

pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.”

**SECRETARIAL ACTIONS TO ACHIEVE SAVINGS IN MARKET ACCESS PROGRAM; REGULATIONS**

Pub. L. 103-66, title I, §1302(b), (c), Aug. 10, 1993, 107 Stat. 330, 331, as amended by Pub. L. 104-127, title II, §244(a)(2)(A)(ii), Apr. 4, 1996, 110 Stat. 968, provided that:

“(b) SECRETARIAL ACTIONS TO ACHIEVE SAVINGS.—In order to enable the Secretary of Agriculture to achieve the savings required in the market access program established by section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) as a result of the amendments made by this section [amending this section and section 5641 of this title]:

“(1) UNFAIR TRADE PRACTICES.—[Amended subsec. (c)(2) of this section.]

“(2) GUIDELINES.—The Secretary of Agriculture should implement changes in the market access program established by section 203 of such Act, beginning with fiscal year 1994, in order to improve the effectiveness of the program and to meet the following objectives:

“(A) PRIORITY.—In providing assistance for branded promotion, the Secretary should give priority to small-sized entities.

“(B) GRADUATION.—The Secretary should not provide assistance under the program to promote a specific branded product in a single market for more than 5 years unless the Secretary determines that further assistance is necessary in order to meet the objectives of the program.

“(C) CONTRIBUTION LEVEL.—

“(i) IN GENERAL.—The Secretary should require a minimum contribution level of 10 percent from an eligible trade organization that receives assistance for nonbranded promotion.

“(ii) INCREASES IN CONTRIBUTION LEVEL.—The Secretary may increase the contribution level in any subsequent year that an eligible trade organization receives assistance for nonbranded promotion.

“(D) ADDITIONALITY.—The Secretary should require each participant in the program to certify that any Federal funds received supplement, but do not supplant, private or third party participant funds or other contributions to program activities.

“(E) INDEPENDENT AUDITS.—If as a result of an evaluation or audit of activities of a participant under the program, the Secretary determines that a further review is justified in order to ensure compliance with the requirements of the program, the Secretary should require the participant to contract for an independent audit of the program activities, including activities of any subcontractor.

“(3) TOBACCO.—No funds made available under the market access program may be used for activities to develop, maintain, or expand foreign markets for tobacco.

“(c) REGULATIONS.—Not later than 90 days after the date of enactment of this Act [Aug. 10, 1993], the Secretary of Agriculture shall issue regulations to implement this section [amending this section and section 5641 of this title] and the amendments made by this section.”

**§ 5624. Barter of agricultural commodities**

**(a) In general**

The Secretary or the Commodity Credit Corporation may provide eligible commodities in barter for foreign products under such terms and conditions as the Secretary or the Corporation shall prescribe.

**(b) Eligible commodities**

Unless otherwise specified, eligible commodities shall include—

(1) agricultural commodities acquired by the Commodity Credit Corporation through price support operations; and

(2) agricultural commodities acquired by the Secretary or the Commodity Credit Corporation in the normal course of business and available for disposition.

**(c) Barter by exporters of agricultural commodities**

**(1) Purpose**

The Secretary or the Commodity Credit Corporation shall encourage exporters of agricultural commodities to barter such commodities for foreign products—

(A) to acquire such foreign products needed by such exporters; and

(B) to develop, maintain, or expand foreign markets for United States agricultural exports.

**(2) Eligible activities**

The Secretary or the Commodity Credit Corporation may provide eligible commodities to exporters to assist such exporters in barter transactions.

**(3) Technical assistance**

The Secretary or the Commodity Credit Corporation shall provide technical advice and assistance relating to the barter of agricultural commodities to any United States exporter who requests such advice or assistance.

**(d) Transfer of foreign products to other Government agencies**

The Secretary or the Commodity Credit Corporation may transfer any foreign products that the Secretary or such Corporation obtains through barter activities to other Government agencies if the Corporation receives assurances that it will receive full reimbursement from the agency within the same fiscal year in which such transfer occurs.

**(e) Corporation authority not limited**

Nothing contained in this section shall limit the authority of the Commodity Credit Corporation to acquire, hold, or dispose of such foreign materials as such Corporation determines appropriate in carrying out the functions and protecting the assets of the Corporation.

**(f) Prohibited activities**

The Secretary or the Commodity Credit Corporation shall take reasonable precautions to prevent the misuse of eligible commodities in a barter or exchange program, including activities that—

(1) displace or interfere with commercial sales of United States agricultural commodities that otherwise might be made;

(2) unduly disrupt world prices of agricultural commodities or the normal patterns of commercial trade with recipient countries; or

(3) permit the resale or transshipment of eligible commodities to countries other than the intended recipient country.

(Pub. L. 95-501, title II, §204, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3676; amended Pub. L. 102-237, title III, §320, Dec. 13, 1991, 105 Stat. 1857.)

## AMENDMENTS

1991—Subsec. (d). Pub. L. 102-237 amended heading and substituted “Government” for “government” in text.

**§ 5625. Combination of programs**

The Commodity Credit Corporation may carry out a program under which commercial export credit guarantees available under section 5622 of this title are combined with direct credits from the Commodity Credit Corporation under section 5621 of this title to reduce the effective rate of interest on export sales of agricultural commodities.

(Pub. L. 95-501, title II, §205, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3677.)

## PART B—IMPLEMENTATION

**§ 5641. Funding levels****(a) Direct credit programs**

The Commodity Credit Corporation may make available for each fiscal year such funds of the Commodity Credit Corporation as it determines necessary to carry out any direct credit program established under section 5621 of this title.

**(b) Export credit guarantee program**

The Commodity Credit Corporation shall make available for each fiscal year \$5,500,000,000 of credit guarantees under section 5622(a) of this title.

**(c) Market access programs****(1) In general**

The Commodity Credit Corporation or the Secretary shall make available for market access activities authorized to be carried out by the Commodity Credit Corporation under section 5623 of this title—

(A) in addition to any funds that may be specifically appropriated to implement a market access program, not more than \$90,000,000 for fiscal year 2001, \$100,000,000 for fiscal year 2002, \$110,000,000 for fiscal year 2003, \$125,000,000 for fiscal year 2004, \$140,000,000 for fiscal year 2005, and \$200,000,000 for each of fiscal years 2008 through 2018, of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation; and

(B) any funds that may be specifically appropriated to carry out a market access program under section 5623 of this title.

**(2) Program priorities**

In providing any amount of funds made available under paragraph (1)(A) for any fiscal year that is in excess of the amount made available under paragraph (1)(A) for fiscal year 2001, the Secretary shall, to the maximum extent practicable—

(A) give equal consideration to—

(i) proposals submitted by organizations that were participating organizations in prior fiscal years; and

(ii) proposals submitted by eligible trade organizations that have not previously participated in the program established under this subchapter; and

(B) give equal consideration to—

(i) proposals submitted for activities in emerging markets; and

(ii) proposals submitted for activities in markets other than emerging markets.

(Pub. L. 95-501, title II, §211, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3677; amended Pub. L. 103-66, title I, §1302(a), Aug. 10, 1993, 107 Stat. 330; Pub. L. 104-127, title II, §§243(b), 244(a)(2)(B), (c), Apr. 4, 1996, 110 Stat. 967, 968; Pub. L. 107-171, title III, §§3102(d), 3103, May 13, 2002, 116 Stat. 289; Pub. L. 110-246, title III, §§3101(b), 3102(b), June 18, 2008, 122 Stat. 1831, 1832; Pub. L. 113-79, title III, §§3101(b), 3102, Feb. 7, 2014, 128 Stat. 779.)

## AMENDMENTS

2014—Subsec. (b). Pub. L. 113-79, §3101(b), amended subsec. (b) generally. Prior to amendment, subsec (b) related to credit guarantees under section 5622(a) of this title for fiscal years 1996 to 2012.

Subsec. (c)(1)(A). Pub. L. 113-79, §3102, substituted “2018” for “2012”.

2008—Subsec. (b). Pub. L. 110-246, §3101(b), added subsec. (b) and struck out former subsec. (b) which related to amount available for export credit guarantees for each of fiscal years 1996 through 2007 and limitation on amount of any origination fee.

Subsec. (c)(1)(A). Pub. L. 110-246, §3102(b), substituted “2008 through 2012” for “2006 and 2007”.

2002—Subsec. (b)(1). Pub. L. 107-171, §3102(d), substituted “2007” for “2002”.

Subsec. (c). Pub. L. 107-171, §3103, designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), added subpar. (A) and struck out former subpar. (A) relating to funds available for market access activities authorized to be carried out by the Commodity Credit Corporation for fiscal years 1991 through 2002, and added par. (2).

1996—Subsec. (b). Pub. L. 104-127, §243(b), added subsec. (b) and struck out former subsec. (b) which authorized short and intermediate term export credit guarantees for each of fiscal years 1991 through 1995 and further provided for limitation on origination fees for short-term guarantees.

Subsec. (c). Pub. L. 104-127, §244(a)(2)(B)(i), (ii), substituted “Market access programs” for “Marketing promotion programs” in heading and “market access activities” for “market promotion activities” in introductory provisions.

Subsec. (c)(1). Pub. L. 104-127, §244(c), struck out “and” after “1993,” and substituted “through 1995, and not more than \$90,000,000 for each of fiscal years 1996 through 2002,” for “through 1997.”

Pub. L. 104-127, §244(a)(2)(B)(iii), substituted “market access program” for “market development program”.

Subsec. (c)(2). Pub. L. 104-127, §244(a)(2)(B)(iv), substituted “market access program” for “marketing promotion program”.

1993—Subsec. (c)(1). Pub. L. 103-66 substituted “through 1993, and not less than \$110,000,000 for each of the fiscal years 1994 through 1997,” for “through 1995”.

## 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.

## EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-127, title II, §244(c), Apr. 4, 1996, 110 Stat. 968, provided that the amendment made by section 244(c) is effective Oct. 1, 1995.