

**(2) Preference**

In carrying out this section, the Secretary may give a preference to eligible organizations that have, or are working toward, projects under the McGovern-Dole International Food for Education and Child Nutrition Program established under section 1736o-1 of this title.

**(3) Reporting**

Each year, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of funds under this section, including—

(A) the impact of procurements and projects on—

- (i) local and regional agricultural producers; and
- (ii) markets and consumers, including low-income consumers; and

(B) implementation time frames and costs.

(Pub. L. 110-246, title III, § 3206, June 18, 2008, 122 Stat. 1840; Pub. L. 113-79, title III, § 3207, Feb. 7, 2014, 128 Stat. 780.)

## CODIFICATION

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Food for Peace Act which comprises this chapter.

## AMENDMENTS

2014—Subsec. (b). Pub. L. 113-79, § 3207(1)(A), (B), substituted “Field-based projects” for “Study; field-based projects” in heading, struck out par. (2) designation and heading, redesignated subpars. (A) and (B) of former par. (2) as pars. (1) and (2), respectively, and struck out former par. (1) which required a study of prior local and regional procurements for food aid programs and a report to Congress.

Subsec. (b)(1). Pub. L. 113-79, § 3207(1)(C), substituted “paragraph (2)” for “subparagraph (B)”.

Subsec. (b)(2). Pub. L. 113-79, § 3207(1)(D), substituted “paragraph (1)” for “subparagraph (A)”.

Subsec. (c)(1). Pub. L. 113-79, § 3207(2), substituted “subsection (b)” for “subsection (b)(2)”.

Subsec. (d). Pub. L. 113-79, § 3207(3), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to regulations and guidelines.

Subsec. (d)(2). Pub. L. 113-79, § 3207(5)(A), struck out subpar. (A) designation and heading, redesignated cls. (i) and (ii) of former subpar. (A) as subpars. (A) and (B), respectively, substituted “subparagraph (A)” for “clause (i)” in subpar. (B), and struck out former subpar. (B). Prior to amendment, text of subpar. (B) read as follows: “To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall agree—

“(i) to collect by September 30, 2011, data containing the information required under subsection (f)(1)(B) relating to the field-based project funded through the grant; and

“(ii) to provide to the Secretary the data collected under clause (i).”

Subsec. (d)(4). Pub. L. 113-79, § 3207(5)(B), struck out par. (4). Text read as follows: “The Secretary shall not award a grant to any eligible organization under paragraph (1) until the date on which the Secretary promulgates regulations or issues guidelines under subsection (d)(1)”.

Subsec. (e). Pub. L. 113-79, § 3207(6), added subsec. (e). Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 113-79, § 3207(3), struck out subsecs. (f) and (g) which related, respectively, to independent evaluations of field-based projects and report to Congress and to Commodity Credit Corporation

funding and funding amounts for fiscal years 2009 through 2012.

## EFFECTIVE DATE

Section effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as a note under section 8701 of this title.

## DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

## SUBCHAPTER III—A—FOOD FOR DEVELOPMENT

**§ 1727. Bilateral grant program****(a) In general**

The President shall establish a program under which agricultural commodities are donated in accordance with this subchapter to least developed countries. The revenue generated by the sale of such commodities in the recipient country may be utilized for economic development activities. Such program shall be implemented by the Administrator.

**(b) General authority**

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.

(July 10, 1954, ch. 469, title III, § 301, as added Pub. L. 95-88, title II, § 211(a)(2), Aug. 3, 1977, 91 Stat. 548; amended Pub. L. 96-53, title II, § 204(a), Aug. 14, 1979, 93 Stat. 369; Pub. L. 99-198, title XI, § 1112(a)(3), Dec. 23, 1985, 99 Stat. 1478; Pub. L. 100-576, § 4(a)(1), Oct. 31, 1988, 102 Stat. 2898; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3641.)

## PRIOR PROVISIONS

A prior section 301 of act July 10, 1954, ch. 469, title III, 68 Stat. 458, which amended section 1427 of this title, was renumbered section 308 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 outlining Congressional purpose with regard to Food for Development Program, establishment of program, goal of assistance under program, range of assistance and emphasized activities, and use of funds for disaster assistance.

1988—Subsec. (c). Pub. L. 100-576 added subsec. (c).

1985—Subsec. (b). Pub. L. 99-198 inserted “(including immunization of children)” after “health services”.

1979—Subsec. (a). Pub. L. 96-53 inserted “, or the dollar sales value of the commodities themselves,” after “the local sale of such commodities”, and substituted “in the participating country of funds from the sale of such commodities or of the commodities themselves” for “of funds from the sale of such commodities in the participating country”.

## 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.

#### 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).

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

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