

contracts with, or enter into transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations in furtherance of the purposes and within the limitations of this subchapter.

(Pub. L. 98-473, title III, §303, Oct. 12, 1984, 98 Stat. 2194.)

#### CODIFICATION

Section was enacted as part of the President's Emergency Food Assistance Act of 1984, and not as part of the Food for Peace Act which comprises this chapter.

#### § 1728b. Omitted

#### CODIFICATION

Section, Pub. L. 98-473, title III, §304, Oct. 12, 1984, 98 Stat. 2195, which required the President to submit a comprehensive annual report to appropriate committees of Congress detailing activities carried out under this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 21 of House Document No. 103-7.

### SUBCHAPTER IV—GENERAL AUTHORITIES AND REQUIREMENTS

#### § 1731. Commodity determinations

##### (a) Ineligible commodities

###### (1) Alcoholic beverages

Alcoholic beverages shall not be made available for disposition under this chapter.

###### (2) Tobacco

Tobacco or the products thereof shall not be made available under section 1727b of this title or subchapter III of this chapter.

##### (b) Market development activities

Subsection (a)(1) of this section shall not be construed to prohibit representatives of the United States wine, beer, distilled spirits, or other alcoholic beverage industry from participating in agricultural market development activities carried out by the Secretary with foreign currencies made available under subchapter II of this chapter.

(July 10, 1954, ch. 469, title IV, §401, as added Pub. L. 86-341, title I, §14, Sept. 21, 1959, 73 Stat. 610; amended Pub. L. 87-703, title II, §201(1), Sept. 27, 1962, 76 Stat. 610; Pub. L. 89-808, §2(E), Nov. 11, 1966, 80 Stat. 1535; Pub. L. 95-88, title II, §212, Aug. 3, 1977, 91 Stat. 551; Pub. L. 95-113, title XII, §1204, Sept. 29, 1977, 91 Stat. 956; Pub. L. 96-53, title II, §208, Aug. 14, 1979, 93 Stat. 370; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3645; Pub. L. 104-127, title II, §212, Apr. 4, 1996, 110 Stat. 955; Pub. L. 110-246, title III, §3014(a), June 18, 2008, 122 Stat. 1826.)

#### AMENDMENTS

2008—Pub. L. 110-246 redesignated subsecs. (b) and (c) as (a) and (b), respectively, in subsec. (b), substituted “(a)(1)” for “(b)(1)”, and struck out former subsec. (a). Prior to amendment, text read as follows: “No agricultural commodity shall be available for disposition under this chapter if the Secretary determines that the disposition would reduce the domestic supply of the

commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Secretary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this chapter.”

1996—Pub. L. 104-127 added subsec. (a) and struck out former subsec. (a) which authorized Secretary, after consultation with other affected Federal agencies, to determine agricultural commodities and quantities thereof available for disposition, redesignated subsec. (e) as (b) and struck out former subsec. (b) which provided for modification of determination by Secretary, redesignated subsec. (f) as (c) and substituted “(b)(1)” for “(e)(1)”, struck out former subsec. (c) which provided for nonavailability of commodities if domestic supply of such commodities was adversely affected, and struck out subsec. (d) which outlined policies for distribution of commodities to developing countries.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions authorizing Secretary to determine types and quantities of commodities available for distribution, limiting distribution where domestic supply is threatened, and requiring available storage facilities in recipient country prior to making commodities available to such country as well as finding that distribution will not result in interference with production or marketing in that country.

1979—Subsec. (b)(2). Pub. L. 96-53 substituted “to or interference with domestic production or marketing in” for “to domestic production in”.

1977—Subsec. (a). Pub. L. 95-113 inserted provisions under which commodities may be made available for disposition if the Secretary of Agriculture determines that some part of the supply of commodities should be used to carry out urgent humanitarian purposes, even though such disposition would reduce the domestic supply of those commodities below that needed to meet domestic requirements, provide adequate carryover, and allow for anticipated exports.

Pub. L. 95-88 designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 95-88 added subsec. (b).

1966—Pub. L. 89-808 substituted provisions relating to determination and criteria for such determination by the Secretary of Agriculture of agricultural commodities available for disposition for former statement of purpose of provisions relating to long-term supply contracts, now covered by subchapter II of this chapter.

1962—Pub. L. 87-703 included in the statement of purpose the stimulation and increase of sales of surplus agricultural commodities for dollars through long-term supply contracts and through the extension of credit for the purchase of such commodities, by agreements with friendly nations or with private trade.

#### 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 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as a note under section 1691 of this title.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of Title 22, Foreign Relations and Inter-course.

#### EFFECTIVE DATE OF 1977 AMENDMENTS

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

Amendment by Pub. L. 95-88 effective Oct. 1, 1977, see section 215 of Pub. L. 95-88, set out as a note under section 1702 of this title.

## EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-808 effective Jan. 1, 1967, see section 5 of Pub. L. 89-808, set out as a note under section 1691 of this title.

## EXPORT SALES OF DAIRY PRODUCTS

Pub. L. 99-198, title XI, §1163, Dec. 23, 1985, 99 Stat. 1499, as amended by Pub. L. 100-435, title I, §107, Sept. 19, 1988, 102 Stat. 1651; Pub. L. 101-624, title I, §111, Nov. 28, 1990, 104 Stat. 3380; Pub. L. 103-465, title IV, §411(c), Dec. 8, 1994, 108 Stat. 4963, provided that:

“(a) In each fiscal year, the Secretary of Agriculture may sell dairy products for export, at such prices as the Secretary determines appropriate, in a quantity and allocated as determined by the Secretary, consistent with the obligations undertaken by the United States set forth in the Uruguay Round Agreements, if the disposition of the commodities will not interfere with the usual marketings of the United States nor disrupt world prices of agricultural commodities and patterns of commercial trade.

“(b) Such sales shall be made through the Commodity Credit Corporation under existing authority available to the Secretary or the Commodity Credit Corporation.

“(c) Through September 30, 1995, the Secretary shall report semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the volume of sales made under this section.”

[Amendment of section 1163 of Pub. L. 99-198, set out above, by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.]

[Amendment of section 1163 of Pub. L. 99-198, set out above, by Pub. L. 100-435 effective and implemented on Oct. 1, 1988, see section 701 of Pub. L. 100-435, set out as a note under section 2012 of this title.]

## § 1732. Definitions

As used in this chapter:

**(1) Administrator**

The term “Administrator” means the Administrator of the Agency for International Development, unless otherwise specified in this chapter.

**(2) Agricultural commodity**

The term “agricultural commodity”, unless otherwise provided for in this chapter, includes any agricultural commodity or the products thereof produced in the United States, including wood and processed wood products, fish, and livestock as well as value-added, fortified, or high-value agricultural products. Effective beginning on October 1, 1991, for purposes of subchapter III of this chapter, a product of an agricultural commodity shall not be considered to be produced in the United States if it contains any ingredient that is not produced in the United States, if that ingredient is produced and is commercially available in the United States at fair and reasonable prices.

**(3) Appropriate committee of Congress**

The term “appropriate committee of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Foreign Affairs of the House of Representatives.

**(4) Cooperative**

The term “cooperative” means a private sector organization whose members own and control the organization and share in its services and its profits and that provides business services and outreach in cooperative development for its membership.

**(5) Developing country**

The term “developing country” means a country that has a shortage of foreign exchange earnings and has difficulty meeting all of its food needs through commercial channels.

**(6) Food security**

The term “food security” means access by all people at all times to sufficient food and nutrition for a healthy and productive life.

**(7) Nongovernmental organization**

The term “nongovernmental organization” means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.

**(8) Private voluntary organization**

The term “private voluntary organization” means a not-for-profit, nongovernmental organization (in the case of a United States organization, an organization that is exempt from Federal income taxes under section 501(c)(3) of title 26) that receives funds from private sources, voluntary contributions of money, staff time, or in-kind support from the public, and that is engaged in or is planning to engage in voluntary, charitable, or development assistance activities (other than religious activities).

**(9) Secretary**

The term “Secretary” means the Secretary of Agriculture, unless otherwise specified in this chapter.

(July 10, 1954, ch. 469, title IV, §402, as added Pub. L. 86-341, title I, §14, Sept. 21, 1959, 73 Stat. 610; amended Pub. L. 87-703, title II, §201(2), Sept. 27, 1962, 76 Stat. 611; Pub. L. 89-808, §2(E), Nov. 11, 1966, 80 Stat. 1536; Pub. L. 92-42, July 1, 1971, 85 Stat. 99; Pub. L. 95-113, title XII, §1205, Sept. 29, 1977, 91 Stat. 956; Pub. L. 96-72, §24, Sept. 29, 1979, 93 Stat. 536; Pub. L. 97-98, title XII, §1213, Dec. 22, 1981, 95 Stat. 1281; Pub. L. 98-623, title IV, §405(b), Nov. 8, 1984, 98 Stat. 3409; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3645; Pub. L. 104-127, title II, §211(b), Apr. 4, 1996, 110 Stat. 955; Pub. L. 110-246, title III, §3015, June 18, 2008, 122 Stat. 1826.)

## AMENDMENTS

2008—Pars. (3) to (9). Pub. L. 110-246 added par. (3) and redesignated former pars. (3) to (8) as (4) to (9), respectively.

1996—Par. (6). Pub. L. 104-127 added par. (6) and struck out heading and text of former par. (6). Prior to amendment, text read as follows: “The term ‘indigenous non-