
7 U.S. Code § 5623

Agricultural trade promotion and facilitation

(a) Establishment

The Secretary shall carry out activities under this section—

- (1) to access, develop, maintain, and expand markets for United States agricultural commodities; and
- (2) to promote cooperation and the exchange of information.

(b) Market Access Program

(1) Definition of eligible trade organization

In this subsection, the term “eligible trade organization” means—

- (A) a United States agricultural trade organization or regional State-related organization that promotes the export and sale of United States agricultural commodities and that does not stand to profit directly from specific sales of United States agricultural commodities;
- (B) a cooperative organization or State agency that promotes the sale of United States agricultural commodities; or
- (C) a private organization that promotes the export and sale of United States agricultural commodities if the Secretary determines that such organization would significantly contribute to United States export market development.

(2) In general

The Commodity Credit Corporation shall establish and carry out a program, to be known as the “Market Access Program”, to encourage the development, maintenance, and expansion of commercial export markets for United States 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.

(3) Participation requirements

(A) Marketing plan and other requirements

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

- (i) prepare and submit a marketing plan to the Secretary that meets the guidelines governing such a marketing plan specified in this paragraph or otherwise established by the Secretary;
- (ii) meet any other requirements established by the Secretary; and
- (iii) enter into an agreement with the Secretary.

(B) Purpose of marketing plan

A marketing plan submitted under this paragraph shall describe the advertising or other market oriented export promotion activities to be carried out by the eligible trade organization with respect to which assistance under this subsection is being requested.

(C) Specific elements

To be approved by the Secretary, a marketing plan submitted under this paragraph shall—

- (i) specifically describe the manner in which assistance received by the eligible trade organization, in conjunction with funds and services provided by the eligible trade organization, will be expended in implementing the marketing plan;
- (ii) establish specific market goals to be achieved under the marketing plan; and
- (iii) contain whatever additional requirements are determined by the Secretary to be necessary.

(D) Branded promotion

A marketing plan approved by the Secretary may provide for the use of branded advertising to promote the sale of United States agricultural commodities in a foreign country under such terms and conditions as may be established by the Secretary.

(E) Amendments

An approved marketing plan may be amended by the eligible trade organization at any time, subject to the approval of the amendment by the Secretary.

(4) Level of assistance and cost-share requirements

(A) In general

The Secretary shall justify in writing the level of assistance to be provided to an eligible trade organization under this subsection and the level of cost sharing required of the organization.

(B) Limitation on branded promotion

Assistance provided under this subsection for activities described in paragraph (3)(D) shall not exceed 50 percent of the cost of implementing the marketing plan, except that the Secretary may determine not to apply such limitation in the case of United States agricultural commodities with respect to which there has been a favorable decision by the United States Trade Representative under section 2411 of title 19. Criteria used by the Secretary for determining that the limitation shall not apply shall be consistent and documented.

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