

§ 1725. Food Aid Consultative Group**(a) Establishment**

There is established a Food Aid Consultative Group (hereinafter referred to in this section as the “Group”) that shall meet regularly to review and address issues concerning the effectiveness of the regulations and procedures that govern food assistance programs established and implemented under this subchapter, and the implementation of other provisions of this subchapter that may involve eligible organizations described in section 1722(d)(1) of this title.

(b) Membership

The Group shall be composed of—

- (1) the Administrator;
- (2) the Under Secretary of Agriculture for Farm and Foreign Agricultural Services;
- (3) the Inspector General of the Agency for International Development;
- (4) a representative of each private voluntary organization and cooperative participating in a program under this subchapter, or receiving planning assistance funds from the Agency to establish programs under this subchapter;
- (5) representatives from African, Asian and Latin American indigenous non-governmental organizations determined appropriate by the Administrator;
- (6) representatives from agricultural producer groups in the United States; and
- (7) representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this chapter.

(c) Chairperson

The Administrator shall be the chairperson of the Group.

(d) Consultations

In preparing regulations, handbooks, or guidelines implementing this subchapter, or significant revisions thereto, the Administrator shall provide such proposals to the Group for review and comment. The Administrator shall consult and, when appropriate (but at least twice per year), meet with the Group regarding such proposed regulations, handbooks, guidelines, or revisions thereto prior to the issuance of such.

(e) Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Group.

(f) Termination

The Group shall terminate on December 31, 2012.

(July 10, 1954, ch. 469, title II, § 205, as added Pub. L. 89-808, § 2(C), Nov. 11, 1966, 80 Stat. 1535; amended Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3639; Pub. L. 104-127, title II, § 210, Apr. 4, 1996, 110 Stat. 955; Pub. L. 107-171, title III, § 3005, May 13, 2002, 116 Stat. 282; Pub. L. 110-246, title III, § 3011, June 18, 2008, 122 Stat. 1824.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2008—Subsec. (b)(7). Pub. L. 110-246, § 3011(1), added par. (7).

Subsec. (f). Pub. L. 110-246, § 3011(2), substituted “2012” for “2007”.

2002—Subsec. (f). Pub. L. 107-171 substituted “2007” for “2002”.

1996—Subsec. (a). Pub. L. 104-127, § 210(1), substituted “eligible organizations described in section 1722(d)(1) of this title” for “private voluntary organizations, cooperatives and indigenous non-governmental organizations”.

Subsec. (b)(2). Pub. L. 104-127, § 210(2)(A), substituted “of Agriculture for Farm and Foreign Agricultural Services” for “for International Affairs and Commodity Programs”.

Subsec. (b)(6). Pub. L. 104-127, § 210(2)(B)–(D), added par. (6).

Subsec. (d). Pub. L. 104-127, § 210(3), inserted “(but at least twice per year)” after “when appropriate”.

Subsec. (f). Pub. L. 104-127, § 210(4), substituted “2002” for “1995”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions declaring sense of Congress that President should encourage advanced nations to increase contributions for combating hunger, particularly through expansion of international food and agricultural assistance programs, and that United States should work for expansion of United Nations World food program.

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

Section effective Jan. 1, 1967, see section 5 of Pub. L. 89-808, set out as an Effective Date of 1966 Amendment note under section 1691 of this title.

§ 1726. Repealed. Pub. L. 107-171, title III, § 3006, May 13, 2002, 116 Stat. 282

Section, act July 10, 1954, ch. 469, title II, § 206, as added Pub. L. 94-161, title II, § 209, Dec. 20, 1975, 89 Stat. 854; amended Pub. L. 95-88, title II, § 210, Aug. 3, 1977, 91 Stat. 548; Pub. L. 96-53, title II, § 203, Aug. 14, 1979, 93 Stat. 368; Pub. L. 99-198, title XI, § 1112(a)(2), Dec. 23, 1985, 99 Stat. 1478; Pub. L. 100-202, §§ 12, 13, Dec. 22, 1987, 101 Stat. 1329-448; Pub. L. 100-418, title IV, § 4610(d), Aug. 23, 1988, 102 Stat. 1411; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3640, related to maximum level of expenditures.

§ 1726a. Administration**(a) Proposals****(1) Recipient countries**

A proposal to enter into a nonemergency food assistance agreement under this subchapter shall identify the recipient country or countries that are the subject of the agreement.

(2) Timing

Not later than 120 days after the date of receipt by the Administrator of a proposal submitted by an eligible organization under this subchapter, the Administrator shall determine whether to accept the proposal.

(3) Denial

If a proposal under paragraph (1) is denied, the response shall specify the reasons for denial.

(b) Notice and comment

Not later than 30 days prior to the issuance of a final guideline or annual policy guidance to carry out this subchapter, the Administrator shall—

(1) provide notice of the existence of a proposed guideline or annual policy guidance, and that such guideline or annual policy guidance is available for review and comment, to eligible organizations that participate in programs under this subchapter, and to other interested persons;

(2) make the proposed guideline or annual policy guidance available, on request, to the eligible organizations and other persons referred to in paragraph (1); and

(3) take any comments received into consideration prior to the issuance of the final guideline or annual policy guidance.

(c) Regulations**(1) In general**

The Administrator shall promptly issue all necessary regulations and make revisions to agency guidelines with respect to changes in the operation or implementation of the program established under this subchapter.

(2) Requirements

The Administrator shall develop regulations with the intent of—

(A) simplifying procedures for participation in the programs established under this subchapter;

(B) reducing paperwork requirements under such programs;

(C) establishing reasonable and realistic accountability standards to be applied to eligible organizations participating in the programs established under this subchapter, taking into consideration the problems associated with carrying out programs in developing countries; and

(D) providing flexibility for carrying out programs under this subchapter.

(d) Timely provision of commodities

The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules.

(e) Timely approval

The Administrator is encouraged to finalize program agreements and resource requests for programs under this section before the beginning of each fiscal year.

(f) Program oversight, monitoring, and evaluation**(1) Duties of Administrator**

The Administrator, in consultation with the Secretary, shall establish systems and carry out activities—

(A) to determine the need for assistance provided under this subchapter; and

(B) to improve, monitor, and evaluate the effectiveness and efficiency of the assistance provided under this subchapter to maximize the impact of the assistance.

(2) Requirements of systems and activities

The systems and activities described in paragraph (1) shall include—

(A) program monitors in countries that receive assistance under this subchapter;

(B) country and regional food aid impact evaluations;

(C) the identification and implementation of best practices for food aid programs;

(D) the evaluation of monetization programs;

(E) early warning assessments and systems to help prevent famines; and

(F) upgraded information technology systems.

(3) Implementation report

Not later than 180 days after June 18, 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this subchapter.

(4) Government Accountability Office report

Not later than 270 days after the date of submission of the report under paragraph (3), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains—

(A) a review of, and comments addressing, the report described in paragraph (3); and

(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this subchapter.

(5) Contract authority**(A) In general**

Subject to subparagraphs (B) and (C), in carrying out administrative and management activities relating to each activity carried out by the Administrator under paragraph (1), the Administrator may enter into contracts with 1 or more individuals for personal service to be performed in recipient countries or neighboring countries.

(B) Prohibition

An individual who enters into a contract with the Administrator under subparagraph (A) shall not be considered to be an employee of the Federal Government for the purpose of any law (including regulations) administered by the Office of Personnel Management.

(C) Personal service

Subparagraph (A) does not limit the ability of the Administrator to enter into a contract with any individual for personal service under section 1722(a) of this title.

(6) Funding**(A) In general**

Subject to section 1722(h)(3) of this title, in addition to other funds made available to

the Administrator to carry out the monitoring of emergency food assistance, the Administrator may implement this subsection using up to \$22,000,000 of the funds made available under this subchapter for each of fiscal years 2009 through 2012, except for paragraph (2)(F), for which only \$2,500,000 shall be made available during fiscal year 2009.

(B) Limitations

(i) In general

Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through 2012, not more than \$8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

(ii) Condition

No funds shall be made available under subparagraph (A), in accordance with clause (i), unless not less than \$8,000,000 is made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for such purposes for such fiscal year.

(g) Project reporting

(1) In general

In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

(2) Confidential information

An organization or cooperative described in paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.

(July 10, 1954, ch. 469, title II, § 207, as added Pub. L. 99-198, title XI, § 1104(a), Dec. 23, 1985, 99 Stat. 1466; amended Pub. L. 100-202, § 14, Dec. 22, 1987, 101 Stat. 1329-449; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3640; Pub. L. 104-127, title II, § 207(b), Apr. 4, 1996, 110 Stat. 954; Pub. L. 107-171, title III, § 3007, May 13, 2002, 116 Stat. 282; Pub. L. 110-246, title III, §§ 3012, 3018(b), June 18, 2008, 122 Stat. 1824, 1828.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (f)(6)(B)(ii), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Chapter 1 of part I of the Act is classified generally to part I (§ 2151 et seq.) of subchapter I of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110-246, § 3012(1), struck out “and the conditions that must be met for the approval of such proposal” before period at end.

Subsec. (c)(3). Pub. L. 110-246, § 3012(2), struck out par. (3). Prior to amendment, text read as follows: “Handbooks developed by the Administrator to assist in carrying out the program under this subchapter shall be designed to foster the development of programs under this subchapter by eligible organizations.”

Subsec. (d). Pub. L. 110-246, § 3012(3), added subsec. (d) and struck out former subsec. (d). Prior to amendment,

text read as follows: “Not later than 15 days after receipt from a United States field mission of a call forward for agricultural commodities for programs that meet the requirements of this subchapter, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.”

Subsec. (e). Pub. L. 110-246, § 3018(b), struck out par. (1) designation and struck out par. (2). Prior to amendment, text read as follows: “Not later than December 1 of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

“(A) a list of programs, countries, and commodities approved to date for assistance under this section; and

“(B) a statement of the total amount of funds approved to date for transportation and administrative costs under this section.”

Subsecs. (f), (g). Pub. L. 110-246, § 3012(4), added subsecs. (f) and (g).

2002—Subsec. (a). Pub. L. 107-171, § 3007(1), added pars. (1) and (2), redesignated former par. (2) as (3), and struck out heading and text of former par. (1). Text read as follows: “Not later than 45 days after the receipt by the Administrator of a proposal submitted—

“(A) by an eligible organization, with the concurrence of the appropriate United States field mission, for commodities; or

“(B) by a United States field mission to make commodities available to an eligible organization; under this subchapter, the Administrator shall make a decision concerning such proposal.”

Subsec. (b). Pub. L. 107-171, § 3007(2), substituted “guideline or annual policy guidance” for “guideline” wherever appearing.

Subsec. (e). Pub. L. 107-171, § 3007(3), added subsec. (e).

1996—Subsec. (a)(1)(A), (B). Pub. L. 104-127, § 207(b)(1), substituted “an eligible organization” for “a private voluntary organization or cooperative”.

Subsec. (b)(1). Pub. L. 104-127, § 207(b)(2)(A), substituted “eligible organizations” for “private voluntary organizations and cooperatives”.

Subsec. (b)(2). Pub. L. 104-127, § 207(b)(2)(B), substituted “eligible organizations” for “organizations, cooperatives.”

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to requests by nonprofit voluntary agency or cooperative for nonemergency food assistance agreements, and uses of foreign currency proceeds.

1987—Subsec. (a). Pub. L. 100-202, § 14(1), inserted “or cooperative” after “agency”.

Subsec. (b). Pub. L. 100-202, § 14(2), substituted “10 percent” for “5 percent”.

Subsec. (c). Pub. L. 100-202, § 14(3), added subsec. (c).

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

Pub. L. 99-198, title XI, § 1104(b), Dec. 23, 1985, 99 Stat. 1466, as amended by Pub. L. 110-246, title III, § 3001(c), June 18, 2008, 122 Stat. 1821, provided that: “Section 207 of the Food for Peace Act (as added by subsection (a) [this section] shall apply with respect to agreements entered into after December 31, 1985.”

§ 1726b. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods

(a) In general

The Administrator may provide grants to—

(1) United States nonprofit organizations (described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of title 26) for the preparation of shelf-stable prepackaged foods requested by eligible organizations and the establishment and maintenance of stockpiles of the foods in the United States; and

(2) private voluntary organizations and international organizations for the rapid transportation, delivery, and distribution of shelf-stable prepackaged foods described in paragraph (1) to needy individuals in foreign countries.

(b) Grants for establishment of stockpiles

(1) In general

Not more than 70 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(1) of this section.

(2) Priority

In providing grants under subsection (a)(1) of this section, the Administrator shall provide a preference to a United States nonprofit organization that agrees to provide—

(A) non-Federal funds in an amount equal to 50 percent of the amount of funds received under a grant under subsection (a)(1) of this section;

(B) an in-kind contribution in an amount equal to that percentage; or

(C) a combination of such funds and an in-kind contribution,

for the preparation of shelf-stable prepackaged foods and the establishment and maintenance of stockpiles of the foods in the United States in accordance with subsection (a)(1) of this section.

(c) Grants for rapid transportation, delivery, and distribution

Not less than 20 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(2) of this section.

(d) Administration

Not more than 10 percent of the amount made available to carry out this section may be used by the Administrator for the administration of grants under subsection (a) of this section.

(e) Regulations or guidelines

Not later than 180 days after November 9, 2000, the Administrator, in consultation with the Secretary, shall issue such regulations or guidelines as the Administrator determines to be necessary to carry out this section, including regulations or guidelines that provide to United States nonprofit organizations eligible to receive grants under subsection (a)(1) of this section guidance with respect to the requirements for qualified shelf-stable prepackaged foods and the quantity of the foods to be stockpiled by the organizations.

(f) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this section, in addition to amounts otherwise available to carry out this section, \$8,000,000 for each of fiscal years 2001 through 2012, to remain available until expended.

(July 10, 1954, ch. 469, title II, §208, as added Pub. L. 106-472, title III, §310(a), Nov. 9, 2000, 114 Stat. 2075; amended Pub. L. 107-171, title III, §3008, May 13, 2002, 116 Stat. 283; Pub. L. 110-246, title III, §3013, June 18, 2008, 122 Stat. 1826.)

PRIOR PROVISIONS

A prior section 1726b, act July 10, 1954, ch. 469, title II, §208, as added Dec. 22, 1987, Pub. L. 100-202, §15, 101 Stat. 1329-449, which related to periods for review of proposals for famine relief and promulgation of guidelines for such proposals, was omitted in the general revision of this chapter by Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3633.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-246 substituted “\$8,000,000” for “\$3,000,000” and “2012” for “2007”.

2002—Subsec. (f). Pub. L. 107-171 substituted “through 2007” for “and 2002”.

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.

§ 1726c. Local and regional food aid procurement projects

(a) Definitions

In this section:

(1) Administrator

The term “Administrator” means the Administrator of the Agency for International Development.

(2) Appropriate committee of Congress

The term “appropriate committee of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Foreign Affairs of the House of Representatives.

(3) Eligible commodity

The term “eligible commodity” means an agricultural commodity (or the product of an agricultural commodity) that—

(A) is produced in, and procured from, a developing country; and

(B) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(4) Eligible organization

The term “eligible organization” means an organization that is—

(A) described in section 1722(d) of this title; and

(B) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this