

govern the use of export credit subsidies generally.

(Pub. L. 98-181, title I [title VI, §642], Nov. 30, 1983, 97 Stat. 1263.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this part", meaning part C (§§641-647, 650) of title VI of Pub. L. 98-181, title I, Nov. 30, 1983, 97 Stat. 1263, known as the Trade and Development Enhancement Act of 1983, which enacted this subchapter and section 1671g of Title 19, Customs Duties, and amended sections 1671a and 1671b of Title 19. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 98-181, title I [title VI, §641], Nov. 30, 1983, 97 Stat. 1263, provided that: "This part [part C (§§641-647, 650) of title VI, enacting this subchapter and section 1671g of Title 19, Customs Duties, and amending sections 1671a and 1671b of Title 19] may be referred to as the 'Trade and Development Enhancement Act of 1983'."

#### § 635p. Presidential mandate to negotiate; objectives

The President shall vigorously pursue negotiations to limit and set rules for the use of tied aid for exports. The negotiating objectives of the United States should include reaching agreements—

(1) to define the various forms of tied aid credit, particularly mixed credits under the Arrangement on Guidelines for Officially Supported Export Credits established through the Organization for Economic Cooperation and Development (hereinafter in this subchapter referred to as the "Arrangement");

(2) to phase out the use of government-mixed credits by a date certain;

(3) to set rules governing the use of public-private cofinancing, or other forms of mixed financing, which may have the same result as government-mixed credits of drawing on concessional development assistance to produce subsidized export financing;

(4) to raise the threshold for notification of the use of tied aid credit to a 50 per centum level of concessionality;

(5) to improve notification procedures so that advance notification must be given on all uses of tied aid credit; and

(6) to prohibit the use of tied aid credit for production facilities for goods which are in structural oversupply in the world.

(Pub. L. 98-181, title I [title VI, §643], Nov. 30, 1983, 97 Stat. 1263.)

#### § 635q. Establishment of tied aid credit program in United States Export-Import Bank

##### (a) Establishment and elements of program; cooperation with Trade and Development Agency and private institutions and entities

(1) The Chairman of the Export-Import Bank of the United States shall establish, within the Export-Import Bank of the United States, a pro-

gram of tied aid credits for United States exports.

(2) The program shall be carried out in cooperation with the Trade and Development Agency and with private financial institutions or entities, as appropriate.

(3) The program may include—

(A) the combined use of the credits, loans, or guarantees offered by the Export-Import Bank of the United States with concessional financing or grants made available under section 635r(d) of this title, by methods including the blending of the financing of, or parallel financing by, the Bank and the Trade and Development Agency; and

(B) the combined use of credits, loans, or guarantees offered by the Bank, with financing offered by private financial institutions or entities, by methods including the blending of the financing of, or parallel financing by, the Bank and private institutions or entities.

##### (b) Purpose of program

The purpose of the tied aid credit program under this section is to offer or arrange for financing for the export of United States goods and services which is substantially as concessional as foreign financing for which there is reasonable proof that such foreign financing is being offered to, or arranged for, a bona fide foreign competitor for a United States export sale.

##### (c) Fund

The Chairman of the Bank is authorized to establish a fund, as necessary, for carrying out the tied aid credit program described in this section.

##### (d) Availability of concessional financing or grants

Concessional financing or grants made available under section 635r(d) of this title for the purposes of the mixed financing program established under this section shall be made available in accordance with the provisions of section 635r(c) of this title.

(Pub. L. 98-181, title I [title VI, §644], Nov. 30, 1983, 97 Stat. 1264; Pub. L. 100-418, title II, §2204(c)(1)(A), Aug. 23, 1988, 102 Stat. 1330; Pub. L. 102-549, title II, §202(c)(1), Oct. 28, 1992, 106 Stat. 3658.)

#### Editorial Notes

##### AMENDMENTS

1992—Subsec. (a)(2), (3)(A). Pub. L. 102-549 substituted "Development Agency" for "Development Program".

1988—Subsec. (a)(2). Pub. L. 100-418, §2204(c)(1)(A)(i), substituted "Trade and Development Program" for "Agency for International Development".

Subsec. (a)(3)(A). Pub. L. 100-418, §2204(c)(1)(A)(ii), substituted "made available under section 635r(d) of this title" for "offered by the Agency for International Development" and "Trade and Development Program" for "Agency for International Development".

Subsec. (d). Pub. L. 100-418, §2204(c)(1)(A)(iii), substituted "made available under section 635r(d) of this title" for "offered by the Agency for International Development" and "section 635r(c) of this title" for "subsections (c) and (d) of section 635r of this title".

#### Statutory Notes and Related Subsidiaries

##### TRANSITION PROVISIONS

Pub. L. 100-418, title II, §2204(d)(2), Aug. 23, 1988, 102 Stat. 1331, provided that: