

section 2151 of Title 22, Foreign Relations and Inter-course.

#### EFFECTIVE DATE

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

#### AMENDMENT OF FOOD FOR DEVELOPMENT AGREEMENTS; DISASTER ASSISTANCE FOR BANGLADESH

Pub. L. 100-576, §4(a)(2), (3), Oct. 31, 1988, 102 Stat. 2898, provided that:

“(2) Food for Development agreements entered into under title III of that Act [this subchapter] before the date of enactment of this Act [Oct. 31, 1988] may be amended in order to implement the amendment made by paragraph (1) [amending this section].

“(3) Pending amendment pursuant to paragraph (2) of Food for Development agreements with the Government of Bangladesh, the use of funds accruing under those agreements, with the approval of the United States Government, for flood-related disaster assistance authorized by the amendment made by paragraph (1) shall be deemed to be consistent with the applicable agreement.”

#### INCREASED IMMUNIZATIONS OF CHILDREN; REPORTING REQUIREMENT

Pub. L. 99-198, title XI, §1112(b), Dec. 23, 1985, 99 Stat. 1478, as amended by Pub. L. 110-246, title III, §3001(c), June 18, 2008, 122 Stat. 1821, provided that: “In the implementation of health programs undertaken in relation to assistance provided under the Food for Peace Act [this chapter], it shall be the goal of the organizations and agencies involved to provide as many additional immunizations of children as possible. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961 [22 U.S.C. 2394], including a report on the estimated number of immunizations provided each year pursuant to this subsection.”

#### IMPLEMENTATION OF PROGRAM

Program under this subchapter to provide for donation of agricultural commodities to least developed countries to be implemented by Administrator of the Agency for International Development, see Ex. Ord. No. 12752, §1(c), Feb. 25, 1991, 56 F.R. 8255, set out as a note under section 1691 of this title.

### § 1727a. Eligible countries

#### (a) Least developed countries

A country shall be considered to be a least developed country and eligible for the donation of agricultural commodities under this subchapter if—

(1) such country meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference for providing financial assistance; or

(2) such country is a food deficit country and is characterized by high levels of malnutrition among significant numbers of its population, as determined by the Administrator under subsection (b) of this section.

#### (b) Indicators of food deficit countries

To make a finding under subsection (a)(2) of this section that a country is a food deficit country and is characterized by high levels of malnutrition, the Administrator must deter-

mine that the country meets all of the following indicators of national food deficit and malnutrition:

#### (1) Calorie consumption

That the daily per capita calorie consumption of the country is less than 2300 calories.

#### (2) Food security requirements

That the country cannot meet its food security requirements through domestic production or imports due to a shortage of foreign exchange earnings.

#### (3) Child mortality rate

That the mortality rate of children under 5 years of age in the country is in excess of 100 per 1000 births.

#### (c) Priority

In determining whether and to what extent agricultural commodities shall be made available to least developed countries under this subchapter, the Administrator shall give priority to countries that—

(1) demonstrate the greatest need for food;

(2) demonstrate the capacity to use food assistance effectively;

(3) have demonstrated a commitment to policies to promote food security, including policies to reduce measurably hunger and malnutrition through efforts such as establishing and institutionalizing supplemental nutrition programs targeted to reach those who are nutritionally at risk; and

(4) have a long-term plan for broad-based, equitable, and sustainable development.

(July 10, 1954, ch. 469, title III, §302, as added Pub. L. 95-88, title II, §211(a)(2), Aug. 3, 1977, 91 Stat. 549; amended Pub. L. 96-53, title II, §205, Aug. 14, 1979, 93 Stat. 369; Pub. L. 99-83, title X, §1004(b), Aug. 8, 1985, 99 Stat. 271; Pub. L. 99-198, title XI, §1108, Dec. 23, 1985, 99 Stat. 1467; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3642.)

#### PRIOR PROVISIONS

A prior section 302 of act July 10, 1954, ch. 469, title III, 68 Stat. 458, which amended section 1431 of this title, was renumbered section 309 by Pub. L. 95-88, title II, §211(a)(1), Aug. 3, 1977, 91 Stat. 548.

#### AMENDMENTS

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions setting out criteria for eligibility of developing countries for distribution of commodities, minimum aggregate value of agreements for such distribution, waiver of minimum, and participatory requirements.

1985—Subsec. (c)(1)(C). Pub. L. 99-198 substituted “10” for “15” percent.

Subsec. (c)(4). Pub. L. 99-83 inserted “and of United States nonprofit voluntary agencies and cooperatives”.

1979—Subsec. (c)(4). Pub. L. 96-53 added par. (4).

#### 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 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of Title 22, Foreign Relations and Inter-course.

## 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

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

**§ 1727b. Grant programs**

To carry out the policies and accomplish the objectives described in section 1691 of this title, the Administrator may negotiate and execute agreements with least developed countries to provide commodities to such countries on a grant basis either through the Commodity Credit Corporation or through private trade channels.

(July 10, 1954, ch. 469, title III, § 303, as added Pub. L. 95-88, title II, § 211(a)(2), Aug. 3, 1977, 91 Stat. 550; amended Pub. L. 96-53, title II, § 204(c), Aug. 14, 1979, 93 Stat. 369; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3642.)

## PRIOR PROVISIONS

A prior section 303 of act July 10, 1954, ch. 469, title III, 68 Stat. 459, which enacted section 1692 of this title, was renumbered section 310 by Pub. L. 95-88, title II, § 211(a)(1), Aug. 3, 1977, 91 Stat. 548.

## AMENDMENTS

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to a multiyear utilization proposal regarding value and amount of commodities proposed to be distributed, integration with other forms of development assistance, and non-replacement of other programs.

1979—Subsec. (a). Pub. L. 96-53 struck out “for each year such funds are to be disbursed” after “on an annual basis”.

## 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

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

**§ 1727c. Direct uses or sales of commodities**

Agricultural commodities provided to a least developed country under this section—

(1) may be used in such country for—

(A) direct feeding programs, including programs that include activities that deal directly with the special health needs of children and mothers consistent with section 2151b(c)(2) of title 22, relating to the Child Survival Fund; or

(B) the development of emergency food reserves; or

(2) may be sold in such country by the government of the country or the Administrator

(or their designees) as provided in the agreement, and the proceeds of such sale used in accordance with this subchapter.

(July 10, 1954, ch. 469, title III, § 304, as added Pub. L. 95-88, title II, § 211(a)(2), Aug. 3, 1977, 91 Stat. 550; amended Pub. L. 95-424, title II, § 202, Oct. 6, 1978, 92 Stat. 955; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3642.)

## PRIOR PROVISIONS

A prior section 304 of act July 10, 1954, ch. 469, title III, 68 Stat. 459, enacted section 1693 of this title, prior to repeal by Pub. L. 89-808, § 2(D), Nov. 11, 1966, 80 Stat. 1535.

## AMENDMENTS

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to furnishing of credit by Commodity Credit Corporation to participating country for purchase of commodities, payment by recipient government, waiver of requirements to meet humanitarian or developmental objectives, and payment of freight charges of relatively least developed countries.

1978—Subsec. (d). Pub. L. 95-424 added subsec. (d).

## 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 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of Title 22, Foreign Relations and Inter-course.

## EFFECTIVE DATE

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

**§ 1727d. Local currency accounts****(a) Retention of proceeds**

To the extent determined to be appropriate by the Administrator, revenues generated from the sale, under section 1727c(2) of this title, of agricultural commodities provided under this subchapter shall be deposited into a separate account (that may be interest bearing) in the recipient country to be disbursed for the benefit of such country in accordance with local currency agreements entered into between the recipient country and the Administrator. The Administrator may determine not to deposit such revenues in a separate account if—

(1) local currencies are to be programmed for specific economic development purposes listed in section 1727e(a) of this title; and

(2) the recipient country programs an equivalent amount of money for such purposes as specified in an agreement entered into by the Administrator and the recipient country.

**(b) Ownership and programming of accounts**

The proceeds of sales pursuant to section 1727c(2) of this title shall be the property of the recipient country or the United States, as specified in the applicable agreement. Such proceeds shall be utilized for the benefit of the recipient country, shall be jointly programmed by the Administrator and the government of the recipient country, and shall be disbursed for the benefit of