

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).

(2) Priority

In providing grants under subsection (a)(1), 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);

(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).

(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).

(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).

(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) 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, \$10,000,000 for each of fiscal years 2014 through 2018, 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; Pub. L. 113-79, title III, §3007, Feb. 7, 2014, 128 Stat. 775.)

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

2014—Subsec. (f). Pub. L. 113-79 substituted “\$10,000,000 for each of fiscal years 2014 through 2018” for “\$8,000,000 for each of fiscal years 2001 through 2012”.

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 section, including United States audit requirements that are applicable to nongovernmental organizations.

(b) Field-based projects

(1) In general

In accordance with paragraph (2), the Secretary shall provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that consist of local or regional procurements of eligible commodities to respond to food crises and disasters in accordance with this section.

(2) Consultation with Administrator

In carrying out the development and implementation of field-based projects under paragraph (1), the Secretary shall consult with the Administrator.

(c) Procurement

(1) In general

Any eligible commodity that is procured for a field-based project carried out under subsection (b) shall be procured through any approach or methodology that the Secretary considers to be an effective approach or methodology to provide adequate information regarding the manner by which to expedite, to the maximum extent practicable, the provision of food aid to affected populations without significantly increasing commodity costs for low-income consumers who procure commodities sourced from the same markets at which the eligible commodity is procured.

(2) Requirements

(A) Impact on local farmers and countries

The Secretary shall ensure that the local or regional procurement of any eligible commodity under this section will not have a disruptive impact on farmers located in, or the economy of—

- (i) the recipient country of the eligible commodity; or
- (ii) any country in the region in which the eligible commodity may be procured.

(B) Transshipment

The Secretary shall, in accordance with such terms and conditions as the Secretary considers to be appropriate, require from each eligible organization commitments designed to prevent or restrict—

- (i) the resale or transshipment of any eligible commodity procured under this section to any country other than the recipient country; and
- (ii) the use of the eligible commodity for any purpose other than food aid.

(C) World prices

(i) In general

In carrying out this section, the Secretary shall take any precaution that the Secretary considers to be reasonable to ensure that the procurement of eligible commodities will not unduly disrupt—

(I) world prices for agricultural commodities; or

(II) normal patterns of commercial trade with foreign countries.

(ii) Procurement price

The procurement of any eligible commodity shall be made at a reasonable market price with respect to the economy of the country in which the eligible commodity is procured, as determined by the Secretary.

(d) Field-based project grants or cooperative agreements

(1) In general

The Secretary shall award grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects.

(2) Requirements of eligible organizations

(A) In general

To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall submit to the Secretary an application by such date, in such manner, and containing such information as the Secretary may require.

(B) Other applicable requirements

Any other applicable requirement relating to the submission of proposals for consideration shall apply to the submission of an application required under subparagraph (A), as determined by the Secretary.

(3) Requirements of Secretary

(A) Project diversity

(i) In general

Subject to clause (ii) and subparagraph (B), in selecting proposals for field-based projects to fund under this section, the Secretary shall select a diversity of projects, including projects located in—

- (I) food surplus regions;
- (II) food deficit regions (that are carried out using regional procurement methods); and
- (III) multiple geographical regions.

(ii) Priority

In selecting proposals for field-based projects under clause (i), the Secretary shall ensure that the majority of selected proposals are for field-based projects that—

- (I) are located in Africa; and
- (II) procure eligible commodities that are produced in Africa.

(B) Development assistance

A portion of the funds provided under this subsection shall be made available for field-based projects that provide development assistance for a period of not less than 1 year.

(e) Funding

(1) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$80,000,000 for each of fiscal years 2014 through 2018.

(2) Preference

In carrying out this section, the Secretary may give a preference to eligible organizations that have, or are working toward, projects under the McGovern-Dole International Food for Education and Child Nutrition Program established under section 1736o-1 of this title.

(3) Reporting

Each year, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of funds under this section, including—

(A) the impact of procurements and projects on—

- (i) local and regional agricultural producers; and
- (ii) markets and consumers, including low-income consumers; and

(B) implementation time frames and costs.

(Pub. L. 110-246, title III, § 3206, June 18, 2008, 122 Stat. 1840; Pub. L. 113-79, title III, § 3207, Feb. 7, 2014, 128 Stat. 780.)

CODIFICATION

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Food for Peace Act which comprises this chapter.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-79, § 3207(1)(A), (B), substituted “Field-based projects” for “Study; field-based projects” in heading, struck out par. (2) designation and heading, redesignated subpars. (A) and (B) of former par. (2) as pars. (1) and (2), respectively, and struck out former par. (1) which required a study of prior local and regional procurements for food aid programs and a report to Congress.

Subsec. (b)(1). Pub. L. 113-79, § 3207(1)(C), substituted “paragraph (2)” for “subparagraph (B)”.

Subsec. (b)(2). Pub. L. 113-79, § 3207(1)(D), substituted “paragraph (1)” for “subparagraph (A)”.

Subsec. (c)(1). Pub. L. 113-79, § 3207(2), substituted “subsection (b)” for “subsection (b)(2)”.

Subsec. (d). Pub. L. 113-79, § 3207(3), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to regulations and guidelines.

Subsec. (d)(2). Pub. L. 113-79, § 3207(5)(A), struck out subpar. (A) designation and heading, redesignated cls. (i) and (ii) of former subpar. (A) as subpars. (A) and (B), respectively, substituted “subparagraph (A)” for “clause (i)” in subpar. (B), and struck out former subpar. (B). Prior to amendment, text of subpar. (B) read as follows: “To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall agree—

“(i) to collect by September 30, 2011, data containing the information required under subsection (f)(1)(B) relating to the field-based project funded through the grant; and

“(ii) to provide to the Secretary the data collected under clause (i).”

Subsec. (d)(4). Pub. L. 113-79, § 3207(5)(B), struck out par. (4). Text read as follows: “The Secretary shall not award a grant to any eligible organization under paragraph (1) until the date on which the Secretary promulgates regulations or issues guidelines under subsection (d)(1)”.

Subsec. (e). Pub. L. 113-79, § 3207(6), added subsec. (e). Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 113-79, § 3207(3), struck out subsecs. (f) and (g) which related, respectively, to independent evaluations of field-based projects and report to Congress and to Commodity Credit Corporation

funding and funding amounts for fiscal years 2009 through 2012.

EFFECTIVE DATE

Section effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

SUBCHAPTER III—A—FOOD FOR DEVELOPMENT

§ 1727. Bilateral grant program**(a) In general**

The President shall establish a program under which agricultural commodities are donated in accordance with this subchapter to least developed countries. The revenue generated by the sale of such commodities in the recipient country may be utilized for economic development activities. Such program shall be implemented by the Administrator.

(b) General authority

To carry out the policies and accomplish the objectives described in section 1691 of this title, the Administrator may negotiate and execute agreements with least developed countries to provide commodities to such countries on a grant basis.

(July 10, 1954, ch. 469, title III, § 301, as added Pub. L. 95-88, title II, § 211(a)(2), Aug. 3, 1977, 91 Stat. 548; amended Pub. L. 96-53, title II, § 204(a), Aug. 14, 1979, 93 Stat. 369; Pub. L. 99-198, title XI, § 1112(a)(3), Dec. 23, 1985, 99 Stat. 1478; Pub. L. 100-576, § 4(a)(1), Oct. 31, 1988, 102 Stat. 2898; Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3641.)

PRIOR PROVISIONS

A prior section 301 of act July 10, 1954, ch. 469, title III, 68 Stat. 458, which amended section 1427 of this title, was renumbered section 308 by Pub. L. 95-88, title II, § 211(a)(1), Aug. 3, 1977, 91 Stat. 548.

AMENDMENTS

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions outlining Congressional purpose with regard to Food for Development Program, establishment of program, goal of assistance under program, range of assistance and emphasized activities, and use of funds for disaster assistance.

1988—Subsec. (c). Pub. L. 100-576 added subsec. (c).

1985—Subsec. (b). Pub. L. 99-198 inserted “(including immunization of children)” after “health services”.

1979—Subsec. (a). Pub. L. 96-53 inserted “, or the dollar sales value of the commodities themselves,” after “the local sale of such commodities”, and substituted “in the participating country of funds from the sale of such commodities or of the commodities themselves” for “of funds from the sale of such commodities in the participating country”.

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