

Nov. 11, 1966, Pub. L. 89-808, §2(B), 80 Stat. 1532, relating to policy of encouraging overseas sales of commodities, was omitted in the general revision of this chapter by Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3633.

§ 1707a. Repealed. Pub. L. 101-624, title XV, § 1574, Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 89-808, §4, Nov. 11, 1966, 80 Stat. 1538; Pub. L. 95-501, title I, §101, Oct. 21, 1978, 92 Stat. 1685; Pub. L. 97-98, title XII, §1201, Dec. 22, 1981, 95 Stat. 1274; Pub. L. 98-623, title IV, §405(c), Nov. 8, 1984, 98 Stat. 3409; Pub. L. 99-198, title XI, §§1130, 1131, Dec. 23, 1985, 99 Stat. 1486; Pub. L. 100-418, title IV, §4402(b), Aug. 23, 1988, 102 Stat. 1400, provided for an export credit sales program. See section 5621 et seq. of this title.

§§ 1707b to 1707d. Omitted

CODIFICATION

Sections were omitted as part of the complete revision of the Agricultural Trade Act of 1978 (Pub. L. 95-501) by Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3668. See chapter 87 (§5601 et seq.) of this title.

Section 1707b, Pub. L. 95-501, title II, §201, Oct. 21, 1978, 92 Stat. 1686, provided for a program of deferred payment sales of agricultural commodities.

Section 1707c, Pub. L. 95-501, title II, §202, Oct. 21, 1978, 92 Stat. 1687, provided for a program of credit sales to People's Republic of China.

Section 1707d, Pub. L. 95-501, title II, §203, Oct. 21, 1978, 92 Stat. 1687, defined "agricultural commodity".

§§ 1708 to 1715. Omitted

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3633.

Section 1708, act July 10, 1954, ch. 469, title I, §108, as added Dec. 23, 1985, Pub. L. 99-198, title XI, §1111(h), 99 Stat. 1476; amended Aug. 23, 1988, Pub. L. 100-418, title II, §2309, 102 Stat. 1346, related to agreements with financial intermediaries in developing countries for purchase of commodities.

A prior section 1708, acts July 10, 1954, ch. 469, title I, §108, 68 Stat. 457; Oct. 8, 1964, Pub. L. 88-638, §1(12), 78 Stat. 1037; Nov. 11, 1966, Pub. L. 89-808, §2(B), 80 Stat. 1533, which authorized Commodity Credit Corporation to finance ocean freight charges pursuant to agreements for sales of agricultural commodities for foreign currencies, was repealed by Pub. L. 97-113, title IV, §401(7), Dec. 29, 1981, 95 Stat. 1537.

Section 1709, acts July 10, 1954, ch. 469, title I, §109, 68 Stat. 457; Aug. 13, 1957, Pub. L. 85-128, §1(1), 71 Stat. 345; Sept. 6, 1958, Pub. L. 85-931, §4, 72 Stat. 1791; Sept. 21, 1959, Pub. L. 86-341, title I, §1, 73 Stat. 606; Aug. 8, 1961, Pub. L. 87-128, title II, §201(5), 75 Stat. 307; Oct. 8, 1964, Pub. L. 88-638, §1(15), 78 Stat. 1037; Nov. 11, 1966, Pub. L. 89-808, §2(B), 80 Stat. 1533; July 29, 1968, Pub. L. 90-436, §2(b), 82 Stat. 450; Dec. 20, 1975, Pub. L. 94-161, title II, §206, 89 Stat. 853; Dec. 22, 1981, Pub. L. 97-98, title XII, §1210, 95 Stat. 1281; Dec. 29, 1981, Pub. L. 97-113, title IV, §401(8), 95 Stat. 1537; Dec. 23, 1985, Pub. L. 99-198, title XI, §1112(a)(1), 99 Stat. 1478; Dec. 22, 1987, Pub. L. 100-202, §10, 101 Stat. 1329-448, related to self-help measures developing countries should take before entering into agreements for purchases of commodities.

Section 1710, act July 10, 1954, ch. 469, title I, §110, as added Nov. 11, 1966, Pub. L. 89-808, §2(B), 80 Stat. 1534, limited agreements under this subchapter so that they would not call for appropriations of more than \$1,900,000,000 for any calendar year.

Section 1711, act July 10, 1954, ch. 469, title I, §111, as added Dec. 20, 1975, Pub. L. 94-161, title II, §207, 89 Stat. 853; amended Aug. 3, 1977, Pub. L. 95-88, title II, §202, 91 Stat. 545, restricted 75% of food aid under this subchapter to countries meeting International Development Association poverty criterion.

Section 1712, act July 10, 1954, ch. 469, title I, §112, as added Aug. 3, 1977, Pub. L. 95-88, title II, §203, 91 Stat. 545; amended H. Res. 89, Feb. 5, 1979; Dec. 16, 1980, Pub. L. 96-533, title VII, §701(c), 94 Stat. 3156, prohibited financing of commodity sales to foreign governments engaging in gross violations of human rights.

Section 1713, act July 10, 1954, ch. 469, title I, §113, as added Aug. 3, 1977, Pub. L. 95-88, title II, §204, 91 Stat. 546, required priority to be given to financing sales of food and fiber commodities.

Section 1714, act July 10, 1954, ch. 469, title I, §114, as added Aug. 3, 1977, Pub. L. 95-88, title II, §205, 91 Stat. 546, related to provision of high protein, blended and fortified foods to developing countries, and waiver of repayments.

Section 1715, act July 10, 1954, ch. 469, title I, §115, as added Sept. 29, 1977, Pub. L. 95-113, title XII, §1202, 91 Stat. 955; amended H. Res. 89, Feb. 5, 1979; Dec. 22, 1981, Pub. L. 97-98, title XII, §1211, 95 Stat. 1281, related to commodity sale procedures.

SUBCHAPTER III—EMERGENCY AND PRIVATE ASSISTANCE PROGRAMS

§ 1721. General authority

The President shall establish a program under this subchapter (to be implemented by the Administrator) to provide agricultural commodities to foreign countries on behalf of the people of the United States to—

- (1) address famine and food crises, and respond to emergency food needs, arising from man-made and natural disasters;
- (2) combat malnutrition, especially in children and mothers;
- (3) carry out activities that attempt to alleviate the causes of hunger, mortality and morbidity;
- (4) promote economic and community development;
- (5) promote food security and support sound environmental practices;
- (6) carry out feeding programs; and
- (7) build resilience to mitigate and prevent food crises and reduce the future need for emergency aid.

(July 10, 1954, ch. 469, title II, §201, 68 Stat. 457; May 28, 1956, ch. 327, title II, §208(b), 70 Stat. 201; Aug. 3, 1956, ch. 933, §4, 70 Stat. 988; Pub. L. 89-808, §2(C), Nov. 11, 1966, 80 Stat. 1534; Pub. L. 94-161, title II, §208, Dec. 20, 1975, 89 Stat. 853; Pub. L. 95-88, title II, §206, Aug. 3, 1977, 91 Stat. 547; Pub. L. 97-113, title IV, §404, Dec. 29, 1981, 95 Stat. 1538; Pub. L. 99-83, title X, §1002, Aug. 8, 1985, 99 Stat. 270; Pub. L. 99-198, title XI, §§1102, 1103, Dec. 23, 1985, 99 Stat. 1465; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3636; Pub. L. 110-246, title III, §3007, June 18, 2008, 122 Stat. 1823; Pub. L. 113-79, title III, §3001, Feb. 7, 2014, 128 Stat. 772.)

AMENDMENTS

2014—Pub. L. 113-79 inserted "(to be implemented by the Administrator)" after "under this subchapter" in introductory provisions and struck out concluding provisions which read as follows: "Such program shall be implemented by the Administrator."

Par. (7). Pub. L. 113-79, §3001(2), added par. (7) and struck out former par. (7). Prior to amendment, par. (7) read as follows: "promote economic and nutritional security by increasing educational, training, and other productive activities."

2008—Par. (1). Pub. L. 110-246, §3007(1), added par. (1) and struck out former par. (1) which read as follows:

“address famine or other urgent or extraordinary relief requirements;”.

Par. (5). Pub. L. 110-246, §3007(2)(A), inserted “food security and support” after “promote”.

Par. (7). Pub. L. 110-246, §3007(2)(B)-(4), added par. (7). 1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions requiring President to furnish commodities to meet famine, combat malnutrition, promote economic development in friendly countries, and for needy persons and school lunch and preschool feeding programs, setting minimum quantity for distribution, requiring use of certain distribution networks, requiring President to consider benefits of distributing processed and protein-fortified foods, nutritional needs of recipients, cost effectiveness of particular commodities, and purposes of this subchapter, requiring that 75 percent of commodities distributed be in form of processed or fortified products or bagged commodities, and authorizing waiver of such 75 percent requirement.

1985—Subsec. (b). Pub. L. 99-198, §1102, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The minimum quantity of agricultural commodities distributed under this subchapter—

“(1) for fiscal years 1978 through 1980 shall be 1,600,000 metric tons, of which not less than 1,300,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program;

“(2) for fiscal year 1981 shall be 1,650,000 metric tons, of which not less than 1,350,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program; and

“(3) for fiscal year 1982 and each fiscal year thereafter shall be 1,700,000 metric tons, of which not less than 1,200,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program, except that for fiscal year 1986 the minimum quantity distributed shall be 1,800,000 metric tons, of which not less than 1,300,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program, and for fiscal year 1987 the minimum quantity distributed shall be 1,900,000 metric tons, of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;

unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this subchapter: *Provided*, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this chapter pursuant to section 1731 of this title, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements.”

Pub. L. 99-83 inserted provisions relating to minimum quantities for fiscal years 1986 and 1987.

Subsec. (c). Pub. L. 99-198, §1103, added subsec. (c).

1981—Subsec. (b)(3). Pub. L. 97-113 substituted “1,200,000 metric tons for nonemergency programs” for “1,400,000 metric tons”.

1977—Subsec. (b). Pub. L. 95-88 substituted provisions increasing and setting specific minimums for commodities to be distributed for fiscal years 1978 through 1980, for 1981, and for fiscal year 1982 and each fiscal year thereafter, for provisions which had set a fixed minimum of 1,300,000 tons of agricultural commodities each fiscal year, of which the minimum to be distributed through nonprofit voluntary agencies and the World Food Program was 1,000,000 tons each fiscal year.

1975—Pub. L. 94-161 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89-808 expanded scope of assistance to include emergency relief without regard to recipient being a friendly people, combating malnutrition in children, promotion of economic and community development in friendly developing areas, and for nonprofit school lunch and preschool feeding programs outside the United States and to be furnished from available

commodities rather than surplus agricultural commodities.

1956—Act Aug. 3, 1956, inserted “or extraordinary” after “urgent” wherever appearing.

Act May 28, 1956, struck out “f.o.b. vessels in United States ports,” before “as he may request”.

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

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 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.

NONEMERGENCY FOOD ASSISTANCE PROGRAMS

Pub. L. 105-385, title II, §201, Nov. 13, 1998, 112 Stat. 3465, as amended by Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(D), June 18, 2008, 122 Stat. 1820, provided that:

“(a) IN GENERAL.—In providing nonemergency assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.), the Administrator of the United States Agency for International Development shall ensure that—

“(1) in planning, decisionmaking, and implementation in providing such assistance, the Administrator takes into consideration local input and participation directly and through United States and indigenous private and voluntary organizations;

“(2) each of the nonemergency activities described in paragraphs (2) through (6) of section 201 of such Act (7 U.S.C. 1721), including programs that provide assistance to people of any age group who are otherwise unable to meet their basic food needs (including feeding programs for the disabled, orphaned, elderly, sick and dying), are carried out; and

“(3) greater flexibility is provided for program and evaluation plans so that such assistance may be developed to meet local needs, as provided for in section 202(f) of such Act (7 U.S.C. 1722(f)).

“(b) OTHER REQUIREMENTS.—In providing assistance under the Food for Peace Act [7 U.S.C. 1691 et seq.], the Secretary of Agriculture and the Administrator of United States Agency for International Development shall ensure that commodities are provided in a manner that is consistent with sections 403(a) and (b) of such Act (7 U.S.C. 1733(a) and (b)).”

[Section 3001(b)(1)(A), (2)(D) of Pub. L. 110-246, which directed amendment of section 201 of Pub. L. 105-385, set out above, by substituting “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”, was executed in subsec. (b) by making the substitution for “Agriculture Trade Development and Assistance Act of 1954”, to reflect the probable intent of Congress.]

AUTHORIZATION FOR COMMODITY CREDIT CORPORATION TO PURCHASE AND DONATE FLOUR AND CORNMEAL

Pub. L. 85-683, Aug. 19, 1958, 72 Stat. 635, as authorizing Commodity Credit Corporation to purchase and do-

nate flour and cornmeal when it has wheat or corn available for donation pursuant to this subchapter, see note set out under section 1431 of this title.

IMPLEMENTATION OF PROGRAM

Program under this subchapter to provide for donation of agricultural commodities to foreign countries to be implemented by Administrator of the Agency for International Development, see Ex. Ord. No. 12752, §1(b), Feb. 25, 1991, 56 F.R. 8255, set out as a note under section 1691 of this title.

§ 1722. Provision of agricultural commodities

(a) Emergency assistance

Notwithstanding any other provision of law, the Administrator may provide agricultural commodities to meet emergency food needs under this subchapter through governments and public or private agencies, including intergovernmental organizations such as the World Food Program and other multilateral organizations, in such manner and on such terms and conditions as the Administrator determines appropriate to respond to the emergency.

(b) Nonemergency assistance

(1) In general

The Administrator may provide agricultural commodities for nonemergency assistance under this subchapter through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this subchapter.

(2) Limitation

The Administrator may not use as a sole rationale for denying a request for funds submitted under this subsection because the program for which the funds are requested—

(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

(B) is not part of a development plan for the country prepared by the Agency.

(3) Program diversity

The Administrator shall—

(A) encourage eligible organizations to propose and implement program plans to address 1 or more aspects of the program under section 1721 of this title; and

(B) consider proposals that incorporate a variety of program objectives and strategic plans based on the identification by eligible organizations of appropriate activities, consistent with section 1721 of this title, to assist development of foreign countries.

(c) Uses of assistance

Agricultural commodities provided under this subchapter may be made available for direct distribution, sale, barter, or other appropriate disposition.

(d) Eligible organizations

To be eligible to receive assistance under subsection (b) an organization shall be—

(1) a private voluntary organization or cooperative that is, to the extent practicable, registered with the Administrator; or

(2) an intergovernmental organization, such as the World Food Program.

(e) Support for eligible organizations

(1) In general

Of the funds made available in each fiscal year under this subchapter to the Administrator, not less than 7.5 percent nor more than 20 percent of the funds shall be made available in each fiscal year to eligible organizations described in subsection (d), to assist the organizations in—

(A) establishing and enhancing programs under this subchapter;

(B) meeting specific administrative, management, personnel, transportation, storage, and distribution costs for carrying out programs in foreign countries under this subchapter;

(C) implementing income-generating, community development, health, nutrition, cooperative development, agricultural, and other developmental activities within 1 or more recipient countries or within 1 or more countries in the same region; and

(D) improving and implementing methodologies for food aid programs, including needs assessments (upon the request of the Administrator), monitoring, and evaluation.

(2) Request for funds

To receive funds made available under paragraph (1), an eligible organization described in subsection (d) shall submit a request for the funds that is subject to approval by the Administrator.

(3) Assistance with respect to sale

Upon the request of an eligible organization, the Administrator may provide assistance to the eligible organization with respect to the sale of agricultural commodities made available to it under this subchapter.

(4) Investment authority

An eligible organization that receives funds made available under paragraph (1) may invest the funds pending the eligible organization's use of the funds. Any interest earned on such investment may be used for the purposes for which the assistance was provided to the eligible organization without further appropriation by Congress.

(f) Effective use of commodities

To ensure that agricultural commodities made available under this subchapter are used effectively and in the areas of greatest need, organizations or cooperatives through which such commodities are distributed shall—

(1) to the extent feasible, work with indigenous institutions and employ indigenous workers;

(2) assess and take into account nutritional and other needs of beneficiary groups;

(3) help such beneficiary groups design and carry out mutually acceptable projects;

(4) recommend to the Administrator methods of making assistance available that are the most appropriate for each local setting;

(5) supervise the distribution of commodities provided and the implementation of programs carried out under this subchapter; and