load or discharge), and inland transportation, i.e., transportation from the discharge port to the designated inland point of entry in the destination country, if the discharge port is not located in the destination country.

4. Part 17 is provided by revising the term "ASCS" to read "FSA" wherever it

appears. 5. Section 17.5 is amended by changing the term "Assistant General Sales Manager" to read "Deputy Administrator, Export Credits" in paragraph (a)(1), (d)(1) and (2), (e), and (g)(1) and (2), removing and reserving paragraph (a)(3), revising paragraph (a)(4), adding a new paragraph (a)(5), adding "section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985," after "any title of the Act," in paragraphs (b)(2) and (3), revising paragraphs (c)(7) and (8), and revising the last sentence of paragraph (d)(2) to read as follows:

§ 17.5 Agents for the participant or importer.

(a) *General.*

* * * *

(3) [Reserved]

(4) A freight agent employed by the Agency for International Development under titles II and III and is not eligible to act as an agent for the participant or importer during the period of such employment. A subcontractor of such freight agent is not eligible to act as an agent for the participant or importer during the period of its subcontract.

(5) A shipping agent may not take any action which would give a competitive advantage to any supplier of commodities or ocean transportation. This includes, but is not limited to, providing advance notice of IFB's or amendments, or selectively enforcing IFB or contract requirements.

- (c) Information to be furnished. A person nominated to act as an agent of the participant or importer, and any independent contractor that may be hired by such person to perform functions of a shipping agent, shall furnish to the Deputy Administrator, Export Credits, the following information or documentation as may be applicable:
- * * *

(7) For USDA acceptance of a nomination covering services provided during U.S. fiscal year 1996 (October 1– September 30) and each U.S. fiscal year thereafter, a written statement signed by such person:

(i) Ĉertifying that, during the U.S. fiscal year covered by USDA's

acceptance of the nomination, the person has not engaged in, and will not engage in, supplying commodities under any title of the Act or the Food for Progress Act of 1985 or furnishing ocean transportation or ocean transportation-related services for commodities provided under any title of the Act, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985, whether any part of the ocean transportation is financed by the U.S. Government; and that the person has not served and will not serve as an agent, broker, consultant or other representative of firms engaged in providing such commodities, ocean transportation and ocean transportationrelated services;

(ii) Certifying that, for ocean transportation brokerage services provided during the U.S. fiscal year covered by USDA's acceptance of the nomination, the person has not shared and will not share freight commissions with the participant, the importer, or any agent, broker, consultant or other representative of the participant or the importer, whether CCC finances any part of the ocean freight. CCC will consider as sharing a commission a situation where the agent forgoes part or all of a commission and the supplier of ocean transportation pays a commission directly to the participant, the importer, or any other person on behalf of the participant or the importer. (See also §17.8(c)(8), which prohibits address commissions or payments); and

(iii) Undertaking that, during the U.S. fiscal year covered by USDA's acceptance of the nomination, affiliates of such person have not engaged in and will not engage in the activities or actions prohibited in this paragraph (c)(7).

(8) A certification that neither the person nor any affiliates has arranged to give or receive any payment, kickback, or illegal benefit in connection with the person's selection as agent of the participant or importer.

(d) USDA acceptance.

* * * *

(2) * * * USDA will withdraw such acceptance if the agent of the participant or importer, or any of the affiliates of such agent, violates the certifications or undertakings made pursuant to paragraph (c)(7) of this section.

6. The address of the Kansas City FSA Commodity Office is revised to read "U.S. Department of Agriculture, P.O. Box 419205, Kansas City, Missouri 64141–6205" in §§ 17.7(c)(4)(iii), 17.14(c)(1), and paragraphs (V)(1), (6) and (10) and paragraphs (W)(1), (6) and (10) in Appendix A.

7. Section 17.7 is amended by adding the following text at the end of paragraph (c)(6):

§ 17.7 Eligibility of suppliers and selling agents.

*

- (c) *Commodity suppliers (approval).*
- *

(6) * * * Such performance security shall be in addition to the amount of the standard performance security required of all offerors in the Invitation for Bids. This additional performance security shall conform to the requirements in the Invitation for Bids for the performance security, and may be combined with the standard performance security into a single performance security. Upon successful completion of one or more contracts by the supplier, CCC may remove the requirement for the additional performance security.

§17.10 [Amended]

* * * * *

8. Section 17.10 is amended by revising the telephone number to read "(202) 720–5780" in paragraph (a) introductory text and in paragraph (b)(5).

9. Section 17.12 is amended by revising paragraph (a), and revising the last sentence of paragraph (c) to read as follows:

§17.12 Reports required from suppliers of commodities and ocean transportation.

(a) General. Suppliers of-

(1) Agricultural commodities financed under the Act, and

(2) Vessels on which such commodities are transported, if ocean freight or ocean freight differential with respect thereto is financed by CCC, shall report to the General Sales Manager any commission, fee or other compensation of any kind which in connection with the supplying of such commodities or vessels is paid or to be paid by the supplier to any agent, broker, consultant or other representative of the importer or participant; to the participant; or to any agency, including a corporation owned or controlled by the importer or participant, to which the supplier furnishes such commodities or vessels. This includes, but is not limited to, payments to such entities for services such as lightening, stevedoring, discharging, and bagging if such services are included in the ocean freight contract as being for the account of the vessel owner; freight commissions; address commissions; bank commissions; inward freight