

118TH CONGRESS
1ST SESSION

S. 2862

To amend the Food for Peace Act to restore the original intent of commodity transfers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2023

Mr. BRAUN (for himself, Mr. TESTER, Mr. MARSHALL, and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Food for Peace Act to restore the original intent of commodity transfers, 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 “American Farmers
5 Feed the World Act of 2023”.

6 **SEC. 2. PETER O'BRIEN FOOD FOR PEACE PROGRAM.**

7 (a) RENAMING OF PROGRAM.—

8 (1) IN GENERAL.—Title II of the Food for
9 Peace Act (7 U.S.C. 1721 et seq.) is amended in the
10 title heading by striking “**EMERGENCY AND**

1 **PRIVATE ASSISTANCE PROGRAMS**” and
2 inserting “**PETER O’BRIEN FOOD FOR**
3 **PEACE PROGRAM**”.

4 (2) GENERAL AUTHORITY.—Section 201 of the
5 Food for Peace Act (7 U.S.C. 1721) is amended in
6 the matter preceding paragraph (1) by striking
7 “title (to be implemented by the Administrator)”
8 and inserting “title, to be known as the ‘Peter
9 O’Brien Food for Peace Program’, to be imple-
10 mented by the Administrator,”.

11 (b) PROVISION OF AGRICULTURAL COMMODITIES.—
12 Section 202 of the Food for Peace Act (7 U.S.C. 1722)
13 is amended—

14 (1) in subsection (a)—

15 (A) by striking “of law, the Administrator”
16 and inserting “in this Act, the Administrator,
17 with the consent of the Secretary,”; and

18 (B) by striking “the Administrator deter-
19 mines” and inserting “the Secretary deter-
20 mines”;

21 (2) in subsection (e)—

22 (A) in paragraph (1), by striking “7.5 per-
23 cent nor more than 20 percent” and inserting
24 “5 percent nor more than 10 percent”; and

25 (B) by adding at the end the following:

1 “(5) LIMITATION ON DIVERSION OF FUNDS.—
2 Of the funds made available in each fiscal year
3 under this title to the Administrator, not more than
4 50 percent shall be made available for expenses
5 other than the procurement of agricultural commod-
6 ities and ocean transportation.

7 “(6) REPORT.—Not later than 180 days after
8 the end of each fiscal year, the Administrator shall
9 submit to the appropriate committees of Congress,
10 and make publicly available on the website of the
11 Administrator, a report that describes—

12 “(A) the uses of funds under this sub-
13 section;

14 “(B) each instance of a provision of this
15 Act notwithstanding under subsection (a) and the
16 circumstances associated with that instance, in-
17 cluding an identification of the particular provi-
18 sion notwithstanding; and

19 “(C) each request made by the Adminis-
20 trator to the Secretary to provide agricultural
21 commodities under subsection (a), the reason
22 for the request, the determination of the Sec-
23 retary to grant or not grant the request, and
24 the reason for the determination.”; and

25 (3) in subsection (g)—

1 (A) by striking “or food procured outside
2 of the United States,”;

3 (B) by inserting “produced and” before
4 “furnished”; and

5 (C) by striking “of America”.

6 (c) LEVELS OF ASSISTANCE.—Section 204(a)(3) of
7 the Food for Peace Act (7 U.S.C. 1724(a)(3)) is amend-
8 ed—

9 (1) in the first sentence, by striking “The Ad-
10 ministrator” and inserting “The Secretary, following
11 consultation with the Administrator,”; and

12 (2) by striking the second sentence and insert-
13 ing the following: “Not later than 180 days after the
14 end of each fiscal year, the Secretary shall prepare
15 and submit to the Committees on Foreign Affairs,
16 Agriculture, and Appropriations of the House of
17 Representatives and the Committees on Foreign Re-
18 lations, Agriculture, Nutrition, and Forestry, and
19 Appropriations of the Senate, and make publicly
20 available on the website of the Administrator, a re-
21 port that describes the reasons for the waiver.”.

22 (d) PROHIBITION ON CERTAIN ASSISTANCE.—Title
23 II of the Food for Peace Act (7 U.S.C. 1721 et seq.) is
24 amended by adding at the end the following:

1 **“SEC. 209. PROHIBITION ON CERTAIN ASSISTANCE.**

2 “Under this title, the use of food procured outside
3 of the United States, food vouchers, or cash transfers for
4 food as a form of assistance is prohibited.”.

5 (e) DEFINITION OF AGRICULTURAL COMMODITY.—

6 Section 402(2) of the Food for Peace Act (7 U.S.C.
7 1732(2)) is amended in the first sentence by striking “,
8 unless otherwise provided for in this Act,”.

9 (f) GENERAL PROVISIONS.—Section 403 of the Food
10 for Peace Act (7 U.S.C. 1733) is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
13 by striking “, food procured outside of the
14 United States, food voucher, or cash transfer
15 for food”;

16 (B) in paragraph (1)—

17 (i) by striking “in the case of the pro-
18 vision of an agricultural commodity,”; and

19 (ii) by striking “the commodity” each
20 place it appears and inserting “the agricul-
21 tural commodity”; and

22 (C) in paragraph (2), by striking “or use
23 of the food procured outside of the United
24 States, food voucher, or cash transfer for food
25 in the recipient country”; and

1 (2) in subsection (b), in the first sentence, by
2 striking “, the use of food procured outside of the
3 United States, food vouchers, and cash transfers for
4 food,”.

5 (g) USE OF COMMODITY CREDIT CORPORATION.—
6 Section 406(b)(6) of the Food for Peace Act (7 U.S.C.
7 1736(b)(6)) is amended by striking “, distribution, and
8 program implementation costs to use the commodities”
9 and inserting “and distribution costs”.

10 (h) CONFORMING AMENDMENTS.—

11 (1) Section 3206 of the Food, Conservation,
12 and Energy Act of 2008 (7 U.S.C. 1726e) is re-
13 pealed.

14 (2) Section 9(b) of the Global Food Security
15 Act of 2016 (22 U.S.C. 9308(b)) is amended—

16 (A) by striking paragraph (5); and

17 (B) by redesignating paragraphs (6) and

18 (7) as paragraphs (5) and (6), respectively.

19 **SEC. 3. SIMPLIFIED ACCESS TO THE BILL EMERSON HU-**
20 **MANITARIAN TRUST.**

21 Section 302 of the Agricultural Act of 1980 (7 U.S.C.
22 1736f–1) is amended—

23 (1) in subsection (c)(1)—

24 (A) in subparagraph (B)(i), in the matter
25 preceding subclause (I)—

1 (i) by inserting “by the Secretary in
2 the discretion of the Secretary, which shall
3 be informed by information provided, at
4 the request of the Secretary, by the Ad-
5 ministrator regarding the ongoing pro-
6 grams of the Administrator, without undue
7 delay,” after “released”; and

8 (ii) by striking “(7 U.S.C. 1721 et
9 seq.)—” and inserting “(7 U.S.C. 1721 et
10 seq.), as approved by the Secretary—”;
11 and

12 (B) in subparagraph (C), by striking “the
13 Administrator” and inserting “the Secretary”;
14 and

15 (2) in subsection (f)(2)(A), by inserting “by the
16 Secretary” after “shall be reimbursed”.

○