

Statutory Notes and Related Subsidiaries**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 Repealed.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 manage-

ment 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.

(4) 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 1.5 percent, but not less than \$17,000,000, of the funds made available under this subchapter for each of fiscal years 2014 through 2023, except for paragraph (2)(F), for which not more than \$500,000 shall be made available for each of the fiscal years 2014 through 2023.

(B) Limitations

(i) In general

Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through 2023, 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 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; Pub. L. 113-79, title III, § 3006(a), (b), Feb. 7, 2014, 128 Stat. 774, 775; Pub. L. 115-334, title III, §§ 3106, 3107, Dec. 20, 2018, 132 Stat. 4604.)

Editorial Notes

REFERENCES IN TEXT

The Agriculture Improvement Act of 2018 and such Act, referred to in subsec. (c)(1), is Pub. L. 115-334, Dec. 20, 2018, 132 Stat. 4490. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 9001 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (f)(4)(B)(ii), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§ 2151 et seq.) 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

2018—Subsec. (c)(1). Pub. L. 115-334, § 3106, substituted “the Agriculture Improvement Act of 2018” for “the Agricultural Act of 2014”.

Subsec. (f)(4)(A). Pub. L. 115-334, § 3107(1), substituted “1.5 percent, but not less than \$17,000,000,” for “\$17,000,000” and “2023” for “2018” in two places.

Subsec. (f)(4)(B)(i). Pub. L. 115-334, § 3107(2)(A), substituted “2023” for “2018”.

Subsec. (f)(4)(B)(ii). Pub. L. 115-334, § 3107(2)(B), struck out “chapter 1 of part I of” before “the Foreign Assistance Act of 1961”.

2014—Subsec. (c). Pub. L. 113-79, § 3006(a)(1), inserted “and guidance” after “Regulations” in heading.

Subsec. (c)(1). Pub. L. 113-79, § 3006(a)(2), inserted at end “Not later than 270 days after the date of the enactment of the Agricultural Act of 2014, the Administrator shall issue all regulations and revisions to agency guidance necessary to implement the amendments made to this subchapter by such Act.”

Subsec. (c)(2). Pub. L. 113-79, § 3006(a)(3), inserted “and guidance” after “develop regulations” in introductory provisions.

Subsec. (f)(2)(F). Pub. L. 113-79, § 3006(b)(1), substituted “maintenance of” for “upgraded”.

Subsec. (f)(3), (4). Pub. L. 113-79, § 3006(b)(2), (3), redesignated pars. (5) and (6) as (3) and (4), respectively, and struck out former pars. (3) and (4) which related to reports to be submitted by the Administrator and the Comptroller General.

Subsec. (f)(4)(A). Pub. L. 113-79, § 3006(b)(4)(A), substituted “\$17,000,000 of the funds made available under this subchapter for each of fiscal years 2014 through 2018, except for paragraph (2)(F), for which not more than \$500,000 shall be made available for each of the fiscal years 2014 through 2018.” for “\$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.”

Subsec. (f)(4)(B)(i). Pub. L. 113-79, § 3006(b)(4)(B), substituted “2018” for “2012”.

Subsec. (f)(5), (6). Pub. L. 113-79, § 3006(b)(3), redesignated pars. (5) and (6) as (3) and (4), respectively.

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).

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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. International food relief partnership

(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