

requirements of the programs established under this subchapter will not be best served by the enforcement of such requirement under such paragraph.

(July 10, 1954, ch. 469, title II, §204, 68 Stat. 458; Pub. L. 85-128, §1(1), Aug. 13, 1957, 71 Stat. 345; Pub. L. 85-931, §5, Sept. 6, 1958, 72 Stat. 1791; Pub. L. 86-341, title I, §1, Sept. 21, 1959, 73 Stat. 606; Pub. L. 87-128, title II, §202(2), Aug. 8, 1961, 75 Stat. 307; Pub. L. 88-638, §1(15), Oct. 8, 1964, 78 Stat. 1037; Pub. L. 89-808, §2(C), Nov. 11, 1966, 80 Stat. 1535; Pub. L. 95-113, title XII, §1203, Sept. 29, 1977, 91 Stat. 956; Pub. L. 97-98, title XII, §1212, Dec. 22, 1981, 95 Stat. 1281; Pub. L. 99-198, title XI, §1101, Dec. 23, 1985, 99 Stat. 1465; Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3639; Pub. L. 104-127, title II, §209, Apr. 4, 1996, 110 Stat. 954; Pub. L. 107-171, title III, §3004, May 13, 2002, 116 Stat. 282; Pub. L. 108-199, div. A, title VII, §758, Jan. 23, 2004, 118 Stat. 38; Pub. L. 110-246, title III, §3010, June 18, 2008, 122 Stat. 1824; Pub. L. 113-79, title III, §3004, Feb. 7, 2014, 128 Stat. 774; Pub. L. 115-334, title III, §3104, Dec. 20, 2018, 132 Stat. 4604.)

AMENDMENTS

2018—Subsec. (a)(1), (2). Pub. L. 115-334 substituted “2023” for “2018”.

2014—Subsec. (a)(1), (2). Pub. L. 113-79 substituted “2018” for “2012”.

2008—Subsec. (a)(1), (2). Pub. L. 110-246 substituted “2008 through 2012” for “2002 through 2007”.

2004—Subsec. (a)(3). Pub. L. 108-199 substituted “the Committees on International Relations, Agriculture and Appropriations of the House of Representatives, and the Committees on Appropriations and” for “the Committee on Foreign Affairs and Committee on Agriculture of the House of Representatives, and the Committee on”.

2002—Subsec. (a)(1). Pub. L. 107-171, §3004(1), (2), substituted “2002 through 2007” for “1996 through 2002” and “2,500,000 metric tons” for “2,025,000 metric tons”.

Subsec. (a)(2). Pub. L. 107-171, §3004(1), (3), substituted “2002 through 2007” for “1996 through 2002” and “1,875,000 metric tons” for “1,550,000 metric tons”.

1996—Subsec. (a)(1). Pub. L. 104-127, §209(1)(A), substituted “amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.” for “amount that—

“(A) for fiscal year 1991, is not less than 1,925,000 metric tons;

“(B) for fiscal year 1992, is not less than 1,950,000 metric tons;

“(C) for fiscal year 1993, is not less than 1,975,000 metric tons;

“(D) for fiscal year 1994, is not less than 2,000,000 metric tons; and

“(E) for fiscal year 1995, is not less than 2,025,000 metric tons.”

Subsec. (a)(2). Pub. L. 104-127, §209(1)(B), substituted “amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons.” for “an amount that—

“(A) for fiscal year 1991, is not less than 1,450,000 metric tons;

“(B) for fiscal year 1992, is not less than 1,475,000 metric tons;

“(C) for fiscal year 1993, is not less than 1,500,000 metric tons;

“(D) for fiscal year 1994, is not less than 1,525,000 metric tons; and

“(E) for fiscal year 1995, is not less than 1,550,000 metric tons.”

Subsec. (a)(3). Pub. L. 104-127, §209(1)(C), inserted at end “No waiver shall be made before the beginning of the applicable fiscal year.”

Subsec. (b)(1). Pub. L. 104-127, §209(2), inserted before period at end “and that not less than 50 percent of the quantity of the bagged commodities that are whole grain commodities be bagged in the United States”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions relating to authorization of appropriations for reimbursement of Commodity Credit Corporation for costs incurred in connection with programs of assistance undertaken under this subchapter, and appropriations for purchase of foreign currencies.

1985—Pub. L. 99-198 substituted “fiscal” for “calendar” in two places in first sentence and authorized a waiver of limitation on assistance when the President determines waiver is necessary to undertake programs of assistance to meet humanitarian needs.

1981—Pub. L. 97-98 substituted “\$1,000,000,000” for “\$750,000,000”.

1977—Pub. L. 95-113 substituted “\$750,000,000” for “\$600,000,000”.

1966—Pub. L. 89-808 substituted part of provisions of former section 1723 of this title relating to authorization of appropriations for reimbursement of the CCC, limitations on amount, and use of funds for purchase of foreign currencies for former provisions for termination date for assistance under this subchapter (Dec. 31, 1966), now provided for by section 1736c of this title.

1964—Pub. L. 88-638 extended termination date from Dec. 31, 1964, to Dec. 31, 1966.

1961—Pub. L. 87-128 extended termination date from Dec. 31, 1961, to Dec. 31, 1964.

1959—Pub. L. 86-341 extended termination date from Dec. 31, 1959, to Dec. 31, 1961.

1958—Pub. L. 85-931 extended termination date from June 30, 1958, to Dec. 31, 1959.

1957—Pub. L. 85-128 extended termination date from June 30, 1957, to June 30, 1958.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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 OF 1985 AMENDMENT

Pub. L. 99-198, title XI, §1101, Dec. 23, 1985, 99 Stat. 1465, provided that the amendment made by that section is effective Oct. 1, 1985.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 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.

§ 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 Trade and Foreign Agricultural Affairs;
- (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;
- (7) representatives from the United States agricultural processing sector involved in providing agricultural commodities for programs under this chapter; and
- (8) 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

(1) Consultation in advance of issuance of implementation regulations, handbooks, and guidelines

Not later than 30 days before a proposed regulation, handbook, or guideline implementing this subchapter, or a proposed significant revision to a regulation, handbook, or guideline implementing this subchapter, becomes final, the Administrator shall provide the proposal 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.

(2) Consultation regarding food aid quality efforts

The Administrator shall seek input from and consult with the Group on the implementation of section 1722(h) of this title.

(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, 2023.

(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; Pub. L. 113–79, title III, § 3005, Feb. 7, 2014, 128 Stat. 774; Pub. L. 115–334, title III, § 3105, title XII, § 12405(c), Dec. 20, 2018, 132 Stat. 4604, 4975.)

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

2018—Subsec. (b)(2). Pub. L. 115–334, § 12405(c), substituted “Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs” for “Under Secretary of Agriculture for Farm and Foreign Agricultural Services”.

Subsec. (d)(1). Pub. L. 115–334, § 3105(1), substituted “30 days” for “45 days”.

Subsec. (f). Pub. L. 115–334, § 3105(2), substituted “2023” for “2018”.

2014—Subsec. (b)(7), (8). Pub. L. 113–79, § 3005(a), added par. (7) and redesignated former par. (7) as (8).

Subsec. (d). Pub. L. 113–79, § 3005(b), designated existing provisions as par. (1), substituted “Not later than 45 days before a proposed regulation, handbook, or guideline implementing this subchapter, or a proposed significant revision to a regulation, handbook, or guideline implementing this subchapter, becomes final, the Administrator shall provide the proposal to the Group for review and comment.” for “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.”, and added par. (2).

Subsec. (f). Pub. L. 113–79, § 3005(c), substituted “2018” for “2012”.

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 and guidance

(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. Not later than 270 days after the date of the enactment of the Agriculture Improvement Act of 2018, the Administrator shall issue all regulations and revisions to agency guidance necessary to implement the amendments made to this subchapter by such Act.

(2) Requirements

The Administrator shall develop regulations and guidance 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) maintenance of information technology systems.

(3) 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