

Public Law 100-277
100th Congress

An Act

To amend section 416 of the Agricultural Act of 1949, and for other purposes.

Apr. 4, 1988
[S. 2151]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ELIGIBLE COMMODITIES.

(a) IN GENERAL.—Section 416(b)(2)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(2)(A)) is amended—

(1) by striking out “grains,” and inserting in lieu thereof “wheat, rice, feed grains,”; and

(2) by inserting “, and the products thereof,” after “price support operations”.

(b) CONFORMING AMENDMENTS.—(1) Section 416(b)(10)(B)(i) of such Act is amended by striking out “grains” both places it appears and inserting in lieu thereof “wheat, rice, feed grains,”.

(2) Section 416(b)(7) of such Act is amended by striking out “, and products thereof,”.

SEC. 2. AVAILABILITY OF COMMODITIES.

Section 416(b)(3) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(3)) is amended by adding at the end thereof the following:

“(D) If eligible commodities are made available under this subsection to a friendly country, nonprofit and voluntary agencies and cooperatives shall also be eligible to receive commodities for food aid programs in the country.”.

SEC. 3. MULTIYEAR AGREEMENTS.

Section 416(b)(4) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(4)) is amended by adding at the end thereof the following:

“In agreements with recipients of eligible commodities under this subsection (including nonprofit and voluntary agencies or cooperatives), subject to the availability of commodities each fiscal year, the Secretary, on request, shall approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this subsection.”.

SEC. 4. FOREIGN CURRENCY USE AND ALLOCATION REQUIREMENTS.

(a) FOREIGN CURRENCY USES.—Clause (ii) of section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended to read as follows:

“(ii) Foreign currencies generated from partial or full sales or barter of commodities by a nonprofit and voluntary agency or cooperative shall be used—

“(I) to transport, store, distribute, and otherwise enhance the effectiveness of the use of commodities and the products thereof donated under this section; and

“(II) to implement income generating, community development, health, nutrition, cooperative development, agri-

cultural programs, and other developmental activities.”.

(b) ALLOCATION REQUIREMENTS.—Section 416(b)(7)(D)(iii) of such Act is amended—

(1) by striking out “5 percent” and inserting in lieu thereof “10 percent”; and

(2) by inserting “, or the minimum tonnage required, whichever is greater,” after “furnished”.

SEC. 5. PERIODS FOR REVIEW AND COMMENT.

Section 416(b)(8) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)) is amended by adding at the end thereof the following:

“(C)(i) If a proposal to make eligible commodities available under this subsection is submitted by a nonprofit and voluntary agency or cooperative with the concurrence of the appropriate United States Government field mission or if a proposal to make such commodities available to a nonprofit and voluntary agency or cooperative is submitted by the United States Government field mission, a decision on the proposal shall be provided within 45 days after receipt by the Agency for International Development office in Washington, D.C. The response shall detail the reasons for approval or denial of the proposal. If the proposal is denied, the response shall specify the conditions that would need to be met for the proposal to be approved.

“(ii) Not later than 30 days before the issuance of a final guideline issued to carry out this subsection, the Secretary shall—

“(I) provide notice of the proposed guideline to nonprofit and voluntary agencies and cooperatives that participate in programs under this subsection, and other interested persons, that the proposed guideline is available for review and comment;

“(II) make the proposed guideline available, on request, to nonprofit and voluntary agencies, cooperatives, and others; and

“(III) take any comments received into consideration before the issuance of the final guideline.

“(iii) Not later than 15 days after receipt of a call forward from a field mission for commodities or products that meets the requirements of this subsection, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.”.

Public
information.

SEC. 6. EXTENSION OF FARMER-TO-FARMER PROGRAM.

Section 1107(a) of the Food Security Act of 1985 (7 U.S.C. 1736 note) is amended by striking out “, and September 30, 1987” and inserting in lieu thereof “through September 30, 1990”.

SEC. 7. INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO AGRICULTURAL AID AND TRADE MISSIONS.

7 USC 1736bb
note.

Any agricultural aid and trade mission established under section 1 of that portion of the joint resolution entitled “Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes” approved December 22, 1987, under the heading “Agricultural Aid and Trade Missions Act”, and any other activity under this section and sections 2 through 7 of such portion, shall not be considered an advisory committee for the purposes of the Federal Advisory Committee Act.

Approved April 4, 1988.

LEGISLATIVE HISTORY—S. 2151:**CONGRESSIONAL RECORD, Vol. 134 (1988):**

- Mar. 4, considered and passed Senate.
- Mar. 15, 16, considered and passed House, amended.
- Mar. 23, Senate concurred in House amendments.