

Subsec. (e). Pub. L. 104-127, §207(a)(2)(A), substituted “eligible organizations” for “private voluntary organizations and cooperatives” in heading.

Subsec. (e)(1). Pub. L. 104-127, §207(a)(2)(B), in introductory provisions, substituted “\$28,000,000” for “\$13,500,000” and “eligible organizations” for “private voluntary organizations and cooperatives” to assist such organizations and cooperatives”.

Subsec. (e)(2). Pub. L. 104-127, §207(a)(2)(C), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “In order to receive funds made available under paragraph (1), a private voluntary organization or cooperative must submit a request for such funds (which must be approved by the Administrator) when submitting a proposal to the Administrator for an agreement under this subchapter. Such request for funds shall include a specific explanation of—

“(A) the program costs to be offset by such funds;

“(B) the reason why such funds are needed in carrying out the particular assistance program; and

“(C) the degree to which such funds will improve the provision of food assistance to foreign countries (particularly those in sub-Saharan Africa suffering from acute, long-term food shortages).”

Subsec. (e)(3). Pub. L. 104-127, §207(a)(2)(D), substituted “an eligible organization, the Administrator may provide assistance to the eligible organization” for “a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to furnishing commodities through friendly governments, agencies, and organizations, assistance for community and other self-help activities, and multiyear agreements for distribution of commodities through nonprofit voluntary agencies and cooperatives.

Subsec. (e)(1). Pub. L. 101-508, in introductory provisions, substituted “the Administrator, not less than \$10,000,000, and not more than \$13,500,000, shall be made available in each fiscal year to private voluntary organizations and cooperatives” for “private voluntary organizations and cooperatives, not less than \$10,000,000 and not more than \$13,500,000 shall be made available by the Administrator”.

1987—Subsec. (a). Pub. L. 100-202 inserted “or cooperatives” after “voluntary agencies”.

1985—Subsec. (a). Pub. L. 99-83, §1003, inserted provisions relating to appropriate disposition under section 1721 of this title.

Subsec. (b)(4). Pub. L. 99-83, §1004(a), added par. (4).

Subsec. (c). Pub. L. 99-83, §1005, added subsec. (c).

1979—Subsec. (a). Pub. L. 96-53, §121, substituted “Agency for International Development” for “Advisory Committee on Voluntary Foreign Aid”, and “Advisory Committee” wherever appearing.

Subsec. (b)(2). Pub. L. 96-53, §202, substituted provisions relating to encouragement of entities distributing commodities to work with indigenous institutions and to employ indigenous workers, for provisions relating to employment of indigenous workers.

1977—Subsec. (a). Pub. L. 95-88, §§207(1), (2), 208(a), designated existing provisions as subsec. (a), struck out requirement that assistance to needy persons, insofar as practicable, be directed toward community and other self-help activities designed to alleviate the causes of the need for such assistance, and inserted provisions authorizing the President to utilize a foreign nonprofit voluntary agency which is registered with and approved by the Advisory Committee on Voluntary Foreign Aid if no United States nonprofit voluntary agency registered with and approved by the Advisory Committee is available.

Subsec. (b). Pub. L. 95-88, §207(3), added subsec. (b).

1966—Pub. L. 89-808 substituted provisions for furnishing commodities for prescribed purposes through use of friendly governments, agencies, and organizations, using to extent practicable registered and approved nonprofit voluntary agencies, identification of

source of commodities, determination by the President of the manner and terms and conditions of furnishing the commodities and for directions of the assistance toward community and self-help activities for former provisions for transfer of commodities on a grant bases to assist the prescribed programs.

1963—Pub. L. 88-205 substituted “economic and community development” for “economic developments”.

1960—Pub. L. 86-472 substituted “In order to facilitate the utilization of surplus agricultural commodities in meeting the requirements of needy peoples, and in order to promote economic development in underdeveloped areas in addition to that which can be accomplished under sections 1701 to 1704 and 1705 to 1709 of this title, the” for “The”.

#### 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 AMENDMENTS

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.

Amendment by Pub. L. 101-508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101-508, set out as an Effective Date note under section 940d 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 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.

#### REGISTRATION OF FOREIGN NONPROFIT VOLUNTARY AGENCIES

Pub. L. 95-88, title II, §208(b), Aug. 3, 1977, 91 Stat. 548, provided that: “For purposes of implementing the amendment made by subsection (a) [providing for the utilization by the President of foreign nonprofit voluntary agencies], the President shall issue regulations governing registration with an approval by the Advisory Committee on Voluntary Foreign Aid of foreign nonprofit voluntary agencies.”

#### CONTINUATION OF AUTHORITY

Pub. L. 86-472, ch. VI, §601(a)(2), May 14, 1960, 74 Stat. 140, which provided that the amendment of this section by section 601(a)(1) shall expire June 30, 1961, was repealed by Pub. L. 87-92, July 20, 1961, 75 Stat. 211.

### § 1723. Generation and use of currencies by private voluntary organizations and cooperatives

#### (a) Local sale and barter of commodities

An agreement entered into between the Administrator and a private voluntary organization or cooperative to provide food assistance through such organization or cooperative under

this subchapter may provide for the sale or barter in 1 or more recipient countries, or 1 or more countries in the same region, of the commodities to be provided under such agreement.

**(b) Minimum level of local sales**

In carrying out agreements of the type referred to in subsection (a), the Administrator shall permit private voluntary organizations and cooperatives to sell, in 1 or more recipient countries, or in 1 or more countries in the same region, an amount of commodities equal to not less than 15 percent of the aggregate amounts of all commodities distributed under non-emergency programs under this subchapter for each fiscal year, to generate proceeds to be used as provided in this section.

**(c) Description of intended uses**

A private voluntary organization or cooperative submitting a proposal to enter into a non-emergency food assistance agreement under this subchapter shall include in such proposal a description of the intended uses of any proceeds that may be generated through the sale, in 1 or more recipient countries, or in 1 or more countries in the same region, of any commodities provided under an agreement entered into between the Administrator and the organization or cooperative.

**(d) Use**

Proceeds generated from any partial or full sale or barter of commodities by a private voluntary organization or cooperative under a non-emergency food assistance agreement under this subchapter may—

(1) be used to transport, store, distribute, and otherwise enhance the effectiveness of the use of agricultural commodities provided under this subchapter;

(2) be used to implement 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; or

(3) be invested, and any interest earned on such investment may be used, for the purposes for which the assistance was provided to that organization, without further appropriation by Congress.

(July 10, 1954, ch. 469, title II, §203, 68 Stat. 458; May 28, 1956, ch. 327, title II, §208(c), 70 Stat. 201; Pub. L. 85-128, §1(3), Aug. 13, 1957, 71 Stat. 345; Pub. L. 86-341, title I, §3, Sept. 21, 1959, 73 Stat. 606; Pub. L. 86-472, ch. VI, §601(b), May 14, 1960, 74 Stat. 140; Pub. L. 87-128, title II, §202(1), Aug. 8, 1961, 75 Stat. 307; Pub. L. 88-638, §1(13), (14), Oct. 8, 1964, 78 Stat. 1037; Pub. L. 89-808, §2(C), Nov. 11, 1966, 80 Stat. 1535; Pub. L. 95-88, title II, §209, Aug. 3, 1977, 91 Stat. 548; Pub. L. 98-473, title III, §305, Oct. 12, 1984, 98 Stat. 2195; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3638; Pub. L. 104-127, title II, §208, Apr. 4, 1996, 110 Stat. 954; Pub. L. 107-171, title III, §3003, May 13, 2002, 116 Stat. 281; Pub. L. 110-246, title III, §3009, June 18, 2008, 122 Stat. 1824.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246 inserted “in” before “1 or more recipient countries”.

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 programmed 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

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#### 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”.