

(2) receive proposals for grant assistance from local organizations, and make grants to such organizations in accordance with the priorities agreed upon in the framework agreement and consistent with the overall purposes of section 1738k of this title;

(3) be responsible for the management of the program and oversight of grant activities funded from resources of the Environmental Fund;

(4) be subject to fiscal audits by an independent auditor on an annual basis;

(5) present an annual program for review by the Board established under section 1738i of this title each year;

(6) present an annual report on the activities undertaken during the previous year to the Chairman of the Board established under section 1738i of this title, and the government of the eligible country each year; and

(7) have any grant over \$100,000 be subject to veto by the United States and the government of the eligible country.

(July 10, 1954, ch. 469, title VI, §607, as added Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3659; amended Pub. L. 102-237, title III, §305, Dec. 13, 1991, 105 Stat. 1855.)

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 moved closing quotation marks in parenthetical phrase from after “Environmental” to after “Fund”.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see section 2 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of this title.

### § 1738g. Enterprise for the Americas environmental funds

#### (a) Establishment

An eligible country shall, under the terms of an environmental framework agreement entered into under section 1738f of this title, establish an Environmental Fund to receive payments in local currency pursuant to section 1738f(b)(1) of this title.

#### (b) Investment

Amounts deposited into an Environmental Fund shall be invested until disbursed. Notwithstanding any other provision of law, any return on such investment may be retained by the Environmental Fund and need not be deposited to the account of the Commodity Credit Corporation and may be retained without further appropriation by Congress.

(July 10, 1954, ch. 469, title VI, §608, as added Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3660.)

### § 1738h. Disbursement of environmental funds

Funds in an Environmental Fund shall be disbursed only pursuant to a framework agreement entered into pursuant to section 1738f of this title.

(July 10, 1954, ch. 469, title VI, §609, as added Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3661.)

### § 1738i. Enterprise for the Americas Board

#### (a) Establishment

There is established a board to be known as the “Enterprise for the Americas Board” (hereafter referred to in this subchapter as the “Board”).

#### (b) Membership and chairperson

##### (1) Membership

The Board shall be composed of—

(A) six representatives from the United States Government, at least one of whom shall be a representative of the Department of Agriculture; and

(B) five representatives from private nongovernmental environmental, child survival and child development, community development, scientific, and academic organizations with experience and expertise in Latin America and the Caribbean, at least one of whom shall be a representative from a child survival and child development organization;

to be appointed by the President.

##### (2) Chairperson

The Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under paragraph (1)(A).

#### (c) Responsibilities

The Board shall—

(1) advise the President on the negotiations for the environmental framework agreements described in subsections (a) and (b) of section 1738f of this title;

(2) ensure, in consultation with the government of the appropriate eligible country, with nongovernmental organizations of such eligible country, and if appropriate, of the region, and with environmental, scientific, and academic leaders of such eligible country and, as appropriate, of the region, that a suitable body referred to in section 1738f(c) of this title is identified; and

(3) review the programs, operations, and fiscal audits of the bodies referred to in section 1738f(c) of this title.

(July 10, 1954, ch. 469, title VI, §610, as added Pub. L. 101-624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3661; amended Pub. L. 102-237, title III, §339, Dec. 13, 1991, 105 Stat. 1861; Pub. L. 102-549, title VI, §603, Oct. 28, 1992, 106 Stat. 3669.)

#### AMENDMENTS

1992—Pub. L. 102-549, §603(1), substituted “Enterprise” for “Environment” in section catchline.

Subsec. (a). Pub. L. 102-549, §603(2), substituted “Enterprise” for “Environment”.

Subsec. (b)(1)(B). Pub. L. 102-549, §603(3), inserted “child survival and child development,” after “environmental,” and “, at least one of whom shall be a representative from a child survival and child development organization”.

1991—Subsec. (b)(1)(A). Pub. L. 102-237, §339(1), substituted “six” for “five” and inserted “, at least one of whom shall be a representative of the Department of Agriculture” after “Government”.

Subsec. (b)(1)(B). Pub. L. 102-237, §339(2), substituted “five” for “four”.

**§ 1738j. Oversight**

The President may designate appropriate United States agencies to review the implementation of programs under this subchapter and the fiscal audits relating to such programs. Such oversight shall not constitute active management of an Environmental Fund.

(July 10, 1954, ch. 469, title VI, § 611, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3661.)

## DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of this title.

**§ 1738k. Eligible activities and grantees****(a) Eligible entities**

Activities eligible to receive assistance through the framework agreements entered into under section 1738f of this title, shall include—

- (1) activities of the type described in the Global Environmental Protection Assistance Act of 1989 (22 U.S.C. 2281 et seq.);
- (2) agriculture-related activities, including those that provide for the biological prevention and control of animal and plant pests and diseases, to benefit the environment; and
- (3) local community initiatives that promote conservation and sustainable use of the environment.

**(b) Regulation**

All activities of the type referred to in subsection (a) shall, where appropriate, include initiatives that link conservation of natural resources with local community development.

**(c) Setting of priorities**

Appropriate activities and priorities relating to the use of an Environmental Fund shall be set by local nongovernmental organizations within the appropriate eligible country.

**(d) Grants**

Grants may be made by the body referred to in section 1738f(c) of this title from the Environmental Fund for environmental purposes to—

- (1) host country nongovernmental environmental, conservation, development, educational, and indigenous peoples organizations;
- (2) other appropriate local or regional entities; or
- (3) in exceptional circumstances, the government of the eligible country.

**(e) Priority**

In providing assistance from an Environmental Fund, the body established under section 1738f(c) of this title within the eligible country shall give priority to projects that are run by nongovernmental organizations and other private entities, and that involve local communities in their planning and execution.

(July 10, 1954, ch. 469, title VI, § 612, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3661; amended Pub. L. 102-237, title III, § 306, Dec. 13, 1991, 105 Stat. 1856.)

## REFERENCES IN TEXT

The Global Environmental Protection Assistance Act of 1989, referred to in subsec. (a)(1), is title VII of Pub.

L. 101-240, Dec. 19, 1989, 103 Stat. 2521, as amended, which is classified generally to part VII (§2281 et seq.) of subchapter I of chapter 32 and chapter 86 (§7901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title of 1989 Amendments note set out under section 2151 of Title 22 and Tables.

## AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-237 substituted “2281 et seq.” for “462, and—”.

**§ 1738l. Encouraging multilateral debt donations****(a) Encouraging donations from official creditors**

The President should actively encourage other official creditors of an eligible country to provide debt reduction to such eligible country.

**(b) Encouraging donations from other sources**

The President shall make every effort to insure that programs established through Environmental Funds are able to receive donations from private and public entities, and private creditors of the eligible country.

(July 10, 1954, ch. 469, title VI, § 613, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3662.)

**§ 1738m. Annual report to Congress****(a) In general**

Not later than December 31 of each fiscal year, the President shall prepare and submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate an annual report concerning the operation of the Facility for the prior fiscal year. This report shall include—

- (1) a description of the activities undertaken by the Facility during the previous fiscal year;
- (2) a description of any Environmental<sup>1</sup> Framework Agreement entered into under this subchapter;
- (3) a report on what Environmental Funds have been established under this subchapter and on the operations of such Funds; and
- (4) a description of any grants that have been extended by administering bodies pursuant to an Environmental<sup>1</sup> Framework Agreement under this subchapter.

**(b) Supplemental views in annual report**

No later than December 15 of each fiscal year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this subchapter by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.

(July 10, 1954, ch. 469, title VI, § 614, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3662; as amended Pub. L. 102-237, title III, § 330, Dec. 13, 1991, 105 Stat. 1858; Pub. L. 102-532, § 3, Oct. 27, 1992, 106 Stat. 3512.)

## AMENDMENTS

1992—Subsec. (a). Pub. L. 102-532 inserted at end “This report shall include—” and pars. (1) to (4).

<sup>1</sup> So in original. Probably should be “Environmental”.