

“, 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 Af-

fairs 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) of this section, 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 to<sup>1</sup>—

- (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.

#### (f) Procedures

##### (1) In general

In carrying out subsection (b) of this section, the Secretary shall ensure that procedures are established that—

(A) provide for the submission of proposals by eligible entities, each of which may include 1 or more recipient countries, for commodities and other assistance under this section;

(B) provide for eligible commodities and assistance on a multiyear basis;

(C) ensure that eligible entities demonstrate the organizational capacity and the ability to develop, implement, monitor, report on, and provide accountability for activities conducted under this section;

(D) provide for the expedited development, review, and approval of proposals submitted in accordance with this section;

(E) ensure monitoring and reporting by eligible entities on the use of commodities and other assistance provided under this section; and

(F) allow for the sale or barter of commodities by eligible entities to acquire funds to implement activities that improve the food security of women and children or otherwise enhance the effectiveness of programs and activities authorized under this section.

##### (2) Priorities for program funding

In carrying out paragraph (1) with respect to criteria for determining the use of commodities and other assistance provided for programs and activities authorized under this section, the Secretary may consider the ability of eligible entities to—

(A) identify and assess the needs of beneficiaries, especially malnourished or undernourished mothers and their children who are 5 years of age or younger, and school-age children who are malnourished, undernourished, or do not regularly attend school;

(B)(i) in the case of preschool and school-age children, target low-income areas where children's enrollment and attendance in school is low or girls' enrollment and participation in preschool or school is low, and incorporate developmental objectives for improving literacy and primary education, particularly with respect to girls; and

(ii) in the case of programs to benefit mothers and children who are 5 years of age or younger, coordinate supplementary feeding and nutrition programs with existing or newly-established maternal, infant, and children programs that provide health-needs interventions, including maternal, prenatal, and postnatal and newborn care;

(C) involve indigenous institutions as well as local communities and governments in the development and implementation of the programs and activities to foster local capacity building and leadership; and

(D) carry out multiyear programs that foster local self-sufficiency and ensure the longevity of programs in the recipient country.

##### (g) Use of Food and Nutrition Service

The Food and Nutrition Service of the Department of Agriculture may provide technical ad-

<sup>1</sup> So in original. The word "to" probably should not appear.

vice on the establishment of programs under subsection (b)(1) of this section and on implementation of the programs in the field in recipient countries.

**(h) Multilateral involvement**

**(1) In general**

The Secretary is urged to engage existing international food aid coordinating mechanisms to ensure multilateral commitments to, and participation in, programs similar to programs supported under this section.

**(2) Reports**

The Secretary shall annually submit to the Committee on International Relations and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the commitments and activities of governments, including the United States government, in the global effort to reduce child hunger and increase school attendance.

**(i) Private sector involvement**

The Secretary is urged to encourage the support and active involvement of the private sector, foundations, and other individuals and organizations in programs assisted under this section.

**(j) Graduation**

An agreement with an eligible organization under this section shall include provisions—

(1) to—

(A) sustain the benefits to the education, enrollment, and attendance of children in schools in the targeted communities when the provision of commodities and assistance to a recipient country under a program under this section terminates; and

(B) estimate the period of time required until the recipient country or eligible organization is able to provide sufficient assistance without additional assistance under this section; or

(2) to provide other long-term benefits to targeted populations of the recipient country.

**(k) Requirement to safeguard local production and usual marketing**

The requirement of section 1733(a) of this title applies with respect to the availability of commodities under this section.

**(l) Funding**

**(1) Use of Commodity Credit Corporation funds**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$84,000,000 for fiscal year 2009, to remain available until expended.

**(2) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

**(3) Administrative expenses**

Funds made available to carry out this section may be used to pay the administrative expenses of the Department of Agriculture or any other Federal agency assisting in the implementation of this section.

(Pub. L. 107-171, title III, §3107, May 13, 2002, 116 Stat. 295; Pub. L. 110-246, title III, §§3001(b)(1)(A), (2)(G), 3106, June 18, 2008, 122 Stat. 1820, 1833.)

CODIFICATION

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Food for Peace Act which comprises this chapter.

AMENDMENTS

2008—Subsecs. (b), (c)(2)(B). Pub. L. 110-246, §3106(1), substituted “Secretary” for “President” in introductory provisions.

Subsec. (d). Pub. L. 110-246, §3106(2), substituted “The Secretary shall” for “The President shall designate 1 or more Federal agencies” in introductory provisions.

Subsec. (f)(1). Pub. L. 110-246, §3106(1), substituted “Secretary” for “President” in introductory provisions.

Subsec. (f)(2). Pub. L. 110-246, §3106(3), substituted “Secretary” for “implementing agency” in introductory provisions.

Subsecs. (h), (i). Pub. L. 110-246, §3106(1), substituted “Secretary” for “President” wherever appearing.

Subsec. (k). Pub. L. 110-246, §3001(b)(1)(A), (2)(G), made technical amendment to reference in original act which appears in text as reference to section 1733(a) of this title.

Subsec. (l)(1). Pub. L. 110-246, §3106(4)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “Of the funds of the Commodity Credit Corporation, the Secretary shall use \$100,000,000 for fiscal year 2003 to carry out this section.”

Pub. L. 110-246, §3106(1), substituted “Secretary” for “President”.

Subsec. (l)(2). Pub. L. 110-246, §3106(4)(B), substituted “2008 through 2012” for “2004 through 2007”.

Subsec. (l)(3). Pub. L. 110-246, §3106(4)(C), substituted “the Department of Agriculture or any other Federal agency assisting” for “any Federal agency implementing or assisting”.

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.

IMPLEMENTATION OF SECTION 3107 OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002, RELATING TO FOOD FOR EDUCATION AND CHILD NUTRITION

Memorandum of President of the United States, Mar. 11, 2003, 68 F.R. 12569, provided:

Memorandum for the Secretary of Agriculture  
Effective upon the publication of this memorandum in the Federal Register, there is established the program relating to food for education and child nutrition authorized by subsection 3107(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) (7 U.S.C. 1736o-1 [1736o-1]). Pursuant to subsection 3107(d) of the Act, the Department of Agriculture is designated to take actions specified in that subsection. The authorities and duties of the President under section 3107 (except the authority to designate under section 3107(d)) are delegated to the Secretary of Agriculture.

In the implementation of a program for which section 3107 provides, the Secretary of Agriculture shall consult as appropriate with the Food Policy Assistance Council established by section 3 of Executive Order 12752 of February 25, 1991, as amended [7 U.S.C. 1691 note], and such heads of Federal departments and agencies as the Secretary determines appropriate.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

### § 1736p. Trade policy declaration

It is hereby declared to be the agricultural trade policy of the United States to—

(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;

(5) remove foreign policy constraints to maximize United States economic interests through agricultural trade; and

(6) provide for consideration of United States agricultural trade interests in the design of national fiscal and monetary policy that may foster continued strength in the value of the dollar.

(Pub. L. 99-198, title XI, § 1121, Dec. 23, 1985, 99 Stat. 1480; Pub. L. 104-127, title II, § 267, Apr. 4, 1996, 110 Stat. 974.)

#### 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

1996—Pub. L. 104-127 struck out subsec. (a) which stated congressional findings regarding United States agricultural export policy, struck out subsec. designation “(b)”, and substituted pars. (1) to (4) for former pars. (1) to (4) which read as follows:

“(1) provide through all means possible agricultural commodities and their products for export at competitive prices, with full assurance of quality and reliability of supply;

“(2) support the principle of free trade and the promotion of fairer trade in agricultural commodities and their products;

“(3) cooperate fully in all efforts to negotiate with foreign countries reductions in current barriers to fair trade;

“(4) counter aggressively unfair foreign trade practices using all available means, including export restitution, export bonus programs, and, if necessary, restrictions on United States imports of foreign agricultural commodities and their products, as a means to encourage fairer trade;”.

### § 1736q. Repealed. Pub. L. 104-127, title II, § 268, Apr. 4, 1996, 110 Stat. 975

Section, Pub. L. 99-198, title XI, § 1122, Dec. 23, 1985, 99 Stat. 1480, related to liberalization of agricultural trade policy.

### § 1736r. Trade negotiations policy

#### (a) Findings

Congress finds that—

(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

(2) exports of United States agricultural products accounted for \$54,000,000,000 in 1995, contributing a net \$24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use nontransparent and discriminatory pricing as a hidden de facto export subsidy;

(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

#### (b) Goals of the United States in agricultural trade negotiations

The objectives of the United States with respect to future negotiations on agricultural trade include—

(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

(3) ending the practice of export dumping by eliminating all trade distorting export sub-