

to alleviate human suffering may include the provision of food assistance or such activities as the provision of seed, animal fodder, animal vaccines, and transportation (including inland transportation) and distribution services.

**(c) Authorization of appropriations**

There are authorized to be appropriated to the President \$50,000,000 each for fiscal year 1985 and fiscal year 1986 to carry out the purposes of this subchapter, to remain available until expended.<sup>1</sup>

**(d) Authority of President**

The President may make loans, advances, and grants to, make and perform agreements and 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) 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 subsec. (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.

<sup>1</sup> So in original. Probably should be “expended.”