-237, title III, § 315, Dec. 13, 1991, 105 Stat. 1856, required Secretary to periodically prepare long-term agricultural trade strategy reports.

#### § 5712. Export reporting and contract sanctity

##### (a) Export sales reports

###### (1) In general

All exporters of wheat and wheat flour, feed grains, oil seeds, cotton, pork, beef, and products thereof, and other commodities that the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period:

- (A) type, class, and quantity of the commodity sought to be exported;
- (B) the marketing year of shipment; and
- (C) destination, if known.

###### (2) Confidentiality and compilation of reports

Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting.

###### (3) Immediate reporting

All exporters of agricultural commodities produced in the United States shall, upon request of the Secretary, immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as the Secretary may request. When the Secretary requires that such information be reported by exporters on a daily basis, the information compiled from individual reports shall be made available to the public daily.

###### (4) Monthly reporting permitted

The Secretary may, with respect to any commodity or type or class thereof during any period in which the Secretary determines that—

- (A) there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements,

(B) total supplies of such commodity in the exporting countries are estimated to be in surplus,

(C) anticipated exports will not result in excessive drain on domestic supplies, and

(D) to require the reports to be made will unduly hamper export sales,

provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

##### (b) Failure to report

Any person who knowingly fails to make any report required under this section shall be fined not more than \$25,000 or imprisoned for not more than 1 year, or both.

##### (c) Contract sanctity

Notwithstanding any other provision of law, the President shall not prohibit or curtail the export of any agricultural commodity under an export sales contract—

(1) that is entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity, and

(2) the terms of which require delivery of the commodity within 270 days after the date of the suspension of trade is imposed,

except that the President may prohibit or curtail the export of any agricultural commodity during a period for which the President has declared a national emergency or for which the Congress has declared war.

(Pub. L. 95-501, title VI, § 602, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3688; amended Pub. L. 102-237, title III, § 327, Dec. 13, 1991, 105 Stat. 1858; Pub. L. 106-78, title IX, § 921, Oct. 22, 1999, 113 Stat. 1206; Pub. L. 111-239, § 2(c), Sept. 27, 2010, 124 Stat. 2502.)

#### AMENDMENT OF SECTION

*For termination of amendment by section 942 of Pub. L. 106-78, see Termination Date of 1999 Amendment note below.*

#### PRIOR PROVISIONS

A prior section 602 of Pub. L. 95-501 enacted section 1765b-1 of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

#### AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-239 substituted “cotton, pork,” for “cotton.”

1999—Subsec. (a)(1). Pub. L. 106-78, §§ 921, 942, temporarily inserted “, beef,” after “cotton” in introductory provisions. See Termination Date of 1999 Amendment note below.

1991—Subsec. (a)(1). Pub. L. 102-237, § 327(1), substituted “designate produced” for “designate as produced” in introductory provisions.

Subsec. (a)(2). Pub. L. 102-237, § 327(2), struck out “in accordance with subsection (c)” after “shall remain confidential”.

#### TERMINATION DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-78 to terminate Sept. 30, 2015, see section 942 of Pub. L. 106-78, as amended, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

#### § 5713. Other reports to Congress

Subject to section 6917 of this title, the Secretary shall, on a quarterly basis, prepare and

submit to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report specifying the cumulative amount of export assistance provided by the Commodity Credit Corporation and the Secretary under the programs provided under this chapter, the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.], and under the Food for Peace Act [7 U.S.C. 1691 et seq.] during the current fiscal year. Such information may be provided in individual reports or in a consolidated report.

(Pub. L. 95-501, title VI, § 603, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3689; amended Pub. L. 104-127, title II, §§ 241(c)(2), 251, Apr. 4, 1996, 110 Stat. 964, 971; Pub. L. 110-246, title III, § 3001(b)(1)(A), (2)(K), June 18, 2008, 122 Stat. 1820.)

#### REFERENCES IN TEXT

The Commodity Credit Corporation Charter Act, referred to in text, 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.

The Food for Peace Act, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) 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.

#### PRIOR PROVISIONS

A prior section 603 of Pub. L. 95-501 enacted provisions set out as a note under section 612c-3 of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

#### AMENDMENTS

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

1996—Pub. L. 104-127, § 251, in first sentence, substituted “Subject to section 6917 of this title, the” for “The”.

Pub. L. 104-127, § 241(c)(2), in last sentence, substituted “or in a consolidated report” for “, in a consolidated report, or in the Long-Term Agricultural Trade Strategy Report (and annual updates to such report) prepared under section 5711 of this title”.

#### 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 VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

#### § 5721. “Eligible trade organization” defined

In this subchapter, the term “eligible trade organization” means a United States trade organization that—

- (1) promotes the export of 1 or more United States agricultural commodities or products; and
- (2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

(Pub. L. 95-501, title VII, § 701, as added Pub. L. 104-127, title II, § 252, Apr. 4, 1996, 110 Stat. 971.)

#### § 5722. Foreign market development cooperator program

##### (a) In general

The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products, with a continued significant emphasis on the importance of the export of value-added United States agricultural products into emerging markets.

##### (b) Administration

Funds made available to carry out this subchapter shall be used only to provide—

- (1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and
- (2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

##### (c) Report to Congress

The Secretary shall annually submit to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on activities under this section describing the amount of funding provided, the types of programs funded, the value-added products that have been targeted, and the foreign markets for those products that have been developed.

(Pub. L. 95-501, title VII, § 702, as added Pub. L. 104-127, title II, § 252, Apr. 4, 1996, 110 Stat. 971; amended Pub. L. 107-171, title III, § 3105(a), May 13, 2002, 116 Stat. 290; Pub. L. 110-246, title III, § 3104(a), June 18, 2008, 122 Stat. 1833.)

#### AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246 substituted “Committee on Foreign Affairs” for “Committee on International Relations”.

2002—Subsec. (a). Pub. L. 107-171, § 3105(a)(1), inserted “, with a continued significant emphasis on the importance of the export of value-added United States agricultural products into emerging markets” after “products”.

Subsec. (c). Pub. L. 107-171, § 3105(a)(2), added subsec. (c).

#### 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.

#### § 5723. Funding

##### (a) In general

To carry out this subchapter, the Secretary shall use funds of the Commodity Credit Corporation, or commodities of the Commodity Credit Corporation of a comparable value, in the amount of \$34,500,000 for each of fiscal years 2008 through 2012.

##### (b) Program priorities

In providing any amount of funds or commodities made available under subsection (a) of this