

No. 18000

**UNITED STATES OF AMERICA
and
NIGER**

Agreement relating to the transfer of agricultural commodities. Signed at Niamey on 9 June 1976

Agreement amending the above-mentioned Agreement. Signed at Niamey on 1 July 1977

Authentic texts: English.

Registered by the United States of America on 22 October 1979.

**ÉTATS-UNIS D'AMÉRIQUE
et
NIGER**

Accord relatif au transfert de produits agricoles. Signé à Niamey le 9 juin 1976

Accord modifiant l'Accord susmentionné. Signé à Niamey le 1^{er} juillet 1977

Textes authentiques : anglais.

Enregistrés par les États-Unis d'Amérique le 22 octobre 1979.

AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND NIGER RELATING TO THE TRANSFER OF AGRICULTURAL COMMODITIES

DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C.

TRANSFER AUTHORIZATION

Program Classification: Emergency Food Assistance
Executive Vice President
Commodity Credit Corporation
U.S. Department of Agriculture
Washington, D.C.

AID No. 683-XXX-000-6620
Program Approval Date: March 4, 1976
Program Title: Drought Emergency Food Relief — Niger

In accordance with the provision of Title II, PL 480 (as amended), Section 2 of Executive Order 10900 and State Department Order No. 104 effective September 30, 1961, the Commodity Credit Corporation is hereby authorized to transfer and deliver food to Niger in an amount not to exceed \$2,457,000 pursuant to the following instructions:

1. *Quantity — Metric tons not to exceed*

<i>Previous total</i>	<i>Increase</i>	<i>Decrease</i>	<i>Total to date</i>
	21,000		21,000

2. *Commodities to be shipped*

<i>Code</i>	<i>Commodity</i>	<i>Amount, metric tons</i>	<i>CCC value</i>	<i>Export market value</i>
045.9015	Grain sorghum	21,000	\$2,457,000	\$2,184,000

3. *Estimated ocean transportation costs, \$2,040,500.* All actual ocean transportation expenditures under this program, regardless of the estimate shown above, are to be charged to Blanket Freight Transfer Authorization No. 935-9500-000-6899. An individual ocean freight transfer authorization will not be issued.

4. *Specifications.* Grain Sorghum—Grade No. 2 or better. Bagged — 100 pounds net/or bulk, bags accompanying.

5. *Shipping instructions.*

A. Delivery schedule: To be advised.

B. Port of discharge: Abidjan, Ivory Coast; Lomé, Togo; Apapa, Nigeria.

C. Points of entry (to land-locked country): Niamey, Niger; Maradi, Niger; Zinder, Niger; Konni, Niger; Tessaoua, Niger.

D. Consignee: Office des produits vivriers du Niger, Niamey, Niger.

¹ Came into force on 9 June 1976 by signature.

E. Send copy of bills of lading to:

- 1) First original and one copy to consignee (OPVN, GON, Niamey) via air-mail.
- 2) After ship's loading: accord original and one copy of accompanying cargo to consignee.
- 3) Third original and two copies to A.I.D., Transportation and Support Division, Office of Commodity Management, Washington, D.C. 20523, Att. Mr. R. E. James.
- 4) Original and one copy U.S. Embassy, Niamey.
- 5) One additional copy [to] REDSO, Amembassy, Abidjan.

6. *Program objectives, use of commodities and conditions of transfer.* The commodities authorized herein are contributed by the United States Government (USG) to the Government of Niger (GON) to assist in alleviating the shortage of food caused by prolonged drought.

A. The commodities herein contributed are for (1) free direct distribution to victims of drought unable to purchase food supplies, rate of distribution not to exceed the amount the recipient and his dependents can consume during the period for which the distribution is made; (2) for sale as specified below.

B. Subject to GON guarantee that those persons unable to buy food will receive the U.S. contributed grain without cost, the GON may sell such grain not required for direct free distribution in the open market in food deficit areas at prices mutually agreed upon by the American Embassy/ADO Niamey and the Government of Niger. Currency resulting from such sale shall be used to pay local distribution costs on commodities distributed directly to needy; or for drought relief projects as mutually agreed which will assist in alleviation of the effects of the drought and in increasing food supplies within Niger.

C. Distribution and sales procedures and arrangements for proper accounting are subject to mutual development and concurrence of the American Embassy/ADO Niamey and the Government of Niger. Proceeds resulting shall be deposited in a special account for purposes specified and agreed to by all parties per B above.

D. The GON will pay all storage, internal handling and transportation and distribution costs on the commodities herein provided for direct distribution in excess of the sums generated from the sales as authorized per B above.

E. The USG will supply the commodities herein provided and pay ocean transport and inland transportation costs to designated points of entry in Niger.

F. After the date of the AID/Washington approval of the project but before arrival of the authorized Title II commodities, the GON may borrow the same or similar commodities from local sources to meet the requirements of the project. Such of the commodities borrowed as are used in accordance with the terms of this Transfer Authorization may be replaced on an equivalent value basis with the Title II commodities furnished to the project.

G. The GON agrees to keep the American Embassy/ADO Niamey fully informed concerning the status of commodity receipts, distribution and sales and will provide complete details, as requested. Representatives of the USG will be permitted to audit and have access to all records pertaining to the use of commodities provided by this Transfer Authorization.

H. AID Regulation II, as amended, except as otherwise specifically provided herein, is applicable to the obligations and responsibilities of the Government of Niger and the Government of the United States in fulfilling the terms of this Authorization. Attention of the Government of Niger is specifically drawn to the following sections of the AID Regulation: Sections 211.5 (A), (B), (C), (D), and (E); 211.8; 211.9 (O), (E), and (F); and 211.10.

[Signed]

ALBERT R. BARON
Regional Development Officer

Date:

Request and acceptance. The assistance described in this authorization is hereby requested and the terms and conditions of this agreement and of AID Regulation 11, 33FR2918, 1968, as amended September 19, 1974 (39FR3368),¹ except as otherwise specifically provided herein are hereby accepted.

J. DIATTA
For the Government of Niger

Date: 9 juin 1976²

¹ Should read "39FR33668" — Devrait se lire «39FR33668».

² 9 June 1976.

AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND NIGER AMENDING THE AGREEMENT OF 9 JUNE 1976 RELAT- ING TO THE TRANSFER OF AGRICULTURAL COMMODITIES²

DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C.

TRANSFER AUTHORIZATION

Program Classification: Emergency Food Assistance
Executive Vice President
Commodity Credit Corporation
U.S. Department of Agriculture
Washington, D.C.

Amendment No. 1 to AID No. 683-XXX-000-6620
Program Approval Dated: March 4, 1976
Amendment Dated: March 4, 1976
Program Title: Drought Emergency Food Re-
lief — Niger

In accordance with the provisions of Title II, PL 480 (as amended), Section 2 of Executive Order 10900 and State Department Delegation Order No. 104 effective September 30, 1961, the Commodity Credit Corporation is hereby authorized to transfer and deliver food to Niger in an amount not to exceed \$2,983,500 pursuant to the following instructions:

1. *Purpose of amendment.* To increase the amount of grain sorghum to be shipped to Niger for use in drought relief activities. Paragraphs 1, 2 and 3 are amended to reflect the increased commodities and the increase in ocean freight costs.

Quantity — Amendment — Metric tons not to exceed

<i>Previous total</i>	<i>Increase</i>	<i>Decrease</i>	<i>Total to date</i>
21,000	4,500		25,500

2. *Commodities (amendment)*

<i>Code no.</i>	<i>Commodity</i>	<i>Quantity</i>		<i>CCC value</i>		<i>Export mkt. value</i>	
		<i>Amended MT</i>	<i>Total to date, MT</i>	<i>Amended</i>	<i>Total to date</i>	<i>Amended</i>	<i>Total to date</i>
045.9015	Gr. sorghum	+ 4500	25,500	+ \$526,500	\$2,988,500	+ \$468,000	\$2,652,000

3. *Estimated ocean transportation costs (amendment)*

<i>Previous total</i>	<i>Increase</i>	<i>Decrease</i>	<i>Total to date</i>
\$2,040,500	\$437,150		\$2,477,750

¹ Came into force on 1 July 1977 by signature.

² See p. 234 of this volume.

All actual ocean transportation expenditures under this program, regardless of the estimate shown above, are to be charged to Blanket Freight Transfer Authorization No. 935-9500-000-6899. An individual Ocean Freight Transfer Authorization will not be issued.

All other provisions remain unchanged.

JAY P. JOHNSON
For Ambassador

Date: 7-1-77

Request and acceptance. The assistance described in this authorization is hereby requested and the terms and conditions of this agreement and of AID Regulation 11, 33FR2918, 1968, as amended September 19, 1974 (39FR33668), except as otherwise specifically provided herein are hereby accepted.

J. DIATTA
For the Government of Niger

Date: 1-7-77¹

¹ 7 January 1977.