

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