

“(C) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid commodities, and products of those commodities, that are provided to developing countries, by using the same mechanism that was used to assess the micronutrient fortification program in the report entitled ‘Micronutrient Compliance Review of Fortified P.L. 480 Commodities’, published October 2001 with funds from the Bureau for Humanitarian Response of the United States Agency for International Development.”

Subsecs. (b) to (d). Pub. L. 110-246, §3023(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, in subsec. (c), substituted “2012” for “2007”, and struck out former subsec. (b). Prior to amendment, text read as follows: “From among the countries eligible for assistance under this chapter, the Secretary may select not more than 5 developing countries to participate in a program under this section.”

2002—Pub. L. 107-171, §3013(1), substituted “programs” for “pilot program” in section catchline.

Subsec. (a). Pub. L. 107-171, §3013(2), designated first sentence as par. (1), inserted heading, and substituted “Not later than September 30, 2003, the Administrator, in consultation with the Secretary, shall establish micronutrient fortification programs.” for “Subject to the availability of practical technology and to cost effectiveness, not later than September 30, 1997, the Secretary, in consultation with the Administrator, shall establish a micronutrient fortification pilot program under this chapter.”, designated second sentence as par. (2), inserted heading, and substituted “The purpose of a program” for “The purpose of the program”, redesignated former pars. (1) and (2) as subpars. (A) and (B) of par. (2), respectively, struck out “and” at end of subpar. (A), struck out “whole” before “grains and other commodities” and substituted “; and” for period at end of subpar. (B), and added subpar. (C).

Subsec. (b). Pub. L. 107-171, §3013(3), substituted “a program under this section” for “the pilot program”.

Subsec. (c). Pub. L. 107-171, §3013(4), substituted “a program, grains” for “the pilot program, whole grains”, “a program may be fortified” for “the pilot program may be fortified”, and “(such as vitamin A, iron, iodine, and folic acid)” for “(including vitamin A, iron, and iodine)”.

Subsec. (d). Pub. L. 107-171, §3013(5), substituted “programs” for “the pilot program” and “2007” for “2002”.

#### 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.

#### § 1736g-3. Use of certain local currency

Local currency payments received by the United States pursuant to agreements entered into under subchapter II (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 1708 of this title (as in effect on November 27, 1990).

(July 10, 1954, ch. 469, title IV, §416, as added Pub. L. 104-127, title II, §223, Apr. 4, 1996, 110 Stat. 958.)

#### REFERENCES IN TEXT

Section 1708 of this title (as in effect on November 27, 1990), referred to in text, was omitted in the general amendment of this chapter by Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3633.

#### § 1736h. Congressional consultation on bilateral commodity supply agreements

As soon as practicable before the Government of the United States enters into any bilateral international agreement, other than a treaty,

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