

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 instruct 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 pro-