

(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[(a) Repealed.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), and 55314(c) with their respective sources and statutory references.

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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, 55317. Repealed. Pub. L. 113-67, div. A, title VI, § 602(a), Dec. 26, 2013, 127 Stat. 1188]]

Section 55316, 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, related to financing the transportation of agricultural commodities.

Section 55317, Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1648; Pub. L. 112-141, div. F, title I, §100124(c)(3), July 6, 2012, 126 Stat. 915, provided for the termination of this subchapter 90 days after the notification under section 55316(f) of this title is made, subject to certain exceptions.

§ 55318. Effect on other law

This subchapter does not affect chapter 5 of title 5.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1648.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55318	46 App.:1241p.	Pub. L. 99-198, title XI, §1143, Dec. 23, 1985, 99 Stat. 1496.

The words “section 1707a(b)(8) of title 7” are omitted because the provision referred to has been repealed.

SUBCHAPTER III—AMERICAN GREAT LAKES VESSELS

§ 55331. Definitions

In this subchapter:

(1) AMERICAN GREAT LAKES VESSEL.—The term “American Great Lakes vessel” means a vessel so designated under section 55332 of this title, but only during the period the designation is in effect.

(2) GREAT LAKES.—The term “Great Lakes” means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, the Saint Lawrence River west of Saint Regis, New York, and their connecting and tributary waters.

(3) GREAT LAKES SHIPPING SEASON.—The term “Great Lakes shipping season” means the period each year during which the Saint Lawrence Seaway is open for navigation by vessels, as declared by the Saint Lawrence Seaway Development Corporation.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1648.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55331	46 App.:1241v.	Pub. L. 101-624, title XV, §1527, Nov. 28, 1990, 104 Stat. 3668.

In paragraph (1), the words “but only during the period the designation is in effect” are added for clarity.

In paragraph (3), the words “created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.)” are omitted as unnecessary.

The definition of “Secretary” in 46 App. U.S.C. 1241v(4) is omitted as unnecessary because the full title of the Secretary of Transportation is used the first time the Secretary is referred to in each section.

§ 55332. Designating American Great Lakes vessels

(a) DESIGNATIONS.—The Secretary of Transportation shall designate a vessel as an American Great Lakes vessel if—

(1) an application for designation is submitted to the Secretary under regulations prescribed by the Secretary;