

113TH CONGRESS
2D SESSION

S. 2421

To amend the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)
to reform the Food for Peace Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2014

Mr. CORKER (for himself and Mr. COONS) introduced the following bill; which
was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961 (22 U.S.C.
2151 et seq.) to reform the Food for Peace Program,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food for Peace Reform
5 Act of 2014”.

6 **SEC. 2. FOOD FOR PEACE PROGRAM.**

7 Title XII of chapter 2 of part I of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2220a et seq.) is amended—

9 (1) by redesignating section 300 (22 U.S.C.
10 2220e) as section 300A; and

1 (2) by inserting after section 299 (22 U.S.C.
2 2220d) the following:

3 **“SEC. 300. FOOD FOR PEACE PROGRAM.**

4 “(a) ESTABLISHMENT.—There is established in the
5 United States Agency for International Development (re-
6 ferred to in this section as the ‘Agency’) a food assistance
7 program, which shall be known as the ‘Food for Peace
8 Program’.

9 “(b) EMERGENCY ASSISTANCE.—Notwithstanding
10 any provision of law that prohibits or otherwise unduly
11 restricts the Administrator of the Agency (referred to in
12 this Act as the ‘Administrator’) from carrying out the ac-
13 tivities authorized under this section, the Administrator,
14 under the Food for Peace Program, is authorized to pro-
15 vide assistance, consistent with this section, including
16 through the provision of agricultural commodities pro-
17 duced in the United States or acquired through local or
18 regional procurement (including products derived from ag-
19 ricultural commodities), funds, and vouchers to meet
20 emergency food needs arising from manmade and natural
21 disasters, including famines and other food crises.

22 “(c) NONEMERGENCY ASSISTANCE.—

23 “(1) OBJECTIVES.—Notwithstanding section
24 55305 of title 46, United States Code, the Adminis-
25 trator, under the Food for Peace Program, is au-

1 thorized to provide assistance, directly or through el-
2 igible organizations described in paragraph (2), and
3 consistent with this section, including through the
4 provision of agricultural commodities produced in
5 the United States or acquired through local or re-
6 gional procurement (including products derived from
7 agricultural commodities), funds, and vouchers to
8 carry out nonemergency food security programs in
9 foreign countries to achieve any of the following ob-
10 jectives:

11 “(A) Combating malnutrition, especially in
12 infants, children, and mothers, including
13 through appropriate health interventions di-
14 rectly related to alleviating or preventing mal-
15 nutrition.

16 “(B) Addressing hunger needs.

17 “(C) Mitigating food crises, particularly
18 with respect to vulnerable populations.

19 “(D) Promoting resilient food security
20 through integrated and holistic programs
21 that—

22 “(i) improve agricultural productivity;

23 “(ii) diversify incomes for vulnerable
24 populations within the agricultural and

1 other related sectors to reduce food insecu-
 2 rity;

3 “(iii) enhance community and other
 4 development activities significantly linked
 5 to agricultural activities; and

6 “(iv) improve environmental practices.

7 “(2) ELIGIBLE ORGANIZATIONS.—An organiza-
 8 tion is eligible to receive assistance under paragraph
 9 (1) if the organization is—

10 “(A) a private voluntary organization or
 11 cooperative that is registered with the Adminis-
 12 trator;

13 “(B) directly supervised by an organization
 14 described in subparagraph (A); or

15 “(C) an intergovernmental organization,
 16 such as the World Food Program.

17 “(d) MINIMUM FUNDING FOR NONEMERGENCY AS-
 18 SISTANCE.—

19 “(1) IN GENERAL.—Except as provided in para-
 20 graphs (2) and (3), of the amounts made available
 21 to carry out emergency and nonemergency food as-
 22 sistance programs under this section, not less than
 23 20 percent nor more than 30 percent shall be ex-
 24 pended for each fiscal year to carry out subsection
 25 (c).

1 “(2) MINIMUM LEVEL.—The amount made
2 available to carry out subsection (c) shall not be less
3 than \$375,000,000 for any fiscal year.

4 “(3) WAIVER.—The Administrator may waive
5 the requirements under paragraphs (1) and (2) after
6 certifying to the appropriate congressional commit-
7 tees that—

8 “(A)(i) additional funds are required to
9 provide food assistance to meet an urgent hu-
10 manitarian need; and

11 “(ii) other sources of funds authorized for
12 use in emergency situations have already been
13 obligated;

14 “(B) additional funds subject to the waiver
15 under this paragraph are—

16 “(i) first paid from unobligated funds;
17 and

18 “(ii) only paid from obligated funds if
19 the additional funds are necessary to meet
20 an urgent and compelling humanitarian
21 need; and

22 “(C) if the urgent humanitarian need is
23 reasonably expected to continue beyond the fis-
24 cal year during which the need began, the budg-
25 et request of the President for the subsequent

1 fiscal year will include a request for emergency
2 food assistance funding authorized under sub-
3 section (b) to account for the additional funds
4 required to address the need.

5 “(4) REPLENISHMENT.—If the Administrator
6 waives the requirement described in paragraph (1),
7 pursuant to paragraph (3), the Administrator may
8 expend funds authorized under section 302 of the
9 Agricultural Act of 1980 (7 U.S.C. 1736f–1) in an
10 amount equal to the total amount of funds subject
11 to the waiver to provide assistance under subsection
12 (c).

13 “(e) DESCRIPTION OF INTENDED USES.—A proposal
14 submitted by any eligible organization to enter into an
15 agreement for a nonemergency food assistance agreement
16 program with the Administrator under subsection (c) shall
17 include—

18 “(1) a description of the proposed program;

19 “(2) a description of the manner in which the
20 proposed program would address 1 or more of the
21 objectives described in subsection (c) in the region in
22 which the proposed program is to be implemented;

23 “(3) the amount of funds requested;

24 “(4) a description of any agricultural commod-
25 ities and products derived from agricultural com-

1 modities that would be used to implement the pro-
2 posed program;

3 “(5) a description of the manner in which the
4 organization would work with indigenous institutions
5 and communities to carry out the proposed program;

6 “(6) a description of the proposed output im-
7 pact and other indicators that would be used to—

8 “(A) monitor the progress of the proposed
9 program; and

10 “(B) assist in determining whether the ac-
11 tivities funded under the proposed program are
12 achieving program objectives;

13 “(7) a description of proposed baseline data—

14 “(A) that would be collected, to the max-
15 imum extent practicable; and

16 “(B) against which indicators can be meas-
17 ured; and

18 “(8) a plan for measuring and reporting
19 progress towards achieving program objectives, out-
20 comes, and other indicators.

21 “(f) FOOD AID CONSULTATIVE GROUP.—

22 “(1) ESTABLISHMENT.—There is established
23 the Food Aid Consultative Group (referred to in this
24 section as the ‘Group’), which—

25 “(A) shall meet regularly; and

“(B) may organize into subcommittees, as appropriate, to review and address issues concerning—

“(i) the effectiveness of the regulations and procedures that govern food assistance programs established and implemented under this section; and

“(ii) the implementation of other provisions of this section that may involve eligible organizations described in subsection (c).

“(2) MEMBERSHIP.—The Group shall be composed of—

“(A) the Administrator;

“(B) the Under Secretary of Agriculture for Farm and Foreign Agricultural Services;

“(C) the Inspector General of the Agency;

“(D) a representative of each private voluntary organization and cooperative participating in a program under this section, or receiving planning assistance funds from the Agency to establish programs under this section;

“(E) representatives from African, Asian, and Latin American indigenous nongovern-

1 mental organizations determined appropriate by
2 the Administrator;

3 “(F) representatives from agricultural pro-
4 ducer groups in the United States;

5 “(G) representatives from the United
6 States agricultural processing sector involved in
7 providing agricultural commodities for pro-
8 grams under this section;

9 “(H) representatives from the maritime
10 transportation sector involved in transporting
11 agricultural commodities overseas for programs
12 under this section; and

13 “(I) nutrition science experts from aca-
14 demia and nongovernmental organizations.

15 “(3) CHAIRPERSON.—The Administrator shall
16 be the chairperson of the Group.

17 “(4) CONSULTATIONS.—Not later than 45 days
18 before a proposed regulation, handbook, or guideline
19 implementing this section, or a proposed significant
20 revision to a regulation, handbook, or guideline im-
21 plementing this section, becomes final, the Adminis-
22 trator shall provide the proposal to the Group for re-
23 view and comment.

24 “(5) COORDINATION AND OVERSIGHT.—

1 “(A) IN GENERAL.—The Administrator
2 shall work within the Group to take the actions
3 described in subsection (B) to increase coordi-
4 nation and oversight of food assistance pro-
5 grams established and implemented under this
6 Act, with a primary focus on improving quality
7 control and cost effectiveness.

8 “(B) ACTIONS DESCRIBED.—The actions
9 referred to in subparagraph (A) are the fol-
10 lowing:

11 “(i) Explore and test options for im-
12 proved packaging and storage of products
13 to improve shelf life, promote rec-
14 ommended usage by intended beneficiaries,
15 and oversee field-testing of products.

16 “(ii) Work closely with the Depart-
17 ment of Agriculture, to undertake reforms
18 in commodity acquisition and supply chain
19 management, drawing on best commercial
20 practices for vendor selection, quality as-
21 surance standards, overall management of
22 the supply chain, and auditing of food aid
23 commodity suppliers.

24 “(iii) Develop mechanisms and part-
25 nerships to facilitate more private sector

1 development and innovation in food aid
2 products, packaging, and delivery in order
3 to improve the cost-effectiveness, nutri-
4 tional quality, and overall acceptability of
5 the product.

6 “(iv) Provide guidance to imple-
7 menting partners on whether and how best
8 to use food aid commodities, such as new
9 specialized food products, including guid-
10 ance on targeting strategies to ensure that
11 the products reach their intended recipi-
12 ents.

13 “(v) Work to strengthen the moni-
14 toring of commodity quality, as appro-
15 priate, by identifying and tracking key
16 quality indicators to determine the full ex-
17 tent of quality problems, including emerg-
18 ing concerns.

19 “(vi) Establish processes and system-
20 wide protocols for effective monitoring and
21 evaluation of impact, to inform improved
22 program design, and to address improve-
23 ments in cost-effectiveness.

1 “(6) ADVISORY COMMITTEE ACT.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the Group.

4 “(g) ADMINISTRATIVE PROVISIONS.—

5 “(1) FOOD AID QUALITY.—

6 “(A) IN GENERAL.—The Administrator
7 shall use funds made available to carry out the
8 Food for Peace Program authorized under this
9 section—

10 “(i) to assess the types and quality of
11 agricultural commodities and products do-
12 nated for food aid;

13 “(ii) to adjust products and formula-
14 tions (including the potential introduction
15 of new fortificants and products) as nec-
16 essary to cost-effectively meet nutrient
17 needs of target populations;

18 “(iii) to test prototypes;

19 “(iv) to adopt new specifications, or to
20 improve existing specifications, for micro-
21 nutrient fortified food aid products, based
22 on the latest developments in food and nu-
23 trition science, and in coordination with
24 other international partners;

1 “(v) to develop new program guidance
2 to facilitate improved matching of products
3 to purposes having nutritional intent, in
4 coordination with other international part-
5 ners;

6 “(vi) to develop improved guidance for
7 implementing partners on how to address
8 nutritional deficiencies that emerge among
9 recipients for whom food assistance is the
10 sole source of diet in emergency programs
11 that extend beyond 1 year, in coordination
12 with other international partners; and

13 “(vii) to evaluate, in appropriate set-
14 tings and as necessary, the performance
15 and cost-effectiveness of new or modified
16 specialized food products and program ap-
17 proaches designed to meet the nutritional
18 needs of the most vulnerable groups, such
19 as pregnant and lactating mothers, and
20 children younger than 5 years of age.

21 “(B) ADMINISTRATION.—In carrying out
22 subparagraph (A), the Administrator—

23 “(i) shall consult with independent en-
24 tities with proven expertise in food aid
25 commodity quality enhancements;

1 “(ii) may enter into contracts to ob-
2 tain the services of the entities described in
3 clause (i); and

4 “(iii) shall consult with the Food Aid
5 Consultative Group established under sub-
6 section (f).

7 “(2) FREIGHT PROCUREMENT.—Notwith-
8 standing division C of subtitle I of title 41, United
9 States Code, or other similar provisions of law relat-
10 ing to the making or performance of Federal Gov-
11 ernment contracts, ocean transportation authorized
12 under this section may be procured on the basis of
13 full and open competitive procedures. Resulting con-
14 tracts may contain such terms and conditions as the
15 Administrator determines to be necessary and appro-
16 priate.

17 “(3) LIMITATION.—No assistance shall be made
18 available through the Food for Peace Program under
19 this section unless the Administrator determines
20 that the provision of the agricultural commodity in
21 the recipient country would not—

22 “(A) result in a substantial disincentive to,
23 or interference with, the domestic production or
24 marketing of agricultural commodities in the re-
25 cipient country; or

1 “(B) have a disruptive impact on the agri-
2 cultural producers or the local economy of the
3 recipient country.

4 “(4) EFFECT ON SALES OF UNITED STATES AG-
5 RICULTURAL COMMODITIES.—In carrying out the
6 Food for Peace Program under this section, the Ad-
7 ministrator shall take reasonable precautions to
8 avoid displacing any sales of United States agricul-
9 tural commodities that the Administrator determines
10 would otherwise occur.

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated, for fiscal year 2014 and
13 each fiscal year thereafter, \$2,400,000,000, which shall be
14 used to carry out the Food for Peace Program established
15 under this section.”.

16 **SEC. 3. CHANGES TO EXISTING LAW.**

17 (a) IN GENERAL.—Title II of the Food for Peace Act
18 (7 U.S.C. 1721 et seq.) is repealed.

19 (b) FUNDING.—Funds made available to carry out
20 title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)
21 that are unobligated as of the day before the date of enact-
22 ment of this Act are authorized to be appropriated for the
23 purposes of carrying out section 300 of the Foreign Assist-
24 ance Act of 1961, as amended by section 2.

25 (c) CONFORMING AMENDMENTS.—

1 (1) Section 416(b) of the Agricultural Act of
2 1949 (7 U.S.C. 1431(b)) is amended—

3 (A) in paragraph (1), in the first sentence,
4 by striking “titles II and III of the Food for
5 Peace Act” and inserting “section 300 of the
6 Foreign Assistance Act of 1961 and title III of
7 the Food for Peace Act”; and

8 (B) in paragraph (7)(D)(iii), in the second
9 sentence, by striking “titles II and III of the
10 Food for Peace Act” and inserting “section 300
11 of the Foreign Assistance Act of 1961 and title
12 III of the Food for Peace Act”.

13 (2) Section 3206(a)(4)(A) of the Food, Con-
14 servation, and Energy Act of 2008 (7 U.S.C.
15 1726c(a)(4)(A) is amended by inserting “(as in ef-
16 fect on the day before the date of enactment of the
17 Food for Peace Reform Act of 2014”) before “;
18 and”.

19 (3) Section 407(f)(1)(B) of the Food for Peace
20 Act (7 U.S.C. 1736a(f)(1)(B)) is amended—

21 (A) in clause (iv), by inserting “and” after
22 the semicolon at the end;

23 (B) by striking clauses (v) and (vi); and

24 (C) by redesignating clause (vii) as clause
25 (v).

(4) Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(A) in subsection (b)(2)(B)(i), by striking “Food for Peace Act (7 U.S.C. 1691 et seq.)” and inserting “section 300 of the Foreign Assistance Act of 1961”;

(B) in subsection (c)(1)—

(i) in subparagraph (B)—

(I) in clause (i), by striking “title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)” and inserting “section 300 of the Foreign Assistance Act of 1961”; and

(II) in clause (ii), by striking “title II of that Act” and inserting “section 300 of the Foreign Assistance Act of 1961”;

(ii) in subparagraph (C), by striking “title II of that Act (7 U.S.C. 1721 et seq.)” and inserting “section 300 of the Foreign Assistance Act of 1961”; and

(iii) in subparagraph (D), by striking “under section 204(a)(3) of the Food for Peace Act (7 U.S.C. 1724(a)(3))”;

1 (C) in subsection (e)(1), by striking “Food
 2 for Peace Act (7 U.S.C. 1691 et seq.)” and in-
 3 serting “section 300 of the Foreign Assistance
 4 Act of 1961”; and

5 (D) in subsection (f)(2)(A), by striking
 6 “Food for Peace Act (7 U.S.C. 1691 et seq.)”
 7 and inserting “section 300 of the Foreign As-
 8 sistance Act of 1961”.

9 **SEC. 4. SENSE OF CONGRESS.**

10 It is the sense of the Congress that the United States
 11 Merchant Marine—

12 (1) is a critical component of our Nation’s mili-
 13 tary and economic security;

14 (2) consists of a fleet of private, merchant ships
 15 that are registered in the United States and provide
 16 domestic and international transportation for pas-
 17 sengers and cargo; and

18 (3) with the dedicated crews of mariners that
 19 operate the fleet, is an essential part of defense ca-
 20 pacity in times of peace and in times of war.

○