

TITLE III—TRADE

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1 **TITLE III—TRADE**
2 **Subtitle A—Food for Peace Act**

3 **SEC. 3001. SHORT TITLE.**

4 (a) IN GENERAL.—Section 1 of the Agricultural
5 Trade Development and Assistance Act of 1954 (7 U.S.C.
6 1691 note; 104 Stat. 3633) is amended by striking “Agri-
7 cultural Trade Development and Assistance Act of 1954”
8 and inserting “Food for Peace Act”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) IN GENERAL.—Each provision of law de-
11 scribed in paragraph (2) is amended—

12 (A) by striking “Agricultural Trade Devel-
13 opment and Assistance Act of 1954” each place
14 it appears and inserting “Food for Peace Act”;
15 and

16 (B) in each section heading, by striking
17 “**AGRICULTURAL TRADE DEVELOPMENT**
18 **AND ASSISTANCE ACT OF 1954**” each place it
19 appears and inserting “**FOOD FOR PEACE**
20 **ACT**”;

21 (2) PROVISIONS OF LAW.—The provisions of
22 law referred to in paragraph (1) are the following:

23 (A) The Agriculture and Food Act of 1981
24 (Public Law 97–98; 95 Stat. 1213).

1 (B) The Agricultural Act of 1949 (7
2 U.S.C. 1421 et seq.).

3 (C) Section 9(a) of the Military Construc-
4 tion Codification Act (7 U.S.C. 1704c).

5 (D) Section 201 of the Africa: Seeds of
6 Hope Act of 1998 (7 U.S.C. 1721 note; Public
7 Law 105–385).

8 (E) The Bill Emerson Humanitarian Trust
9 Act (7 U.S.C. 1736f–1 et seq.).

10 (F) The Food for Progress Act of 1985 (7
11 U.S.C. 1736o).

12 (G) Section 3107 of the Farm Security
13 and Rural Investment Act of 2002 (7 U.S.C.
14 1736o–1).

15 (H) Sections 605B and 606C of the Act of
16 August 28, 1954 (commonly known as the “Ag-
17 ricultural Act of 1954”) (7 U.S.C. 1765b,
18 1766b).

19 (I) Section 206 of the Agricultural Act of
20 1956 (7 U.S.C. 1856).

21 (J) The Agricultural Competitiveness and
22 Trade Act of 1988 (7 U.S.C. 5201 et seq.).

23 (K) The Agricultural Trade Act of 1978 (7
24 U.S.C. 5601 et seq.).

1 (L) The Export-Import Bank Act of 1945
2 (12 U.S.C. 635 et seq.).

3 (M) Section 301 of title 13, United States
4 Code.

5 (N) Section 8 of the Endangered Species
6 Act of 1973 (16 U.S.C. 1537).

7 (O) Section 604 of the Enterprise for the
8 Americas Act of 1992 (22 U.S.C. 2077).

9 (P) Section 5 of the International Health
10 Research Act of 1960 (22 U.S.C. 2103).

11 (Q) The Foreign Assistance Act of 1961
12 (22 U.S.C. 2151 et seq.).

13 (R) The Horn of Africa Recovery and
14 Food Security Act (22 U.S.C. 2151 note; Pub-
15 lic Law 102-274).

16 (S) Section 105 of the Mutual Educational
17 and Cultural Exchange Act of 1961 (22 U.S.C.
18 2455).

19 (T) Section 35 of the Foreign Military
20 Sales Act (22 U.S.C. 2775).

21 (U) The Support for East European De-
22 mocracy (SEED) Act of 1989 (22 U.S.C. 5401
23 et seq.).

24 (V) Section 1707 of the Cuban Democracy
25 Act of 1992 (22 U.S.C. 6006).

1 (W) The Cuban Liberty and Democratic
2 Solidarity (LIBERTAD) Act of 1996 (22
3 U.S.C. 6021 et seq.).

4 (X) Section 902 of the Trade Sanctions
5 Reform and Export Enhancement Act of 2000
6 (22 U.S.C. 7201).

7 (Y) Chapter 553 of title 46, United State
8 Code.

9 (Z) Section 4 of the Strategic and Critical
10 Materials Stock Piling Act (50 U.S.C. 98e).

11 (AA) The Food, Agriculture, Conservation,
12 and Trade Act of 1990 (Public Law 101–624;
13 104 Stat. 3359).

14 (BB) Section 738 of the Agriculture, Rural
15 Development, Food and Drug Administration,
16 and Related Agencies Appropriations Act, 2001
17 (Public Law 106–387; 114 Stat 1549A-34).

18 (c) REFERENCES.—Any reference in any Federal,
19 State, tribal, or local law (including regulations) to the
20 “Agricultural Trade Development and Assistance Act of
21 1954” shall be considered to be a reference to the “Food
22 for Peace Act”.

23 **SEC. 3002. UNITED STATES POLICY.**

24 Section 2 of the Food for Peace Act (7 U.S.C. 1691)
25 is amended—

1 (1) by striking paragraph (4); and

2 (2) by redesignating paragraphs (5) and (6) as
3 paragraphs (4) and (5), respectively.

4 **SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.**

5 Section 3(b) of the Food for Peace Act (7 U.S.C.
6 1691a(b)) is amended by striking “(b)” and all that fol-
7 lows through paragraph (1) and inserting the following:

8 “(b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 “(1) in negotiations with other countries at the
11 Food Aid Convention, the World Trade Organiza-
12 tion, the United Nations Food and Agriculture Or-
13 ganization, and other appropriate venues, the Presi-
14 dent shall—

15 “(A) seek commitments of higher levels of
16 food aid by donors in order to meet the legiti-
17 mate needs of developing countries;

18 “(B) ensure, to the maximum extent prac-
19 ticable, that humanitarian nongovernmental or-
20 ganizations, recipient country governments,
21 charitable bodies, and international organiza-
22 tions shall continue—

23 “(i) to be eligible to receive resources
24 based on assessments of need conducted by
25 those organizations and entities; and

1 “(ii) to implement food aid programs
2 in agreements with donor countries; and

3 “(C) ensure, to the maximum extent prac-
4 ticable, that options for providing food aid for
5 emergency and nonemergency, or chronic, needs
6 shall not be subject to limitation, including in-
7 kind commodities, provision of funds for com-
8 modity procurement, and monetization of com-
9 modities, on the condition that the provision of
10 those commodities or funds—

11 “(i) is based on assessments of need
12 and intended to benefit the food security of
13 or otherwise assist recipients, and

14 “(ii) is provided in a manner that
15 avoids disincentives to local agricultural
16 production and marketing and with mini-
17 mal potential for disruption of commercial
18 markets; and”.

19 **SEC. 3004. TRADE AND DEVELOPMENT ASSISTANCE.**

20 (a) Title I of the Food for Peace Act (7 U.S.C. 1701
21 et seq.) is amended in the title heading, by striking
22 **“TRADE AND DEVELOPMENT ASSISTANCE”**
23 and inserting **“ECONOMIC ASSISTANCE AND**
24 **FOOD SECURITY”**.

1 (b) Section 101 of the Food for Peace Act (7 U.S.C.
2 1701) is amended in the section heading, by striking
3 “**TRADE AND DEVELOPMENT ASSISTANCE**” and in-
4 serting “**ECONOMIC ASSISTANCE AND FOOD SECUR-**
5 **RITY**”.

6 **SEC. 3005. AGREEMENTS REGARDING ELIGIBLE COUN-**
7 **TRIES AND PRIVATE ENTITIES.**

8 Section 102 of the Food for Peace Act (7 U.S.C.
9 1702) is amended—

10 (1) in subsection (a)—

11 (A) by striking paragraph (1); and

12 (B) by redesignating paragraphs (2) and
13 (3) as paragraphs (1) and (2), respectively; and

14 (2) by striking subsection (c).

15 **SEC. 3006. USE OF LOCAL CURRENCY PAYMENTS.**

16 Section 104(c) of the Food for Peace Act (7 U.S.C.
17 1704(c)) is amended—

18 (1) in the matter preceding paragraph (1), by
19 inserting “, through agreements with recipient gov-
20 ernments, private voluntary organizations, and co-
21 operatives,” after “developing country”;

22 (2) in paragraph (2)—

23 (A) in subparagraph (C), by striking
24 “and” at the end;

1 (B) in subparagraph (D), by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(E) the improvement of the trade capac-
5 ity of the recipient country.”;

6 (3) by striking paragraphs (1), (3), (4), (5),
7 and (6); and

8 (4) by redesignating paragraphs (2), (7), (8),
9 and (9) as paragraphs (1), (2), (3), and (4), respec-
10 tively.

11 **SEC. 3007. GENERAL AUTHORITY.**

12 Section 201 of the Food for Peace Act (7 U.S.C.
13 1721) is amended—

14 (1) by striking paragraph (1) and inserting the
15 following:

16 “(1) address famine and respond to emergency
17 food needs arising from man-made and natural dis-
18 asters;”;

19 (2) in paragraph (5), by inserting “food secu-
20 rity and support” after “promote”; and

21 (3) by striking paragraph (6) and inserting the
22 following:

23 “(6) protect livelihoods, provide safety nets for
24 food insecure populations, and encourage participa-

1 tion in educational, training, and other productive
2 activities.”.

3 **SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.**

4 Section 202 of the Food for Peace Act (7 U.S.C.
5 1722) is amended—

6 (1) in subsection (b)(2), by striking “may not
7 deny a request for funds” and inserting “may not
8 use as a sole rationale for denying a request for
9 funds”;

10 (2) in subsection (e)(1)—

11 (A) in the matter preceding subparagraph
12 (A)—

13 (i) by striking “Of the funds made
14 available in” and inserting “Of the total
15 amount of funds made available from all
16 sources for”; and

17 (ii) by striking “not less than 5 per-
18 cent nor more than 10 percent” and in-
19 serting “not less than 7.5 percent”;

20 (B) in subparagraph (A), by striking
21 “and” at the end;

22 (C) by striking subparagraph (B) and in-
23 serting the following:

24 “(B) meeting specific administrative, man-
25 agement, personnel, programmatic, and oper-

1 ational activities, and internal transportation
2 and distribution costs for carrying out new and
3 existing programs in foreign countries under
4 this title; and”

5 (D) by adding at the end the following:

6 “(C) improving and implementing meth-
7 odologies for food aid programs, including needs
8 assessments, monitoring, and evaluation.”; and

9 (3) by striking subsection (h) and inserting the
10 following:

11 “(h) FOOD AID QUALITY.—

12 “(1) IN GENERAL.—The Administrator shall
13 use funds made available for fiscal year 2008 and
14 subsequent fiscal years to carry out this title—

15 “(A) to assess the types and quality of ag-
16 ricultural commodities and products donated for
17 food aid;

18 “(B) to adjust products and formulations
19 as necessary to cost-effectively meet nutrient
20 needs of target populations; and

21 “(C) to pretest prototypes.

22 “(2) ADMINISTRATION.—The Administrator—

23 “(A) shall carry out this subsection in con-
24 sultation with and through an independent enti-

1 ty with proven impartial expertise in food aid
2 commodity quality enhancements;

3 “(B) may enter into contracts to obtain
4 the services of such an entity; and

5 “(C) shall consult with the Food Aid Con-
6 sultative Group on how to carry out this sub-
7 section.

8 “(3) REPORTS.—The Administrator shall sub-
9 mit to the Committees on Agriculture and Foreign
10 Affairs of the House of Representatives and the
11 Committee on Agriculture, Nutrition, and Forestry
12 of the Senate—

13 “(A) a report that describes the activities
14 of the Administrator in carrying out paragraph
15 (1) for fiscal year 2008; and

16 “(B) an annual report that describes the
17 progress of the Administrator in addressing
18 food aid quality issues.”.

19 **SEC. 3009. MICROENTERPRISE ACTIVITIES.**

20 Section 203(d)(2) of the Food for Peace Act (7
21 U.S.C.1723(d)(2)) is amended by inserting “, including
22 activities involving microenterprise and village banking,”
23 after “other developmental activities”.

1 **SEC. 3010. LEVELS OF ASSISTANCE.**

2 Section 204(a)(1) of the Food for Peace Act (7
3 U.S.C. 1724(a)(1)) is amended by striking “2007” and
4 inserting “2012”.

5 **SEC. 3011. FOOD AID CONSULTATIVE GROUP.**

6 Section 205 of the Food for Peace Act (7 U.S.C.
7 1725) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (5), by striking “and” at
10 the end;

11 (B) in paragraph (6), by striking the pe-
12 riod and inserting “; and”; and

13 (C) by inserting at the end the following:

14 “(7) representatives from the maritime trans-
15 portation sector involved in transporting agricultural
16 commodities overseas for programs under this Act.”;

17 (2) in subsection (d)—

18 (A) by striking “In preparing” and insert-
19 ing the following:

20 “(1) IN GENERAL.—In preparing”;

21 (B) by striking “The Administrator” and
22 inserting the following:

23 “(2) BIENNIAL CONSULTATION.—The Adminis-
24 trator”; and

25 (C) by adding at the end the following:

1 “(3) CONSULTATION FOR DRAFT REGULA-
2 TIONS.—In addition to the meetings required under
3 paragraph (2), the Administrator shall consult and
4 meet with the Group—

5 “(A) before issuing the draft regulations to
6 carry out the program described in section 209;
7 and

8 “(B) during the public comment period re-
9 lating to those draft regulations.”; and

10 (3) in subsection (f), by striking “2007” and
11 inserting “2012”.

12 **SEC. 3012. ADMINISTRATION.**

13 Section 207 of the Food for Peace Act (7 U.S.C.
14 1726a) is amended—

15 (1) in subsection (a)(3), by striking “must be
16 met for the approval of such proposal” and inserting
17 “should be considered for a proposal in a future fis-
18 cal year”;

19 (2) in subsection (c), by striking paragraph (3);

20 (3) by striking subsection (d) and inserting the
21 following:

22 “(d) **TIMELY PROVISION OF COMMODITIES.**—The
23 Administrator, in consultation with the Secretary, shall
24 develop procedures that ensure expedited processing of
25 commodity call forwards in order to provide commodities

1 overseas in a timely manner and to the extent feasible,
2 according to planned delivery schedules.”;

3 (4) in subsection (e)(2), by striking “December
4 1” and inserting “June 1”; and

5 (5) by adding at the end the following:

6 “(f) PROGRAM OVERSIGHT.—

7 “(1) IN GENERAL.—Funds made available to
8 carry out this title may be used to pay the expenses
9 of the United States Agency for International Devel-
10 opment associated with program monitoring, evalua-
11 tion, assessments, food aid data collection, and food
12 aid information management and commodity report-
13 ing systems.

14 “(2) CONTRACT AUTHORITY.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graphs (B) and (C) and notwithstanding any
17 other provision of law, in carrying out adminis-
18 trative and management activities related to the
19 implementation of programs under this title,
20 the Administrator may contract with 1 or more
21 individuals for personal service to be performed
22 in recipient countries or neighboring countries.

23 “(B) PROHIBITION.—Individuals con-
24 tracting with the Administrator under subpara-
25 graph (A) shall not be considered to be employ-

1 ees of the United States Government for the
2 purpose of any law administered by the Office
3 of Personnel Management.

4 “(C) PERSONAL SERVICE.—Subparagraph
5 (A) does not limit the ability of the Adminis-
6 trator to contract with individuals for personal
7 service under section 202(a).

8 “(g) INDIRECT SUPPORT COSTS TO THE WORLD
9 FOOD PROGRAM OF THE UNITED NATIONS.—

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of law, in providing assistance under this
12 title, the Administrator may make contributions to
13 the World Food Program of the United Nations to
14 the extent that the contributions are made in ac-
15 cordance with the rules and regulations of that pro-
16 gram for indirect cost rates.

17 “(2) REPORT.—The Administrator shall submit
18 the Committees on Agriculture and Foreign Affairs
19 of the House of Representatives and the Committee
20 on Agriculture, Nutrition, and Forestry of the Sen-
21 ate an annual report on the level of the contribution
22 and the reasons for the level.

23 “(h) INDIRECT SUPPORT COSTS TO COOPERATING
24 SPONSORS.—Notwithstanding any other provision of law,
25 the Administrator may pay to a private voluntary organi-

1 zation or cooperative indirect costs associated with any
2 funds received or generated for programs, costs, or activi-
3 ties under this title, on the condition that the indirect
4 costs are consistent with Office of Management and Budg-
5 et cost principles.

6 “(i) PROJECT REPORTING.—

7 “(1) IN GENERAL.—In submitting project re-
8 ports to the Administrator, a private voluntary orga-
9 nization or cooperative shall provide a copy of the
10 report in such form as is necessary for the report to
11 be displayed for public use on the website of the
12 United States Agency for International Develop-
13 ment.

14 “(2) CONFIDENTIAL INFORMATION.—An orga-
15 nization or cooperative described in paragraph (1)
16 may omit any confidential information from the copy
17 of the report submitted for public display under that
18 paragraph.”.

19 **SEC. 3013. ASSISTANCE FOR STOCKPILING AND RAPID**
20 **TRANSPORTATION, DELIVERY, AND DIS-**
21 **TRIBUTION OF SHELF-STABLE PRE-**
22 **PACKAGED FOODS.**

23 Section 208(f) of the Food for Peace Act (7 U.S.C.
24 1726b(f)) is amended—

1 (1) by striking “\$3,000,000” and inserting
2 “\$8,000,000”; and

3 (2) by striking “2007” and inserting “2012”.

4 **SEC. 3014. PILOT PROGRAM FOR LOCAL PURCHASE.**

5 Title II of the Food for Peace Act (7 U.S.C. 1721
6 et seq.) is amended by adding at the end the following:

7 **“SEC. 209. PILOT PROGRAM FOR LOCAL PURCHASE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE COMMODITY.—Notwithstanding
10 section 402(2), the term ‘eligible commodity’ means
11 an agricultural commodity, or the product of an ag-
12 ricultural commodity, that is produced in—

13 “(A) the recipient country;

14 “(B) a low-income, developing country
15 near the recipient country; or

16 “(C) Africa.

17 “(2) ELIGIBLE ORGANIZATION.—The term ‘eli-
18 gible organization’ means—

19 “(A) an organization that is—

20 “(i) described in section 202(d); and

21 “(ii) subject to guidelines promulgated
22 to carry out this section, including United
23 States audit requirements that are applica-
24 ble to non-governmental organizations; or

1 “(B) an intergovernmental organization, if
2 the organization agrees to be subject to all re-
3 quirements of this section, including any regula-
4 tions promulgated or guidelines issued by the
5 Administrator to carry out this section.

6 “(3) PILOT PROGRAM.—The term ‘pilot pro-
7 gram’ means the pilot program established under
8 subsection (b).

9 “(b) ESTABLISHMENT.—Notwithstanding section
10 407(c)(1)(A), the Administrator, in consultation with the
11 Secretary, shall establish a field-based pilot program for
12 local and regional purchases of eligible commodities in ac-
13 cordance with this section.

14 “(c) PURPOSES.—Eligible commodities under the
15 pilot program shall be used solely—

16 “(1) to address severe food shortages caused by
17 sudden events, including—

18 “(A) earthquakes, floods, and other un-
19 foreseen crises; or

20 “(B) human-made crises, such as conflicts;

21 “(2) to prevent or anticipate increasing food
22 scarcity as the result of slow-onset events, such as
23 drought, crop failures, pests, economic shocks, and
24 diseases that result in an erosion of the capacity of

1 communities and vulnerable populations to meet
2 food needs;

3 “(3) to address recovery, resettlement, and re-
4 construction following 1 or more disasters or emer-
5 gencies described in paragraph (1) or (2); and

6 “(4) to protect and improve livelihoods and food
7 security, provide safety nets for food insecure or un-
8 dernourished populations, and encourage participa-
9 tion in education and other productive activities.

10 “(d) **PROCUREMENT.**—Subject to subsections (a),
11 (b), (f), and (h) of section 403, eligible commodities under
12 the pilot program shall for emergency situations be pro-
13 cured through the most effective 1 or more approaches
14 or methodologies that are likely to expedite the provision
15 of food aid to affected populations.

16 “(e) **REVIEW OF PRIOR LOCAL CASH PURCHASE EX-**
17 **PERIENCE.**—

18 “(1) **IN GENERAL.**—Not later than 30 days
19 after the date of enactment of this section, the Ad-
20 ministrator shall initiate the process to commission
21 an external review of local cash purchase projects
22 conducted before the date of enactment of this sec-
23 tion by other donor countries, private voluntary or-
24 ganizations, and the World Food Program of the
25 United Nations.

1 “(2) USE OF REVIEW.—The Administrator
2 shall use the results of the review to develop—

3 “(A) proposed guidelines under subsection
4 (j); and

5 “(B) requests for applications under sub-
6 section (f).

7 “(3) REPORT.—Not later than 270 days after
8 the date of enactment of this section, the Adminis-
9 trator shall submit to the Committees on Agriculture
10 and Foreign Affairs of the House of Representatives
11 and the Committee on Agriculture, Nutrition, and
12 Forestry of the Senate a report containing the re-
13 sults of the review.

14 “(f) GRANTS TO ELIGIBLE ORGANIZATIONS.—

15 “(1) IN GENERAL.—After the promulgation of
16 final guidelines under subsection (j), the Adminis-
17 trator may seek applications from and provide
18 grants to eligible organizations to carry out the pilot
19 program.

20 “(2) COMPLETION REQUIREMENT.—As a condi-
21 tion of receiving a grant under the pilot program, an
22 eligible organization shall agree—

23 “(A) to complete all projects funded
24 through the grant not later than September 30,
25 2011; and

1 “(B) to provide information about the re-
2 sults of the project in accordance with sub-
3 section (i).

4 “(3) OTHER REQUIREMENTS.—Other require-
5 ments for submission of proposals for consideration
6 under this title shall apply to the submission of an
7 application for a grant under this section.

8 “(g) PROJECT DIVERSITY.—In selecting projects to
9 fund under the pilot program, the Administrator shall se-
10 lect a diversity of projects, including—

11 “(1) at least 1 project for each of the situations
12 described in subsection (c);

13 “(2) at least 1 project carried out jointly with
14 a project using agricultural commodities produced in
15 the United States under this title;

16 “(3) at least 1 project carried out jointly with
17 a project funded through grassroots efforts by agri-
18 cultural producers through eligible United States or-
19 ganizations;

20 “(4) projects in both food surplus and food def-
21 icit regions, using regional procurement for food def-
22 icit regions; and

23 “(5) projects in diverse geographical regions,
24 with most, but not all, projects located in Africa.

1 “(h) INFORMATION REQUIRED IN APPLICATIONS.—

2 In submitting an application under this section, an eligible
3 organization shall—

4 “(1) request funding for up to 3 years; and

5 “(2) include in the application—

6 “(A) a description of the target population
7 through a needs assessment and sufficient in-
8 formation to demonstrate that the situation is
9 a situation described in subsection (c);

10 “(B) an assurance that the local or re-
11 gional procurement—

12 “(i) is likely to expedite the provision
13 of food aid to the affected population; and

14 “(ii) would meet the requirements of
15 subsection (d);

16 “(C) a description of—

17 “(i) the quantities and types of eligi-
18 ble commodities that would be procured;

19 “(ii) the rationale for selecting those
20 eligible commodities; and

21 “(iii) how the eligible commodities
22 could be procured and delivered in a timely
23 manner;

24 “(D) an analysis of the potential impact of
25 the purchase of eligible commodities on the pro-

1 duction, pricing, and marketing of the same
2 and similar agricultural commodities in the
3 country and localities in which the purchase will
4 take place;

5 “(E) a description of food quality and safe-
6 ty assurance measures; and

7 “(F) a monitoring and evaluation plan that
8 ensures collection of sufficient data—

9 “(i) to determine the full cost of pro-
10 curement, delivery, and administration;

11 “(ii) to report on the agricultural pro-
12 duction, marketing, and price impact of
13 the local or regional purchases, including
14 the impact on low-income consumers; and

15 “(iii) to provide sufficient information
16 to support the completion of the report de-
17 scribed in subsection (i).

18 “(i) INDEPENDENT EVALUATION AND REPORT.—

19 “(1) IN GENERAL.—The Administrator shall—

20 “(A) arrange for an independent evalua-
21 tion of the pilot program; and

22 “(B) provide access to all records and re-
23 ports for the completion of the evaluation.

24 “(2) REPORT.—Not later than 4 years after the
25 date of enactment of this section, the Administrator

1 shall submit to the Committees on Agriculture and
2 Foreign Affairs of the House of Representatives and
3 the Committee on Agriculture, Nutrition, and For-
4 estry of the Senate a report that—

5 “(A) includes the analysis and findings of
6 the independent evaluation;

7 “(B) assesses whether the requirements of
8 this section have been met;

9 “(C) describes for each of the relevant
10 markets in which the commodities were pur-
11 chased—

12 “(i) prevailing and historic supply, de-
13 mand, and price movements;

14 “(ii) impact on producer and con-
15 sumer prices;

16 “(iii) government market interferences
17 and other donor activities that may have
18 affected the supply and demand in the
19 area in which the local or regional pur-
20 chase took place; and

21 “(iv) the quantities and types of eligi-
22 ble commodities procured in each market,
23 the time frame for procurement, and the
24 complete costs of the procurement (includ-

1 ing procurement, storage, handling, trans-
2 portation, and administrative costs);

3 “(D) assesses the impact of different meth-
4 odologies and approaches on local and regional
5 agricultural producers (including large and
6 small producers), markets, low-income con-
7 sumers, and program recipients;

8 “(E) assesses the time elapsed from initi-
9 ation of the procurement process to delivery;

10 “(F) compares different methodologies
11 used in terms of—

12 “(i) the benefits to local agriculture;

13 “(ii) the impact on markets and con-
14 sumers;

15 “(iii) the time for procurement and
16 delivery;

17 “(iv) quality and safety assurances;

18 and

19 “(v) implementation costs; and

20 “(G) to the extent adequate information is
21 available, includes a comparison of the different
22 methodologies used by other donors to make
23 local and regional purchases, including pur-
24 chases conducted through the World Food Pro-
25 gram of the United Nations.

1 “(j) GUIDELINES.—Prior to approving projects or the
2 procurement of eligible commodities under this section,
3 not later than 1 year after the date of enactment of this
4 section, the Administrator shall issue guidelines to carry
5 out this section.

6 “(k) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 for each of fiscal years 2008 through 2011, the Ad-
9 ministrator may use to carry out this section not
10 more than \$25,000,000 of funds made available to
11 carry out this title, to remain available until ex-
12 pended.

13 “(2) LIMITATION.—No funds may be made
14 available to carry out the pilot program unless the
15 minimum tonnage requirements of section 204(a)
16 are met.”.

17 **SEC. 3015. GENERAL AUTHORITIES AND REQUIREMENTS.**

18 (a) IN GENERAL.—Section 401 of the Food for Peace
19 Act (7 U.S.C. 1731) is amended—

20 (1) by striking subsection (a);

21 (2) redesignating subsections (b) and (c) as
22 subsections (a) and (b), respectively; and

23 (3) in subsection (b) (as so redesignated), by
24 striking “(b)(1)” and inserting “(a)(1)”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Subsection (b) of section 401 of the Food
2 for Peace Act (7 U.S.C. 1731) (as redesignated by
3 subsection (a)(2)) is amended by striking “Sub-
4 section (b)(1)” and inserting “Subsection (a)(1)”.

5 (2) Section 406(a) of the Food for Peace Act
6 (7 U.S.C. 1736(a)) is amended by striking “(that
7 have been determined to be available under section
8 401(a))”.

9 (3) Section 302(c)(2)(A) of the Bill Emerson
10 Humanitarian Trust Act (7 U.S.C. 1736f-
11 1(c)(2)(A)) is amended by striking “(other than dis-
12 position for urgent humanitarian purposes under
13 section 401 of the Act (7 U.S.C. 1731))”.

14 (4) Subsection (e)(1) of the Food for Progress
15 Act of 1985 (7 U.S.C. 1736o(e)(1)) is amended by
16 striking “determined to be available under section
17 401 of the Food for Peace Act”.

18 **SEC. 3016. USE OF COMMODITY CREDIT CORPORATION.**

19 Section 406(b)(2) of the Food for Peace Act (7
20 U.S.C. 1736(b)(2)) is amended by inserting “, including
21 the costs of carrying out section 415” before the semi-
22 colon.

23 **SEC. 3017. ADMINISTRATIVE PROVISIONS.**

24 Section 407 of the Food for Peace Act (7 U.S.C.
25 1736a) is amended—

1 (1) in subsection (c)(4)—

2 (A) by striking “2007” and inserting
3 “2012”;

4 (B) by striking “\$2,000,000” and insert-
5 ing “\$4,000,000”; and

6 (C) by adding at the end the following:

7 “(5) NONEMERGENCY OR MULTIYEAR AGREE-
8 MENTS.—Annual resource requests for ongoing non-
9 emergency or multiyear agreements under title II
10 shall be finalized not later than October 1 of the fis-
11 cal year in which the agricultural commodities will
12 be shipped under the agreement.”; and

13 (2) in subsection (f)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (B), by inserting
16 “, and the amount of funds, tonnage levels,
17 and types of activities for nonemergency
18 programs under title II” before the semi-
19 colon;

20 (ii) in subparagraph (C), by inserting
21 “, and a general description of the projects
22 and activities implemented” before the
23 semicolon; and

1 (iii) in subparagraph (D), by striking
2 “achieving food security” and inserting
3 “reducing food insecurity”; and
4 (B) in paragraph (3)—
5 (i) by striking “shall submit” and in-
6 serting the following: “shall—
7 “(A) submit”;
8 (ii) by striking “January 15” and in-
9 serting “April 1”; and
10 (iii) by striking “of the Senate”. and
11 inserting the following: “of the Senate; and
12 “(B) make the reports available to the
13 public by electronic and other means.”.

14 **SEC. 3018. EXPIRATION DATE.**

15 Section 408 of the Food for Peace Act (7 U.S.C.
16 1736b) is amended by striking “2007” and inserting
17 “2012”.

18 **SEC. 3019. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 412 of the Food for Peace Act (7 U.S.C.
20 1736f) is amended by striking subsection (b) and inserting
21 the following:

22 “(b) **MINIMUM LEVEL OF NONEMERGENCY FOOD**
23 **ASSISTANCE.**—For each of fiscal years 2008 through
24 2012, of the amounts made available to carry out emer-
25 gency and nonemergency food assistance programs under

1 title II, not less than \$600,000,000 for each of those fiscal
2 years shall be obligated and expended for nonemergency
3 food assistance programs under title II.”.

4 **SEC. 3020. MICRONUTRIENT FORTIFICATION PROGRAMS.**

5 Section 415 of the Food for Peace Act (7 U.S.C.
6 1736g–2) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “Not
9 later than September 30, 2003, the Adminis-
10 trator, in consultation with the Secretary” and
11 inserting “Not later than September 30, 2008,
12 the Secretary, in consultation with the Adminis-
13 trator”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A), by adding
16 “and” after the semicolon at the end; and

17 (ii) by striking subparagraphs (B) and
18 (C) and inserting the following:

19 “(B) assess and apply technologies and
20 systems to improve and ensure the quality, shelf
21 life, bioavailability, and safety of fortified food
22 aid agricultural commodities, and products of
23 those agricultural commodities, that are pro-
24 vided to developing countries, using rec-
25 ommendations included in the report entitled

1 ‘Micronutrient Compliance Review of Fortified
2 Public Law 480 Commodities’, published in Oc-
3 tober 2001, with implementation by an inde-
4 pendent entity with proven impartial experience
5 and expertise in food aid commodity quality en-
6 hancements.”;

7 (2) by striking subsection (b) and redesignating
8 subsections (c) and (d) as subsections (b) and (c),
9 respectively; and

10 (3) in subsection (c) (as redesignated by para-
11 graph (2)), by striking “2007” and inserting “2012”.

12 **SEC. 3021. GERMPLASM CONSERVATION.**

13 Title IV of the Food for Peace Act (7 U.S.C. 1731
14 et seq.) is amended by adding at the end the following:

15 **“SEC. 417. GERMPLASM CONSERVATION.**

16 “(a) CONTRIBUTION.—The Administrator of the
17 United States Agency for International Development shall
18 contribute funds to endow the Global Crop Diversity Trust
19 (referred to in this section as the ‘Trust’) to assist in the
20 conservation of genetic diversity in food crops through the
21 collection and storage of the germplasm of food crops in
22 a manner that provides for—

23 “(1) the maintenance and storage of seed col-
24 lections;

1 “(2) the documentation and cataloguing of the
2 genetics and characteristics of conserved seeds to en-
3 sure efficient reference for researchers, plant breed-
4 ers, and the public;

5 “(3) building the capacity of seed collection in
6 developing countries;

7 “(4) making information regarding crop genetic
8 data publicly available for researchers, plant breed-
9 ers, and the public (including through the provision
10 of an accessible Internet website);

11 “(5) the operation and maintenance of a back-
12 up facility in which are stored duplicate samples of
13 seeds, in the case of natural or man-made disasters;
14 and

15 “(6) oversight designed to ensure international
16 coordination of those actions and efficient, public ac-
17 cessibility to that diversity through a cost-effective
18 system.

19 “(b) UNITED STATES CONTRIBUTION LIMIT.—The
20 aggregate contributions of funds of the Federal Govern-
21 ment provided to the Trust shall not exceed 25 percent
22 of the total of the funds contributed to the Trust from
23 all sources.

24 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to carry out this section

1 \$60,000,000 for the period of fiscal years 2008 through
2 2012.”.

3 **SEC. 3022. JOHN OGWONSKI AND DOUG BEREUTER FARM-**
4 **ER-TO-FARMER PROGRAM.**

5 Section 501 of the Food for Peace Act (7 U.S.C.
6 1737) is amended by striking “2007” each place it ap-
7 pears and inserting “2012”.

8 **Subtitle B—Agricultural Trade Act**
9 **of 1978 and Related Statutes**

10 **SEC. 3101. NONGOVERNMENTAL ORGANIZATION PARTICI-**
11 **PATION IN THE RESOLUTION OF TRADE DIS-**
12 **PUTES.**

13 Section 104 of the Agricultural Trade Act of 1978
14 (7 U.S.C. 5604) is amended—

15 (1) by striking “The Secretary shall” and in-
16 serting the following:

17 “(a) IN GENERAL.—The Secretary shall”; and

18 (2) by adding at the end the following:

19 “(b) NONGOVERNMENTAL ORGANIZATION PARTICI-
20 PATION IN THE RESOLUTION OF TRADE DISPUTES.—The
21 Secretary shall permit United States nongovernmental or-
22 ganizations to participate as part of the United States del-
23 egation attending formal sessions of dispute resolution
24 panels involving United States agriculture under the aus-
25 pices of the World Trade Organization if—

1 “(1) the 1 or more other members of the World
2 Trade Organization involved in the dispute are ex-
3 pected to include private sector representatives in
4 the delegations of the members to the sessions;

5 “(2) the United States nongovernmental organi-
6 zation has submitted public comments through the
7 Federal Register that support the position of the
8 United States Government in the case; and

9 “(3) the United States nongovernmental organi-
10 zation will provide for representation at the session
11 a cleared adviser who is a member of the agricul-
12 tural policy advisory committee or an agricultural
13 technical advisory committee established under the
14 Federal Advisory Committee Act (5 U.S.C. App.).”.

15 **SEC. 3102. EXPORT CREDIT GUARANTEE PROGRAM.**

16 (a) REPEAL OF SUPPLIER CREDIT GUARANTEE PRO-
17 GRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE
18 PROGRAM.—Section 202 of the Agricultural Trade Act of
19 1978 (7 U.S.C. 5622) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by striking “The
22 Commodity” and inserting “Subject to para-
23 graph (2), the Commodity”; and

24 (B) by striking paragraphs (2) and (3) and
25 inserting the following:

1 “(2) TENURE.—Beginning with the 2013 fiscal
2 year, credit terms described in paragraph (1) may
3 not exceed a 180-day period.”;

4 (2) by striking subsections (b) and (c);

5 (3) by redesignating subsections (d) through (l)
6 as subsections (b) through (j), respectively; and

7 (4) by adding at the end the following:

8 “(k) ADMINISTRATION.—

9 “(1) DEFINITION OF LONG TERM.—In this sub-
10 section, the term ‘long term’ means a period of 10
11 or more years.

12 “(2) GUARANTEES.—In administering the ex-
13 port credit guarantees authorized under this section,
14 the Secretary shall—

15 “(A) maximize the export sales of agricul-
16 tural commodities;

17 “(B) maximize the export credit guaran-
18 tees that are made available and used during
19 the course of a fiscal year;

20 “(C) develop an approach to risk evalua-
21 tion that facilitates accurate country risk des-
22 ignations and timely adjustments to the des-
23 ignations (on an ongoing basis) in response to
24 material changes in country risk conditions,

1 with ongoing opportunity for input and evalua-
2 tion from the private sector;

3 “(D) adjust risk-based guarantees as nec-
4 essary to ensure program effectiveness and
5 United States competitiveness; and

6 “(E) work with industry to ensure that
7 risk-based fees associated with the guarantees
8 cover, but do not exceed, the operating costs
9 and losses over the long term.”.

10 (b) CONFORMING AMENDMENTS.—The Agricultural
11 Trade Act of 1978 is amended—

12 (1) in section 202 (7 U.S.C. 5622)—

13 (A) in subsection (b)(4) (as redesignated
14 by subsection (a)(3)), by striking “, consistent
15 with the provisions of subsection (c)”;

16 (B) in subsection (d) (as redesignated by
17 subsection (a)(3))—

18 (i) by striking “(1)” and all that fol-
19 lows through “The Commodity” and in-
20 serting “The Commodity”; and

21 (ii) by striking paragraph (2); and

22 (C) in subsection (g)(2) (as redesignated
23 by subsection (a)(3)), by striking “subsections
24 (a) and (b)” and inserting “subsection (a)”;
25 and

1 (2) in section 211, by striking subsection (b)
2 and inserting the following:

3 “(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The
4 Commodity Credit Corporation shall make available for
5 each of fiscal years 1996 through 2012 not less than
6 \$5,500,000,000 in credit guarantees under section
7 202(a).”.

8 **SEC. 3103. MARKET ACCESS PROGRAM.**

9 (a) ORGANIC COMMODITIES.—Section 203(a) of the
10 Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is
11 amended by inserting after “agricultural commodities” the
12 following: “(including commodities that are organically
13 produced (as defined in section 2103 of the Organic Foods
14 Production Act of 1990 (7 U.S.C. 6502)))”.

15 (b) FUNDING.—Section 211(c)(1)(A) of the Agricul-
16 tural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is
17 amended by striking “, and \$200,000,000 for each of fis-
18 cal years 2006 and 2007” and inserting “\$200,000,000
19 for each of fiscal years 2006 and 2007, \$210,000,000 for
20 fiscal year 2008, \$220,000,000 for fiscal year 2009,
21 \$230,000,000 for fiscal year 2010, \$240,000,000 for fis-
22 cal year 2011, and \$200,000,000 for fiscal year 2012 and
23 each subsequent fiscal year”.

1 **SEC. 3104. EXPORT ENHANCEMENT PROGRAM.**

2 (a) IN GENERAL.—Section 301 of the Agricultural
3 Trade Act of 1978 (7 U.S.C. 5651) is repealed.

4 (b) CONFORMING AMENDMENTS.—The Agricultural
5 Trade Act of 1978 is amended—

6 (1) in title III, by striking the title heading and
7 inserting the following:

8 **“TITLE III—BARRIERS TO**
9 **EXPORTS”;**

10 (2) by redesignating section 302 as section 301;

11 (3) by striking section 303;

12 (4) in section 401 (7 U.S.C. 5661)—

13 (A) in subsection (a), by striking “section
14 201, 202, or 301” and inserting “section 201
15 or 202”; and

16 (B) in subsection (b), by striking “sections
17 201, 202, and 301” and inserting “sections 201
18 and 202”; and

19 (5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)),
20 by striking “sections 201, 202, 203, and 301” and
21 inserting “sections 201, 202, and 203”.

22 **SEC. 3105. VOLUNTARY CERTIFICATION OF CHILD LABOR**
23 **STATUS OF AGRICULTURAL IMPORTS.**

24 Section 414 of the Agricultural Trade Act of 1978
25 (7 U.S.C. 5674) is amended by adding at the end the fol-
26 lowing:

1 “(d) REDUCING CHILD LABOR AND FORCED
2 LABOR.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) CHILD LABOR.—The term ‘child
5 labor’ means the worst forms of child labor as
6 defined in International Labor Convention 182,
7 the Convention Concerning the Prohibition and
8 Immediate Action for the Elimination of the
9 Worst Forms of Child Labor, done at Geneva
10 on June 17, 1999.

11 “(B) FORCED LABOR.—The term ‘forced
12 labor’ means all work or service—

13 “(i) that is exacted from any indi-
14 vidual under menace of any penalty for
15 non-performance of the work or service,
16 and for which the individual does not offer
17 himself or herself voluntarily, by coercion,
18 debt bondage, involuntary servitude (as
19 those terms are defined in section 103 of
20 the Trafficking Victims Protection Act of
21 2000 (22 U.S.C. 7102)); and

22 “(ii) by 1 or more individuals who, at
23 the time of production, were being sub-
24 jected to a severe form of trafficking in

1 persons (as that term is defined in that
2 section).

3 “(2) DEVELOPMENT OF STANDARD SET OF
4 PRACTICES.—

5 “(A) IN GENERAL.—The Secretary, in co-
6 ordination with the Secretary of Labor, shall
7 develop a standard set of practices for the pro-
8 duction of agricultural commodities that are im-
9 ported, sold, or marketed in the United States
10 in order to reduce the likelihood that the agri-
11 cultural commodities are produced with the use
12 of forced labor or child labor.

13 “(B) REQUIREMENT.—The standard set of
14 practices shall be developed in accordance with
15 the requirements of the Trafficking Victims
16 Protection Act of 2000 (22 U.S.C. 7101 et
17 seq.).

18 “(3) REQUIREMENTS.—Not later than 3 years
19 after the date of enactment of this subsection, the
20 Secretary shall, with respect to the standard set of
21 practices developed under paragraph (2), promulgate
22 proposed regulations that shall, at a minimum, es-
23 tablish a voluntary certification program to enforce
24 this subsection by—

1 “(A) requiring agricultural commodity
2 traceability and inspection at all stages of the
3 supply chain;

4 “(B) allowing for multistakeholder partici-
5 pation in the certification process;

6 “(C) providing for annual onsite inspection
7 by a certifying agent, who shall be certified in
8 accordance with the International Organization
9 for Standardization Guide 65, of each affected
10 worksite and handling operation;

11 “(D) incorporating a comprehensive con-
12 flict of interest policy for certifying agents, in
13 accordance with section 2116(h) of the Organic
14 Foods Production Act of 1990 (7 U.S.C.
15 6515(h)); and

16 “(E) providing an anonymous grievance
17 procedure that—

18 “(i) is accessible by third parties to
19 allow for the identification of new or con-
20 tinuing violations of the regulations; and

21 “(ii) provides protections for whistle-
22 blowers.

23 “(4) REPORTING REQUIREMENT.—Not later
24 than 180 days after the date of enactment of this
25 subsection, and annually thereafter, the Secretary

1 shall submit to the Committee on Agriculture of the
2 House of Representatives and the Committee on Ag-
3 riculture, Nutrition, and Forestry of the Senate, a
4 report on the development and implementation of
5 the standard set of practices under this subsection.”.

6 **SEC. 3106. FOREIGN MARKET DEVELOPMENT COOPERATOR**
7 **PROGRAM.**

8 Section 703(a) of the Agricultural Trade Act of 1978
9 (7 U.S.C. 5723(a)) is amended by striking “amount of
10 \$34,500,000 for each of fiscal years 2002 through 2007”
11 and inserting “amount of—

12 “(1) \$39,500,000 for each of fiscal years 2008
13 and 2009;

14 “(2) \$44,500,000 for fiscal year 2010; and

15 “(3) \$34,500,000 for fiscal year 2011 and each
16 subsequent fiscal year.”.

17 **SEC. 3107. FOOD FOR PROGRESS ACT OF 1985.**

18 The Food for Progress Act of 1985 (7 U.S.C. 1736o)
19 is amended—

20 (1) by striking “2007” each place it appears
21 and inserting “2012”;

22 (2) in subsection (b)(5)—

23 (A) by striking subparagraphs (A), (B),
24 and (F);

1 (B) in subparagraph (D), by inserting
2 “and” after the semicolon;

3 (C) in subparagraph (E), by striking “;
4 and” and inserting a period; and

5 (D) by redesignating subparagraphs (C),
6 (D), and (E) as subparagraphs (A), (B), and
7 (C), respectively; and

8 (3) in subsection (f), by striking paragraph (3)
9 and inserting the following:

10 “(3) FUNDING LIMITATIONS.—With respect to
11 eligible commodities made available under section
12 416(b) of the Agricultural Act of 1949 (42 U.S.C.
13 1431(b)), unless authorized in advance in appropria-
14 tion Acts—

15 “(A) for each of fiscal years 2008 through
16 2010, no funds of the Corporation in excess of
17 \$48,000,000 (exclusive of the cost of eligible
18 commodities) may be used to carry out this sec-
19 tion; and

20 “(B) for fiscal year 2011 and each fiscal
21 year thereafter, no funds of the Corporation in
22 excess of \$40,000,000 (exclusive of the cost of
23 eligible commodities) may be used to carry out
24 this section.”.

1 **SEC. 3108. MCGOVERN-DOLE INTERNATIONAL FOOD FOR**
2 **EDUCATION AND CHILD NUTRITION PRO-**
3 **GRAM.**

4 Section 3107 of the Farm Security and Rural Invest-
5 ment Act of 2002 (7 U.S.C. 1736o–1) is amended—

6 (1) in subsection (b), by inserting “in the De-
7 partment of Agriculture” after “establish a pro-
8 gram”;

9 (2) in subsections (c)(2)(B), (f)(1), (h), (i), and
10 (l)(1) by striking “President” each place it appears
11 and inserting “Secretary”;

12 (3) in subsection (d), by striking “The Presi-
13 dent shall designate 1 or more Federal agencies”
14 and inserting “The Secretary shall”;

15 (4) in paragraph (f)(2), by striking “imple-
16 menting agency” and inserting “Secretary”; and

17 (5) in subsection (l)(2), by striking “such
18 sums” and all that follows through “2007” and in-
19 serting “\$300,000,000 for each of fiscal years 2008
20 through 2012”.

21 **Subtitle C—Miscellaneous**

22 **SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.**

23 Section 302 of the Bill Emerson Humanitarian Trust
24 Act (7 U.S.C. 1736f–1) is amended—

25 (1) in subsection (a), by striking “a trust
26 stock” and all that follows through the end of the

1 subsection and inserting the following: “a trust of
2 commodities, for use as described in subsection (c),
3 to consist of—

4 “(1) quantities equivalent to not more than
5 4,000,000 metric tons of commodities; or

6 “(2) any combination of funds and commodities
7 equivalent to not more than 4,000,000 metric tons
8 of commodities.”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (B)—

12 (I) by striking “replenish” each
13 place it appears and inserting “reim-
14 burse”; and

15 (II) by striking “replenished”
16 and inserting “reimbursed”; and

17 (ii) by striking subparagraph (D) and
18 inserting the following:

19 “(D) funds made available—

20 “(i) under paragraph (2)(B);

21 “(ii) as a result of an exchange of any
22 commodity held in the trust for an equiva-
23 lent amount of funds from—

1 “(I) the Agricultural Trade De-
2 velopment and Assistance Act of 1954
3 (7 U.S.C. 1691 et seq.);

4 “(II) the McGovern-Dole Inter-
5 national Food for Education and
6 Child Nutrition Program established
7 under section 3107 of the Farm Secu-
8 rity and Rural Investment Act of
9 2002 (7 U.S.C. 1736o–1); or

10 “(III) the market, if the Sec-
11 retary determines that such a sale of
12 the commodity on the market will not
13 unduly disrupt domestic markets; and

14 “(iii) in the course of management of
15 the trust or to maximize the value of the
16 trust, in accordance with subsection
17 (d)(3).”; and

18 (B) in paragraph (2)(B)—

19 (i) in the matter preceding clause (i),
20 by striking “replenish” and inserting “re-
21 imburse”;

22 (ii) in clause (i)—

23 (I) by striking “2007” each place
24 it appears and inserting “2012”;

48

1 (II) by striking “(c)(2)” and in-
2 sserting “(c)(1)”; and

3 (III) by striking “and” at the
4 end;

5 (iii) in clause (ii), by striking the pe-
6 riod at the end and inserting “; or”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(iii) from funds accrued through the
10 management of the trust under subsection
11 (d).”;

12 (3) in subsection (c)—

13 (A) by striking paragraphs (1) and (2) and
14 inserting the following:

15 “(1) RELEASES FOR EMERGENCY ASSIST-
16 ANCE.—

17 “(A) DEFINITION OF EMERGENCY.—

18 “(i) IN GENERAL.—In this paragraph,
19 the term ‘emergency’ means an urgent sit-
20 uation—

21 “(I) in which there is clear evi-
22 dence that an event or series of events
23 described in clause (ii) has occurred—

1 “(aa) that causes human
2 suffering or imminently threatens
3 human lives or livelihoods; and

4 “(bb) for which a govern-
5 ment concerned has not the
6 means to remedy; or

7 “(II) created by a demonstrably
8 abnormal event or series of events
9 that produces dislocation in the lives
10 of residents of a country or region of
11 a country on an exceptional scale.

12 “(ii) EVENT OR SERIES OF EVENTS.—
13 An event or series of events referred to in
14 clause (i) includes 1 or more of—

15 “(I) a sudden calamity, such as
16 an earthquake, flood, locust infesta-
17 tion, or similar unforeseen disaster;

18 “(II) a human-made emergency
19 resulting in—

20 “(aa) a significant influx of
21 refugees;

22 “(bb) the internal displace-
23 ment of populations; or

24 “(cc) the suffering of other-
25 wise affected populations;

1 “(III) food scarcity conditions
2 caused by slow-onset events, such as
3 drought, crop failure, pest infestation,
4 and disease, that result in an erosion
5 of the ability of communities and vul-
6 nerable populations to meet food
7 needs; and

8 “(IV) severe food access or avail-
9 ability conditions resulting from sud-
10 den economic shocks, market failure,
11 or economic collapse, that result in an
12 erosion of the ability of communities
13 and vulnerable populations to meet
14 food needs.

15 “(B) RELEASES.—

16 “(i) IN GENERAL.—Any funds or com-
17 modities held in the trust may be released
18 to provide assistance under title II of the
19 Food for Peace Act—

20 “(I) to meet emergency needs, in-
21 cluding during the period immediately
22 preceding the emergency;

23 “(II) to respond to an emer-
24 gency; or

1 “(III) for recovery and rehabilita-
2 tion after an emergency.

3 “(ii) PROCEDURE.—Subject to sub-
4 paragraph (B), a release under clause (i)
5 shall be carried out in the same manner,
6 and pursuant to the same authority as pro-
7 vided in title II of the Agricultural Trade
8 Development and Assistance Act of 1954
9 (7 U.S.C. 1721 et seq.).

10 “(C) INSUFFICIENCY OF OTHER FUNDS.—
11 The funds and commodities held in the trust
12 shall be made immediately available on a deter-
13 mination by the Administrator that funds avail-
14 able for emergency needs under title II of that
15 Act (7 U.S.C. 1721 et seq.) for a fiscal year are
16 insufficient to meet emergency needs during the
17 fiscal year.”; and

18 (B) by redesignating paragraphs (3)
19 through (5) as paragraphs (2) through (4), re-
20 spectively;

21 (4) in subsection (d)—

22 (A) by redesignating paragraphs (1)
23 through (3) as subparagraphs (A) through (C),
24 respectively, and indenting the subparagraphs
25 appropriately;

1 (B) by striking the subsection designation
2 and heading and all that follows through “pro-
3 vide—” and inserting the following:

4 “(d) MANAGEMENT OF TRUST.—

5 “(1) IN GENERAL.—The Secretary shall provide
6 for the management of eligible commodities and
7 funds held in the trust in a manner that is con-
8 sistent with maximizing the value of the trust, as de-
9 termined by the Secretary.

10 “(2) ELIGIBLE COMMODITIES.—The Secretary
11 shall provide—”;

12 (C) in paragraph (2) (as redesignated by
13 subparagraph (B))—

14 (i) in subparagraph (B) (as redesign-
15 ated by subparagraph (A)), by striking
16 “and” at the end;

17 (ii) in subparagraph (C) (as redesign-
18 ated by subparagraph (A)), by striking
19 the period at the end and inserting “;
20 and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(D) for the management of price risks as-
24 sociated with commodities held or potentially
25 held in the trust.”; and

1 (D) by adding at the end the following:

2 “(3) FUNDS.—

3 “(A) REQUIREMENT.—The Secretary shall
4 maximize the value of funds held in the trust,
5 to the maximum extent practicable.

6 “(B) RELEASES ON EMERGENCY.—If any
7 commodity is released from the trust in the
8 case of an emergency under subsection (c), the
9 Secretary shall transfer to the trust funds of
10 the Commodity Credit Corporation in an
11 amount equal to, as determined by the Sec-
12 retary, the amount of storage charges that will
13 be saved by Commodity Credit Corporation due
14 to the emergency release.

15 “(C) EXCHANGES.—If any commodity held
16 in the trust is exchanged for funds under sub-
17 section (b)(1)(D)(ii)—

18 “(i) the funds shall be held in the
19 trust until the date on which the funds are
20 released in the case of an emergency under
21 subsection (c); and

22 “(ii) the Secretary shall transfer to
23 the trust funds of the Commodity Credit
24 Corporation in an amount equal to, as de-
25 termined by the Secretary, the amount of

1 storage charges that will be saved by Com-
2 modity Credit Corporation due to the ex-
3 change.

4 “(D) INVESTMENT.—The Secretary—

5 “(i) may invest funds held in the trust
6 in any short-term obligation of the United
7 States or any other low-risk short-term in-
8 strument or security insured by the Fed-
9 eral Government in which a regulated in-
10 surance company may invest under the
11 laws of the District of Columbia; and

12 “(ii) shall not invest any funds held in
13 the trust in real estate.”;

14 (5) in subsection (f)(2)(A), by striking “replen-
15 ish” and inserting “reimburse”; and

16 (6) in subsection (h)—

17 (A) in paragraph (1), by striking “replen-
18 ish” and inserting “reimburse”; and

19 (B) in each of paragraphs (1) and (2), by
20 striking “2007” each place it appears and in-
21 serting “2012”.

1 **SEC. 3202. EMERGING MARKETS AND FACILITY GUAR-**
2 **ANTEE LOAN PROGRAM.**

3 Section 1542 of the Food, Agriculture, Conservation,
4 and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law
5 101–624) is amended—

6 (1) in subsection (a), by striking “2007” and
7 inserting “2012”;

8 (2) in subsection (b)—

9 (A) in the first sentence, by redesignating
10 paragraphs (1) and (2) as subparagraphs (A)
11 and (B), respectively, and indenting appro-
12 priately;

13 (B) by striking “A portion” and inserting
14 the following:

15 “(1) IN GENERAL.—A portion”;

16 (C) in the second sentence, by striking
17 “The Commodity Credit Corporation” and in-
18 serting the following:

19 “(2) PRIORITY.—The Commodity Credit Cor-
20 poration”; and

21 (D) by adding at the end the following:

22 “(3) CONSTRUCTION WAIVER.—The Secretary
23 may waive any applicable requirements relating to
24 the use of United States goods in the construction
25 of a proposed facility, if the Secretary determines
26 that—

1 “(A) goods from the United States are not
2 available; or

3 “(B) the use of goods from the United
4 States is not practicable.

5 “(4) TERM OF GUARANTEE.—A facility pay-
6 ment guarantee under this subsection shall be for a
7 term that is not more than the lesser of—

8 “(A) the term of the depreciation schedule
9 of the facility assisted; or

10 “(B) 20 years.”; and

11 (3) in subsection (d)(1)(A)(i) by striking
12 “2007” and inserting “2012”.

13 **SEC. 3203. BIOTECHNOLOGY AND AGRICULTURAL TRADE**
14 **PROGRAM.**

15 Section 1543A(d) of the Food, Agriculture, Conserva-
16 tion, and Trade Act of 1990 (7 U.S.C. 5679(d)) is amend-
17 ed by striking “2007” and inserting “2012”.

18 **SEC. 3204. TECHNICAL ASSISTANCE FOR THE RESOLUTION**
19 **OF TRADE DISPUTES.**

20 (a) IN GENERAL.—The Secretary may provide moni-
21 toring, analytic support, and other technical assistance to
22 limited resource persons that are involved in trading agri-
23 cultural commodities, as determined by the Secretary, to
24 reduce trade barriers to the persons.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.