

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

2018—Pub. L. 115-334, § 3108(1), amended section catchline generally. Prior to amendment, section catchline read as follows: “Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods”.

Subsec. (f). Pub. L. 115-334, § 3108(2), substituted “2023” for “2018”.

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 the Secretary to carry out this section \$80,000,000 for each of fiscal years 2019 through 2023.

**(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; Pub. L. 115-334, title III, § 3311, Dec. 20, 2018, 132 Stat. 4623.)

## 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

2018—Subsec. (e)(1). Pub. L. 115-334 inserted “to the Secretary” after “appropriated” and substituted “2019 through 2023” for “2014 through 2018”.

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 section 2151 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 215 of Pub. L. 95-88, set out as an Effective Date of 1977 Amendment note under section 1702 of this title.

AMENDMENT OF FOOD FOR DEVELOPMENT AGREEMENTS;  
DISASTER ASSISTANCE FOR BANGLADESH

Pub. L. 100-576, § 4(a)(2), (3), Oct. 31, 1988, 102 Stat. 2898, provided that:

“(2) Food for Development agreements entered into under title III of that Act [this subchapter] before the date of enactment of this Act [Oct. 31, 1988] may be amended in order to implement the amendment made by paragraph (1) [amending this section].

“(3) Pending amendment pursuant to paragraph (2) of Food for Development agreements with the Government of Bangladesh, the use of funds accruing under those agreements, with the approval of the United States Government, for flood-related disaster assistance authorized by the amendment made by paragraph (1) shall be deemed to be consistent with the applicable agreement.”

INCREASED IMMUNIZATIONS OF CHILDREN; REPORTING  
REQUIREMENT

Pub. L. 99-198, title XI, § 1112(b), Dec. 23, 1985, 99 Stat. 1478, as amended by Pub. L. 110-246, title III, § 3001(c), June 18, 2008, 122 Stat. 1821, provided that: “In the implementation of health programs undertaken in relation to assistance provided under the Food for Peace Act [this chapter], it shall be the goal of the organizations and agencies involved to provide as many additional immunizations of children as possible. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961 [22 U.S.C. 2394], including a report on the estimated number of immunizations provided each year pursuant to this subsection.”

IMPLEMENTATION OF PROGRAM

Program under this subchapter to provide for donation of agricultural commodities to least developed countries to be implemented by Administrator of the Agency for International Development, see Ex. Ord. No. 12752, § 1(c), Feb. 25, 1991, 56 F.R. 8255, set out as a note under section 1691 of this title.

**§ 1727a. Eligible countries**

**(a) Least developed countries**

A country shall be considered to be a least developed country and eligible for the donation of agricultural commodities under this subchapter if—

(1) such country meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference for providing financial assistance; or

(2) such country is a food deficit country and is characterized by high levels of malnutrition among significant numbers of its population, as determined by the Administrator under subsection (b).

**(b) Indicators of food deficit countries**

To make a finding under subsection (a)(2) that a country is a food deficit country and is characterized by high levels of malnutrition, the Administrator must determine that the country meets all of the following indicators of national food deficit and malnutrition:

**(1) Calorie consumption**

That the daily per capita calorie consumption of the country is less than 2300 calories.

**(2) Food security requirements**

That the country cannot meet its food security requirements through domestic production or imports due to a shortage of foreign exchange earnings.