

ments of the Federal Government or nongovernmental entities;

“(3) a description of a coordinated strategy, including coordination with other bilateral and multilateral donors, to provide the assistance authorized in section 135 of the Foreign Assistance Act of 1961 [22 U.S.C. 2152f], as added by section 3 of this Act;

“(4) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section;

“(5) a description of a monitoring system that establishes performance goals for the provision of such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible; and

“(6) a description of performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (5).”

[For definition of “appropriate congressional committees” as used in section 4 of Pub. L. 109–95, set out above, see section 6 of Pub. L. 109–95, set out as a note under section 2152g of this title.]

### § 2152g. Annual report

#### (a) Report

Not later than one year after the date on which the President transmits to the appropriate congressional committees the strategy required by section 4(a), and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act.

#### (b) Contents

The report shall contain the following information for grants, cooperative agreements, contracts, contributions, and other forms of assistance awarded or entered into under section 2152f of this title:

(1) The amount of funding, the name of recipient organizations, the location of programs and activities, the status of progress of programs and activities, and the estimated number of orphans and other vulnerable children who received direct or indirect assistance under the programs and activities.

(2) The results of the monitoring and evaluation system with respect to assistance for orphans and other vulnerable children.

(3) The percentage of assistance provided in support of orphans or other vulnerable children affected by HIV/AIDS.

(4) Any other appropriate information relating to the needs of orphans and other vulnerable children in developing countries that could be addressed through the provision of assistance authorized in section 2152f of this title or under any other provision of law.

(Pub. L. 109–95, § 5, Nov. 8, 2005, 119 Stat. 2117.)

#### REFERENCES IN TEXT

Section 4(a), referred to in subsec. (a), is section 4(a) of Pub. L. 109–95, which is set out as a note under section 2152f of this title.

This Act, referred to in subsec. (a), is Pub. L. 109–95, Nov. 8, 2005, 119 Stat. 2111, known as the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, which enacted this section and section 2152f of this title and enacted provisions set out as notes under this section and sections 2151 and 2152f of this title. For complete classification of this Act to the Code, see Short Title of 2005 Amendment note set out under section 2151 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Assistance for Orphans and Other Vulnerable Children in Developing

Countries Act of 2005, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

#### APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

Pub. L. 109–95, § 6, Nov. 8, 2005, 119 Stat. 2118, provided that: “In this Act [see Short Title of 2005 Amendment note set out under section 2151 of this title], the term ‘appropriate congressional committees’ means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.”

### § 2152h. Assistance to provide safe water and sanitation

#### (a) Purposes

The purposes of assistance authorized by this section are—

(1) to promote good health, economic development, poverty reduction, women’s empowerment, conflict prevention, and environmental sustainability by providing assistance to expand access to safe water and sanitation, promoting integrated water resource management, and improving hygiene for people around the world;

(2) to seek to reduce by one-half from the baseline year 1990 the proportion of people who are unable to reach or afford safe drinking water and the proportion of people without access to basic sanitation by 2015;

(3) to focus water and sanitation assistance toward the countries, locales, and people with the greatest need;

(4) to promote affordability and equity in the provision of access to safe water and sanitation for the very poor, women, and other vulnerable populations;

(5) to improve water efficiency through water demand management and reduction of unaccounted-for water;

(6) to promote long-term sustainability in the affordable and equitable provision of access to safe water and sanitation through the creation of innovative financing mechanisms such as national revolving funds, and by strengthening the capacity of recipient governments and communities to formulate and implement policies that expand access to safe water and sanitation in a sustainable fashion, including integrated planning;

(7) to secure the greatest amount of resources possible, encourage private investment in water and sanitation infrastructure and services, particularly in lower middle-income countries, without creating unsustainable debt for low-income countries or unaffordable water and sanitation costs for the very poor; and

(8) to promote the capacity of recipient governments to provide affordable, equitable, and sustainable access to safe water and sanitation.

#### (b) Authorization

To carry out the purposes of subsection (a) of this section, the President is authorized to furnish assistance for programs in developing countries to provide affordable and equitable access to safe water and sanitation.

**(c) Activities supported**

Assistance provided under subsection (b) of this section shall, to the maximum extent practicable, be used to—

- (1) expand affordable and equitable access to safe water and sanitation for underserved populations;
- (2) support the design, construction, maintenance, upkeep, repair, and operation of water delivery and sanitation systems;
- (3) improve the safety and reliability of water supplies, including environmental management; and
- (4) improve the capacity of recipient governments and local communities, including capacity-building programs for improved water resource management.

**(d) Local currency**

The President may use payments made in local currencies under an agreement made under title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) to provide assistance under this section.

(Pub. L. 87-195, pt. I, §135, as added Pub. L. 109-121, §5(a), Dec. 1, 2005, 119 Stat. 2536; amended Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

## REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (d), is act July 10, 1954, ch. 469, 68 Stat. 454. Title I of the Act is classified generally to subchapter II (§1701 et seq.) of chapter 41 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

## CODIFICATION

Another section 135 of Pub. L. 87-195 is classified to section 2152f of this title.

## AMENDMENTS

2008—Subsec. (d). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

## 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 Title 7, Agriculture.

## WATER FOR THE POOR

Pub. L. 109-121, Dec. 1, 2005, 119 Stat. 2533, provided that:

## “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Senator Paul Simon Water for the Poor Act of 2005’.

## “SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) Water-related diseases are a human tragedy, killing up to five million people annually, preventing millions of people from leading healthy lives, and undermining development efforts.

“(2) A child dies an average of every 15 seconds because of lack of access to safe water and adequate sanitation.

“(3) In the poorest countries in the world, one out of five children dies from a preventable, water-related disease.

“(4) Lack of access to safe drinking water, inadequate sanitation, and poor hygiene practices are directly responsible for the vast majority of diarrheal diseases which kill over two million children each year.

“(5) At any given time, half of all people in the developing world are suffering from one or more of the main diseases associated with inadequate provision of water supply and sanitation services.

“(6) Over 1.1 billion people, one in every six people in the world, lack access to safe drinking water.

“(7) Nearly 2.6 billion people, two in every five people in the world, lack access to basic sanitation services.

“(8) Half of all schools in the world do not have access to safe drinking water and basic sanitation.

“(9) Over the past 20 years, two billion people have gained access to safe drinking water and 600 million people have gained access to basic sanitation services.

“(10) Access to safe water and sanitation and improved hygiene are significant factors in controlling the spread of disease in the developing world and positively affecting worker productivity and economic development.

“(11) Increasing access to safe water and sanitation advances efforts toward other development objectives, such as fighting poverty and hunger, promoting primary education and gender equality, reducing child mortality, promoting environmental stability, improving the lives of slum dwellers, and strengthening national security.

“(12) Providing safe supplies of water and sanitation and hygiene improvements would save millions of lives by reducing the prevalence of water-borne diseases, water-based diseases, water-privation diseases, and water-related vector diseases.

“(13) Because women and girls in developing countries are often the carriers of water, lack of access to safe water and sanitation disproportionately affects women and limits women’s opportunities at education, livelihood, and financial independence.

“(14) Between 20 percent and 50 percent of existing water systems in developing countries are not operating or are operating poorly.

“(15) In developing world water delivery systems, an average of 50 percent of all water is lost before it gets to the end-user.

“(16) Every \$1 invested in safe water and sanitation would yield an economic return of between \$3 and \$34, depending on the region.

“(17) Developing sustainable financing mechanisms, such as pooling mechanisms and revolving funds, is necessary for the long-term viability of improved water and sanitation services.

“(18) The annual level of investment needed to meet the water and sanitation needs of developing countries far exceeds the amount of Official Development Assistance (ODA) and spending by governments of developing countries, so facilitating and attracting greater public and private investment is essential.

“(19) Meeting the water and sanitation needs of the lowest-income developing countries will require an increase in the resources available as grants from donor countries.

“(20) The long-term sustainability of improved water and sanitation services can be advanced by promoting community level action and engagement with civil society.

“(21) Target 10 of the United Nations Millennium Development Goals is to reduce by half the proportion of people without sustainable access to safe drinking water by 2015.

“(22) The participants in the 2002 World Summit on Sustainable Development, held in Johannesburg, South Africa, including the United States, agreed to the Plan of Implementation of the World Summit on Sustainable Development which included an agreement to work to reduce by one-half ‘the proportion of people who are unable to reach or afford safe drinking water,’ and ‘the proportion of people without access to basic sanitation’ by 2015.

“(23) At the World Summit on Sustainable Development, the United States announced the Water for the Poor Initiative, committing \$970 million for fiscal

years 2003 through 2005 to improve sustainable management of fresh water resources and accelerate and expand international efforts to achieve the goal of cutting in half by 2015 the proportion of people who are unable to reach or to afford safe drinking water.

“(24) United Nations General Assembly Resolution 58/217 (February 9, 2004) proclaimed ‘the period from 2005 to 2015 the International Decade for Action, ‘Water for Life’, to commence on World Water Day, 22 March 2005’ for the purpose of increasing the focus of the international community on water-related issues at all levels and on the implementation of water-related programs and projects.

“(25) Around the world, 263 river basins are shared by two or more countries, and many more basins and watersheds cross political or ethnic boundaries.

“(26) Water scarcity can contribute to insecurity and conflict on subnational, national, and international levels, thus endangering the national security of the United States.

“(27) Opportunities to manage water problems can be leveraged in ways to build confidence, trust, and peace between parties in conflict.

“(28) Cooperative water management can help resolve conflicts caused by other problems and is often a crucial component in resolving such conflicts.

“(29) Cooperative water management can help countries recover from conflict and, by promoting dialogue and cooperation among former parties in conflict, can help prevent the reemergence of conflict.

#### “SEC. 3. STATEMENT OF POLICY.

“It is the policy of the United States—

“(1) to increase the percentage of water and sanitation assistance targeted toward countries designated as high priority countries under section 6(f) of this Act;

“(2) to ensure that water and sanitation assistance reflect an appropriate balance of grants, loans, contracts, investment insurance, loan guarantees, and other assistance to further ensure affordability and equity in the provision of access to safe water and sanitation for the very poor;

“(3) to ensure that the targeting of water and sanitation assistance reflect an appropriate balance between urban, periurban, and rural areas to meet the purposes of assistance described in section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act;

“(4) to ensure that forms of water and sanitation assistance provided reflect the level of existing resources and markets for investment in water and sanitation within recipient countries;

“(5) to ensure that water and sanitation assistance, to the extent possible, supports the poverty reduction strategies of recipient countries and, when appropriate, encourages the inclusion of water and sanitation within such poverty reduction strategies;

“(6) to promote country and local ownership of safe water and sanitation programs, to the extent appropriate;

“(7) to promote community-based approaches in the provision of affordable and equitable access to safe water and sanitation, including the involvement of civil society;

“(8) to mobilize and leverage the financial and technical capacity of businesses, governments, non-governmental organizations, and civil society in the form of public-private alliances;

“(9) to encourage reforms and increase the capacity of foreign governments to formulate and implement policies that expand access to safe water and sanitation in an affordable, equitable, and sustainable manner, including integrated strategic planning; and

“(10) to protect the supply and availability of safe water through sound environmental management, including preventing the destruction and degradation of ecosystems and watersheds.

#### “SEC. 4. SENSE OF CONGRESS.

“It is the sense of Congress that—

“(1) in order to make the most effective use of amounts of Official Development Assistance for water and sanitation and avoid waste and duplication, the United States should seek to establish innovative international coordination mechanisms based on best practices in other development sectors; and

“(2) the United States should greatly increase the amount of Official Development Assistance made available to carry out section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

#### “SEC. 5. ASSISTANCE TO PROVIDE SAFE WATER AND SANITATION.

“(a) IN GENERAL.—[Enacted this section.]

“(b) CONFORMING AMENDMENT.—[Amended section 1704 of Title 7, Agriculture.]

#### “SEC. 6. SAFE WATER AND SANITATION STRATEGY.

“(a) STRATEGY.—The President, acting through the Secretary of State, shall develop a strategy to further the United States foreign assistance objective to provide affordable and equitable access to safe water and sanitation in developing countries, as described in section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

“(b) CONSULTATION.—The strategy required by subsection (a) shall be developed in consultation with the Administrator of the United States Agency for International Development, the heads of other appropriate Federal departments and agencies, international organizations, international financial institutions, recipient governments, United States and international non-governmental organizations, indigenous civil society, and other appropriate entities.

“(c) IMPLEMENTATION.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall implement the strategy required by subsection (a). The strategy may also be implemented in part by other Federal departments and agencies, as appropriate.

“(d) CONSISTENT WITH SAFE WATER AND SANITATION POLICY.—The strategy required by subsection (a) shall be consistent with the policy stated in section 3 of this Act.

“(e) CONTENT.—The strategy required by subsection (a) shall include—

“(1) an assessment of the activities that have been carried out, or that are planned to be carried out, by all appropriate Federal departments and agencies to improve affordable and equitable access to safe water and sanitation in all countries that receive assistance from the United States;

“(2) specific and measurable goals, benchmarks, and timetables to achieve the objective described in subsection (a);

“(3) an assessment of the level of funding and other assistance for United States water and sanitation programs needed each year to achieve the goals, benchmarks, and timetables described in paragraph (2);

“(4) methods to coordinate and integrate United States water and sanitation assistance programs with other United States development assistance programs to achieve the objective described in subsection (a);

“(5) methods to better coordinate United States water and sanitation assistance programs with programs of other donor countries and entities to achieve the objective described in subsection (a); and

“(6) an assessment of the commitment of governments of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, as added by section 5(a) of this Act, to policies or policy reforms that support affordable and equitable access by the people of such countries to safe water and sanitation.

“(f) DESIGNATION OF HIGH PRIORITY COUNTRIES.—The strategy required by subsection (a) shall further include the designation of high priority countries for assistance under section 135 of the Foreign Assistance

Act of 1961, as added by section 5(a) of this Act. This designation shall be made on the basis of—

“(1) countries in which the need for increased access to safe water and sanitation is greatest; and

“(2) countries in which assistance under such section can be expected to make the greatest difference in promoting good health, economic development, poverty reduction, women’s empowerment, conflict prevention, and environmental sustainability.

“(g) REPORTS.—

“(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 1, 2005], the Secretary of State shall submit to the appropriate congressional committees a report that describes the strategy required by subsection (a).

“(2) SUBSEQUENT REPORTS.—

“(A) IN GENERAL.—Not less than once every year after the submission of the initial report under paragraph (1) until 2015, the Secretary of State shall submit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the objective described in subsection (a), and any changes to the strategy since the date of the submission of the last report.

“(B) ADDITIONAL INFORMATION.—Such reports shall include information on the amount of funds expended in each country or program, disaggregated by purpose of assistance, including information on capital investments, and the source of such funds by account.

“(3) DEFINITION.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations [now Committee on Foreign Affairs] and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“SEC. 7. MONITORING REQUIREMENT.

“The Secretary of State and the Administrator of the United States Agency for International Development shall monitor the implementation of assistance under section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act, to ensure that the assistance is reaching its intended targets and meeting the intended purposes of assistance.

“SEC. 8. SENSE OF CONGRESS REGARDING DEVELOPMENT OF LOCAL CAPACITY.

“It is the sense of Congress that the Secretary of State should expand current programs and develop new programs, as necessary, to train local water and sanitation managers and other officials of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961 [this section], as added by section 5(a) of this Act.

“SEC. 9. SENSE OF CONGRESS REGARDING ADDITIONAL WATER AND SANITATION PROGRAMS.

“It is the sense of the Congress that—

“(1) the United States should further support, as appropriate, water and sanitation activities of United Nations agencies, such as the United Nations Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP); and

“(2) the Secretary of the Treasury should instruct each United States Executive Director at the multilateral development banks (within the meaning of section 1701(c) of the International Financial Institutions Act [22 U.S.C. 262r(c)]) to encourage the inclusion of water and sanitation programs as a critical element of their development assistance.

“SEC. 10. REPORT REGARDING WATER FOR PEACE AND SECURITY.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that United States programs to support and encourage efforts around the world to develop river basin, aquifer,

and other watershed-wide mechanisms for governance and cooperation are critical components of long-term United States national security and should be expanded.

“(b) REPORT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts that the United States is making to support and promote programs that develop river basin, aquifer, and other watershed-wide mechanisms for governance and cooperation.

“SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2006 and each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act.

“(b) OTHER AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall be in addition to the amounts otherwise available to carry out this Act and the amendments made by this Act.

“(c) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.”

## PART II—OTHER PROGRAMS

### SUBPART I—MULTILATERAL AND REGIONAL DEVELOPMENT PROGRAMS

**§§ 2161, 2162. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942**

Section 2161, Pub. L. 87–195, pt. I, § 201, Sept. 4, 1961, 75 Stat. 426; Pub. L. 87–565, pt. I, § 102, Aug. 1, 1962, 76 Stat. 256; Pub. L. 88–205, pt. I, § 102(a), Dec. 16, 1963, 77 Stat. 380; Pub. L. 88–633, pt. I, § 101, Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89–583, pt. I, § 102(a), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, § 102(a), (b), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90–554, pt. I, § 101(a), Oct. 8, 1968, 82 Stat. 960, related to the establishment by the President of the Development Loan Fund. See section 2151(b) of this title.

Section 2162, Pub. L. 87–195, pt. I, § 202, Sept. 4, 1961, 75 Stat. 426; Pub. L. 88–205, pt. I, § 102(b), Dec. 16, 1963, 77 Stat. 380; Pub. L. 89–583, pt. I, § 102(b), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90–137, pt. I, § 102(c), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90–554, pt. I, § 101(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91–175, pt. I, § 101(a), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 101(a), Feb. 7, 1972, 86 Stat. 21, related to authorization of appropriations, availability of funds, and encouragement of development through private enterprise.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

**§ 2163. Repealed. Pub. L. 93–189, § 3(b), Dec. 17, 1973, 87 Stat. 717**

Section, Pub. L. 87–195, pt. I, § 203, Sept. 4, 1961, 75 Stat. 427; Pub. L. 91–175, pt. I, § 101(b), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92–226, pt. I, § 101(b), Feb. 7, 1972, 86 Stat. 21; Pub. L. 93–189, § 3(a), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93–559, § 6, Dec. 30, 1974, 88 Stat. 1796, authorized use of not more than 50 per centum of dollar receipts scheduled to be paid during each of the fiscal years 1974 and 1975 from loans made under this subchapter and predecessor foreign assistance legislation for making loans under part I of this subchapter for each such fiscal year, and disposition of dollar receipts paid on and after July 1, 1975.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1975, see section 3(b) of Pub. L. 93–189.