

107TH CONGRESS
1ST SESSION

S. 1036

To amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2001

Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DEWINE, Mr. DORGAN, Mr. DASCHLE, Mr. KOHL, Mr. LUGAR, Mr. KENNEDY, Mr. JOHNSON, Mr. CONRAD, Ms. LANDRIEU, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “George McGovern-Rob-

5 ert Dole International Food for Education and Child Nu-

6 trition Act of 2001”.

1 **SEC. 2. INTERNATIONAL FOOD FOR EDUCATION AND CHILD**
 2 **NUTRITION.**

3 Title IV of the Agricultural Trade Development and
 4 Assistance Act of 1954 (7 U.S.C. 1731 et seq.) is amended
 5 by adding at the end the following:

6 **“SEC. 417. INTERNATIONAL FOOD FOR EDUCATION AND**
 7 **CHILD NUTRITION.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE COMMODITY.—The term ‘eligible
 10 commodity’ means—

11 “(A) an agricultural commodity; and

12 “(B) a vitamin or mineral produced—

13 “(i) in the United States; or

14 “(ii) in limited situations determined
 15 by the Secretary, outside the United
 16 States.

17 “(2) ELIGIBLE ORGANIZATION.—The term ‘eli-
 18 gible organization’ means a private voluntary organi-
 19 zation, cooperative, or intergovernmental organiza-
 20 tion, as determined by the Secretary.

21 “(3) PROGRAM.—The term ‘Program’ means
 22 the International Food for Education and Child Nu-
 23 trition Program established under subsection (b)(1).

24 “(4) RECIPIENT COUNTRY.—The term ‘recipi-
 25 ent country’ means 1 or more developing countries

1 covered by a plan approved under subsection
2 (d)(1)(A)(ii).

3 “(b) PROGRAM ESTABLISHMENT.—

4 “(1) IN GENERAL.—In cooperation with other
5 countries, the Secretary shall establish, and the De-
6 partment of Agriculture shall act as the lead Federal
7 agency for, the International Food for Education
8 and Child Nutrition Program, through which the
9 Secretary shall provide to eligible organizations eligi-
10 ble commodities and technical and nutritional assist-
11 ance for pre-school and school-age children in con-
12 nection with education programs to improve food se-
13 curity and enhance educational opportunities for
14 pre-school age and primary-school age children in re-
15 cipient countries.

16 “(2) ADMINISTRATION.—In carrying out the
17 Program, the Secretary may use the personnel and
18 other resources of the Food and Nutrition Service
19 and other agencies of the Department of Agri-
20 culture.

21 “(c) PURCHASE AND DONATION OF ELIGIBLE COM-
22 MODITIES AND PROVISION OF ASSISTANCE.—

23 “(1) IN GENERAL.—Under the Program, the
24 Secretary shall enter into agreements with eligible
25 organizations—

1 “(A) to purchase, acquire, and donate eli-
2 gible commodities to eligible organizations; and

3 “(B) to provide technical and nutritional
4 assistance.

5 “(2) OTHER DONOR COUNTRIES.—Consistent
6 with the Program, the Secretary shall encourage
7 other donor countries, directly or through eligible
8 organizations—

9 “(A) to donate goods and funds to recipi-
10 ent countries; and

11 “(B) to provide technical and nutritional
12 assistance to recipient countries.

13 “(3) PRIVATE SECTOR.—The President and the
14 Secretary are urged to encourage the support and
15 active involvement of the private sector, foundations,
16 and other individuals and organizations in programs
17 and activities assisted under this section.

18 “(d) PLANS AND AGREEMENTS.—

19 “(1) IN GENERAL.—To be eligible to receive eli-
20 gible commodities and assistance under this section,
21 an eligible organization shall—

22 “(A)(i) submit to the Secretary a plan that
23 describes the manner in which;

24 “(I) the eligible commodities and as-
25 sistance will be used in 1 or more recipient

1 countries to meet the requirements of this
2 section; and

3 “(II) the role of the government in
4 the recipient countries in carrying out the
5 plan; and

6 “(ii) obtain the approval of the Secretary
7 for the plan; and

8 “(B) enter into an agreement with the Sec-
9 retary establishing the terms and conditions for
10 use of the eligible commodities and assistance.

11 “(2) MULTIYEAR AGREEMENTS.—

12 “(A) IN GENERAL.—An agreement under
13 paragraph (1)(B) may provide for eligible com-
14 modities and assistance on a multiyear basis.

15 “(B) LOCAL CAPACITY.—The Secretary
16 shall facilitate, to the extent the Secretary de-
17 termines is appropriate, the development of
18 agreements under paragraph (1)(B) that, on a
19 multiyear basis, strengthen local capacity for
20 implementing and managing assistance pro-
21 grams.

22 “(3) STREAMLINED PROCEDURES.—The Sec-
23 retary shall develop streamlined procedures for the
24 development, review, and approval of plans sub-
25 mitted under paragraph (1)(A) by eligible organiza-

tions that demonstrate organizational capacity and the ability to develop, implement, monitor, and report on, and provide accountability for, activities conducted under this section.

“(4) GRADUATION.—An agreement under paragraph (1)(B) shall include provisions—

“(A)(i) to 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 the Program terminates; and

“(ii) to estimate the period of time required for the recipient country or eligible organization to provide assistance described in subsection (b)(1) without additional assistance provided under this section; or

“(B) to otherwise provide other long-term benefits to the targeted populations.

“(e) EFFECTIVE USE OF ELIGIBLE COMMODITIES.—

The Secretary shall ensure that each eligible organization—

“(1) uses eligible commodities made available under this section effectively, in the areas of greatest

1 need, and in a manner that promotes the purposes
2 of this section;

3 “(2) in using assistance provided under this
4 section, assesses and takes into account the nutri-
5 tional and educational needs of participating pre-
6 school age and primary-school age children;

7 “(3) to the maximum extent practicable, uses
8 the lowest cost means of delivering eligible commod-
9 ities and providing other assistance authorized under
10 the Program;

11 “(4) works with recipient countries and indige-
12 nous institutions or groups in recipient countries to
13 design and carry out mutually acceptable food and
14 education assistance programs for participating pre-
15 school age and primary-school age children;

16 “(5) monitors and reports on the distribution or
17 sale of eligible commodities provided under this sec-
18 tion using methods that will facilitate accurate and
19 timely reporting;

20 “(6) periodically evaluates the effectiveness of
21 the Program, including evaluation of whether the
22 food security and education purposes can be sus-
23 tained in a recipient country if the recipient country
24 is gradually terminated from the assistance in ac-
25 cordance with subsection (d)(4); and

1 “(7) considers means of improving the oper-
 2 ation of the Program by the eligible organization
 3 and ensuring and improving the quality of the eligi-
 4 ble commodities provided under this section, includ-
 5 ing improvement of the nutrient or micronutrient
 6 content of the eligible commodities.

7 “(f) INTERAGENCY COORDINATION ON POLICY
 8 GOALS.—The Secretary shall consult and collaborate with
 9 other Federal agencies having appropriate expertise in
 10 order to provide assistance under this section to promote
 11 equal access to education to improve the quality of edu-
 12 cation, combat exploitative child labor, and advance broad-
 13 based sustainable economic development in recipient coun-
 14 tries.

15 “(g) SALES AND BARTER.—

16 “(1) IN GENERAL.—Notwithstanding subsection
 17 (d)(1)(A), with the approval of the Secretary, an eli-
 18 gible organization may—

19 “(A) acquire funds or goods by selling or
 20 bartering eligible commodities provided under
 21 this section within the recipient country or
 22 countries near the recipient country; and

23 “(B) use the funds or goods to improve
 24 food security and enhance educational opportu-
 25 nities for pre-school age and primary-school age

1 children within the recipient country, including
 2 implementation and administrative costs in-
 3 curred in carrying out this subsection.

4 “(2) PAYMENT OF ADMINISTRATIVE COSTS.—

5 An eligible organization that receives payment for
 6 administrative costs under paragraph (1) shall not
 7 be eligible to receive payment for the same adminis-
 8 trative costs under subsection (h)(3).

9 “(h) ELIGIBLE COSTS.—Subject to subsections
 10 (d)(1) and (m), the Secretary shall pay all or part of—

11 “(1) the costs and charges described in para-
 12 graphs (1) through (5) and (7) of section 406(b)
 13 with respect to an eligible commodity;

14 “(2) the internal transportation, storage, and
 15 handling costs incurred in moving the eligible com-
 16 modity, if the Secretary determines that—

17 “(A) payment of the costs is appropriate;

18 and

19 “(B) the recipient country is a low income,
 20 net food-importing country that—

21 “(i) meets the poverty criteria estab-
 22 lished by the International Bank for Re-
 23 construction and Development for Civil
 24 Works Preference; or

1 “(ii) has a national government that
2 is committed to or is working toward,
3 through a national action plan, the World
4 Declaration on Education for All convened
5 in 1990 in Jomtien, Thailand, and the fol-
6 low-up Dakar Framework for Action of the
7 World Education Forum in 2000; and

8 “(3) the projected costs of an eligible organiza-
9 tion for administration, sales, monitoring, and tech-
10 nical assistance under a plan approved by the Sec-
11 retary under subsection (d)(1)(A) (including an
12 itemized budget), taking into consideration, as deter-
13 mined by the Secretary—

14 “(A) the projected amount of such costs
15 itemized by category; and

16 “(B) the projected amount of assistance
17 received from other donors.

18 “(i) DISPLACEMENT.—Subsections (a)(2), (b), and
19 (h) of section 403 shall apply to this section.

20 “(j) AUDITS AND TRAINING.—The Secretary shall
21 take such actions as are necessary to support, monitor,
22 audit, and provide necessary training in proper manage-
23 ment under the Program.

24 “(k) ANNUAL REPORT.—The Secretary shall submit
25 to the Committee on Agriculture of the House of Rep-

1 representatives and the Committee on Agriculture, Nutrition,
2 and Forestry of the Senate an annual report that
3 describes—

4 “(1) the results of the implementation of the
5 Program during the applicable year, including the
6 impact on the enrollment, attendance, and perform-
7 ance of children in primary schools targeted under
8 the Program; and

9 “(2) the level of commitments by, and the po-
10 tential for obtaining additional goods and assistance
11 from, other countries for the purposes of this section
12 during subsequent years.

13 “(l) INDEPENDENCE OF AUTHORITIES.—Each au-
14 thority granted under this section shall be in addition to,
15 and not in lieu of, any authority granted to the Secretary
16 or the Commodity Credit Corporation under any other
17 provision of law.—

18 “(m) FUNDING.—

19 “(1) IN GENERAL.—Subject to paragraphs (2)
20 and (3), for each of fiscal years 2002 through 2006,
21 the Secretary shall use the funds, facilities, and au-
22 thorities of the Commodity Credit Corporation to
23 carry out this section.

24 “(2) FISCAL YEAR LIMITATIONS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the amount of funds of the Com-
3 modity Credit Corporation uses to carry out
4 this section shall not exceed—

5 “(i) \$300,000,000 for fiscal year
6 2002; or

7 “(ii) \$400,000,000 for each of fiscal
8 years 2003 through 2006.

9 “(B) PARTICIPATION BY DONOR COUN-
10 TRIES.—If the Secretary determines for any of
11 fiscal years 2004 through 2006 that there is
12 adequate participation in the Program by donor
13 countries, in lieu of the maximum amount au-
14 thorized for that fiscal year under subpara-
15 graph (A)(ii), the amount of funds of the Com-
16 modity Credit Corporation uses to carry out
17 this section shall not exceed—

18 “(i) \$525,000,000 for fiscal year
19 2004;

20 “(ii) \$625,000,000 for fiscal year
21 2005; or

22 “(iii) \$750,000,000 for fiscal year
23 2006.

1 “(3) USE LIMITATIONS.—Of the funds provided
2 under paragraph (2), the Secretary may use to carry
3 out subsection (h)(3), not more than—

4 “(A) \$40,000,000 for fiscal year 2002;

5 “(B) \$50,000,000 for fiscal year 2003;

6 “(C) \$60,000,000 for fiscal year 2004;

7 “(D) \$70,000,000 for fiscal year 2005; or

8 “(E) \$80,000,000 for fiscal year 2006.”.

9 **SEC. 3. CONFORMING AMENDMENTS.**

10 (a) Section 401(a) of the Agricultural Trade Develop-
11 ment and Assistance Act of 1954 (7 U.S.C. 1731(a)) is
12 amended by inserting “(other than section 417)” after
13 “this Act” each place it appears.

14 (b) Section 404(b)(4) of the Agricultural Trade De-
15 velopment and Assistance Act of 1954 (7 U.S.C.
16 1734(b)(4)) is amended by inserting “with respect to
17 agreements entered into under this Act (other than section
18 417),” after “(4)”.

19 (c) Section 406(d) of the Agricultural Trade Develop-
20 ment and Assistance Act of 1954 (7 U.S.C. 1736(d)) is
21 amended by inserting “(other than section 417)” after
22 “this Act”.

23 (d) Section 408 of the Agricultural Trade Develop-
24 ment and Assistance Act of 1954 (7 U.S.C. 1736b) is

1 amended by inserting “(other than section 417)” after
2 “this Act”.

3 (e) Section 412(b)(1) of the Agricultural Trade De-
4 velopment and Assistance Act of 1954 (7 U.S.C.
5 1736f(b)(1)) is amended by inserting “(other than section
6 417)” after “this Act” each place it appears.

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