

31, 1971. Since that time, until the law was changed in the 1985 farm bill [probably means Pub. L. 99-198, see Tables for classification], all sales have been on dollar credit terms. In view of the present financial situation, it is impossible for many countries to repay their loans in dollars. Therefore, the President may use the authority in section 411 and section 604 of the Food for Peace Act [7 U.S.C. 1736e, 1738c] to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa.”

### § 1736f. Authorization of appropriations

#### (a) Authorization of appropriations

There are authorized to be appropriated—

(1) for fiscal year 2008 and each fiscal year thereafter, \$2,500,000,000 to carry out the emergency and nonemergency food assistance programs under subchapter III; and

(2) such sums as are necessary—

(A) to carry out the concessional credit sales program established under subchapter II;

(B) to carry out the grant program established under subchapter III-A; and

(C) to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this chapter for the actual costs incurred or to be incurred by the Commodity Credit Corporation in carrying out such programs.

#### (b) Transfer of funds

##### (1) In general

Except as provided in paragraph (2) and notwithstanding any other provision of law, the President may direct that up to 15 percent of the funds available for any fiscal year for carrying out any subchapter of this chapter be used to carry out any other subchapter of this chapter.

##### (2) Subchapter III-A funds

The President may direct that up to 50 percent of the funds available for any fiscal year for carrying out subchapter III-A of this chapter be used to carry out subchapter III of this chapter.

#### (c) Budget

In presenting the Budget of the United States, the President shall classify expenditures under this chapter as expenditures for international affairs and finance rather than for agriculture and agricultural resources.

#### (d) Value of commodities

Notwithstanding any other provision of law, in determining the reimbursement due the Commodity Credit Corporation for all expenses incurred under this chapter, commodities from the inventory of the Commodity Credit Corporation that were acquired under dairy price support operations shall be valued at a price not greater than the export market price for such commodities, as determined by the Secretary, as of the time such commodity is made available under this chapter.

#### (e) Minimum level of nonemergency food assistance

##### (1) Funds and commodities

Of the amounts made available to carry out emergency and nonemergency food assistance

programs under subchapter III, not less than \$375,000,000 for fiscal year 2009, \$400,000,000 for fiscal year 2010, \$425,000,000 for fiscal year 2011, and \$450,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under subchapter III.

#### (2) Exception

The President may use less than the amount specified in paragraph (1) in a fiscal year for nonemergency food assistance programs under subchapter III only if—

(A) the President has made a determination that there is an urgent need for additional emergency food assistance;

(B) the funds and commodities held in the Bill Emerson Humanitarian Trust have been exhausted; and

(C) the President has submitted to Congress a supplemental appropriations request for a sum equal to the amount needed to reach the required spending level for non-emergency food assistance under paragraph (1) and the amount exhausted under paragraph (2)(B).

#### (3) Notification to Congress

If the President makes the determination described in paragraph (2)(A), the President shall submit to Congress written notification that the determination has been made.

(July 10, 1954, ch. 469, title IV, §412, as added Pub. L. 94-161, title II, §212, Dec. 20, 1975, 89 Stat. 855; amended Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3655; Pub. L. 104-127, title II, §220, Apr. 4, 1996, 110 Stat. 958; Pub. L. 106-387, §1(a) [title VII, §768], Oct. 28, 2000, 114 Stat. 1549, 1549A-45; Pub. L. 110-246, title III, §§3020, 3021, June 18, 2008, 122 Stat. 1829.)

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §3020, added subsec. (a) and struck out former subsec. (a) which authorized appropriations for programs under subchapters II, III, and III-A of this chapter.

Subsec. (e). Pub. L. 110-246, §3021, added subsec. (e).

2000—Subsec. (d). Pub. L. 106-387 substituted “dairy price support operations” for “title I of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)”.

1996—Subsec. (b). Pub. L. 104-127, §220(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “Of the amounts made available in each fiscal year to carry out subchapters II and III-A of this chapter, not less than—

“(1) 40 percent shall be made available to carry out the credit sales program established under subchapter II of this chapter; and

“(2) 40 percent shall be made available to carry out the grant program established under subchapter III-A of this chapter.”

Subsecs. (c) to (e). Pub. L. 104-127, §220, redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out heading and text of former subsec. (c). Text read as follows: “Notwithstanding any other provision of law and except as provided in subsection (b) of this section, if the President determines it to be necessary for purposes of this chapter, the President may direct that not in excess of 15 percent of the funds available in any fiscal year for carrying out any subchapter of this chapter be used to carry out any other subchapter of this chapter.”

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions authorizing President to seek agreement for international food reserve, with costs to be shared equitably among nations, and with safeguards against price disruptions.

## 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.

## DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section delegated to Director of the Office of Management and Budget by section 4(e) of Ex. Ord. No. 12752, Feb. 25, 1991, 56 F.R. 8256, set out as a note under section 1691 of this title.

## AVAILABILITY OF FUNDS

Pub. L. 109-97, title VII, §722, Nov. 10, 2005, 119 Stat. 2152, as amended by Pub. L. 110-246, title III, §3001(c), June 18, 2008, 122 Stat. 1821, provided that: “Hereafter, notwithstanding section 412 of the Food for Peace Act (7 U.S.C. 1736f), any balances available to carry out title III of such Act [7 U.S.C. 1727 et seq.] as of the date of enactment of this Act [Nov. 10, 2005], and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act [7 U.S.C. 1721 et seq.]”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-447, div. A, title VII, §724, Dec. 8, 2004, 118 Stat. 2841.

Pub. L. 108-199, div. A, title VII, §724, Jan. 23, 2004, 118 Stat. 34.

Pub. L. 108-7, div. A, title VII, §727, Feb. 20, 2003, 117 Stat. 42.

Pub. L. 107-76, title VII, §730, Nov. 28, 2001, 115 Stat. 736.

**§ 1736f-1. Establishment of commodity trust****(a) In general**

To provide for a trust solely to meet emergency humanitarian food needs in developing countries, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall establish and maintain a trust of wheat, rice, corn, or sorghum, any combination of the commodities, or funds for use as described in subsection (c) of this section.

**(b) Commodities or funds in trust****(1) In general**

The trust established under this section shall consist of—

(A) wheat in the reserve established under the Food Security Wheat Reserve Act of 1980 as of April 4, 1996;

(B) wheat, rice, corn, and sorghum (referred to in this section as “eligible commodities”) acquired in accordance with paragraph (2) to replenish eligible commodities released from the trust, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replenished as of April 4, 1996;

(C) such rice, corn, and sorghum as the Secretary may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the trust established under this section; and

(D) funds made available—

(i) under paragraph (2)(B);

(ii) as a result of an exchange of any commodity held in the trust for an equivalent amount of funds from the market, if the Secretary determines that such a sale of the commodity on the market will not unduly disrupt domestic markets; or

(iii) to maximize the value of the trust, in accordance with subsection (d)(3).

**(2) Replenishment of trust****(A) In general**

Subject to subsection (h) of this section, commodities of equivalent value to eligible commodities in the trust established under this section may be acquired—

(i) through purchases—

(I) from producers; or

(II) in the market, if the Secretary determines that the purchases will not unduly disrupt the market; or

(ii) by designation by the Secretary of stocks of eligible commodities of the Commodity Credit Corporation.

**(B) Funds**

Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

(i) with respect to fiscal years 2000 through 2012 from funds made available to carry out the Food for Peace Act (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(1) and (f)(2) of this section, except that, of such funds, not more than \$20,000,000 may be expended for this purpose in each of the fiscal years 2000 through 2012;

(ii) from funds authorized for that use by an appropriations Act; or

(iii) from funds accrued through the management of the trust under subsection (d).

**(c) Release of eligible commodities****(1) Releases for emergency assistance****(A) Definition of emergency****(i) In general**

In this paragraph, the term “emergency” means an urgent situation—

(I) in which there is clear evidence that an event or series of events described in clause (ii) has occurred—

(aa) that causes human suffering; and

(bb) for which a government concerned has not chosen, or has not the means, to remedy; or

(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of residents of a country or region of a country on an exceptional scale.

**(ii) Event or series of events**

An event or series of events referred to in clause (i) includes 1 or more of—