

(A) the past performance of the country or organization in meeting program objectives does not warrant a multi-year agreement;

(B) it is anticipated that the need of the country or organization for food aid does not extend beyond 1 year; or

(C) other circumstances, as determined by the Secretary or the Administrator, as appropriate, indicate there is only a need for a 1 year agreement.

(d) Review of agreements

The Secretary or the Administrator, as appropriate, may make a determination to terminate, or refuse to enter into, a multi-year agreement with respect to a recipient country if the Secretary or the Administrator determines that such country is not fulfilling the objectives or requirements of this chapter. In making such a determination, the Secretary or the Administrator, as appropriate, may consider the extent to which the country is—

- (1) making significant economic development reforms;
- (2) promoting free and open markets for food and agricultural producers; and
- (3) fostering increased food security.

(July 10, 1954, ch. 469, title IV, §404, as added Pub. L. 86-341, title I, §14, Sept. 21, 1959, 73 Stat. 610; amended Pub. L. 89-808, §2(E), Nov. 11, 1966, 80 Stat. 1536; Pub. L. 96-53, title II, §209, Aug. 14, 1979, 93 Stat. 370; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3648; Pub. L. 104-127, title II, §214, Apr. 4, 1996, 110 Stat. 956.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, §214(1), inserted “with foreign countries” after “Before entering into agreements”.

Subsec. (b)(2). Pub. L. 104-127, §214(2), inserted “with foreign countries” after “agreements entered into” and “and broad-based economic growth” before semicolon at end.

Subsec. (c)(1). Pub. L. 104-127, §214(3), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “Agreements to provide assistance on a multi-year basis under this chapter shall be made available to recipient countries or to eligible organizations.”

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions outlining aims of assistance programs, namely humanitarian and national interest objectives, and requiring assessments of recipient countries to determine types and quantities of commodities needed, conditions under which distribution should take place, most suitable timing for delivery, etc.

1979—Pub. L. 96-53 designated existing provisions as subsec. (a), substituted provisions relating to aims of programs of assistance conducted under this chapter and sections 1427 and 1431 of this title and the types and quantities of agricultural commodities to be made available, for provisions relating to aims of assistance programs undertaken pursuant to this chapter and sections 1427 and 1431 of this title, and added subsec. (b).

1966—Pub. L. 89-808 substituted provision declaratory of aims of assistance programs as the attainment of humanitarian objectives and the national interest for provisions requiring the Secretary of Agriculture to maximize the sale of commodities and avoid displacement of cash sales, now provided for by sections 1703(n) and 1707(b) 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 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 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.

§ 1735. Consultation

The Secretary and the Administrator shall cooperate and consult in the implementation of this chapter.

(July 10, 1954, ch. 469, title IV, §405, as added Pub. L. 86-341, title I, §14, Sept. 21, 1959, 73 Stat. 610; amended Pub. L. 87-703, title II, §201(4), Sept. 27, 1962, 76 Stat. 611; Pub. L. 89-808, §2(E), Nov. 11, 1966, 80 Stat. 1536; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3650.)

AMENDMENTS

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions requiring funds and authority under this chapter be used to assist friendly countries determined to increase their self-reliance in food production and managing population growth.

1966—Pub. L. 89-808 substituted provisions respecting self-help in meeting food requirements and in resolving problems relative to population growth for provisions respecting entry into agreements for participation in supply and assistance program on a proportionate and equitable basis.

1962—Pub. L. 87-703 substituted “In the case of such agreements, the Secretary may enter into agreements with other friendly and historic supplying nations” for “In entering into such agreements, the Secretary shall endeavor to reach agreement with other exporting nations”.

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 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.

§ 1736. Use of Commodity Credit Corporation

(a) In general

The Commodity Credit Corporation may acquire and make available such agricultural commodities as necessary to carry out agreements under this chapter.

(b) Included expenses

With respect to commodities made available under subchapters III and III-A, the Commodity Credit Corporation may pay—

- (1) the cost of acquiring such commodities;
- (2) the costs associated with packaging, enrichment, preservation, and fortification of such commodities, including the costs of carrying out section 1736g-2 of this title;
- (3) the processing, transportation, handling, and other incidental costs up to the time of the delivery of such commodities free on board vessels in United States ports;
- (4) the vessel freight charges from United States ports or designated Canadian trans-

shipment ports, as determined by the Secretary, to designated ports of entry abroad;

(5) the costs associated with transporting such commodities from United States ports to designated points of entry abroad in the case—

(A) of landlocked countries;

(B) of ports that cannot be used effectively because of natural or other disturbances;

(C) of the unavailability of carriers to a specific country; or

(D) of substantial savings in costs or time that may be effected by the utilization of points of entry other than ports;

(6) in the case of commodities for urgent and extraordinary relief requirements (including pre-positioned commodities) the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage, distribution, and program implementation costs to use the commodities; and

(7) the charges for general average contributions arising out of the ocean transport of commodities transferred pursuant thereto.

(c) Commodity Credit Corporation

The funds, facilities, and authorities of the Commodity Credit Corporation may be used to carry out this chapter.

(d) Availability of funds

Funds shall be available under this chapter only to the extent provided in advance in appropriation Acts.

(July 10, 1954, ch. 469, title IV, § 406, as added Pub. L. 86-341, title I, § 14, Sept. 21, 1959, 73 Stat. 610; amended Pub. L. 87-703, title II, § 201(5), Sept. 27, 1962, 76 Stat. 611; Pub. L. 89-808, § 2(E), Nov. 11, 1966, 80 Stat. 1536; Pub. L. 94-161, title II, § 214, Dec. 20, 1975, 89 Stat. 855; Pub. L. 101-508, title I, § 1204(b)(2), Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3650; Pub. L. 102-237, title III, § 323, Dec. 13, 1991, 105 Stat. 1857; Pub. L. 104-127, title II, § 215, Apr. 4, 1996, 110 Stat. 956; Pub. L. 110-246, title III, §§ 3014(b)(1), 3016, June 18, 2008, 122 Stat. 1826, 1827; Pub. L. 115-334, title III, § 3110, Dec. 20, 2018, 132 Stat. 4605.)

AMENDMENTS

2018—Subsec. (b)(6). Pub. L. 115-334 substituted “storage, distribution, and program implementation costs to use the commodities” for “storage and distribution costs”.

2008—Subsec. (a). Pub. L. 110-246, § 3014(b)(1), struck out “(that have been determined to be available under section 1731(a) of this title)” after “commodities”.

Subsec. (b)(2). Pub. L. 110-246, § 3016, inserted “, including the costs of carrying out section 1736g-2 of this title” before semicolon at end.

1996—Subsec. (a). Pub. L. 104-127, § 215(1), substituted “may” for “shall” after “Corporation”.

Subsec. (b). Pub. L. 104-127, § 215(2)(A), in introductory provisions, substituted “subchapters III and III-A” for “this chapter”.

Subsec. (b)(4). Pub. L. 104-127, § 215(2)(B), added par. (4) and struck out former par. (4) which read as follows: “the ocean freight charges from United States ports to designated ports of entry abroad;”.

1991—Subsec. (b)(5)(D). Pub. L. 102-237 substituted “time” for “items”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions authorizing

appropriations and authorizing the President to administer a program of farmer-to-farmer assistance, enter into agreements or make grants to train farmers in recipient countries, seek exchange of farm youth and farm leaders with developing countries, conduct research in tropical and subtropical agriculture, coordinate program with other foreign assistance programs, establish conditions for eligibility in farmer-to-farmer program, and pay costs of program through use of foreign currencies accruing from sale of commodities.

Subsec. (d). Pub. L. 101-508 added subsec. (d).

1975—Subsec. (a). Pub. L. 94-161, § 214(1), substituted “the President” for “the Secretary of Agriculture”.

Subsec. (a)(1). Pub. L. 94-161, § 214(2), struck out “through existing agencies of the Department of Agriculture” after “establish and administer”.

Subsec. (a)(5). Pub. L. 94-161, § 214(3), substituted “with other foreign assistance activities of the United States” for “with the activities of the Peace Corps, the Agency for International Development, and other agencies of the United States and to assign, upon agreement with such agencies, such persons to work with and under the administration of such agencies: *Provided*, That nothing in this section shall be construed to infringe upon the powers or functions of the Secretary of State”.

1966—Pub. L. 89-808 substituted food production assistance provisions for provision respecting applicability of other laws, now provided for by section 1707(d) of this title.

1962—Pub. L. 87-703 made section 1701(b) and (c) applicable to this subchapter.

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 1994 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.

FARMER-TO-FARMER PROGRAMS FOR FISCAL YEARS 1986 THROUGH 1990

Pub. L. 99-198, title XI, § 1107, Dec. 23, 1985, 99 Stat. 1467, as amended by Pub. L. 100-277, § 6, Apr. 4, 1988, 102 Stat. 69, directed that not less than one-tenth of 1 percent of the funds available for each of the fiscal years ending Sept. 30, 1986, through Sept. 30, 1990, to carry out this chapter be used to carry out section 1736(a)(1), (2) of this title, and directed the Administrator of the Agency for International Development, in conjunction with the Secretary of Agriculture, to submit to Congress a report, not later than 120 days after Dec. 23, 1985, indicating the manner in which the Agency intended to implement such provisions.

§ 1736-1. Special Assistant for Agricultural Trade and Food Assistance

(a) Appointment by President

The President shall appoint a Special Assistant to the President for Agricultural Trade and Food Assistance (hereinafter in this section referred to as the “Special Assistant”). The President shall appoint the initial Special Assistant not later than May 1, 1986.

(b) Service in Executive Office of President

The Special Assistant shall serve in the Executive Office of the President.