

involving a commitment on the part of the United States to assure access by a foreign country or instrumentality thereof to United States agricultural commodities or products thereof on a commercial basis, the President is encouraged to notify and consult with the appropriate committees of Congress for the purpose of setting forth in detail the terms of and reasons for negotiating such agreement.

(Pub. L. 97-98, title XII, §1202, Dec. 22, 1981, 95 Stat. 1275.)

#### CODIFICATION

Section was enacted as part of the Agriculture and Food Act of 1981, and not as part of the Food for Peace Act which comprises this chapter.

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

#### §§ 1736i to 1736k. Repealed. Pub. L. 101-624, title XV, § 1573, Nov. 28, 1990, 104 Stat. 3702

Section 1736i, Pub. L. 97-98, title XII, §1203, Dec. 22, 1981, 95 Stat. 1275, provided for a special standby export subsidy program.

Section 1736j, Pub. L. 97-98, title XII, §1204, Dec. 22, 1981, 95 Stat. 1276; Pub. L. 99-198, title XI, §1133(b), Dec. 23, 1985, 99 Stat. 1489, provided for protection against agricultural embargo. See section 5672 of this title.

Section 1736k, Pub. L. 97-98, title XII, §1205, Dec. 22, 1981, 95 Stat. 1277, provided for development of plans, recommendations, and programs to alleviate the adverse impact of export embargoes on agricultural commodities. See section 5672 of this title.

#### § 1736l. Consultation on grain marketing

Congress encourages the Secretary of Agriculture, in coordination with other appropriate Federal departments and agencies, to continue to consult with representatives of other major grain exporting nations toward the goal of establishing more orderly marketing of grain and achieving higher farm income for producers of grain.

(Pub. L. 97-98, title XII, §1206, Dec. 22, 1981, 95 Stat. 1278.)

#### CODIFICATION

Section was enacted as part of the Agriculture and Food Act of 1981, and not as part of the Food for Peace Act which comprises this chapter.

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

#### §§ 1736m, 1736n. Repealed. Pub. L. 104-127, title II, §§ 226, 266, Apr. 4, 1996, 110 Stat. 962, 974

Section 1736m, Pub. L. 97-98, title XII, §1207, Dec. 22, 1981, 95 Stat. 1278; Pub. L. 99-198, title XI, §1126(c), Dec. 23, 1985, 99 Stat. 1482, related to expansion of international markets for United States agricultural commodities and products.

Section 1736n, Pub. L. 97-98, title XII, §1208, Dec. 22, 1981, 95 Stat. 1280; Pub. L. 101-624, title XV, §1515(a), Nov. 28, 1990, 104 Stat. 3663, directed Secretary of Agriculture to continue investigating potential for increased usage of protein byproducts derived from alcohol fuel production and report results to Congress.

#### § 1736o. Food for progress

##### (a) Short title

This section may be cited as the “Food for Progress Act of 1985”.

##### (b) Definitions

In this section:

##### (1) Cooperative

The term “cooperative” has the meaning given the term in section 402 of the Food for Peace Act (7 U.S.C. 1732).

##### (2) Corporation

The term “Corporation” means the Commodity Credit Corporation.

##### (3) Developing country

The term “developing country” has the meaning given the term in section 402 of the Food for Peace Act (7 U.S.C. 1732).

##### (4) Eligible commodity

The term “eligible commodity” means an agricultural commodity, or a product of an agricultural commodity, in inventories of the Corporation or acquired by the President or the Corporation for disposition through commercial purchases under a program authorized under this section.

##### (5) Eligible entity

The term “eligible entity” means—

- (A) the government of an emerging agricultural country;
- (B) an intergovernmental organization;
- (C) a private voluntary organization;
- (D) a nonprofit agricultural organization or cooperative;
- (E) a nongovernmental organization; and
- (F) any other private entity.

##### (6) Food security

The term “food security” means access by all people at all times to sufficient food and nutrition for a healthy and productive life.

##### (7) Nongovernmental organization

The term “nongovernmental organization” has the meaning given the term in section 402 of the Food for Peace Act (7 U.S.C. 1732).

##### (8) Private voluntary organization

The term “private voluntary organization” has the meaning given the term in section 402 of the Food for Peace Act (7 U.S.C. 1732).

##### (9) Program

The term “program” means a food assistance or development initiative proposed by an eligible entity and approved by the President under this section.

##### (c) Program

In order to use the food resources of the United States more effectively in support of developing countries, and countries that are emerging democracies that have made commitments to introduce or expand free enterprise elements in their agricultural economies through changes in commodity pricing, marketing, input availability, distribution, and private sector involvement, the President shall enter into agreements with eligible entities to furnish to the

countries eligible commodities made available under subsections (e) and (f).

**(d) Consideration for agreements**

In determining whether to enter into an agreement under this section, the President shall consider whether a potential recipient country is committed to carry out, or is carrying out, policies that promote economic freedom, private, domestic production of eligible commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of such eligible commodities. Such policies may provide for, among other things—

- (1) access, on the part of farmers in the country, to private, competitive markets for their product;
- (2) market pricing of eligible commodities to foster adequate private sector incentives to individual farmers to produce food on a regular basis for the country's domestic needs;
- (3) establishment of market-determined foreign exchange rates;
- (4) timely availability of production inputs (such as seed, fertilizer, or pesticides) to farmers;
- (5) access to technologies appropriate to the level of agricultural development in the country; and
- (6) construction of facilities and distribution systems necessary to handle perishable products.

**(e) Funding of eligible commodities**

(1) The Corporation shall make available to the President such eligible commodities as the President may request for purposes of furnishing eligible commodities under this section.

(2) Notwithstanding any other provision of law, the Corporation may use funds appropriated to carry out title I of the Food for Peace Act [7 U.S.C. 1701 et seq.] in carrying out this section with respect to eligible commodities made available under that Act [7 U.S.C. 1691], and subsection (g) does not apply to eligible commodities furnished on a grant basis or on credit terms under that title.

(3) The Corporation may finance the sale and exportation of eligible commodities, made available under the Food for Peace Act [7 U.S.C. 1691 et seq.], which are furnished under this section. Payment for eligible commodities made available under that Act which are purchased on credit terms under this section shall be on the same basis as the terms provided in section 103 of that Act [7 U.S.C. 1703].

(4) In the case of eligible commodities made available under the Food for Peace Act for purposes of this section, section 406 of that Act [7 U.S.C. 1736] shall apply to eligible commodities furnished on a grant basis under this section and sections 402, 403(a), 403(c), and 403(i) of that Act [7 U.S.C. 1732, 1733(a), (c), (i)] shall apply to all eligible commodities furnished under this section.

(5) **NO EFFECT ON DOMESTIC PROGRAMS.**—The President shall not make an eligible commodity available for disposition under this section in any amount that will reduce the amount of the eligible commodity that is traditionally made available through donations to domestic feeding

programs or agencies, as determined by the President.

**(f) Provision of eligible commodities to developing countries**

- (1) The Corporation may provide for—
  - (A) grants, or
  - (B) sales on credit terms,

of eligible commodities made available under section 1431(b) of this title for use in carrying out this section.

(2) In carrying out section 1431(b) of this title, the Corporation may purchase eligible commodities for use under this section if—

- (A) the Corporation does not hold stocks of such eligible commodities; or
- (B) Corporation stocks are insufficient to satisfy commitments made in agreements entered into under this section and such eligible commodities are needed to fulfill such commitments.

(3) No funds of the Corporation in excess of \$40,000,000 (exclusive of the cost of eligible commodities) may be used for each of fiscal years 1996 through 2018 to carry out this section with respect to eligible commodities made available under section 1431(b) of this title unless authorized in advance in appropriation Acts.

(4) The cost of eligible commodities made available under section 1431(b) of this title which are furnished under this section, and the expenses incurred in connection with furnishing such eligible commodities, shall be in addition to the level of assistance programmed under the Food for Peace Act [7 U.S.C. 1691 et seq.] and may not be considered expenditures for international affairs and finance.

(5) **SALE PROCEDURE.**—In making sales of eligible eligible<sup>1</sup> commodities under this section, the Secretary shall follow the sale procedure described in section 403(l) of the Food for Peace Act [7 U.S.C. 1733(l)].

**(g) Minimum tonnage**

Subject to subsection (f)(3), not less than 400,000 metric tons of eligible commodities shall be provided under this section for the program for each of fiscal years 2002 through 2018.

**(h) Prohibition on resale or transshipment of eligible commodities**

An agreement entered into under this section shall prohibit the resale or transshipment of the eligible commodities provided under the agreement to other countries.

**(i) Displacement of United States commercial sales**

In entering into agreements under this section, the President shall take reasonable steps to avoid displacement of any sales of United States commodities that would otherwise be made to such countries.

**(j) Multicountry or multiyear basis**

**(1) In general**

In carrying out this section, the President, on request and subject to the availability of eligible commodities, is encouraged to approve

<sup>1</sup> So in original.

agreements that provide for eligible commodities to be made available for distribution or sale by the recipient on a multicountry or multiyear basis if the agreements otherwise meet the requirements of this section.

**(2) Deadline for program announcements**

Before the beginning of any fiscal year, the President shall, to the maximum extent practicable—

(A) make all determinations concerning program agreements and resource requests for programs under this section; and

(B) announce those determinations.

**(3) Report**

Not later than December 1 of each fiscal year, the President shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a list of programs, countries, and eligible commodities, and the total amount of funds for transportation and administrative costs, approved to date for the fiscal year under this section.

**(k) Effective and termination dates**

This section shall be effective during the period beginning October 1, 1985, and ending December 31, 2018.

**(l) Administrative expenses**

(1) To enhance the development of private sector agriculture in countries receiving assistance under this section the President may, in each of the fiscal years 1996 through 2018, use in addition to any amounts or eligible commodities otherwise made available under this section for such activities, not to exceed \$15,000,000 (or, in the case of fiscal year 1999, \$12,000,000) of Corporation funds (or eligible commodities of an equal value owned by the Corporation), to provide assistance in the administration, sale, and monitoring of food assistance programs, and to provide technical assistance for monetization programs, to strengthen private sector agriculture in recipient countries.

(2) To carry out this subsection, the President may provide eligible commodities under agreements entered into under this section in a manner that uses the commodity transaction as a means of developing in the recipient countries a competitive private sector that can provide for the importation, transportation, storage, marketing and distribution of such eligible commodities.

(3) The President may use the assistance provided under this subsection and proceeds derived from the sale of eligible commodities under paragraph (2) to design, monitor, and administer activities undertaken with such assistance, for the purpose of strengthening or creating the capacity of recipient country private enterprises to undertake commercial transactions, with the overall goal of increasing potential markets for United States agricultural eligible commodities.

(4) HUMANITARIAN OR DEVELOPMENT PURPOSES.—The Secretary may authorize the use of proceeds to pay the costs incurred by an eligible entity under this section for—

(A)(i) programs targeted at hunger and malnutrition; or

(ii) development programs involving food security;

(B) transportation, storage, and distribution of eligible commodities provided under this section; and

(C) administration, sales, monitoring, and technical assistance.

**(m) Presidential approval**

In carrying out this section, the President shall approve, as determined appropriate by the President, agreements with agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives that provide for—

(1) the sale of eligible commodities, including the marketing of eligible commodities through the private sector; and

(2) the use of the proceeds generated in the humanitarian and development programs of such agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives.

**(n) Program management**

**(1) In general**

The President shall ensure, to the maximum extent practicable, that each eligible entity participating in 1 or more programs under this section—

(A) uses eligible commodities made available under this section—

(i) in an effective manner;

(ii) in the areas of greatest need; and

(iii) in a manner that promotes the purposes of this section;

(B) in using eligible commodities, assesses and takes into account the needs of recipient countries and the target populations of the recipient countries;

(C) works with recipient countries, and indigenous institutions or groups in recipient countries, to design and carry out mutually acceptable programs authorized under this section; and

(D) monitors and reports on the distribution or sale of eligible commodities provided under this section using methods that, as determined by the President, facilitate accurate and timely reporting.

**(2) Requirements**

**(A) In general**

Not later than 270 days after May 13, 2002, the President shall review and, as necessary, make changes in regulations and internal procedures designed to streamline, improve, and clarify the application, approval, and implementation processes pertaining to agreements under this section.

**(B) Considerations**

In conducting the review, the President shall consider—

(i) revising procedures for submitting proposals;

(ii) developing criteria for program approval that separately address the objectives of the program;

(iii) pre-screening organizations and proposals to ensure that the minimum qualifications are met;

- (iv) implementing e-government initiatives and otherwise improving the efficiency of the proposal submission and approval processes;
- (v) upgrading information management systems;
- (vi) improving commodity and transportation procurement processes; and
- (vii) ensuring that evaluation and monitoring methods are sufficient.

### (C) Consultations

Not later than 1 year after May 13, 2002, the President shall consult with 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 on changes made in regulations and procedures.

### (3) Reports

Each eligible entity that enters into an agreement under this section shall submit to the President, at such time as the President may request, a report containing such information as the President may request relating to the use of eligible commodities and funds furnished to the eligible entity under this section.

### (o) Private voluntary organizations and other private entities

In entering into agreements described in subsection (c), the President (acting through the Secretary)—

- (1) shall enter into agreements with eligible entities described in subparagraphs (C) and (F) of subsection (b)(5); and
- (2) shall not discriminate against such eligible entities.

(Pub. L. 99-198, title XI, §1110, Dec. 23, 1985, 99 Stat. 1472; Pub. L. 100-418, title IV, §4303, Aug. 23, 1988, 102 Stat. 1397; Pub. L. 101-624, title XV, §§1516, 1572(1), Nov. 28, 1990, 104 Stat. 3663, 3702; Pub. L. 102-237, title III, §335, Dec. 13, 1991, 105 Stat. 1859; Pub. L. 102-511, title VII, §701, Oct. 24, 1992, 106 Stat. 3348; Pub. L. 104-127, title II, §§227, 265(b), Apr. 4, 1996, 110 Stat. 962, 974; Pub. L. 105-277, div. A, §101(a) [title XI, §1125], Oct. 21, 1998, 112 Stat. 2681, 2681-45; Pub. L. 107-171, title III, §§3009(b)(2), 3106, May 13, 2002, 116 Stat. 283, 291; Pub. L. 108-7, div. A, title VII, §745, Feb. 20, 2003, 117 Stat. 44; Pub. L. 110-246, title III, §§3001(b)(1)(A), (2)(F), 3014(b)(2), 3105, June 18, 2008, 122 Stat. 1820, 1826, 1833; Pub. L. 113-79, title III, §3201, Feb. 7, 2014, 128 Stat. 779.)

#### REFERENCES IN TEXT

The Food for Peace Act, referred to in subssecs. (e) and (f)(4), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to this chapter (§1691 et seq.). Title I of the Act is classified to subchapter II (§1701 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Food for Peace Act which comprises this chapter.

#### AMENDMENTS

2014—Subsec. (f)(3). Pub. L. 113-79, §3201(a)(1), substituted “2018” for “2012”.

Subsec. (f)(6). Pub. L. 113-79, §3201(b), struck out par. (6) which related to approval of project for Malawi during fiscal year 2009.

Subsecs. (g), (k), (l)(1). Pub. L. 113-79, §3201(a)(2)–(4), substituted “2018” for “2012”.

2008—Subsec. (b). Pub. L. 110-246, §3001(b)(1)(A), (2)(F), substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954” wherever appearing.

Subsec. (e)(1). Pub. L. 110-246, §3014(b)(2), struck out “determined to be available under section 401 of the Agricultural Trade Development and Assistance Act of 1954” after “such eligible commodities”.

Subsec. (e)(2) to (4). Pub. L. 110-246, §3001(b)(1)(A), (2)(F), substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

Subsec. (f)(3). Pub. L. 110-246, §3105(a), substituted “2012” for “2007”.

Subsec. (f)(4), (5). Pub. L. 110-246, §3001(b)(1)(A), (2)(F), substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

Subsec. (f)(6). Pub. L. 110-246, §3105(b), added par. (6). Subsecs. (g), (k), (l)(1). Pub. L. 110-246, §3105(a), substituted “2012” for “2007”.

2003—Subsecs. (c), (g). Pub. L. 108-7, §745(1), substituted “shall” for “may”.

Subsec. (o). Pub. L. 108-7, §745(2), added subsec. (o).

2002—Subsecs. (b), (c). Pub. L. 107-171, §3106(b)(1), added heading and text of subssecs. (b) and (c) and struck out former subssecs. (b) and (c) which read as follows:

“(b) In order to use the food resources of the United States more effectively in support of developing countries, and countries that are emerging democracies, that have made commitments to introduce or expand free enterprise elements in their agricultural economies through changes in commodity pricing, marketing, input availability, distribution, and private sector involvement, the President is authorized to enter into agreements with the governments of such countries (including the independent states of the former Soviet Union), or with private voluntary organizations, non-profit agricultural organizations, cooperatives, inter-governmental organizations, or other private entities, to furnish commodities made available pursuant to subsections (e) and (f) of this section. Such agreements may provide for commodities to be furnished on a multiyear basis.

“(c) As used in this section, the term ‘commodities’ means agricultural commodities and the products thereof.”

Subsec. (d). Pub. L. 107-171, §3106(b)(2)(A), (D), (c), inserted heading, in introductory provisions struck out “food” after “domestic production of” and substituted “eligible commodities” for “commodities” in two places, and in par. (2) substituted “eligible commodities” for “commodities”.

Subsec. (e). Pub. L. 107-171, §3106(b)(2)(D), (E), (d), inserted heading, substituted “eligible commodities” for “commodities” and “Corporation” for “Commodity Credit Corporation” wherever appearing, inserted “, and subsection (g) does not apply to eligible commodities furnished on a grant basis or on credit terms under that title” before period at end of par. (2), and added par. (5).

Subsec. (f). Pub. L. 107-171, §3106(b)(2)(D), (E), (e)(1), inserted heading and substituted “eligible commodities” for “commodities” and “Corporation” for “Commodity Credit Corporation” wherever appearing.

Subsec. (f)(3). Pub. L. 107-171, §3106(a), (b)(2)(D), (E), substituted “Corporation” for “Commodity Credit Corporation”, “eligible commodities” for “commodities” in two places, and “2007” for “2002”.

Pub. L. 107-171, §3106(e)(2), which directed substitution of “\$40,000,000” for “\$30,000,000 (or in the case of fiscal year 1999, \$35,000,000)”, was executed by making the substitution for “\$30,000,000 (or, in the case of fiscal year 1999, \$35,000,000)” to reflect the probable intent of Congress.

Subsec. (f)(5). Pub. L. 107-171, §3009(b)(2), added par. (5).

Subsec. (g). Pub. L. 107-171, § 3106(f), added subsec. (g) and struck out former subsec. (g) which read as follows: "Not more than 500,000 metric tons of commodities may be furnished under this section in each of the fiscal years 1986 through 2002."

Subsec. (h). Pub. L. 107-171, § 3106(b)(2)(D), (g), inserted heading and substituted "eligible commodities" for "commodities".

Subsec. (i). Pub. L. 107-171, § 3106(h), inserted heading.

Subsec. (j). Pub. L. 107-171, § 3106(b)(2)(D), (i), inserted heading, designated existing provisions as par. (1), inserted par. (1) heading, struck out "may" after "the President", substituted "eligible commodities" for "commodities" in two places, "is encouraged to approve" for "approve", and "multicountry or multi-year" for "multiyear", and added pars. (2) and (3).

Subsec. (k). Pub. L. 107-171, § 3106(a), (j), inserted heading and substituted "2007" for "2002".

Subsec. (l). Pub. L. 107-171, § 3106(a), (b)(2)(B), (D), (E), (k), inserted heading, substituted "eligible commodities" for "commodities" wherever appearing, in par. (1) substituted "2007" for "2002", "\$15,000,000" for "\$10,000,000", and "Corporation" for "Commodity Credit Corporation" after "\$12,000,000 of", in par. (2) struck out "agricultural" after "President may provide", in par. (3) substituted "proceeds" for "local currencies", and added par. (4).

Subsec. (m). Pub. L. 107-171, § 3106(b)(2)(C), (D), (l), inserted heading and, in par. (1), substituted "eligible commodities" for "commodities" in two places and struck out "these" after "marketing of".

Subsec. (n). Pub. L. 107-171, § 3106(m), added subsec. (n) and struck out former subsec. (n) which read as follows: "During fiscal year 1999, to the maximum extent practicable, the Secretary shall utilize Private Voluntary Organizations to carry out this section."

Subsec. (o). Pub. L. 107-171, § 3106(b)(2)(F), struck out subsec. (o) which read as follows: "As used in this section, the term 'independent states of the former Soviet Union' means the independent states of the former Soviet Union as defined in section 5602(8) of this title."

1998—Subsec. (f)(3). Pub. L. 105-277, § 101(a) [title XI, § 1125(1)], inserted "(or, in the case of fiscal year 1999, \$35,000,000)" after "\$30,000,000".

Subsec. (l)(1). Pub. L. 105-277, § 101(a) [title XI, § 1125(2)], inserted "(or, in the case of fiscal year 1999, \$12,000,000)" after "\$10,000,000".

Subsecs. (n), (o). Pub. L. 105-277, § 101(a) [title XI, § 1125(3), (4)], added subsec. (n) and redesignated former subsec. (n) as (o).

1996—Subsec. (b). Pub. L. 104-127, § 227(1), struck out "(1)" before "In order to use", inserted "intergovernmental organizations," after "cooperatives," and struck out par. (2) which read as follows: "The annual tonnage limitation contained in subsection (g) of this section shall not apply with respect to commodities furnished to the independent states of the former Soviet Union during fiscal year 1993."

Subsec. (e)(3). Pub. L. 104-127, § 265(b), substituted "section 103" for "section 106".

Subsec. (e)(4). Pub. L. 104-127, § 227(2), substituted "section 406" for "section 203".

Subsec. (f)(1)(B). Pub. L. 104-127, § 227(3)(A), struck out "in the case of the independent states of the former Soviet Union," before "sales on credit terms,".

Subsec. (f)(2) to (5). Pub. L. 104-127, § 227(3)(B)-(D), in par. (4), inserted "for each of fiscal years 1996 through 2002" after "may be used", redesignated pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2) which read as follows: "Not less than 75,000 metric tons shall be made available pursuant to section 1431(b)(10)(C) of this title to carry out this section unless the President determines there are an insufficient number of eligible recipients."

Subsec. (g). Pub. L. 104-127, § 227(4), substituted "2002" for "1995".

Subsec. (j). Pub. L. 104-127, § 227(5), substituted "may" for "shall".

Subsec. (k). Pub. L. 104-127, § 227(6), substituted "2002" for "1995".

Subsec. (l)(1). Pub. L. 104-127, § 227(7), substituted "1996 through 2002" for "1991 through 1995" and inserted ", and to provide technical assistance for monetization programs," after "monitoring of food assistance programs".

Subsec. (m). Pub. L. 104-127, § 227(8), in introductory provisions, struck out "with respect to the independent states of the former Soviet Union" after "this section" and substituted "agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives" for "private voluntary organizations and cooperatives", and in par. (2), struck out "in the independent states" after "the use" and substituted "agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives" for "private voluntary organizations and cooperatives".

1992—Subsec. (b). Pub. L. 102-511, § 701(1), designated existing provisions as par. (1), inserted "(including the independent states of the former Soviet Union)" after "such countries", substituted "cooperatives, or other private entities" for "or cooperatives", and added par. (2).

Subsec. (f)(1). Pub. L. 102-511, § 701(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Commodities made available under section 1431(b) of this title for use in carrying out this section shall be provided on a grant basis."

Subsecs. (m) and (n). Pub. L. 102-511, § 701(3), added subsecs. (m) and (n).

1991—Subsec. (k). Pub. L. 102-237, § 335(1), (3), redesignated subsec. (l) as (k) and struck out "September 30," before "December 31".

Subsecs. (l), (m). Pub. L. 102-237, § 335(2), (3), redesignated subsec. (m) as (l) and substituted "this section" for "this Act" wherever appearing.

1990—Subsec. (b). Pub. L. 101-624, § 1516(1), substituted "developing countries, and countries that are emerging democracies, that" for "countries that", and "the governments of such countries, or with private voluntary organizations, nonprofit agricultural organizations, or cooperatives," for "developing countries".

Subsec. (d). Pub. L. 101-624, § 1516(2), struck out "with countries" before "under this section" in introductory provisions.

Subsec. (e)(3). Pub. L. 101-624, § 1516(3), struck out "to a developing country" before "under this section", and "by a developing country" before "for commodities".

Subsec. (e)(4). Pub. L. 101-624, § 1516(4), struck out "to a developing country" before "under this section" in two places, and substituted "sections 402, 403(a), 403(c), and 403(i)" for "section 401(b)".

Subsec. (f)(1). Pub. L. 101-624, § 1516(5), struck out "to developing countries" before "on a grant basis".

Subsec. (g). Pub. L. 101-624, § 1516(6), substituted "1995" for "1990".

Subsec. (j). Pub. L. 101-624, § 1572(1), redesignated subsec. (k) as (j) and struck out former subsec. (j) which read as follows: "Within 90 days after the end of each fiscal year in which an agreement under this section is in effect with respect to a country, the President shall report to the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of such agreement and the progress being made to implement private, free enterprise agricultural policies for long-term agricultural development in such country."

Pub. L. 101-624, § 1516(7), struck out "entered into with a country" before "under this section", and inserted "with respect to a country" after "effect".

Subsec. (k). Pub. L. 101-624, § 1572(1)(B), redesignated subsec. (k) as (j).

Pub. L. 101-624, § 1516(8), substituted "the recipient" for "recipient countries".

Subsec. (l). Pub. L. 101-624, § 1516(9), substituted "December 31, 1995" for "1990".

Subsec. (m). Pub. L. 101-624, § 1516(10), added subsec. (m).

1988—Subsecs. (k), (l). Pub. L. 100-418 added subsec. (k) and redesignated former subsec. (k) as (l).

## CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## 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.

## DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Agriculture, by section 4(g) of Ex. Ord. No. 12752, Feb. 25, 1991, 56 F.R. 8256, set out as a note under section 1691 of this title.

## EXECUTIVE ORDER NO. 12583

Ex. Ord. No. 12583, Feb. 19, 1987, 52 F.R. 5427, which related to the delegation of functions relating to entering into agreements with developing countries and waiving minimum tonnage requirements, was revoked by section 6 of Ex. Ord. No. 12752, Feb. 25, 1991, 56 F.R. 8256, set out as a note under section 1691 of this title.

**§ 1736o-1. McGovern-Dole International Food for Education and Child Nutrition Program**

**(a) Definition of agricultural commodity**

In this section, the term “agricultural commodity” means an agricultural commodity, or a product of an agricultural commodity, that is produced in the United States.

**(b) Program**

Subject to subsection (l), the Secretary may establish a program, to be known as “McGovern-Dole International Food for Education and Child Nutrition Program”, requiring the procurement of agricultural commodities and the provision of financial and technical assistance to carry out—

(1) preschool and school food for education programs in foreign countries to improve food security, reduce the incidence of hunger, and improve literacy and primary education, particularly with respect to girls; and

(2) maternal, infant, and child nutrition programs for pregnant women, nursing mothers, infants, and children who are 5 years of age or younger.

**(c) Eligible commodities and cost items**

Notwithstanding any other provision of law—

(1) any agricultural commodity is eligible to be provided under this section;

(2) as necessary to achieve the purposes of this section, funds appropriated under this section may be used to pay—

(A)(i) the cost of acquiring agricultural commodities;

(ii) the costs associated with packaging, enrichment, preservation, and fortification of agricultural commodities;

(iii) the processing, transportation, handling, and other incidental costs up to the time of the delivery of agricultural commodities free on board vessels in United States ports;

(iv) the vessel freight charges from United States ports or designated Canadian transshipment ports, as determined by the Secretary, to designated ports of entry abroad;

(v) the costs associated with transporting agricultural commodities from United

States ports to designated points of entry abroad in the case—

(I) of landlocked countries;

(II) of ports that cannot be used effectively because of natural or other disturbances;

(III) of the unavailability of carriers to a specific country; or

(IV) of substantial savings in costs or time that may be effected by the utilization of points of entry other than ports; and

(vi) the charges for general average contributions arising out of the ocean transport of agricultural commodities transferred pursuant thereto;

(B) all or any part of the internal transportation, storage, and handling costs incurred in moving the eligible commodity, if the Secretary determines that—

(i) payment of the costs is appropriate; and

(ii) the recipient country is a low income, net food-importing country that—

(I) meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference; and

(II) has a national government that is committed to or is working toward, through a national action plan, the goals of the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the followup Dakar Framework for Action of the World Education Forum, convened in 2000;

(C) the costs of activities conducted in the recipient countries by a nonprofit voluntary organization, cooperative, or intergovernmental agency or organization that would enhance the effectiveness of the activities implemented by such entities under this section; and

(D) the costs of meeting the allowable administrative expenses of private voluntary organizations, cooperatives, or intergovernmental organizations that are implementing activities under this section.

**(d) General authorities**

The Secretary shall—

(1) implement the program established under this section;

(2) ensure that the program established under this section is consistent with the foreign policy and development assistance objectives of the United States; and

(3) consider, in determining whether a country should receive assistance under this section, whether the government of the country is taking concrete steps to improve the preschool and school systems in the country.

**(e) Eligible entities**

Assistance may be provided under this section to private voluntary organizations, cooperatives, intergovernmental organizations, governments of developing countries and their agencies, and other organizations.