

“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 donate 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 dis-

tribution, 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

(6) periodically evaluate the effectiveness of projects undertaken under this subchapter.

(g) Labeling of assistance

Agricultural commodities and other assistance provided under this subchapter shall, to the extent practicable, be clearly identified with appropriate markings on the package or container of such agricultural commodities or food procured outside of the United States, or on printed material that accompanies other assistance, in the language of the locality in which such commodities and other assistance are distributed, as being furnished by the people of the United States of America.

(h) Food aid quality

(1) In general

The Administrator shall use funds made available for fiscal year 2014 and subsequent fiscal years to carry out this subchapter—

(A) to assess the types and quality of agricultural commodities and products donated for food aid;

(B) to adjust products and formulations, including potential introduction of new fortificants and products, as necessary to cost-effectively meet nutrient needs of target populations;

(C) to test prototypes;

(D) to adopt new specifications or improve existing specifications for micronutrient fortified food aid products, based on the latest developments in food and nutrition science, and in coordination with other international partners;

(E) to develop new program guidance to facilitate improved matching of products to purposes having nutritional intent, in coordination with other international partners;

(F) to develop improved guidance for implementing partners on how to address nutritional deficiencies that emerge among recipients for whom food assistance is the sole source of diet in emergency programs that extend beyond 1 year, in coordination with other international partners; and

(G) to evaluate, in appropriate settings and as necessary, the performance and cost-effectiveness of new or modified specialized food products and program approaches designed to meet the nutritional needs of the most vulnerable groups, such as pregnant and lactating mothers, and children under the age of 5.

(2) Administration

The Administrator—

(A) shall carry out this subsection in consultation with and through independent entities with proven expertise in food aid commodity quality enhancements;

(B) may enter into contracts to obtain the services of such entities; and

(C) shall consult with the Food Aid Consultative Group on how to carry out this subsection.

(3) Funding limitation

Of the funds made available under section 1726a(f) of this title,¹ for fiscal years 2014 through 2023, not more than \$4,500,000 may be used to carry out this subsection.

(July 10, 1954, ch. 469, title II, §202, 68 Stat. 458; Pub. L. 86-472, ch. VI, §601(a)(1), May 14, 1960, 74 Stat. 140; Pub. L. 88-205, pt. IV, §403(d), Dec. 16, 1963, 77 Stat. 390; Pub. L. 89-808, §2(C), Nov. 11, 1966, 80 Stat. 1534; Pub. L. 95-88, title II, §§207, 208(a), Aug. 3, 1977, 91 Stat. 547; Pub. L. 96-53, title I, §121, title II, §202, Aug. 14, 1979, 93 Stat. 366, 368; Pub. L. 99-83, title X, §§1003, 1004(a), 1005, Aug. 8, 1985, 99 Stat. 270, 271; Pub. L. 100-202, §11, Dec. 22, 1987, 101 Stat. 1329-448; Pub. L. 101-508, title I, §1204(b)(1), Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3636; Pub. L. 104-127, title II, §207(a), Apr. 4, 1996, 110 Stat. 953; Pub. L. 107-171, title III, §3002, May 13, 2002, 116 Stat. 280; Pub. L. 110-246, title III, §3008, June 18, 2008, 122 Stat. 1823; Pub. L. 113-79, title III, §§3002, 3003, Feb. 7, 2014, 128 Stat. 773; Pub. L. 115-334, title III, §§3101, 3102, Dec. 20, 2018, 132 Stat. 4603, 4604.)

AMENDMENTS

2018—Subsec. (g). Pub. L. 115-334, §3101, amended subsec. (g) generally. Prior to amendment, text read as follows: “Commodities provided under this subchapter shall, to the extent practicable, be clearly identified with appropriate markings on the package or container of such commodity in the language of the locality in which such commodities are distributed, as being furnished by the people of the United States of America.”

Subsec. (h)(3). Pub. L. 115-334, §3102, substituted “2023” for “2018”.

2014—Subsec. (e)(1). Pub. L. 113-79, §3002(1)(A), substituted “20 percent” for “13 percent” in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 113-79, §3002(1)(B), substituted “and enhancing” for “new”.

Subsec. (e)(1)(B) to (D). Pub. L. 113-79, §3002(1)(C)–(E), added subpars. (B) and (C), redesignated former subpar. (C) as (D), and struck out former subpar. (B). Prior to amendment, subpar. (B) read as follows: “meeting specific administrative, management, personnel and internal transportation and distribution costs for carrying out programs in foreign countries under this subchapter; and”.

Subsec. (e)(4). Pub. L. 113-79, §3002(2), added par. (4).

Subsec. (h)(1). Pub. L. 113-79, §3003(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Administrator shall use funds made available for fiscal year 2009 and subsequent fiscal years to carry out this subchapter—

“(A) to assess the types and quality of agricultural commodities and products donated for food aid;

“(B) to adjust products and formulations (including the potential introduction of new fortificants and products) as necessary to cost-effectively meet nutrient needs of target populations; and

“(C) to test prototypes.”

Subsec. (h)(3). Pub. L. 113-79, §3003(2), substituted “fiscal years 2014 through 2018” for “fiscal years 2009 through 2011”.

2008—Subsec. (b)(2). Pub. L. 110-246, §3008(1), substituted “may not use as a sole rationale for denying a request for funds” for “may not deny a request for funds” in introductory provisions.

Subsec. (e)(1). Pub. L. 110-246, §3008(2)(A), substituted “not less than 7.5 percent nor more than 13 percent” for

¹ So in original. The comma probably should not appear.

“not less than 5 percent nor more than 10 percent” in introductory provisions.

Subsec. (e)(1)(C). Pub. L. 110-246, §3008(2)(B)-(D), added subpar. (C).

Subsec. (h). Pub. L. 110-246, §3008(3), added subsec. (h) and struck out former subsec. (h) which required Administrator to streamline program procedures and guidelines not later than 1 year after May 13, 2002, and incorporate changes, to the maximum extent practicable, beginning in fiscal year 2004.

2002—Subsec. (b)(3). Pub. L. 107-171, §3002(1), added par. (3).

Subsec. (e)(1). Pub. L. 107-171, §3002(2), substituted “not less than 5 percent nor more than 10 percent of the funds” for “not less than \$10,000,000, and not more than \$28,000,000.”

Subsec. (h). Pub. L. 107-171, §3002(3), added subsec. (h).
1996—Subsec. (b). Pub. L. 104-127, §207(a)(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “The Administrator may provide agricultural commodities for non-emergency assistance under this subchapter through eligible organizations (as described in subsection (d) of this section) that have entered into an agreement with the Administrator to use such commodities in accordance with this subchapter.”

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 described in subsection (d), to assist the 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 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.

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 1994 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 Intercourse.

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 Intercourse.

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 to generate proceeds to be used as provided in this section.

(b) 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.

(c) 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; Pub. L. 115-334, title III, §3103, Dec. 20, 2018, 132 Stat. 4604.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, §3103(1), inserted “to generate proceeds to be used as provided in this section” before period at end.

Subsecs. (b) to (d). Pub. L. 115-334, §3103(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “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.”

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