

## STUDY ON FEE FOR SERVICES

Pub. L. 107-171, title III, §3208, May 13, 2002, 116 Stat. 302, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture shall submit to the Committee on Agriculture, and the Committee on International Relations [now Committee on Foreign Affairs], of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a report on the feasibility of instituting a program under which the Secretary would charge and retain a fee to cover the costs incurred by the Department of Agriculture, acting through the Foreign Agricultural Service or any successor agency, in providing persons with commercial services provided outside the United States.

“(b) PURPOSE OF PROGRAM.—The purpose of a program described in subsection (a) would be to supplement and not replace any services currently offered overseas by the Foreign Agricultural Service.

“(c) MARKET DEVELOPMENT STRATEGY.—A program under subsection (b) would be part of an overall market development strategy for a particular country or region.

“(d) PILOT PROGRAM.—A program under subsection (a) would be established on a pilot basis to ensure that the program does not disadvantage small- and medium-sized companies, including companies that have never engaged in exporting.”

**§ 5694. Staff of Foreign Agricultural Service****(a) Personnel of Service**

To ensure that the agricultural export programs of the United States are carried out in an effective manner, the authorized number of personnel for the Service shall not be less than 900 staff years each fiscal year.

**(b) Rank of Foreign Agricultural Service officers in foreign missions**

Notwithstanding any other provision of law, the Secretary of State shall, on the request of the Secretary of Agriculture, accord the diplomatic title of Minister-Counselor to the senior Service officer assigned to any United States mission abroad. The number of Service officers holding such diplomatic title at any time may not exceed twelve.

(Pub. L. 95-501, title V, §504, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3686.)

## PRIOR PROVISIONS

Provisions similar to those in subsec. (b) of this section appear in the following appropriation acts:

Pub. L. 101-506, title IV, Nov. 5, 1990, 104 Stat. 1343.

Pub. L. 100-202, §101(k) [title IV, §401], Dec. 22, 1987, 101 Stat. 1329-322, 1329-350.

## LANGUAGE PROFICIENCY AND EVALUATION OF FOREIGN AGRICULTURAL SERVICE OFFICERS

Pub. L. 101-624, title XV, §1556, Nov. 28, 1990, 104 Stat. 3698, as amended by Pub. L. 104-127, title II, §281(b), Apr. 4, 1996, 110 Stat. 980, provided that:

“(a) ASSESSMENT OF FOREIGN LANGUAGE COMPETENCE.—The Foreign Agricultural Service shall revise its evaluation reports for its Foreign Service officers so as to require in a separate entry an assessment of the officer’s effectiveness in using, in his or her work, a foreign language or foreign languages tested at the General Professional Speaking Proficiency level or above, in cases where the supervisor is capable of making such an assessment.

“(b) PRECEDENCE IN PROMOTION.—The Director of Personnel of the Foreign Agricultural Service shall in-

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, 2020, 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. Repealed. Pub. L. 113-188, title I, § 101(d), Nov. 26, 2014, 128 Stat. 2017**

Section, 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, required quarterly reports specifying the cumulative amount of export assistance provided by the Commodity Credit Corporation and the Secretary under certain programs.

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.

(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; Pub. L. 113-188, title I, §101(f), Nov. 26, 2014, 128 Stat. 2018.)

AMENDMENTS

2014—Subsec. (c). Pub. L. 113-188 struck out subsec. (c) which required the Secretary to submit annual reports to Congress on certain activities under this section.

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).