

2002—Pub. L. 107-171, §3003(1), struck out “foreign” before “currencies” in section catchline.

Subsec. (a). Pub. L. 107-171, §3003(2), substituted “1 or more recipient countries, or 1 or more countries” for “the recipient country, or in a country”.

Subsec. (b). Pub. L. 107-171, §3003(3), substituted “1 or more recipient countries, or in 1 or more countries” for “in recipient countries, or in countries” and struck out “foreign currency” before “proceeds”.

Subsec. (c). Pub. L. 107-171, §3003(4), struck out “foreign currency” before “proceeds” and substituted “1 or more recipient countries, or in 1 or more countries” for “the recipient country, or in a country”.

Subsec. (d). Pub. L. 107-171, §3003(5)(A), substituted “Proceeds” for “Foreign currencies” in introductory provisions.

Subsec. (d)(2). Pub. L. 107-171, §3003(5)(B), substituted “income-generating” for “income generating” and “1 or more recipient countries or within 1 or more countries” for “the recipient country or within a country”.

Subsec. (d)(3). Pub. L. 107-171, §3003(5)(C), inserted comma after “invested” and after “investment may be used”.

1996—Subsec. (a). Pub. L. 104-127, §208(1), inserted “, or in a country in the same region,” after “in the recipient country”.

Subsec. (b). Pub. L. 104-127, §208(2), inserted “or in countries in the same region,” after “in recipient countries,” and substituted “15 percent” for “10 percent”.

Subsec. (c). Pub. L. 104-127, §208(3), inserted “or in a country in the same region,” after “recipient country,”.

Subsec. (d)(2). Pub. L. 104-127, §208(4), inserted “or within a country in the same region” after “recipient country”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to the payment of costs and charges by the Commodity Credit Corporation for packaging, enrichment, preservation, processing, transportation, handling, and other incidental charges relating to commodities.

1984—Pub. L. 98-473 inserted following cl. (4): “in the case of commodities for urgent and extraordinary relief requirements, including pre-positioned commodities, transportation costs from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs;”.

1977—Pub. L. 95-88 substituted “transportation from United States ports to designated points of entry abroad in the case (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specific country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports” for “, or, in the case of landlocked countries, transportation from United States ports to designated points of entry abroad”.

1966—Pub. L. 89-808 reenacted, with linguistic changes, existing provisions for payment of costs and charges, included costs of acquisition, packaging, enrichment, preservation, fortification, processing, handling, other incidents, struck out provisions for authorization of appropriations for reimbursement of CCC, limitation on amount, and use of funds for purchase of foreign currencies, now covered by section 1724 of this title, and deleted other provisions for use of agencies, organizations, and facilities in making transfers, now covered by section 1722 of this title, and provision for transfer of funds from the CCC to such other Federal agency designated by the President for payment of ocean freight costs or for purchase of foreign currencies under this subchapter.

1964—Pub. L. 88-638 substituted “1965”; for “1961”, “1966” for “1964”, and “\$400,000,000” for “\$300,000,000”, inserted “or donated under said section 1431, or section 1431b or 1697 of this title”, provisions authorizing use of funds available under subchapter III, not exceeding \$7,500,000 annually, to purchase foreign currencies accruing under subchapter II in order to meet costs de-

signed to assure that commodities available under subchapters I or III are used to carry out more effectively the purposes for which such commodities are made available or to promote activities to alleviate the causes of the need for such assistance, provided that such funds are used to supplement, not substitute for, funds normally available for such purposes from other non-United States Government sources, and “or for the purchase of foreign currencies” after “ocean freight costs”.

1961—Pub. L. 87-128 substituted authorization provision for period beginning January 1, 1961, and ending December 31, 1964, for authorization provision beginning January 1, 1960, and ending December 31, 1961, and made the annual limitation applicable to the amount programed rather than to the amount spent.

1960—Pub. L. 86-472 authorized payment for transportation from United States ports to designated points of entry abroad in the case of landlocked countries, and permitted the payment of charges for general average contributions arising out of the ocean transport of transferred commodities.

1959—Pub. L. 86-341 amended first sentence generally. Prior to amendment, first sentence read as follows: “Not more than \$800,000,000 (including the Corporation’s investment in such commodities) shall be expended for all such transfers and for other costs authorized by this subchapter.”

1957—Pub. L. 85-128 increased limitation on expenditures from \$500,000,000 to \$800,000,000.

1956—Act May 28, 1956, increased limitation on expenditures from \$300,000,000 to \$500,000,000, and authorized payment of ocean freight charges.

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 1977 AMENDMENT

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.

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88-638, §1(13), Oct. 8, 1964, 78 Stat. 1037, provided that the substitutions of “1965” for “1961”, “1966” for “1964”, and “\$400,000,000” for “\$300,000,000” are not effective until Jan. 1, 1965.

EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86-341, title I, §3, Sept. 21, 1959, 73 Stat. 606, provided that the amendment made by section 3 is effective Jan. 1, 1960.

§ 1724. Levels of assistance

(a) Minimum levels

(1) Minimum assistance

Except as provided in paragraph (3), the Administrator shall make agricultural commodities available for food distribution under this subchapter in an amount that for each of fiscal years 2008 through 2018 is not less than 2,500,000 metric tons.

(2) Minimum non-emergency assistance

Of the amounts specified in paragraph (1), and except as provided in paragraph (3), the

Administrator shall make agricultural commodities available for non-emergency food distribution through eligible organizations under section 1722 of this title in an amount that for each of fiscal years 2008 through 2018 is not less than 1,875,000 metric tons.

(3) Exception

The Administrator may waive the requirements of paragraphs (1) and (2) for any fiscal year if the Administrator determines that such quantities of commodities cannot be used effectively to carry out this subchapter or in order to meet an emergency. In making a waiver under this paragraph, the Administrator shall prepare and submit to the Committees on International Relations, Agriculture and Appropriations of the House of Representatives, and the Committees on Appropriations and Agriculture, Nutrition, and Forestry of the Senate a report containing the reasons for the waiver. No waiver shall be made before the beginning of the applicable fiscal year.

(b) Use of value-added commodities

(1) Minimum levels

Except as provided in paragraph (2), in making agricultural commodities available under this subchapter, the Administrator shall ensure that not less than 75 percent of the quantity of such commodities required to be distributed during each fiscal year under subsection (a)(2) be in the form of processed, fortified, or bagged commodities and that not less than 50 percent of the quantity of the bagged commodities that are whole grain commodities be bagged in the United States.

(2) Waiver of minimum

The Administrator may waive the requirement of paragraph (1) for any fiscal year in which the Administrator determines that the requirements of the programs established under this subchapter will not be best served by the enforcement of such requirement under such paragraph.

(July 10, 1954, ch. 469, title II, §204, 68 Stat. 458; Pub. L. 85-128, §1(1), Aug. 13, 1957, 71 Stat. 345; Pub. L. 85-931, §5, Sept. 6, 1958, 72 Stat. 1791; Pub. L. 86-341, title I, §1, Sept. 21, 1959, 73 Stat. 606; Pub. L. 87-128, title II, §202(2), Aug. 8, 1961, 75 Stat. 307; Pub. L. 88-638, §1(15), Oct. 8, 1964, 78 Stat. 1037; Pub. L. 89-808, §2(C), Nov. 11, 1966, 80 Stat. 1535; Pub. L. 95-113, title XII, §1203, Sept. 29, 1977, 91 Stat. 956; Pub. L. 97-98, title XII, §1212, Dec. 22, 1981, 95 Stat. 1281; Pub. L. 99-198, title XI, §1101, Dec. 23, 1985, 99 Stat. 1465; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3639; Pub. L. 104-127, title II, §209, Apr. 4, 1996, 110 Stat. 954; Pub. L. 107-171, title III, §3004, May 13, 2002, 116 Stat. 282; Pub. L. 108-199, div. A, title VII, §758, Jan. 23, 2004, 118 Stat. 38; Pub. L. 110-246, title III, §3010, June 18, 2008, 122 Stat. 1824; Pub. L. 113-79, title III, §3004, Feb. 7, 2014, 128 Stat. 774.)

AMENDMENTS

2014—Subsec. (a)(1), (2). Pub. L. 113-79 substituted “2018” for “2012”.

2008—Subsec. (a)(1), (2). Pub. L. 110-246 substituted “2008 through 2012” for “2002 through 2007”.

2004—Subsec. (a)(3). Pub. L. 108-199 substituted “the Committees on International Relations, Agriculture and Appropriations of the House of Representatives, and the Committees on Appropriations and” for “the Committee on Foreign Affairs and Committee on Agriculture of the House of Representatives, and the Committee on”.

2002—Subsec. (a)(1). Pub. L. 107-171, §3004(1), (2), substituted “2002 through 2007” for “1996 through 2002” and “2,500,000 metric tons” for “2,025,000 metric tons”.

Subsec. (a)(2). Pub. L. 107-171, §3004(1), (3), substituted “2002 through 2007” for “1996 through 2002” and “1,875,000 metric tons” for “1,550,000 metric tons”.

1996—Subsec. (a)(1). Pub. L. 104-127, §209(1)(A), substituted “amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.” for “amount that—

“(A) for fiscal year 1991, is not less than 1,925,000 metric tons;

“(B) for fiscal year 1992, is not less than 1,950,000 metric tons;

“(C) for fiscal year 1993, is not less than 1,975,000 metric tons;

“(D) for fiscal year 1994, is not less than 2,000,000 metric tons; and

“(E) for fiscal year 1995, is not less than 2,025,000 metric tons.”

Subsec. (a)(2). Pub. L. 104-127, §209(1)(B), substituted “amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons.” for “an amount that—

“(A) for fiscal year 1991, is not less than 1,450,000 metric tons;

“(B) for fiscal year 1992, is not less than 1,475,000 metric tons;

“(C) for fiscal year 1993, is not less than 1,500,000 metric tons;

“(D) for fiscal year 1994, is not less than 1,525,000 metric tons; and

“(E) for fiscal year 1995, is not less than 1,550,000 metric tons.”

Subsec. (a)(3). Pub. L. 104-127, §209(1)(C), inserted at end “No waiver shall be made before the beginning of the applicable fiscal year.”

Subsec. (b)(1). Pub. L. 104-127, §209(2), inserted before period at end “and that not less than 50 percent of the quantity of the bagged commodities that are whole grain commodities be bagged in the United States”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to authorization of appropriations for reimbursement of Commodity Credit Corporation for costs incurred in connection with programs of assistance undertaken under this subchapter, and appropriations for purchase of foreign currencies.

1985—Pub. L. 99-198 substituted “fiscal” for “calendar” in two places in first sentence and authorized a waiver of limitation on assistance when the President determines waiver is necessary to undertake programs of assistance to meet humanitarian needs.

1981—Pub. L. 97-98 substituted “\$1,000,000,000” for “\$750,000,000”.

1977—Pub. L. 95-113 substituted “\$750,000,000” for “\$600,000,000”.

1966—Pub. L. 89-808 substituted part of provisions of former section 1723 of this title relating to authorization of appropriations for reimbursement of the CCC, limitations on amount, and use of funds for purchase of foreign currencies for former provisions for termination date for assistance under this subchapter (Dec. 31, 1966), now provided for by section 1736c of this title.

1964—Pub. L. 88-638 extended termination date from Dec. 31, 1964, to Dec. 31, 1966.

1961—Pub. L. 87-128 extended termination date from Dec. 31, 1961, to Dec. 31, 1964.

1959—Pub. L. 86-341 extended termination date from Dec. 31, 1959, to Dec. 31, 1961.

1958—Pub. L. 85-931 extended termination date from June 30, 1958, to Dec. 31, 1959.

1957—Pub. L. 85-128 extended termination date from June 30, 1957, to June 30, 1958.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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 1985 AMENDMENT

Pub. L. 99-198, title XI, §1101, Dec. 23, 1985, 99 Stat. 1465, provided that the amendment made by that section is effective Oct. 1, 1985.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

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.

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.

§ 1725. Food Aid Consultative Group**(a) Establishment**

There is established a Food Aid Consultative Group (hereinafter referred to in this section as the “Group”) that shall meet regularly to review and address issues concerning the effectiveness of the regulations and procedures that govern food assistance programs established and implemented under this subchapter, and the implementation of other provisions of this subchapter that may involve eligible organizations described in section 1722(d)(1) of this title.

(b) Membership

The Group shall be composed of—

- (1) the Administrator;
- (2) the Under Secretary of Agriculture for Farm and Foreign Agricultural Services;
- (3) the Inspector General of the Agency for International Development;
- (4) a representative of each private voluntary organization and cooperative participating in a program under this subchapter, or receiving planning assistance funds from the Agency to establish programs under this subchapter;
- (5) representatives from African, Asian and Latin American indigenous non-governmental organizations determined appropriate by the Administrator;
- (6) representatives from agricultural producer groups in the United States;
- (7) representatives from the United States agricultural processing sector involved in providing agricultural commodities for programs under this chapter; and
- (8) representatives from the maritime transportation sector involved in transporting agri-

cultural commodities overseas for programs under this chapter.

(c) Chairperson

The Administrator shall be the chairperson of the Group.

(d) Consultations**(1) Consultation in advance of issuance of implementation regulations, handbooks, and guidelines**

Not later than 45 days before a proposed regulation, handbook, or guideline implementing this subchapter, or a proposed significant revision to a regulation, handbook, or guideline implementing this subchapter, becomes final, the Administrator shall provide the proposal to the Group for review and comment. The Administrator shall consult and, when appropriate (but at least twice per year), meet with the Group regarding such proposed regulations, handbooks, guidelines, or revisions thereto prior to the issuance of such.

(2) Consultation regarding food aid quality efforts

The Administrator shall seek input from and consult with the Group on the implementation of section 1722(h) of this title.

(e) Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Group.

(f) Termination

The Group shall terminate on December 31, 2018.

(July 10, 1954, ch. 469, title II, §205, as added Pub. L. 89-808, §2(C), Nov. 11, 1966, 80 Stat. 1535; amended Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3639; Pub. L. 104-127, title II, §210, Apr. 4, 1996, 110 Stat. 955; Pub. L. 107-171, title III, §3005, May 13, 2002, 116 Stat. 282; Pub. L. 110-246, title III, §3011, June 18, 2008, 122 Stat. 1824; Pub. L. 113-79, title III, §3005, Feb. 7, 2014, 128 Stat. 774.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2014—Subsec. (b)(7), (8). Pub. L. 113-79, §3005(a), added par. (7) and redesignated former par. (7) as (8).

Subsec. (d). Pub. L. 113-79, §3005(b), designated existing provisions as par. (1), substituted “Not later than 45 days before a proposed regulation, handbook, or guideline implementing this subchapter, or a proposed significant revision to a regulation, handbook, or guideline implementing this subchapter, becomes final, the Administrator shall provide the proposal to the Group for review and comment.” for “In preparing regulations, handbooks, or guidelines implementing this subchapter, or significant revisions thereto, the Administrator shall provide such proposals to the Group for review and comment.”, and added par. (2).

Subsec. (f). Pub. L. 113-79, §3005(c), substituted “2018” for “2012”.

2008—Subsec. (b)(7). Pub. L. 110-246, §3011(1), added par. (7).

Subsec. (f). Pub. L. 110-246, §3011(2), substituted “2012” for “2007”.

2002—Subsec. (f). Pub. L. 107-171 substituted “2007” for “2002”.