

(c) Determinations

The Commodity Credit Corporation shall not finance an export sale under subsection (b) of this section unless the Secretary determines that such sale will—

- (1) develop, expand, or maintain the importing country as a foreign market, on a long-term basis, for the commercial sale and export of United States agricultural commodities, without displacing normal commercial sales;
- (2) improve the capability of the importing country to purchase and use, on a long-term basis, United States agricultural commodities; or
- (3) otherwise promote the export of United States agricultural commodities.

The reference in paragraphs (1) and (2) to “on a long-term basis” shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.

(d) Use of program**(1) General uses**

The Commodity Credit Corporation may use export sales financing authorized under this section—

- (A) to increase exports of agricultural commodities;
- (B) to compete against foreign agricultural exports;
- (C) to assist countries in meeting their food and fiber needs, particularly—

- (i) developing countries; and
- (ii) countries that are emerging markets that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and

- (D) for such other purposes as the Secretary determines appropriate consistent with the provisions of subsection (c) of this section.

(2) General restrictions

Export sales financing authorized under this section shall not be used for foreign aid, foreign policy, or debt rescheduling purposes. The provisions of the cargo preference laws shall not apply to export sales financed under this section.

(e) Terms of credit assistance

Any contract for the financing of exports by the Commodity Credit Corporation under this section shall include—

- (1) a requirement that repayment shall be made in dollars with interest accruing thereon as determined appropriate by the Secretary; and
- (2) a requirement, if the Secretary determines such requirement appropriate to protect the interests of the United States, that an initial payment be made by the purchaser at the time of sale or shipment of the agricultural commodity that is subject to the contract.

(f) Restrictions

The Commodity Credit Corporation may not make export sales financing authorized under

this section available in connection with sales of an agricultural commodity to any country that the Secretary determines cannot adequately service the debt associated with such sale.

(Pub. L. 95-501, title II, §201, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3672; amended Pub. L. 102-511, title VII, §707(a)-(c), Oct. 24, 1992, 106 Stat. 3350, 3351; Pub. L. 104-127, title II, §277(c)(2), Apr. 4, 1996, 110 Stat. 979.)

PRIOR PROVISIONS

A prior section 201 of Pub. L. 95-501 enacted section 1707b of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

AMENDMENTS

1996—Subsec. (d)(1)(C)(ii). Pub. L. 104-127 substituted “emerging markets” for “emerging democracies”.

1992—Subsec. (c). Pub. L. 102-511, §707(a), inserted sentence at end.

Subsec. (d)(1)(C). Pub. L. 102-511, §707(b), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “to assist countries, particularly developing countries, in meeting their food and fiber needs; and”.

Subsec. (f). Pub. L. 102-511, §707(c), added subsec. (f).

REGULATIONS

Pub. L. 102-511, title VII, §707(d), Oct. 24, 1992, 106 Stat. 3351, required Secretary of Agriculture to issue final regulations to implement this section not later than 30 days after Oct. 24, 1992, prior to repeal by Pub. L. 104-127, title II, §276, Apr. 4, 1996, 110 Stat. 977.

§ 5622. Export credit guarantee program**(a) Short-term credit guarantees**

The Commodity Credit Corporation may guarantee the repayment of credit made available to finance commercial export sales of agricultural commodities, including processed agricultural products and high-value agricultural products, from privately owned stocks on credit terms that do not exceed a 3-year period.

(b) Purpose of program

The Commodity Credit Corporation may use export credit guarantees authorized under this section—

- (1) to increase exports of agricultural commodities;
- (2) to compete against foreign agricultural exports;
- (3) to assist countries in meeting their food and fiber needs, particularly—

- (A) developing countries; and
- (B) countries that are emerging markets that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and

- (4) for such other purposes as the Secretary determines appropriate.

(c) Restrictions on use of credit guarantees

Export credit guarantees authorized by this section shall not be used for foreign aid, foreign policy, or debt rescheduling purposes. The provisions of the cargo preference laws shall not

apply to export sales with respect to which credit is guaranteed under this section.

(d) Restrictions

The Commodity Credit Corporation shall not make credit guarantees available in connection with sales of agricultural commodities to any country that the Secretary determines cannot adequately service the debt associated with such sale.

(e) Terms

Export credit guarantees issued pursuant to this section shall contain such terms and conditions as the Commodity Credit Corporation determines to be necessary.

(f) United States agricultural commodities

The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities.

(g) Ineligibility of financial institutions

(1) In general

A financial institution shall be ineligible to receive an assignment of a credit guarantee issued by the Commodity Credit Corporation under this section if it is determined by the Corporation, at the time of the assignment, that such financial institution—

(A) is the financial institution issuing the letter of credit or a subsidiary of such institution; or

(B) is owned or controlled by an entity that owns or controls that financial institution issuing the letter of credit.

(2) Third country banks

The Commodity Credit Corporation may guarantee under subsection (a) of this section the repayment of credit made available to finance an export sale irrespective of whether the obligor is located in the country to which the export sale is destined.

(h) Conditions for fish and processed fish products

In making available any guarantees of credit under this section in connection with sales of fish and processed fish products, the Secretary shall make such guarantees available under terms and conditions that are comparable to the terms and conditions that apply to guarantees provided with respect to sales of other agricultural commodities under this section.

(i) Processed and high-value products

(1) In general

In issuing export credit guarantees under this section, the Commodity Credit Corporation shall, subject to paragraph (2), ensure that not less than 25 percent for each of fiscal years 1996 and 1997, 30 percent for each of fiscal years 1998 and 1999, and 35 percent for each of fiscal years 2000 through 2007, of the total amount of credit guarantees issued for a fiscal year is issued to promote the export of processed or high-value agricultural products and that the balance is issued to promote the export of bulk or raw agricultural commodities.

(2) Limitation

The percentage requirement of paragraph (1) shall apply for a fiscal year to the extent that

a reduction in the total amount of credit guarantees issued for the fiscal year is not required to meet the percentage requirement.

(j) Consultation on agricultural export credit programs

The Secretary and the United States Trade Representative shall consult on a regular basis with the Committee on Agriculture, and the Committee on International Relations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of multilateral negotiations regarding agricultural export credit programs.

(k) Administration

(1) Definition of long term

In this subsection, the term “long term” means a period of 10 or more years.

(2) Guarantees

In administering the export credit guarantees authorized under this section, the Secretary shall—

(A) maximize the export sales of agricultural commodities;

(B) maximize the export credit guarantees that are made available and used during the course of a fiscal year;

(C) develop an approach to risk evaluation that facilitates accurate country risk designations and timely adjustments to the designations (on an ongoing basis) in response to material changes in country risk conditions, with ongoing opportunity for input and evaluation from the private sector;

(D) adjust risk-based guarantees as necessary to ensure program effectiveness and United States competitiveness; and

(E) work with industry to ensure, to the maximum extent practicable, that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long term.

(Pub. L. 95-501, title II, §202, as added Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3673; amended Pub. L. 102-237, title III, §334, Dec. 13, 1991, 105 Stat. 1859; Pub. L. 102-511, title VII, §§708, 709(a), Oct. 24, 1992, 106 Stat. 3351; Pub. L. 104-127, title II, §§243(a), 277(c)(3), Apr. 4, 1996, 110 Stat. 965, 979; Pub. L. 107-171, title III, §3102(a)-(c), May 13, 2002, 116 Stat. 289; Pub. L. 110-246, title III, §3101(a), (c), June 18, 2008, 122 Stat. 1831, 1832.)

PRIOR PROVISIONS

A prior section 202 of Pub. L. 95-501 enacted section 1707c of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §3101(a)(1), struck out par. (1) designation and heading before “The Commodity” and struck out pars. (2) and (3) which related to supplier credits and extended supplier credits, respectively.

Subsec. (b). Pub. L. 110-246, §3101(a)(2), (3), redesignated subsec. (d) as (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “Subject to the provisions of subsection (c) of this section, the Commodity Credit Corporation may guarantee the repayment of credit made available by financial institutions in the United States to finance commercial ex-

port sales of agricultural commodities, including processed agricultural products and high-value agricultural products, from privately owned stocks on credit terms that are for not less than a 3-year period nor for more than a 10-year period in a manner that will directly benefit United States agricultural producers.”

Subsec. (b)(4). Pub. L. 110-246, §3101(c)(1), struck out “, consistent with the provisions of subsection (c) of this section” after “appropriate”.

Subsec. (c). Pub. L. 110-246, §3101(a)(2), (3), redesignated subsec. (e) as (c) and struck out former subsec. (c) which related to requirements for guarantees under former subsec. (b).

Subsec. (d). Pub. L. 110-246, §3101(c)(2), struck out par. (1) designation and heading before “The Commodity” and struck out par. (2) which related to criteria for the determination required under this subsec. with respect to credit guarantees under former subsec. (b).

Pub. L. 110-246, §3101(a)(3), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsecs. (e) to (g). Pub. L. 110-246, §3101(a)(3), redesignated subsecs. (g) to (i) as (e) to (g), respectively. Former subsecs. (e) and (f) redesignated (c) and (d), respectively.

Subsec. (g)(2). Pub. L. 110-246, §3101(c)(3), substituted “subsection (a)” for “subsections (a) and (b)”.

Subsecs. (h) to (l). Pub. L. 110-246, §3101(a)(3), (4), redesignated subsecs. (j) to (l) as (h) to (j), respectively, and added subsec. (k). Former subsecs. (h) and (i) redesignated (f) and (g), respectively.

2002—Subsec. (a)(3). Pub. L. 107-171, §3102(a), added par. (3).

Subsec. (k)(1). Pub. L. 107-171, §3102(b), substituted “through 2007” for “, 2001, and 2002”.

Subsec. (l). Pub. L. 107-171, §3102(c), added subsec. (l).

1996—Subsec. (a). Pub. L. 104-127, §243(a)(1), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (d)(3)(B). Pub. L. 104-127, §277(c)(3), substituted “emerging markets” for “emerging democracies”.

Subsec. (f). Pub. L. 104-127, §243(a)(2), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (h). Pub. L. 104-127, §243(a)(3), added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: “The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities. The Commodity Credit Corporation shall not finance or guarantee under this section the value of any foreign agricultural component.”

Subsec. (i). Pub. L. 104-127, §243(a)(4), designated existing provisions as par. (1), inserted heading, struck out former par. (1) which read as follows: “is not in a sound financial condition”; redesignated pars. (2) and (3) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

Subsec. (k). Pub. L. 104-127, §243(a)(5), added subsec. (k) and struck out heading and text of former subsec. (k). Text read as follows:

“(1) IN GENERAL.—In issuing export credit guarantees under this section in connection with sales to the independent states of the former Soviet Union, the Commodity Credit Corporation shall, to the extent practicable and subject to paragraph (2), ensure that no less than 35 percent of the total amount of credit guarantees issued for a fiscal year are issued to promote the export of processed and high-value agricultural products and that the balance are issued to promote the export of bulk or raw agricultural commodities.

“(2) LIMITATION.—The 35 percent requirement of paragraph (1) shall apply for a fiscal year only to the extent that the percentage of the total amount of credit guarantees issued for that fiscal year under this section to promote the export to all countries of processed and high-value agricultural products is less than 25 percent.”

1992—Subsecs. (a), (b). Pub. L. 102-511, §709(a)(1), inserted “, including processed agricultural products and

high-value agricultural products,” after “agricultural commodities”.

Subsec. (c). Pub. L. 102-511, §708(a), inserted sentence at end.

Subsec. (d)(3). Pub. L. 102-511, §708(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “to assist countries, particularly developing countries, in meeting their food and fiber needs; and”.

Subsec. (k). Pub. L. 102-511, §709(a)(2), added subsec. (k).

1991—Subsec. (i). Pub. L. 102-237 substituted “issued by the Commodity Credit Corporation under this section if it is determined by the Corporation, at the time of the assignment, that” for “or proceeds payable under a credit guarantee issued by the Commodity Credit Corporation under this section if it is determined by the Corporation that”.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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.

REGULATIONS

Pub. L. 104-127, title II, §243(d), Apr. 4, 1996, 110 Stat. 3691, provided that: “Not later than 180 days after the date of enactment of this Act [Apr. 4, 1996], the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section [amending this section and sections 5602 and 5641 of this title].”

PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS

Pub. L. 101-624, title XV, §1542, Nov. 28, 1990, 104 Stat. 3691, as amended by Pub. L. 102-237, title III, §338, Dec. 13, 1991, 105 Stat. 1859; Pub. L. 102-511, title VII, §706, Oct. 24, 1992, 106 Stat. 3350; Pub. L. 103-182, title III, §321(g), Dec. 8, 1993, 107 Stat. 2112; Pub. L. 104-127, title II, §§277(a), 278, Apr. 4, 1996, 110 Stat. 977, 979; Pub. L. 107-171, title III, §3203, May 13, 2002, 116 Stat. 300; Pub. L. 110-246, title III, §3204, June 18, 2008, 122 Stat. 1837, provided that:

“(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2012 not less than \$1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.

“(b) FACILITIES AND SERVICES.—

“(1) IN GENERAL.—A portion of such export credit guarantees shall be made available for—

“(A) the establishment or improvement of facilities, or

“(B) the provision of services or United States produced goods,

in emerging markets by United States persons to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities and products thereof if the Secretary of Agriculture determines that such guarantees will primarily promote the export of United States agricultural commodities (as defined in section 102(7) of the Agricultural Trade Act of 1978 [7 U.S.C. 5602(7)]).

“(2) PRIORITY.—The Commodity Credit Corporation shall give priority under this subsection to—

“(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

“(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs.

“(3) CONSTRUCTION WAIVER.—The Secretary may waive any applicable requirements relating to the use of United States goods in the construction of a proposed facility, if the Secretary determines that—

“(A) goods from the United States are not available; or

“(B) the use of goods from the United States is not practicable.

“(4) TERM OF GUARANTEE.—A facility payment guarantee under this subsection shall be for a term that is not more than the lesser of—

“(A) the term of the depreciation schedule of the facility assisted; or

“(B) 20 years.

“(c) CONSULTATIONS.—Before the authority under this section is exercised, the Secretary of Agriculture shall consult with exporters of United States agricultural commodities (as defined in section 102(7) of the Agricultural Trade Act of 1978 [7 U.S.C. 5602(7)]), nongovernmental experts, and other Federal Government agencies in order to ensure that facilities in an emerging market for which financing is guaranteed under paragraph (1)(B) do not primarily benefit countries which are in close geographic proximity to that emerging market.

“(d) E (KIKI) DE LA GARZA AGRICULTURAL FELLOWSHIP PROGRAM.—The Secretary of Agriculture (hereafter in this section referred to as the ‘Secretary’) shall establish a program, to be known as the ‘E (Kika) de la Garza Agricultural Fellowship Program’, to develop agricultural markets in emerging markets and to promote cooperation and exchange of information between agricultural institutions and agribusinesses in the United States and emerging markets, as follows:

“(1) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—

“(A) IN GENERAL.—

“(i) ESTABLISHMENT OF PROGRAM.—For each of the fiscal years 1991 through 2012, the Secretary of Agriculture (hereafter in this section referred to as the ‘Secretary’), in order to develop, maintain, or expand markets for United States agricultural exports, is directed to make available to emerging markets the expertise of the United States to make assessments of the food and rural business systems needs of such democracies [markets], make recommendations on measures necessary to enhance the effectiveness of the systems, including potential reductions in trade barriers, and identify and carry out specific opportunities and projects to enhance the effectiveness of those systems.

“(ii) EXTENT OF PROGRAM.—The Secretary shall implement this paragraph with respect to at least 3 emerging markets in each fiscal year.

“(B) EXPERTS FROM THE UNITED STATES.—The Secretary may implement the requirements of subparagraph (A)—

“(i) by providing assistance to teams consisting primarily of agricultural consultants, farmers, other persons from the private sector, and government officials expert in assessing the food and rural business systems of other countries to enable such teams to conduct the assessments, make the recommendations, and identify the opportunities and projects specified in subparagraph (A) in emerging markets;

“(ii) by providing necessary subsistence expenses in the United States and necessary transportation expenses by individuals designated by emerging markets to enable such individuals to consult with food and rural business system experts in the United States to enhance such systems of such emerging markets; and

“(iii) by providing for necessary subsistence expenses in emerging markets and necessary transportation expenses of United States agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to assist in transferring their knowledge and expertise to entities in emerging markets.

“(C) COST-SHARING.—The Secretary shall encourage the nongovernmental experts described in subparagraph (B) to share the costs of, and otherwise assist in, the participation of such experts in the program under this paragraph.

“(D) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance (including the establishment of extension services) to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under paragraph (1)(A). Notwithstanding any other provision of law, the assistance shall include assistance for administrative and overhead expenses of the International Cooperation and Development Program Area of the Foreign Agriculture Service, to the extent that the expenses were incurred pursuant to reimbursable agreements entered into prior to September 30, 1993, the expenses do not exceed \$2,000,000 per year, and the expenses are not incurred for information technology systems.

“(E) REPORTS TO SECRETARY.—A team that receives assistance under subparagraph (B) shall prepare such reports as the Secretary may designate.

“(F) ADVISORY COMMITTEE.—To provide the Secretary with information that may be useful to the Secretary in carrying out the provisions of this paragraph, the Secretary shall establish an advisory committee composed of representatives of the various sectors of the food and rural business systems of the United States.

“(G) USE OF CCC.—The Secretary shall implement this paragraph through the funds and facilities of the Commodity Credit Corporation. The authority provided under this paragraph shall be in addition to and not in place of any other authority of the Secretary or the Commodity Credit Corporation.

“(H) LEVEL OF ASSISTANCE.—The Secretary shall provide assistance under this paragraph of not more than \$10,000,000 in any fiscal year.

“(2) AGRICULTURAL INFORMATION PROGRAM.—

“(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program, administered to complement the emerging markets export promotion program developed under this section, to initiate and develop collaboration between the United States Department of Agriculture, United States agribusinesses, and appropriate agricultural institutions in emerging markets in order to promote the exchange of information and resources that will make a long-term contribution to the establishment of free market food production and distribution systems in emerging markets and the enhancement of agricultural trade with the United States.

“(B) IMPLEMENTATION.—The Secretary shall draw on the Department of Agriculture’s experience to design, implement, and evaluate, on a cost-sharing basis with cooperating agricultural institutions, a program to—

“(i) compile, through contacts with the governments of emerging markets and private sector officials in emerging markets, a list of their agricultural institutions, including the location, capabilities, and needs of the institutions;

“(ii) make such information available through an appropriate agency of the Department of Agriculture to agribusinesses and agricultural institutions in the United States and other agencies of the United States Government; and

“(iii) carry out a program—

“(I) to review available agricultural information resources, to determine which would be useful for the purposes of this program;

“(II) to arrange for the exchange of persons associated with such agricultural institutions and agribusinesses with experience or interest in the areas of need identified in clause (i);

“(III) to help establish contacts between agricultural entrepreneurs and businesses in the United States and emerging markets, which

may include individuals and entities participating in the program established under paragraph (1), to facilitate cooperation and joint enterprises; and

“(IV) to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.

“(C) CONSULTATION AND COORDINATION.—The Secretary shall consult and coordinate with the Secretary of State and the Agency for International Development in the formulation and implementation of this program in conjunction with overall assistance to emerging markets.

“(D) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program established under this paragraph.

“(e) FOREIGN DEBT BURDENS.—

“(1) EFFECT OF CREDITS.—In carrying out the program described in subsection (a), the Secretary of Agriculture shall ensure that the credits for which repayment is guaranteed under subsection (a) do not negatively affect the political and economic situation in emerging markets by excessively adding to the foreign debt burdens of such countries.

“(2) CONSULTATION AND REPORT.—Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not later than 6 months after the effective date of this title [Nov. 28, 1990], and not later than the end of each 6-month period occurring thereafter, the Secretary of Agriculture, in consultation with other appropriate Federal departments, shall prepare and transmit to the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report to assist the Congress in assessing the extent to which credits for which repayment is guaranteed under subsection (a) meet the requirements of paragraph (1). The report shall include—

“(A) the amount and allocation, by country, of credit guarantees issued under subsection (a);

“(B) the aggregate foreign debt burdens of countries receiving commodities or facilities under such credit guarantees, expressed in terms of debt on account of agricultural commodities or products thereof, or facilities for which guarantees may be made under subsection (a)(1)(B), and all other debt;

“(C) the activities of creditor governments and private creditors to reschedule or reduce payments due on existing debt owed to such creditors by a country in cases where such country has been unable to fully meet its debt obligations; and

“(D) an analysis of—

“(i) the economic effects of the foreign debt burden of each recipient country, and in particular the economic effects on each recipient country of the credits for which repayment is guaranteed under subsection (a); and

“(ii) the relationship between any negative economic effects on any recipient country caused by its overall foreign debt burden and debt incurred under subsection (a) and such country’s political stability.

“(f) EMERGING MARKET.—In this section and section 1543 [7 U.S.C. 3293], the term ‘emerging market’ means any country that the Secretary determines—

“(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

“(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.”

PRESIDENTIAL DETERMINATION OF EMERGING DEMOCRACIES

Determination of President of the United States, No. 95–35, Aug. 10, 1995, 60 F.R. 44723, provided:

Pursuant to the authority vested in me by section 1542(f) of the Food, Agriculture, Conservation and Trade Act of 1990, as amended (7 U.S.C. 5622 note) (hereinafter “the Act”), I hereby determine that the following countries are taking the steps set forth in section 1542(f) of the Act to qualify as emerging democracies for purposes of that section:

Albania, Bangladesh, Belarus, Bosnia and Herzegovina, Bulgaria, Cambodia, Croatia, Czech Republic, Egypt, El Salvador, Estonia, the Former Yugoslav Republic of Macedonia, Ghana, Guatemala, Hungary, Jordan, Kazakhstan, Latvia, Lithuania, Morocco, Namibia, Nicaragua, Pakistan, Panama, the Philippines, Poland, Romania, Russia, Slovak Republic, Slovenia, South Africa, Tanzania, Tunisia, Ukraine, Yemen, and Zimbabwe.

In making this determination, I have considered the eligibility only of those countries for which programs are underway or currently contemplated by the Department of Agriculture.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

WILLIAM J. CLINTON.

§ 5623. Market access program

(a) In general

The Commodity Credit Corporation shall establish and carry out a program to encourage the development, maintenance, and expansion of commercial export markets for agricultural commodities (including commodities that are organically produced (as defined in section 6502 of this title)) through cost-share assistance to eligible trade organizations that implement a foreign market development program.

(b) Type of assistance

Assistance under this section may be provided in the form of funds of, or commodities owned by, the Commodity Credit Corporation, as determined appropriate by the Secretary.

(c) Requirements for participation

To be eligible for cost-share assistance under this section, an organization shall—

(1) be an eligible trade organization;

(2) prepare and submit a marketing plan to the Secretary that meets the guidelines governing such plans established by the Secretary; and

(3) meet any other requirements established by the Secretary.

(d) Eligible trade organizations

An eligible trade organization shall be—

(1) a United States agricultural trade organization or regional State-related organization that promotes the export and sale of agricultural commodities and that does not stand to profit directly from specific sales of agricultural commodities;

(2) a cooperative organization or State agency that promotes the sale of agricultural commodities; or

(3) a private organization that promotes the export and sale of agricultural commodities if the Secretary determines that such organization would significantly contribute to United States export market development.