

action, and that the transaction complied with applicable United States law.”

Statutory Notes and Related Subsidiaries

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.

§ 5662. Compliance provisions

(a) Records

(1) In general

In the administration of the programs established under sections 5621, 5622, and 5623(b) of this title the Secretary shall require by regulation each exporter or other participant under the program to maintain all records concerning a program transaction for a period of not to exceed 5 years after completion of the program transaction, and to permit the Secretary to have full and complete access, for such 5-year period, to such records.

(2) Confidentiality

The personally identifiable information contained in reports under subsection (a) may be withheld in accordance with section 552(b)(4) of title 5. Any officer or employee of the Department of Agriculture who knowingly discloses confidential information as defined by section 1905 of title 18 shall be subject to section 1905 of title 18. Nothing in this subsection shall be construed to authorize the withholding of information from Congress.

(b) Violation

If any exporter, assignee, or other participant has engaged in fraud with respect to the programs authorized under this chapter, or has otherwise violated program requirements under this chapter, the Commodity Credit Corporation may—

- (1) hold such exporter, assignee, or participant liable for any and all losses to the Corporation resulting from such fraud or violation;
- (2) require a refund of any assistance provided to such exporter, assignee, or participant plus interest, as determined by the Secretary; and
- (3) collect liquidated damages from such exporter, assignee, or participant in an amount determined appropriate by the Secretary.

The provisions of this subsection shall be without prejudice to any other remedy that is available under any other provision of law.

(c) Suspension and debarment

The Commodity Credit Corporation may suspend or debar for 1 or more years any exporter, assignee, or other participant from participation in one or more of the programs authorized by this chapter if the Corporation determines, after opportunity for a hearing, that such exporter, assignee, or other participant has violated the terms and conditions of the program or of this chapter and that the violation is of such a nature as to warrant suspension or debarment.

(d) False certifications

The provisions of section 1001 of title 18 shall apply to any false certifications issued under this chapter.

(Pub. L. 95-501, title IV, §402, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3681; amended Pub. L. 104-127, title II, §247, Apr. 4, 1996, 110 Stat. 969; Pub. L. 110-246, title III, §3103(b)(5), June 18, 2008, 122 Stat. 1833; Pub. L. 115-334, title III, §3201(b)(1)(B), Dec. 20, 2018, 132 Stat. 4616.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-334 substituted “and 5623(b)” for “and 5623”.

2008—Subsec. (a)(1). Pub. L. 110-246 substituted “sections 5621, 5622, and 5623” for “sections 5621, 5622, 5623, and 5651”.

1996—Subsec. (a)(2), (3). Pub. L. 104-127 redesignated par. (3) as (2) and struck out heading and text of former par. (2). Text read as follows: “The Secretary may require by regulation an exporter or other participant in the programs to make records available to the Secretary with respect to non-program transactions if such records would pertain directly to the review of program-related transactions undertaken by such exporter or participant, as determined by the Secretary.”

Statutory Notes and Related Subsidiaries

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.

§ 5663. Departmental administration system

(a) In general

With respect to each commercial export promotion program of the Department of Agriculture or the Commodity Credit Corporation, the Secretary shall—

- (1) specify by regulation the criteria used to evaluate and approve proposals for that program;
- (2) establish a centralized system to permit the Foreign Agricultural Service to provide the history and current status of any proposal;
- (3) provide for regular audits of program transactions to determine compliance with program objectives and requirements; and
- (4) establish criteria to evaluate loans eligible for guarantees by the Commodity Credit Corporation, so as to ensure that the Corporation does not assume undue risk in providing such guarantees.

(b) Accessibility of information

Information pertaining to the status of a particular proposal shall be retrievable within the central system by appropriate categories, as determined appropriate by the Secretary.

(Pub. L. 95-501, title IV, §403, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3682.)

§ 5664. Repealed. Pub. L. 104-127, title II, § 248, Apr. 4, 1996, 110 Stat. 969

Section, Pub. L. 95-501, title IV, §404, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3682; amended Pub. L. 102-237, title III, §312, Dec. 13, 1991, 105 Stat. 1856, related to regulations to implement export promotion provisions.