

114TH CONGRESS  
1ST SESSION

# S. 525

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.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

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

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## 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 2015”.

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

7       (a) IN GENERAL.—Title XII of chapter 2 of part I  
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a  
9 et seq.) is amended—

1           (1) by redesignating section 300 (22 U.S.C.  
2           2220e) as section 300A; and

3           (2) by inserting after section 299 (22 U.S.C.  
4           2220d) the following:

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

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

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

24          “(c) NONEMERGENCY ASSISTANCE.—

1           “(1) OBJECTIVES.—Notwithstanding section  
2           55305 of title 46, United States Code, the Adminis-  
3           trator, under the Food for Peace Program, is au-  
4           thorized to provide assistance, directly or through el-  
5           igible organizations described in paragraph (2), and  
6           consistent with this section, including through the  
7           provision of agricultural commodities produced in  
8           the United States or acquired through local or re-  
9           gional procurement (including products derived from  
10          agricultural commodities), funds, and vouchers to  
11          carry out nonemergency food security programs in  
12          foreign countries to achieve any of the following ob-  
13          jectives:

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

19                 “(B) Addressing hunger needs.

20                 “(C) Mitigating food crises, particularly  
21                 with respect to vulnerable populations.

22                 “(D) Promoting resilient food security  
23                 through integrated and holistic programs  
24                 that—

25                         “(i) improve agricultural productivity;

1           “(ii) diversify incomes for vulnerable  
2           populations within the agricultural and  
3           other related sectors to reduce food insecur-  
4           ity;

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

8           “(iv) improve environmental practices.

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

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

15           “(B) directly supervised by an organization  
16           described in subparagraph (A); or

17           “(C) an intergovernmental organization,  
18           such as the World Food Program.

19          “(d) MINIMUM FUNDING FOR NONEMERGENCY AS-  
20          SISTANCE.—

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

1        pended for each fiscal year to carry out subsection  
2        (c).

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

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

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

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

16           “(B) additional funds subject to the waiver  
17        under this paragraph are—

18           “(i) first paid from unobligated funds;  
19        and

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

24           “(C) if the urgent humanitarian need is  
25        reasonably expected to continue beyond the fis-

1 cal year during which the need began, the budg-  
2 et request of the President for the subsequent  
3 fiscal year will include a request for emergency  
4 food assistance funding authorized under sub-  
5 section (b) to account for the additional funds  
6 required to address the need.

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

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

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

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

25 “(3) the amount of funds requested;

1           “(4) a description of any agricultural commod-  
2 ities and products derived from agricultural com-  
3 modities that would be used to implement the pro-  
4 posed program;

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

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

10           “(A) monitor the progress of the proposed  
11 program; and

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

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

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

18           “(B) against which indicators can be meas-  
19 ured; and

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

23           “(f) FOOD AID CONSULTATIVE GROUP.—

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

4                   “(A) shall meet regularly; and

5                   “(B) may organize into subcommittees, as  
6 appropriate, to review and address issues con-  
7 cerning—

8                           “(i) the effectiveness of the regula-  
9 tions and procedures that govern food as-  
10 sistance programs established and imple-  
11 mented under this section; and

12                           “(ii) the implementation of other pro-  
13 visions of this section that may involve eli-  
14 gible organizations described in subsection  
15 (c).

16           “(2) MEMBERSHIP.—The Group shall be com-  
17 posed of—

18                   “(A) the Administrator;

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

21                   “(C) the Inspector General of the Agency;

22                   “(D) a representative of each private vol-  
23 untary organization and cooperative partici-  
24 pating in a program under this section, or re-  
25 ceiving planning assistance funds from the



1 Agency to establish programs under this sec-  
2 tion;

3 “(E) representatives from African, Asian,  
4 and Latin American indigenous nongovern-  
5 mental organizations determined appropriate by  
6 the Administrator;

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

9 “(G) representatives from the United  
10 States agricultural processing sector involved in  
11 providing agricultural commodities for pro-  
12 grams under this section;

13 “(H) representatives from the maritime  
14 transportation sector involved in transporting  
15 agricultural commodities overseas for programs  
16 under this section; and

17 “(I) nutrition science experts from aca-  
18 demia and nongovernmental organizations.

19 “(3) CHAIRPERSON.—The Administrator shall  
20 be the chairperson of the Group.

21 “(4) CONSULTATIONS.—Not later than 45 days  
22 before a proposed regulation, handbook, or guideline  
23 implementing this section, or a proposed significant  
24 revision to a regulation, handbook, or guideline im-  
25 plementing this section, becomes final, the Adminis-

1       trator shall provide the proposal to the Group for re-  
2       view and comment.

3               “(5) COORDINATION AND OVERSIGHT.—

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

11              “(B) ACTIONS DESCRIBED.—The actions  
12      referred to in subparagraph (A) are the fol-  
13      lowing:

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

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

1 the supply chain, and auditing of food aid  
2 commodity suppliers.

3 “(iii) Develop mechanisms and part-  
4 nerships to facilitate more private sector  
5 development and innovation in food aid  
6 products, packaging, and delivery in order  
7 to improve the cost-effectiveness, nutri-  
8 tional quality, and overall acceptability of  
9 the product.

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

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

23 “(vi) Establish processes and system-  
24 wide protocols for effective monitoring and  
25 evaluation of impact, to inform improved

1 program design, and to address improve-  
2 ments in cost-effectiveness.

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

6 “(g) ADMINISTRATIVE PROVISIONS.—

7 “(1) FOOD AID QUALITY.—

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

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

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

20 “(iii) to test prototypes;

21 “(iv) to adopt new specifications, or to  
22 improve existing specifications, for micro-  
23 nutrient fortified food aid products, based  
24 on the latest developments in food and nu-

1 trition science, and in coordination with  
2 other international partners;

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

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

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

23 “(B) ADMINISTRATION.—In carrying out  
24 subparagraph (A), the Administrator—

1           “(i) shall consult with independent en-  
2           tities with proven expertise in food aid  
3           commodity quality enhancements;

4           “(ii) may enter into contracts to ob-  
5           tain the services of the entities described in  
6           clause (i); and

7           “(iii) shall consult with the Food Aid  
8           Consultative Group established under sub-  
9           section (f).

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

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

1           “(A) result in a substantial disincentive to,  
2           or interference with, the domestic production or  
3           marketing of agricultural commodities in the re-  
4           cipient country; or

5           “(B) have a disruptive impact on the agri-  
6           cultural producers or the local economy of the  
7           recipient country.

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

15          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
16          is authorized to be appropriated, for fiscal year 2015 and  
17          each fiscal year thereafter, \$2,400,000,000, which shall be  
18          used to carry out the Food for Peace Program established  
19          under this section.”.

20          (b) REPEAL OF TITLE II OF FOOD FOR PEACE  
21          ACT.—Title II of the Food for Peace Act (7 U.S.C. 1721  
22          et seq.) is repealed.

23          **SEC. 3. SENSE OF CONGRESS.**

24          It is the sense of the Congress that the United States  
25          Merchant Marine—

1           (1) is a critical component of our Nation's mili-  
2           tary and economic security;

3           (2) consists of a fleet of private, merchant ships  
4           that are registered in the United States and provide  
5           domestic and international transportation for pas-  
6           sengers and cargo; and

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

○