

“(3) In this subsection, the term ‘high-risk waters’ means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which an applicable voyage begins.”

2012—Subsec. (e). Pub. L. 112-213 added subsec. (e).

2008—Subsec. (b). Pub. L. 110-417, §3511(a), substituted “foreign country, organization, or persons” for “foreign country”, “commodities, or provides financing in any way with Federal funds for the account of any persons unless otherwise exempted, within” for “commodities, within”, and “furnishing or obtaining” for “furnishing”.

Subsec. (d). Pub. L. 110-417, §3511(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “An agency having responsibility under this section shall administer its programs with respect to this section under regulations prescribed by the Secretary of Transportation. The Secretary shall review the administration of those programs and report annually to Congress on their administration.”

REGULATIONS

Pub. L. 110-417, div. C, title XXXV, §3511(c), Oct. 14, 2008, 122 Stat. 4770, provided that: “The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.”

SUBCHAPTER II—EXPORT TRANSPORTATION OF AGRICULTURAL COMMODITIES

§ 55311. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) a productive and healthy agricultural industry and a strong and active United States maritime industry are vitally important to the economic well-being and security of the United States;

(2) both industries must compete in international markets increasingly dominated by foreign trade barriers and the subsidization practices of foreign governments; and

(3) increased agricultural exports and the use of merchant vessels of the United States contribute positively to the United States balance of trade and generate employment opportunities in the United States.

(b) PURPOSES.—The purposes of this subchapter are to—

(1) enable the Secretary of Agriculture to plan export programs effectively, by clarifying the ocean transportation requirements applicable to those programs;

(2) take immediate and positive steps to promote the growth of the cargo-carrying capacity of the United States merchant marine;

(3) expand international trade in United States agricultural commodities and products and develop, maintain, and expand markets for United States agricultural exports;

(4) improve the efficiency of administration of both the commodity purchasing and selling activities and the ocean transportation activities associated with export programs sponsored by the Secretary;

(5) stimulate and promote the agricultural and maritime industries of the United States and encourage cooperative efforts by both industries to address their common problems; and

(6) provide for the appropriate disposition of these findings and purposes.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1643.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55311	46 App.:1241d.	Pub. L. 99-198, title XI, §1141, Dec. 23, 1985, 99 Stat. 1490.

In subsection (a)(1), the word “security” is substituted for “national security objectives” to eliminate unnecessary words.

In subsection (b), the words “Secretary of Agriculture” in paragraph (1) and “Secretary” in paragraph (4) are substituted for “Department of Agriculture” because all functions of the Department are vested in the Secretary under 7 U.S.C. 2202 and 6911 and Reorganization Plan No. 2 of 1953 (5 App. U.S.C.).

§ 55312. Determining prevailing world market price

(a) AGRICULTURAL COMMODITIES AND PRODUCTS.—The prevailing world market price for agricultural commodities or their products shall be determined under this subchapter under procedures prescribed by the Secretary of Agriculture. The Secretary shall prescribe the procedures by regulation, with notice and opportunity for public comment under section 553 of title 5.

(b) SERVICES AND NON-AGRICULTURAL COMMODITIES AND PRODUCTS.—If a determination of the prevailing world market price of any other type of materials, goods, equipment, or service is required to determine whether a barter or exchange transaction is subject to section 55314(b)(6) or (7) of this title, the determination shall be made by the Secretary of Agriculture in consultation with the heads of other appropriate agencies.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1644.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55312	46 App.:1241f(e).	June 29, 1936, ch. 858, title IX, §901b(e), as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1492.

§ 55313. Exemption of certain agricultural exports from cargo preference provisions

Sections 55304 and 55305 of this title do not apply to export activities of the Secretary of Agriculture or the Commodity Credit Corporation under which—

(1) agricultural commodities or their products acquired by the Corporation are made available to United States exporters, users, processors, or foreign purchasers for the purpose of developing, maintaining, or expanding export markets for United States agricultural commodities or their products at prevailing world market prices;

(2) payments are made available to United States exporters, users, or processors or, except as provided in section 55314 of this title, cash grants are made available to foreign purchasers, for the purpose described in paragraph (1);

(3) commercial credit guarantees are blended with direct credits from the Corporation to reduce the effective rate of interest on export sales of United States agricultural commodities or their products;

(4) credit or credit guarantees for not more than 3 years are extended by the Corporation to finance or guarantee export sales of United States agricultural commodities or their products; or

(5) agricultural commodities or their products owned or controlled by or under loan from the Corporation are exchanged or bartered for materials, goods, equipment, or services at least equal in value to the agricultural commodities or their products for which they are exchanged or bartered (determined on the basis of prevailing world market prices at the time of the exchange or barter), but this paragraph does not exempt from the cargo preference provisions referred to in section 55314(b) of this title any requirement otherwise applicable to the materials, goods, equipment, or services imported under the transaction.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1644.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55313, 46 App.:1241e, June 29, 1936, ch. 858, title IX, §901a, as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1490.

§ 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 55314(a)(1), 55314(a)(2), 55314(b), 55314(c).

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