

Administrative expenses, payments authorized to be made under section 608 of this title, and refunds on taxes. The Secretary of Agriculture and the Secretary of the Treasury shall jointly estimate from time to time the amounts, in addition to any money available under subsection (a), currently required for such purposes; and the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, advance to the Secretary of Agriculture the amounts so estimated. The amount of any such advance shall be deducted from such tax proceeds as shall subsequently become available under this subsection.

(c) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law. The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this chapter, such sums as are required to pay administrative expenses incurred and refunds made by such department or agencies in the administration of this chapter.

(May 12, 1933, ch. 25, title I, §12, 48 Stat. 38; Apr. 7, 1934, ch. 103, §2, 48 Stat. 528; Aug. 24, 1935, ch. 641, §§3, 19, 49 Stat. 753, 768; June 3, 1937, ch. 296, §§1, 2(j), 50 Stat. 246, 248.)

#### Editorial Notes

##### AMENDMENTS

1937—Subsec. (a). Act June 3, 1937, §2(j), struck out “and production adjustments” after “surplus reductions” in second par.

1935—Subsec. (a). Act Aug. 24, 1935, §19, substituted “payments authorized to be made under section 608” for “rental and benefit payments made with respect to reduction in acreage or reduction in production for market under part 2 of this title”.

Subsec. (b). Act Aug. 24, 1935, §3, amended subsec. (b) generally.

1934—Subsec. (a). Act Apr. 7, 1934, added second par.

#### Statutory Notes and Related Subsidiaries

##### VALIDITY OF SECTION AFFIRMED

Act June 3, 1937, §1, affirmed and validated, and reenacted without change the provisions of subsecs. (a) and (c) of this section, except for the amendment to subsec. (a) by section 2 of the act. See note set out under section 601 of this title.

##### SETTLEMENT OF CERTAIN CLAIMS AND ACCOUNTS

Act June 5, 1942, ch. 349, §§2, 3, 56 Stat. 324, authorized Comptroller General to relieve disbursing and certifying officers from liability for payments made prior to January 6, 1936, under Agricultural Adjustment Act of 1933 or amendments thereto [this chapter] or under the appropriation “Payments for Agricultural Adjustment” in act Feb. 11, 1936, ch. 49, 49 Stat. 1116, upon certificate of Secretary of Agriculture that such payments were made in good faith, and also provided that no action should be taken to recover such excess payments, if the Secretary of Agriculture should further certify that in view of the good faith of the parties or other circumstances of the case, such attempt to recover them would be inadvisable or inequitable.

#### Executive Documents

##### EX. ORD. NO. 10914. EXPANDED PROGRAM OF FOOD DISTRIBUTION TO NEEDY FAMILIES

Ex. Ord. No. 10914, Jan. 21, 1961, 26 F.R. 639, provided: Whereas one of the most important and urgent problems confronting this Nation today is the development of a positive food and nutrition program for all Americans;

Whereas I have received the report of the Task Force on Area Redevelopment under the chairmanship of Senator Douglas, in which special emphasis is placed upon the need for additional food to supplement the diets of needy persons in areas of chronic unemployment;

Whereas I am also advised that there are now almost 7 million persons receiving some form of public assistance, that 4.5 million persons are reported as being unemployed and that a substantial number of needy persons are not recipients in the present food distribution program;

Whereas the variety of foods currently being made available is limited and its nutritional content inadequate; and

Whereas despite an abundance of food, farm income has been in a period of decline, and a strengthening of farm prices is desirable.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

The Secretary of Agriculture shall take immediate steps to expand and improve the program of food distribution throughout the United States, utilizing funds and existing statutory authority available to him, including section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612) [this section], so as to make available for distribution, through appropriate State and local agencies, to all needy families a greater variety and quantity of food out of our agricultural abundance.

JOHN F. KENNEDY.

#### §§ 612a, 612b. Omitted

#### Editorial Notes

##### CODIFICATION

Section 612a, act Apr. 7, 1934, ch. 103, §6, 48 Stat. 528; 1940 Reorg. Plan No. III, §5, 5 F.R. 2108, 54 Stat. 1232, authorized appropriation of \$50,000,000 for purpose of dairy and beef products for distribution for relief purposes, and for elimination of diseased cattle.

Section 612b, act Aug. 24, 1935, ch. 641, §37, 49 Stat. 775, provided appropriations for elimination of disease in dairy and beef cattle to remain available until June 30, 1936.

#### §612c. Appropriation to encourage exportation and domestic consumption of agricultural products

There is appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936 an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domes-

tic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce or by increasing their utilization through benefits, indemnities, donations or by other means, among persons in low income groups as determined by the Secretary of Agriculture; and (3) reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. Determinations by the Secretary as to what constitutes diversion and what constitutes normal channels of trade and commerce and what constitutes normal production for domestic consumption shall be final. The sums appropriated under this section shall be expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment of any one or more of the purposes of this section. Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year. The sums appropriated under this section shall be devoted principally to perishable nonbasic agricultural commodities (other than those receiving price support under section 1446 of this title) and their products. The sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this section until expended; but any excess of the amount remaining unexpended at the end of any fiscal year over \$500,000,000 shall, in the same manner as though it had been appropriated for the service of such fiscal year, be subject to the provisions of section 3690<sup>1</sup> of the Revised Statutes, and section 5<sup>1</sup> of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes". A public or private nonprofit organization that receives agricultural commodities or the products thereof under clause (2) of the second sentence may transfer such commodities or products to another public or private nonprofit organization that agrees to use such commodities or products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.

(Aug. 24, 1935, ch. 641, § 32, 49 Stat. 774; Feb. 29, 1936, ch. 104, § 2, 49 Stat. 1151; Feb. 16, 1938, ch. 30, title II, § 203, 52 Stat. 38; June 30, 1939, ch. 253, title I, 53 Stat. 975; July 3, 1948, ch. 827, title III, § 301, 62 Stat. 1257; Oct. 31, 1949, ch. 792, title IV, § 411, 63 Stat. 1057; Jan. 30, 1954, ch. 2, § 5(b), 68 Stat. 7; Pub. L. 99-198, title XV, § 1561, Dec. 23, 1985, 99 Stat. 1589; Pub. L. 107-171, title X, § 10602, May 13, 2002, 116 Stat. 511.)

<sup>1</sup> See References in Text note below.

## Editorial Notes

### REFERENCES IN TEXT

Section 3690 of the Revised Statutes, and section 5 of act June 30, 1875, referred to in text, which were classified to sections 712 and 713 of former Title 31, Money and Finance, were repealed by act July 6, 1949, ch. 299, § 3, 63 Stat. 407.

### CODIFICATION

Section was not enacted as part of the Agricultural Adjustment Act which comprises this chapter.

### AMENDMENTS

2002—Pub. L. 107-171, which directed amendment of second undesignated par. by substituting "\$500,000,000" for "\$300,000,000", was executed by making the substitution in text to reflect the probable intent of Congress, because section does not contain a second undesignated par.

1985—Pub. L. 99-198 inserted sentence authorizing a public or private nonprofit organization that receives agricultural commodities or the products thereof under clause (2) of the second sentence to transfer such commodities or products to another public or private nonprofit organization that agrees to use such commodities or products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.

1954—Act Jan. 30, 1954, substituted "(other than those receiving price support under section 1446 of this title)" for "(other than those designated in section 1446 of this title)," in next to last sentence.

1949—Act Oct. 31, 1949, inserted sentence relating to perishable nonbasic agricultural commodities.

1948—Act July 3, 1948, inserted sentence providing for the accumulation of funds up to \$300,000,000.

1939—Act June 30, 1939, in cl. (2), inserted "or by increasing their utilization through benefits, indemnities, donations or by other means, among persons in low income groups as determined by the Secretary of Agriculture".

1938—Act Feb. 16, 1938, inserted "Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year."

1936—Act Feb. 29, 1936, struck out cl. (3) and inserted in lieu thereof immediately preceding second proviso "(3) reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. Determinations by the Secretary as to what constitutes diversion and what constitutes normal channels of trade and commerce and what constitutes normal production for domestic consumption shall be final. The sums appropriated under this section shall be expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment of any one or more of the purposes of this section."

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act July 3, 1948, effective Jan. 1, 1950, see section 303 of act July 3, 1948, set out as a note under section 1301 of this title.

### ADDITIONAL APPROPRIATIONS

Joint Res. July 1, 1941, ch. 266, § 34, 55 Stat. 407, appropriated, in addition to the funds already provided, \$25,000,000, to be used by the Secretary of Agriculture, for the purpose of effectuating this section, subject to the provisions of law relating to the expenditure of such funds.

Act July 1, 1941, ch. 267, §1, 55 Stat. 435, made the funds provided for in this section available for the fiscal year 1942.

Joint Res. June 26, 1940, ch. 432, §41, 54 Stat. 627, appropriated, in addition to the funds already provided, \$50,000,000, to be used by the Secretary of Agriculture, for the purpose of effectuating this section, subject to the provisions of law relating to the expenditure of such funds.

Act June 25, 1940, ch. 421, §1, 54 Stat. 561, made the funds provided for in this section available for the fiscal year 1941.

Act June 30, 1939, besides amending clause 2, provided for the availability of funds provided by this section during the fiscal year 1940.

Act Aug. 25, 1937, ch. 757, title I, §1, 50 Stat. 762, provided for availability of portions of funds available under this section in fiscal years 1938 and 1939, for expenditure for price-adjustment payments with respect to 1937 cotton crop.

#### REDUCTION IN APPROPRIATION

Act July 30, 1947, ch. 356, title III, 61 Stat. 550, provided that, notwithstanding section 612c of this title, no more than \$44,000,000 would be available during the fiscal year ending June 30, 1948, for use in effectuating this chapter; that \$65,000,000 of the fiscal year 1948 appropriation were made available to carry out the National School Lunch Act of June 4, 1946, without regard to the 25 per cent limitation in section 612c and exclusive of funds expended pursuant to the last sentence of section 9 of the National School Lunch Act; provided that no part of such funds were to be used for nonfood assistance under section 5 of said Act; and that the remainder of the fund appropriated by said Act for the fiscal year 1948 was rescinded effective July 1, 1947, carried to the surplus fund, and covered into the Treasury immediately thereafter.

#### CANCELLATION OR RESCISSION OF APPROPRIATION

Act Apr. 3, 1948, ch. 169, title I, §112(f), 62 Stat. 148, which provided in part for the rescission or cancellation of appropriations under this section as provided for in act July 30, 1947, ch. 356, title III, 61 Stat. 550, was repealed by act Oct. 10, 1951, ch. 479, title V, §503(b)(1), as added June 20, 1952, ch. 449, §7 (c), 66 Stat. 144.

#### REPORT ON SPECIALTY CROP PURCHASES

Pub. L. 107-171, title X, §10901, May 13, 2002, 116 Stat. 536, directed Secretary of Agriculture, not later than one year after May 13, 2002, to submit to Congress a report on specialty crop and other commodity purchases under this section and section 612c-4 of this title.

#### DOMESTIC FISH OR FISH PRODUCT COMPLIANCE WITH FOOD SAFETY STANDARDS OR PROCEDURES DEEMED TO HAVE MET REQUIREMENTS FOR FEDERAL COMMODITY PURCHASE PROGRAMS

Domestic fish or fish products produced in compliance with food safety standards or procedures accepted by Food and Drug Administration deemed to have met inspection requirements for program authorized by this section, except that lot inspections may be utilized, see section 733 of Pub. L. 104-180, set out as a note under section 342 of Title 21, Food and Drugs.

#### REPORT ON ENTITLEMENT COMMODITY PROCESSING

Pub. L. 101-624, title XVII, §1773(f), Nov. 28, 1990, 104 Stat. 3811, directed Comptroller General of the United States, not later than Jan. 1, 1992, to submit a report to Congress regarding processing of entitlement commodities used in child nutrition programs, with evaluation of extent to which processing of entitlement commodities occurs in the States, governmental requirements for participation in the processing vary among States, and entitlement commodity recipients are satisfied with access to and services provided through entitlement commodity processing, prior to repeal by Pub. L. 104-193, title VIII, §874, Aug. 22, 1996, 110 Stat. 2346.

#### SOUP KITCHENS AND OTHER EMERGENCY FOOD AID

Pub. L. 100-435, title I, §110, Sept. 19, 1988, 102 Stat. 1651, as amended by Pub. L. 101-624, title XVII, §1774(a), Nov. 28, 1990, 104 Stat. 3811; Pub. L. 102-237, title IX, §922(a), Dec. 13, 1991, 105 Stat. 1888; Pub. L. 104-127, title IV, §404, Apr. 4, 1996, 110 Stat. 1029, established formula so that amount, measured by their value, of additional commodities that were to be provided to each State for redistribution to soup kitchens and food banks could be precisely calculated for fiscal years 1989 through 2002, and further provided for definitions, appropriations through fiscal year 2002 to purchase additional commodities, mandatory allotments to States, maintenance of effort by States, authority of Secretary to establish different formula for allocation of commodities, priority system for State distribution of commodities, and settlement and adjustment of claims, prior to repeal by Pub. L. 104-193, title VIII, §873(1), Aug. 22, 1996, 110 Stat. 2346.

#### GLEANING CLEARINGHOUSES

Pub. L. 100-435, title I, §111, Sept. 19, 1988, 102 Stat. 1654, as amended by Pub. L. 101-624, title XVII, §1774(b), Nov. 28, 1990, 104 Stat. 3812, provided that:

“(a) DEFINITION OF GLEANING.—For purposes of this section, the term ‘to glean’ means to collect unharvested crops from the fields of farmers, or to obtain agricultural products from farmers, processors, or retailers, in order to distribute the products to needy individuals, including unemployed and low-income individuals, and the term includes only those situations in which agricultural products and access to fields and facilities are made available without charge.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary of Agriculture (hereafter in this section referred to as the ‘Secretary’) is authorized to assist States and private nonprofit organizations in establishing Gleaning Clearinghouses (hereafter in this section referred to as a ‘Clearinghouse’).

“(2) ASSISTANCE.—The Secretary is authorized to provide technical information and other assistance considered appropriate by the Secretary to encourage public and nonprofit private organizations to—

“(A) initiate and carry out gleaning activities, and to assist other organizations and individuals to do so, through lectures, correspondence, consultation, or such other measures as the Secretary may consider appropriate;

“(B) collect from public and private sources (including farmers, processors, and retailers) information relating to the kinds, quantities, and geographical locations of agricultural products not completely harvested;

“(C) gather, compile, and make available to public and nonprofit private organizations and to the public the statistics and other information collected under this paragraph, at reasonable intervals;

“(D) establish and operate a toll-free telephone line by which—

“(i) farmers, processors, and retailers may report to a Clearinghouse for dissemination information regarding unharvested crops and agricultural products available for gleaning, and may also report how they may be contacted;

“(ii) public and nonprofit organizations that wish to glean or to assist others to glean, may report to a Clearinghouse the kinds and amounts of products that are wanted for gleaning, and may also report how they may be contacted;

“(iii) persons who can transport crops or products may report the availability of free transportation for gleaned crops or products; and

“(iv) information about gleaning can be provided without charge by a Clearinghouse to the persons and organizations described in clauses (i), (ii), and (iii);

“(E) prepare, publish, and make available to the public, at cost and on a continuing basis, a hand-

book on gleaning that includes such information and advice as may be useful in operating efficient gleaning activities and projects, including information regarding how to—

“(i) organize groups to engage in gleaning; and

“(ii) distribute to needy individuals, including low-income and unemployed individuals, food and other agricultural products that have been gleaned; or

“(F) advertise in print, on radio, television, or through other media, as the Secretary considers to be appropriate, the services offered by a Clearinghouse under this section.”

[Section 111 of Pub. L. 100-435 effective and implemented on Oct. 1, 1988, except that such section to become effective and implemented on Oct. 1, 1989, if final order is issued under section 902(b) of Title 2, The Congress, for fiscal year 1989 making reductions and sequestrations specified in the report required under section 901(a)(3)(A) of Title 2, see section 701(a), (c)(2) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.]

#### CONTINUATION OF PROVISION OF CHEESE SUPPLIES

Pub. L. 100-435, title I, § 130, Sept. 19, 1988, 102 Stat. 1655, was redesignated section 5(d)(2) of Pub. L. 93-86, set out below, by Pub. L. 101-624, title XVII, § 1774(c)(2)(A), Nov. 28, 1990, 104 Stat. 3813.

#### ENCOURAGEMENT OF FOOD PROCESSING AND DISTRIBUTION BY ELIGIBLE RECIPIENT AGENCIES

Pub. L. 100-435, title II, § 220, Sept. 19, 1988, 102 Stat. 1659, as amended by Pub. L. 101-624, title XVII, § 1772(h)(5), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 102-237, title IX, § 942, Dec. 13, 1991, 105 Stat. 1893, provided that, not later than 60 days after Sept. 19, 1988, Secretary of Agriculture was, to extent that Commodity Credit Corporation's inventory levels permitted, solicit applications for surplus commodities available for distribution under section 202 of Pub. L. 98-8 (7 U.S.C. 7502), and further provided for requirements for solicitations as well as review of applications, prior to repeal by Pub. L. 104-193, title VIII, § 873(2), Aug. 22, 1996, 110 Stat. 2346.

#### FOOD BANK DEMONSTRATION PROJECTS

Pub. L. 100-435, title V, § 502, Sept. 19, 1988, 102 Stat. 1671, authorized Secretary of Agriculture to carry out demonstration projects to provide and redistribute certain agricultural commodities to needy individuals and families through community food banks and other charitable food banks, authorized Secretary to determine quantities, varieties, and types of agricultural commodities and products thereof to be made available to community food banks, and provided for report to Congress not later than July 1, 1990, as well as for termination of authority on Sept. 30, 1990, and appropriations to carry out projects, prior to repeal by Pub. L. 104-193, title VIII, § 873(3), Aug. 22, 1996, 110 Stat. 2346.

#### COMMODITY DISTRIBUTION REFORM

Pub. L. 100-237, §§ 1-4, 7, 13-19, Jan. 8, 1988, 101 Stat. 1733, 1739, 1740, 1742, 1743, as amended by Pub. L. 101-624, title XVII, §§ 1772(h)(3), (4), 1773(a)-(e), Nov. 28, 1990, 104 Stat. 3809-3811; Pub. L. 102-342, title IV, § 401, Aug. 14, 1992, 106 Stat. 914; Pub. L. 103-448, title III, § 303, Nov. 2, 1994, 108 Stat. 4750; Pub. L. 105-336, title III, §§ 301, 302, Oct. 31, 1998, 112 Stat. 3167, 3168; Pub. L. 106-78, title VII, § 752(b)(1), Oct. 22, 1999, 113 Stat. 1169; Pub. L. 106-472, title III, § 307(a), Nov. 9, 2000, 114 Stat. 2073; Pub. L. 107-171, title IV, § 4202(a), May 13, 2002, 116 Stat. 329; Pub. L. 108-134, § 3, Nov. 22, 2003, 117 Stat. 1389; Pub. L. 108-211, § 3, Mar. 31, 2004, 118 Stat. 566; Pub. L. 108-265, title III, § 301, June 30, 2004, 118 Stat. 788; Pub. L. 113-79, title IV, § 4104, Feb. 7, 2014, 128 Stat. 820, provided that:

#### “SECTION 1. SHORT TITLE.

“This Act [amending section 1431e of this title and sections 1755, 1769, and 1786 of Title 42, The Public Health and Welfare, and enacting provisions set out as

notes under this section and section 1786 of Title 42] may be cited as the ‘Commodity Distribution Reform Act and WIC Amendments of 1987’.

#### “SEC. 2. STATEMENT OF PURPOSE; SENSE OF CONGRESS.

“(a) STATEMENT OF PURPOSE.—It is the purpose of this Act to improve the manner in which agricultural commodities acquired by the Department of Agriculture are distributed to recipient agencies, the quality of the commodities that are distributed, and the degree to which such distribution responds [sic] to the needs of the recipient agencies.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the distribution of commodities and products—

“(1) should be improved as an effective means of removing agricultural surpluses from the market and providing nutritious high-quality foods to recipient agencies;

“(2) is inextricably linked to the agricultural support and surplus removal programs; and

“(3) is an important mission of the Secretary of Agriculture.

#### “SEC. 3. COMMODITY DISTRIBUTION PROGRAM REFORMS.

“(a) COMMODITIES SPECIFICATIONS.—

“(1) DEVELOPMENT.—In developing specifications for commodities acquired through price support, surplus removal, and direct purchase programs of the Department of Agriculture that are donated for use for programs or institutions described in paragraph (2), the Secretary shall—

“(A) consult with the advisory council established under paragraph (3);

“(B) consider both the results of the information received from recipient agencies under subsection (f)(2) and the results of an ongoing field testing program under subsection (g) in determining which commodities and products, and in which form the commodities and products, should be provided to recipient agencies; and

“(C) give significant weight to the recommendations of the advisory council established under paragraph (3) in ensuring that commodities and products are—

“(i) of the quality, size, and form most usable by recipient agencies; and

“(ii) to the maximum extent practicable, consistent with the Dietary Guidelines for Americans published by the Secretary of Agriculture and the Secretary of Health and Human Services.

“(2) APPLICABILITY.—Paragraph (1) shall apply to—

“(A) the commodity distribution and commodity supplemental food programs established under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 [Pub. L. 93-86] (7 U.S.C. 612c note);

“(B) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));

“(C) the school lunch, commodity distribution, and child care food programs established under sections 6, 14, and 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755, 1762a, and 1766);

“(D) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

“(E) the donation of surplus commodities to provide nutrition services under section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a); and

“(F) to the extent practicable—

“(i) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (Public Law 100-237 [Pub. L. 98-8, title II]; 7 U.S.C. 612c note) [7 U.S.C. 7501 et seq.]; and

“(ii) programs under which food is donated to charitable institutions.

“(3) ADVISORY COUNCIL.—(A) The Secretary shall establish an advisory council on the distribution of donated commodities to recipient agencies. The Secretary shall appoint not less than nine and not more than 15 members to the council, including—

“(i) representatives of recipient agencies, including food banks;

“(ii) representatives of food processors and food distributors;

“(iii) representatives of agricultural organizations;

“(iv) representatives of State distribution agency directors; and

“(v) representatives of State advisory committees.

“(B) The council shall meet not less than semi-annually with appropriate officials of the Department of Agriculture and shall provide guidance to the Secretary on regulations and policy development with respect to specifications for commodities.

“(C) Members of the council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the committee.

“(D) The council shall report annually to the Secretary of Agriculture, the Committee on Education and the Workforce and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(E) The council shall expire on September 30, 1996.

“(b) DUTIES OF SECRETARY WITH RESPECT TO PROVISION OF COMMODITIES.—With respect to the provision of commodities to recipient agencies, the Secretary shall—

“(1) before the end of the 270-day period beginning on the date of the enactment of this Act [Jan. 8, 1988]—

“(A) implement a system to provide recipient agencies with options with respect to package sizes and forms of such commodities, based on information received from such agencies under subsection (f)(2), taking into account the duty of the Secretary—

“(i) to remove surplus stocks of agricultural commodities through the Commodity Credit Corporation;

“(ii) to purchase surplus agriculture commodities through section 32 of the Act of August 24, 1935 (7 U.S.C. 612c); and

“(iii) to make direct purchases of agricultural commodities and other foods for distribution to recipient agencies under—

“(I) the commodity distribution and commodity supplemental food programs established under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 [Pub. L. 93-86] (7 U.S.C. 612c note);

“(II) the program established under section 4(b) of the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008] (7 U.S.C. 2013(b));

“(III) the school lunch, commodity distribution, and child care food programs established under sections 6, 14, and 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755, 1762a, and 1766);

“(IV) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(V) the donation of surplus commodities to provide nutrition services under section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a); and

“(B) implement procedures to monitor the manner in which State distribution agencies carry out their responsibilities;

“(2) provide technical assistance to recipient agencies on the use of such commodities, including handling, storage, and menu planning and shall distribute to all recipient agencies suggested recipes for the use of donated commodities and products (the recipe cards shall be distributed as soon as practicable after the date of enactment of this Act [Jan.

8, 1988] and updated on a regular basis taking into consideration the Dietary Guidelines for Americans published by the Secretary of Agriculture and the Secretary of Health and Human Services, as in effect at the time of the update of the recipe files);

“(3) before the end of the 120-day period beginning on the date of the enactment of this Act [Jan. 8, 1988], implement a system under which the Secretary shall—

“(A) make available to State agencies summaries of the specifications with respect to such commodities and products; and

“(B) require State agencies to make such summaries available to recipient agencies on request;

“(4) implement a system for the dissemination to recipient agencies and to State distribution agencies—

“(A) not less than 60 days before each distribution of commodities by the Secretary is scheduled to begin, of information relating to the types and quantities of such commodities that are to be distributed; or

“(B) in the case of emergency purchases and purchases of perishable fruits and vegetables, of as much advance notification as is consistent with the need to ensure that high-quality commodities are distributed;

“(5) before the expiration of the 90-day period beginning on the date of the enactment of this Act [Jan. 8, 1988], establish procedures for the replacement of commodities received by recipient agencies that are stale, spoiled, out of condition, or not in compliance with the specifications developed under subsection (a)(1), including a requirement that the appropriate State distribution agency be notified promptly of the receipt of commodities that are stale, spoiled, out of condition, or not in compliance with the specifications developed under subsection (a)(1);

“(6) monitor the condition of commodities designated for donation to recipient agencies that are being stored by or for the Secretary to ensure that high quality is maintained;

“(7) establish a value for donated commodities and products to be used by State agencies in the allocation or charging of commodities against entitlements; and

“(8) require that each State distribution agency shall receive donated commodities not more than 90 days after such commodities are ordered by such agency, unless such agency specifies a longer delivery period.

“(c) QUALIFICATIONS FOR PURCHASE OF COMMODITIES.—

“(1) OFFERS FOR EQUAL OR LESS POUNDAGE.—Subject to compliance by the Secretary with surplus removal responsibilities under other provisions of law, the Secretary may not refuse any offer in response to an invitation to bid with respect to a contract for the purchase of entitlement commodities (provided in standard order sizes) solely on the basis that such offer provides less than the total amount of poundage for a destination specified in such invitation.

“(2) OTHER QUALIFICATIONS.—The Secretary may not enter into a contract for the purchase of entitlement commodities unless the Secretary considers the previous history and current patterns of the bidding party with respect to compliance with applicable meat inspection laws and with other appropriate standards relating to the wholesomeness of food for human consumption.

“(d) DUTIES OF STATE DISTRIBUTION AGENCIES.—On or before July 1, 1992, the Secretary shall by regulation require each State distribution agency to—

“(1) evaluate its system for warehousing and distributing donated commodities to recipient agencies designated in subparagraphs (A) and (B) of section 13(3) (hereafter referred to in this Act as ‘child and elderly nutrition program recipient agencies’);

“(2) in the case of State distribution agencies that require payment of fees by child and elderly nutrition

program recipient agencies for any aspect of warehousing or distribution, implement the warehousing and distribution system that provides donated commodities to such recipient agencies in the most efficient manner, at the lowest cost to such recipient agencies, and at a level that is not less than a basic level of services determined by the Secretary;

“(3) in determining the most efficient and lowest cost system, use commercial facilities for providing warehousing and distribution services to such recipient agencies, unless the State applies to the Secretary for approval to use other facilities demonstrating that, when both direct and indirect costs incurred by such recipient agencies are considered, such other facilities are more efficient and provide services at a lower total cost to such recipient agencies;

“(4) consider the preparation and storage capabilities of recipient agencies when ordering donated commodities, including capabilities of such agencies to handle commodity product forms, quality, packaging, and quantities; and

“(5) in the case of any such agency that enters into a contract with respect to processing of agricultural commodities and their products for recipient agencies—

“(A) test the product of such processing with the recipient agencies before entering into a contract for such processing; and

“(B) develop a system for monitoring product acceptability.

“(e) REGULATIONS.—

“(1) IN GENERAL.—The Secretary shall provide by regulation for—

“(A) whenever fees are charged to local recipient agencies, the establishment of mandatory criteria for such fees based on national standards and industry charges (taking into account regional differences in such charges) to be used by State distribution agencies for storage and deliveries of commodities;

“(B) minimum performance standards to be followed by State agencies responsible for intrastate distribution of donated commodities and products;

“(C) procedures for allocating donated commodities among the States; and

“(D) delivery schedules for the distribution of commodities and products that are consistent with the needs of eligible recipient agencies, taking into account the duty of the Secretary—

“(i) to remove surplus stocks of agricultural commodities through the Commodity Credit Corporation;

“(ii) to purchase surplus agricultural commodities through section 32 of the Act entitled ‘An Act to amend the Agricultural Adjustment Act, and for other purposes’, approved August 24, 1935 (7 U.S.C. 612c); and

“(iii) to make direct purchases of agricultural commodities and other foods for distribution to recipient agencies under—

“(I) the commodity distribution and commodity supplemental food programs established under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 [Pub. L. 93-86] (7 U.S.C. 612c note);

“(II) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));

“(III) the school lunch, commodity distribution, and child care food programs established under sections 6, 14, and 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755, 1762a, and 1766);

“(IV) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(V) the donation of surplus commodities to provide nutrition services under section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a).

“(2) TIME FOR PROMULGATION OF REGULATIONS.—The Secretary shall promulgate—

“(A) regulations as required by paragraph (1)(D) before the end of the 90-day period beginning on the date of enactment of this Act [Jan. 8, 1988]; and

“(B) regulations as required by subparagraphs (A), (B), and (C) of paragraph (1) before the end of the 270-day period beginning on such date.

“(f) REVIEW OF PROVISION OF COMMODITIES.—

“(1) IN GENERAL.—Before the expiration of the 270-day period beginning on the date of the enactment of this Act [Jan. 8, 1988], the Secretary shall establish procedures to provide for systematic review of the costs and benefits of providing commodities of the kind and quantity that are suitable to the needs of recipient agencies.

“(2) INFORMATION FROM RECIPIENT AGENCIES.—

“(A) IN GENERAL.—The Secretary shall ensure that information with respect to the types and forms of commodities that are most useful to persons participating in programs described in subsection (a)(2) is collected from recipient agencies operating the programs.

“(B) FREQUENCY.—The information shall be collected at least once every 2 years.

“(C) ADDITIONAL SUBMISSIONS.—The Secretary shall provide the recipient agencies a means for voluntarily submitting customer acceptability information.

“(g) TESTING FOR ACCEPTABILITY.—The Secretary shall establish an ongoing field testing program for present and anticipated commodity and product purchases to test product acceptability with program participants. Test results shall be taken into consideration in deciding which commodities and products, and in what form the commodities and products, should be provided to recipient agencies.

“(h) BUY AMERICAN PROVISION.—

“(1) IN GENERAL.—The Secretary shall require that recipient agencies purchase, whenever possible, only food products that are produced in the United States.

“(2) WAIVER.—The Secretary may waive the requirement established in paragraph (1)—

“(A) in the case of recipient agencies that have unusual or ethnic preferences in food products; or

“(B) for such other circumstances as the Secretary considers appropriate.

“(3) EXCEPTION.—The requirement established in paragraph (1) shall not apply to recipient agencies in Alaska, Guam, American Samoa, Puerto Rico, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands. The requirement established in paragraph (1) shall apply to recipient agencies in Hawaii only with respect to the purchase of pineapples.

“(i) UNIFORM INTERPRETATION.—The Secretary shall take such actions as are necessary to ensure that regional offices of the Department of Agriculture interpret uniformly across the United States policies and regulations issued to implement this section.

“(j) [Amended section 1755(e) of Title 42, The Public Health and Welfare.]

“(k) REPORT.—Not later than January 1, 1989, the Secretary shall submit to the Committee on Education and the Workforce and the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the implementation and operation of this section.

“SEC. 3A. ADVANCE FUNDING FOR STATE OPTION CONTRACTS.

“(a) IN GENERAL.—The Secretary may use the funds of the Commodity Credit Corporation and funds made available to carry out section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to pay for all or a portion of the cost, as agreed on with the State distribution agency, of food or the processing or packaging of food on behalf of a State distribution agency.

“(b) REIMBURSEMENT.—In such cases, the State distribution agency shall reimburse the Secretary for the

agreed on cost. Any funds received by the Secretary as reimbursement shall be deposited to the credit of the Commodity Credit Corporation or section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as appropriate. If the State distribution agency fails, within 150 days of delivery, to make the required reimbursement in full, the Secretary shall, within 30 days, offset any outstanding amount against the appropriate account.

“SEC. 4. FOOD BANK PROJECT.

“(a) COMMUNITY FOOD BANKS.—The Secretary shall carry out no less than one demonstration project to provide and redistribute agricultural commodities and food products thereof as authorized under section 32 of the Act entitled ‘An Act to amend the Agricultural Adjustment Act, and for other purposes’, approved August 24, 1935 (7 U.S.C. 612c), to needy individuals and families through community food banks. The Secretary may use a State agency or any other food distribution system for such provision or redistribution of section 32 agricultural commodities and food products through community food banks under a demonstration project.

“(b) RECORDKEEPING AND MONITORING.—Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and food products provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

“(c) DETERMINATION OF QUANTITIES, VARIETIES, AND TYPES OF COMMODITIES.—The Secretary shall determine the quantities, varieties, and types of agricultural commodities and food products to be made available under this section.

“(d) EFFECTIVE PERIOD.—This section shall be effective for the period beginning on the date of enactment of this Act [Jan. 8, 1988].

“SEC. 7. ASSESSMENT AND REPORT TO CONGRESS.

“(a) ASSESSMENT.—The Comptroller General of the United States shall monitor and assess the implementation by the Secretary of the provisions of this Act [see section 1 set out above].

“(b) REPORT.—Before the expiration of the 18-month period beginning on the date of the enactment of this Act [Jan. 8, 1988], the Comptroller General shall submit to the Committee on Education and Labor [now Committee on Education and the Workforce] and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of the findings of the assessment conducted as required by subsection (a).

“SEC. 13. AUTHORITY TO TRANSFER COMMODITIES BETWEEN PROGRAMS.

“(a) TRANSFER.—Subject to subsection (b), the Secretary may transfer any commodities purchased with appropriated funds for a domestic food assistance program administered by the Secretary to any other domestic food assistance program administered by the Secretary if the transfer is necessary to ensure that the commodities will be used while the commodities are still suitable for human consumption.

“(b) REIMBURSEMENT.—The Secretary shall, to the maximum extent practicable, provide reimbursement for the value of the commodities transferred under subsection (a) from accounts available for the purchase of commodities under the program receiving the commodities.

“(c) CREDITING.—Any reimbursement made under subsection (b) shall—

“(1) be credited to the accounts that incurred the costs when the transferred commodities were originally purchased; and

“(2) be available for the purchase of commodities with the same limitations as are provided for appropriated funds for the reimbursed accounts for the fiscal year in which the transfer takes place.

“SEC. 14. AUTHORITY TO RESOLVE CLAIMS.

“(a) IN GENERAL.—The Secretary may determine the amount of, settle, and adjust all or part of a claim arising

under a domestic food assistance program administered by the Secretary.

“(b) WAIVER.—The Secretary may waive a claim described in subsection (a) if the Secretary determines that a waiver would serve the purposes of the program.

“(c) AUTHORITY OF THE ATTORNEY GENERAL.—Nothing in this section diminishes the authority of the Attorney General under section 516 of title 28, United States Code, or any other provision of law, to supervise and conduct litigation on behalf of the United States.

“SEC. 15. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.

“(a) IN GENERAL.—The Secretary may use funds available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), that are not otherwise committed, for the purpose of reimbursing States for State and local costs associated with the removal of commodities distributed under any domestic food assistance program administered by the Secretary if the Secretary determines that the commodities pose a health or safety risk.

“(b) ALLOWABLE COSTS.—The costs—

“(1) may include costs for storage, transportation, processing, and destruction of the commodities described in subsection (a); and

“(2) shall be subject to the approval of the Secretary.

“(c) REPLACEMENT COMMODITIES.—

“(1) IN GENERAL.—The Secretary may use funds described in subsection (a) for the purpose of purchasing additional commodities if the purchase will expedite replacement of the commodities described in subsection (a).

“(2) RECOVERY.—Use of funds under paragraph (1) shall not restrict the Secretary from recovering funds or services from a supplier or other entity regarding the commodities described in subsection (a).

“(d) CREDITING OF RECOVERED FUNDS.—Funds recovered from a supplier or other entity regarding the commodities described in subsection (a) shall—

“(1) be credited to the account available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, ch. 641; 7 U.S.C. 612c), to the extent the funds represent expenditures from that account under subsections (a) and (c); and

“(2) remain available to carry out the purposes of section 32 of that Act until expended.

“[(e) Repealed. Pub. L. 108-265, title III, §301, June 30, 2004, 118 Stat. 788.]

“SEC. 16. AUTHORITY TO ACCEPT COMMODITIES DONATED BY FEDERAL SOURCES.

“(a) IN GENERAL.—The Secretary may accept donations of commodities from any Federal agency, including commodities of another Federal agency determined to be excess personal property pursuant to section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)) [now 40 U.S.C. 525].

“(b) USE.—The Secretary may donate the commodities received under subsection (a) to States for distribution through any domestic food assistance program administered by the Secretary.

“(c) PAYMENT.—Notwithstanding section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)) [now 40 U.S.C. 525], the Secretary shall not be required to make any payment in connection with the commodities received under subsection (a).

“SEC. 17. COMMODITY DONATIONS AND PROCESSING.

“(a) IN GENERAL.—Notwithstanding any other provision of law concerning commodity donations, any commodities acquired in the conduct of the operations of the Commodity Credit Corporation and any commodities acquired under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to the extent that the commodities are in excess of the quantities of commodities that are essential to carry out other authorized activities of the

Commodity Credit Corporation and the Secretary (including any quantity specifically reserved for a specific purpose), may be used for any program authorized to be carried out by the Secretary that involves the acquisition of commodities for use in a domestic feeding program, including any program conducted by the Secretary that provides commodities to individuals in cases of hardship.

“(b) PROGRAMS.—A program described in subsection (a) includes a program authorized by—

“(1) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

“(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(4) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

“(5) such other laws as the Secretary determines to be appropriate.

“(c) PROCESSING.—

“(1) IN GENERAL.—For any program included under subsection (b), the Secretary may, notwithstanding any other provision of Federal or State law relating to the procurement of goods and services—

“(A) retain title to commodities delivered to a processor, on behalf of a State (including a State distributing agency and a recipient agency), until such time as end products containing the commodities, or similar commodities as approved by the Secretary, are delivered to a State distributing agency or to a recipient agency; and

“(B) promulgate regulations to ensure accountability for commodities provided to a processor for processing into end products, and to facilitate processing of commodities into end products for use by recipient agencies.

“(2) REGULATIONS.—The regulations described in paragraph (1)(B) may provide that—

“(A) a processor that receives commodities for processing into end products, or provides a service with respect to the commodities or end products, in accordance with the agreement of the processor with a State distributing agency or a recipient agency, provide to the Secretary a bond or other means of financial assurance to protect the value of the commodities; and

“(B) in the event a processor fails to deliver to a State distributing agency or a recipient agency an end product in conformance with the processing agreement entered into under this Act, the Secretary—

“(i) take action with respect to the bond or other means of financial assurance pursuant to regulations promulgated under this subsection; and

“(ii) distribute any proceeds obtained by the Secretary to 1 or more State distributing agencies and recipient agencies, as determined appropriate by the Secretary.

“SEC. 18. DEFINITIONS.

“For purposes of this Act:

“(1) COMMODITIES.—The term ‘commodities’ means agricultural commodities and their products that are donated by the Secretary for use by recipient agencies.

“(2) END PRODUCT.—The term ‘end product’ means a food product that contains processed commodities.

“(3) The term ‘recipient agency’ means—

“(A) a school, school food service authority, or other agency authorized under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to operate breakfast programs, lunch programs, child care food programs, summer food service programs, or similar programs and to receive donations of agricultural commodities and their products acquired by the Secretary through price support, surplus removal, or direct purchase;

“(B) a nutrition program for the elderly authorized under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) to receive donations of agricultural commodities and their products acquired by the Secretary through price support, surplus removal, or direct purchase;

“(C) an agency or organization distributing commodities under the commodity supplemental food program established in section 4 of the Agriculture and Consumer Protection Act of 1973 [Pub. L. 93-86] (7 U.S.C. 612c note);

“(D) any charitable institution, summer camp, or assistance agency for the food distribution program on Indian reservations authorized under section 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) to receive donations of agricultural commodities and their products acquired by the Secretary through price support, surplus removal, or direct purchase; or

“(E) an agency or organization distributing commodities under a program established in section 202 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) [7 U.S.C. 7502].

“(4) The term ‘State distribution agency’ means a State agency responsible for the intrastate distribution of donated commodities.

“(5) The term ‘Secretary’ means Secretary of Agriculture, unless the context specifies otherwise.

“SEC. 19. GENERAL EFFECTIVE DATE.

“Except as otherwise provided in this Act, this Act and the amendments made by this Act [see section 1 above] shall take effect on the date of the enactment of this Act [Jan. 8, 1988].”

[Pub. L. 107-171, title IV, §4202(b), May 13, 2002, 116 Stat. 330, provided that: “The amendments made by this section [amending sections 17 to 19 of Pub. L. 100-237, set out above] take effect on the date of enactment of this Act [May 13, 2002].”

[Pub. L. 106-78, §752(b)(1), which directed amendment of section 13(3)(A) of Pub. L. 100-237, was executed by amending section 17(3)(A) [now 18(3)(A)] of Pub. L. 100-237, set out above, to reflect the probable intent of Congress.]

#### FOOD BANK DEMONSTRATION PROJECT

Pub. L. 100-232, §3, Jan. 5, 1988, 101 Stat. 1566, authorized Secretary of Agriculture to carry out no less than one demonstration project to provide and redistribute agricultural commodities and food products thereof as authorized under this section to needy individuals and families through community food banks and to use State agency or any other food distribution system for such provision or redistribution of commodities and food products, further required each food bank participating in demonstration projects to establish record-keeping system and internal procedures to monitor use of agricultural commodities and food products, authorized Secretary to determine quantities, varieties, and types of agricultural commodities and food products to be made available, and further provided for termination of authority on Dec. 31, 1990, and annual progress reports by Secretary, prior to repeal by Pub. L. 104-193, title VIII, §872, Aug. 22, 1996, 110 Stat. 2346.

#### CONTINUATION OF DISTRIBUTION OF AGRICULTURAL COMMODITIES TO LOW-INCOME ELDERLY AT EXISTING LEVELS

Pub. L. 99-198, title XV, §1562(d), Dec. 23, 1985, 99 Stat. 1590, provided that: “Notwithstanding any other provision of law, in implementing the commodity supplemental food program under section 4 of the Agriculture and Consumer Protection Act of 1973 [Pub. L. 93-86, set out as a note below], the Secretary of Agriculture shall allow agencies distributing agricultural commodities to low-income elderly people under such programs on the date of enactment of this Act [Dec. 23, 1985] to con-



tinue such distribution at levels no lower than existing caseloads.”

REPORT TO CONGRESS ON ACTIVITIES OF PROGRAM CONDUCTED UNDER TEMPORARY EMERGENCY FOOD ASSISTANCE ACT OF 1983

Pub. L. 99-198, title XV, §1571, Dec. 23, 1985, 99 Stat. 1594, provided that not later than Apr. 1, 1987, Secretary of Agriculture was to report to Congress on activities of program conducted under Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), which was to include information on volume and types of commodities distributed under program, types of State and local agencies receiving commodities for distribution under program, populations served under program and their characteristics, Federal, State, and local costs of commodity distribution operations under program (including transportation, storage, refrigeration, handling, distribution, and administrative costs), and amount of Federal funds provided to cover State and local costs under program, prior to repeal by Pub. L. 104-193, title VIII, §871(f), Aug. 22, 1996, 110 Stat. 2345.

EMERGENCY FOOD ASSISTANCE ACT OF 1983

Pub. L. 98-8, title II, Mar. 24, 1983, 97 Stat. 35, as amended by Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608; Pub. L. 99-198, title XV, §§1562(e)(1), 1563-1566, 1567(c), 1568-1570, Dec. 23, 1985, 99 Stat. 1590-1594; Pub. L. 100-77, title VIII, §§811-814, July 22, 1987, 101 Stat. 536-538; Pub. L. 100-435, title I, §§101-105, Sept. 19, 1988, 102 Stat. 1647-1650; Pub. L. 101-624, title XVII, §1772(a)-(h)(1), Nov. 28, 1990, 104 Stat. 3808, 3809; Pub. L. 102-237, title IX, §922(b), Dec. 13, 1991, 105 Stat. 1888; Pub. L. 104-66, title I, §1011(k), Dec. 21, 1995, 109 Stat. 710; Pub. L. 104-127, title IV, §403, Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104-193, title VIII, §871(a)-(e), Aug. 22, 1996, 110 Stat. 2343-2345, known as the Emergency Food Assistance Act of 1983, and formerly set out as a note under this section, established temporary program authorizing Secretary of Agriculture to distribute excess food commodities to public or nonprofit organizations administering certain activities such as school lunch programs, elderly nutrition programs, activities of charitable institutions that serve meals to needy persons, and disaster relief programs. As amended by Pub. L. 104-193, the program became permanent, and title II of Pub. L. 98-8 was transferred to chapter 102 (§7501 et seq.) of this title.

AGRICULTURAL EXPORT PROMOTION

Pub. L. 97-253, title I, §135, Sept. 8, 1982, 96 Stat. 772, authorized Secretary of Agriculture, for each of fiscal years 1983, 1984, and 1985, to use up to \$190,000,000 of Commodity Credit Corporation funds to carry out export activities through Commodity Credit Corporation under provisions of law in effect on Sept. 8, 1982, including activities authorized under amendments made by section 405(d) of Pub. L. 98-623 to sections 1707a and 1732 of this title and section 714c(f) of Title 15, Commerce and Trade, even if those export activities were not included in budget program of Corporation.

[Amendments made by section 405(d) of Pub. L. 98-623, amending sections 1707a and 1732 of this title and section 714c(f) of Title 15, Commerce and Trade, to be considered as having taken effect before Sept. 8, 1982, for purposes of section 135 of Pub. L. 97-253, set out above, see section 405(d) of Pub. L. 98-623, set out as an Effective Date of 1984 Amendment note under section 714c of Title 15, Commerce and Trade.]

DISTRIBUTION OF COMMODITIES TO INDIVIDUALS IN CASES OF HARDSHIP

Pub. L. 106-78, title VII, §709, Oct. 22, 1999, 113 Stat. 1161, which provided that commodities acquired by the Department in connection with Commodity Credit Corporation and price support operations under this section could be used, as authorized by this section and section 714c of Title 15, Commerce and Trade, to provide commodities to individuals in cases of hardship as

determined by the Secretary of Agriculture, was from the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2000, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriations acts:

Pub. L. 105-277, div. A, §101(a) [title VII, §709], Oct. 21, 1998, 112 Stat. 2681, 2681-26.

Pub. L. 105-86, title VII, §709, Nov. 18, 1997, 111 Stat. 2105.

Pub. L. 104-180, title VII, §709, Aug. 6, 1996, 110 Stat. 1597.

Pub. L. 104-37, title VII, §709, Oct. 21, 1995, 109 Stat. 330.

Pub. L. 103-330, title VII, §709, Sept. 30, 1994, 108 Stat. 2467.

Pub. L. 103-111, title VII, §710, Oct. 21, 1993, 107 Stat. 1079.

Pub. L. 102-341, title VII, §715, Aug. 14, 1992, 106 Stat. 908.

Pub. L. 102-142, title VII, §718, Oct. 28, 1991, 105 Stat. 913.

Pub. L. 101-506, title VI, §619, Nov. 5, 1990, 104 Stat. 1347.

Pub. L. 101-161, title VI, §619, Nov. 21, 1989, 103 Stat. 983.

Pub. L. 100-460, title VI, §619, Oct. 1, 1988, 102 Stat. 2261.

Pub. L. 100-202, §101(k) [title VI, §619], Dec. 22, 1987, 101 Stat. 1329-322, 1329-355.

Pub. L. 99-500, §101(a) [title VI, §619], Oct. 18, 1986, 100 Stat. 1783, 1783-29, and Pub. L. 99-591, §101(a) [title VI, §619], Oct. 30, 1986, 100 Stat. 3341, 3341-29.

Pub. L. 99-190, §101(a) [H.R. 3037, title VI, §619], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433.

Pub. L. 97-370, title VI, §620, Dec. 18, 1982, 96 Stat. 1811.

Pub. L. 97-103, title VI, §620, Dec. 23, 1981, 95 Stat. 1490.

COMMODITY DISTRIBUTION PROGRAM; PURCHASE OF AGRICULTURAL COMMODITIES; FURNISHING COMMODITIES TO SUMMER CAMPS

Pub. L. 93-86, §4, Aug. 10, 1973, 87 Stat. 249, as amended by Pub. L. 93-347, §1, July 12, 1974, 88 Stat. 340; Pub. L. 94-273, §2(1), Apr. 21, 1976, 90 Stat. 375; Pub. L. 95-113, title XIII, §§1302(a)(1), 1304(a), Sept. 29, 1977, 91 Stat. 979, 980, Pub. L. 97-98, title XIII, §1334, Dec. 22, 1981, 95 Stat. 1292; Pub. L. 98-8, title II, §207, Mar. 24, 1983, 97 Stat. 36; Pub. L. 98-92, §3, Sept. 2, 1983, 97 Stat. 612; Pub. L. 99-198, title XV, §1562(a), Dec. 23, 1985, 99 Stat. 1590; Pub. L. 101-624, title XVII, §§1771(a), (b)(1), (c)(1), 1772(h)(2), Nov. 28, 1990, 104 Stat. 3806, 3807, 3809; Pub. L. 104-127, title IV, §402(a), Apr. 4, 1996, 110 Stat. 1028; Pub. L. 107-171, title IV, §4201(a), May 13, 2002, 116 Stat. 328; Pub. L. 110-234, title IV, §4406(b)(2), May 22, 2008, 122 Stat. 1141; Pub. L. 110-246, §4(a), title IV, §4406(b)(2), June 18, 2008, 122 Stat. 1664, 1903; Pub. L. 113-79, title IV, §§4030(t), 4101, Feb. 7, 2014, 128 Stat. 815, 819; Pub. L. 115-334, title IV, §4101, Dec. 20, 2018, 132 Stat. 4654, provided that:

“(a) Notwithstanding any other provision of law, the Secretary may, during fiscal years 2008 through 2023, purchase and distribute sufficient agricultural commodities with funds appropriated from the general fund of the Treasury to maintain the traditional level of assistance for food assistance programs as are authorized by law, including but not limited to distribution to institutions (including hospitals and facilities caring for needy infants and children), supplemental feeding programs serving women, infants, and children or elderly persons, or both, wherever located, disaster areas, summer camps for children, the United States Trust Territory of the Pacific Islands, and Indians, whenever a tribal organization requests distribution of federally donated foods pursuant to section 4(b) of the Food and Nutrition Act of 2008 [7 U.S.C. 2013(b)]. In providing for commodity distribution to Indians, the Secretary shall improve the variety and quantity of commodities sup-

plied to Indians in order to provide them an opportunity to obtain a more nutritious diet.

“(b) The Secretary may furnish commodities to summer camps for children in which the number of adults participating in camp activities as compared with the number of children 18 years of age and under so participating is not unreasonable in light of the nature of such camp and the characteristics of the children in attendance.

“(c) Whoever embezzles, willfully misapplies, steals or obtains by fraud any agricultural commodity or its products (or any funds, assets, or property deriving from donation of such commodities) provided under this section, or under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), or the Emergency Food Assistance Act of 1983 [7 U.S.C. 7501 et seq.], whether received directly or indirectly from the United States Department of Agriculture, or whoever receives, conceals, or retains such commodities, products, funds, assets, or property for personal use or gain, knowing such commodities, products, funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such commodities, products, funds, assets, or property are of a value of \$100 or more, be fined not more than \$10,000 or imprisoned not more than five years, or both, or if such commodities, products, funds, assets, or property are of value of less than \$100, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

[Amendment by section 1771(a) of Pub. L. 101-624 effective Oct. 1, 1990, and amendments by sections 1771(b)(1), (c)(1), and 1772(h)(2) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 2012 of this title.]

[Pub. L. 97-98, title XIII, §1334, Dec. 22, 1981, 95 Stat. 1292, provided in part that the amendment of section 4 of Pub. L. 93-86, set out above, by Pub. L. 97-98 is effective Oct. 1, 1981.]

[Pub. L. 95-113, title XIII, §§1302(b), 1304(a), Sept. 29, 1977, 91 Stat. 979, 980, provided in part that the amendment of subsecs. (a) and (b) of section 4 of Pub. L. 93-86, set out above, and the repeal of subsec. (c) of section 4 of Pub. L. 93-86 are effective Oct. 1, 1977.]

[Pub. L. 93-233, §8(b)(1), Dec. 31, 1973, 87 Stat. 956, as amended by Pub. L. 93-335, §1(b), July 8, 1974, 88 Stat. 291; Pub. L. 94-44, §3(b), June 28, 1975, 89 Stat. 235; Pub. L. 94-365, §2(2), July 14, 1976, 90 Stat. 990; Pub. L. 95-59, §3(2), June 30, 1977, 91 Stat. 255, eff. July 1, 1977, provided that: “Section 4(c) of Public Law 93-86 shall not be effective for the period ending September 30, 1978.”] [For repeal of section 4(c) of Pub. L. 93-86, see section 1304(a) of Pub. L. 95-113.]

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

#### COMMODITY SUPPLEMENTAL FOOD PROGRAM

Pub. L. 107-171, title IV, §4201(c), May 13, 2002, 116 Stat. 329, directed Secretary of Agriculture, not later than 30 days after May 13, 2002, to allocate from the Commodity Credit Corporation the funds necessary for States to administer the commodity supplemental food program under the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) through the 2002 caseload cycle.

Pub. L. 93-86, §5, as added by Pub. L. 95-113, title XIII, §1304(b)(2), Sept. 29, 1977, 91 Stat. 980, and amended by Pub. L. 97-98, title XIII, §1335, Dec. 22, 1981, 95 Stat. 1293; Pub. L. 98-8, title II, §209, Mar. 24, 1983, 97 Stat. 36, as amended Pub. L. 98-92, §2(8), Sept. 2, 1983, 97 Stat. 611; Pub. L. 99-198, title XV, §1562(b), (c), (e)(2), Dec. 23, 1985, 99 Stat. 1590; Pub. L. 100-435, title I, §130, redesignated §5(d)(2) of Pub. L. 93-86 by Pub. L. 101-624, title XVII, §1774(c)(2)(A), (B), Nov. 28, 1990, 104 Stat. 3813; Pub. L. 101-624, title XVII, §§1771(c)(2)-(f), 1774(c)(2)(C), Nov. 28, 1990, 104 Stat. 3807, 3808, 3813; Pub. L. 102-237, title I, §118(a), title IX, §922(c), Dec. 13, 1991, 105 Stat.

1841, 1889; Pub. L. 104-127, title IV, §402(b), Apr. 4, 1996, 110 Stat. 1028; Pub. L. 104-193, title I, §109(f), Aug. 22, 1996, 110 Stat. 2170; Pub. L. 105-33, title V, §5514(b), Aug. 5, 1997, 111 Stat. 620; Pub. L. 107-171, title IV, §4201(b), May 13, 2002, 116 Stat. 328; Pub. L. 110-234, title IV, §§4221, 4406(b)(3), May 22, 2008, 122 Stat. 1124, 1141; Pub. L. 110-246, §4(a), title IV, §§4221, 4406(b)(3), June 18, 2008, 122 Stat. 1664, 1886, 1903; Pub. L. 113-79, title IV, §4030(u), 4102, Feb. 7, 2014, 128 Stat. 815, 819; Pub. L. 115-334, title IV, §4102, Dec. 20, 2018, 132 Stat. 4654, provided that:

“(a) GRANTS PER ASSIGNED CASELOAD SLOT.—

“(1) IN GENERAL.—In carrying out the program under section 4 [set out as a note above] (referred to in this section as the ‘commodity supplemental food program’), for each of fiscal years 2008 through 2023, the Secretary shall provide to each State agency from funds made available to carry out that section (including any such funds remaining available from the preceding fiscal year), a grant per assigned caseload slot for administrative costs incurred by the State agency and local agencies in the State in operating the commodity supplemental food program.

“(2) AMOUNT OF GRANTS.—

“(A) FISCAL YEAR 2003.—For fiscal year 2003, the amount of each grant per assigned caseload slot shall be equal to the amount of the grant per assigned caseload slot for administrative costs in 2001, adjusted by the percentage change between—

“(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30, 2001; and

“(ii) the value of that index for the 12-month period ending June 30, 2002.

“(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through 2023, the amount of each grant per assigned caseload slot shall be equal to the amount of the grant per assigned caseload slot for the preceding fiscal year, adjusted by the percentage change between—

“(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

“(ii) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.

“(d) During the first three months of any commodity supplemental food program, or until such program reaches its projected caseload level, whichever comes first, the Secretary shall pay those administrative costs necessary to commence the program successfully: *Provided*, That in no event shall administrative costs paid by the Secretary for any fiscal year exceed the limitation established in subsection (a) of this section.

“(c) Administrative costs for the purposes of the commodity supplemental food program shall include, but not be limited to, expenses for information and referral, operation, monitoring, nutrition education, start-up costs, and general administration, including staff, warehouse and transportation personnel, insurance, and administration of the State or local office.

“(d)(1) During each fiscal year the commodity supplemental food program is in operation, the types and varieties of commodities and their proportional amounts shall be determined by the Secretary, but, if the Secretary proposes to make any significant changes in the types, varieties, or proportional amounts from those that were available or were planned at the beginning of the fiscal year (or as were available during the fiscal year ending June 30, 1976, whichever is greater) the Secretary shall report such changes before implementation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(2) Notwithstanding any other provision of law, the Commodity Credit Corporation shall, to the extent that the Commodity Credit Corporation inventory levels permit, provide not less than 9,000,000 pounds of cheese

and not less than 4,000,000 pounds of nonfat dry milk in each of fiscal years 2008 through 2023 to the Secretary of Agriculture. The Secretary shall use such amounts of cheese and nonfat dry milk to carry out the commodity supplemental food program before the end of each fiscal year.

“(e) The Secretary of Agriculture is authorized to issue such regulations as may be necessary to carry out the commodity supplemental food program.

“(f) The Secretary shall, in any fiscal year, approve applications of additional sites for the program, including sites that serve only elderly persons, in areas in which the program currently does not operate to the full extent that this can be done within the appropriations available for the program for the fiscal year and without reducing actual participation levels (including participation of elderly persons under subsection (g)) in areas in which the program is in effect.

“(g) ELIGIBILITY.—

“(1) IN GENERAL.—Except as provided in subsection (m), the States shall only provide assistance under the commodity supplemental food program to low-income persons aged 60 and older.

“(2) CERTIFICATION.—

“(A) DEFINITION OF CERTIFICATION PERIOD.—In this paragraph, the term ‘certification period’ means the period during which a participant in the commodity supplemental food program in a State may continue to receive benefits under the commodity supplemental food program without a formal review of the eligibility of the participant.

“(B) MINIMUM CERTIFICATION PERIOD.—Subject to subparagraphs (C) and (D), a State shall establish for the commodity supplemental food program of the State a certification period of—

- “(i) not less than 1 year; but
- “(ii) not more than 3 years.

“(C) TEMPORARY CERTIFICATION.—An eligible applicant for the commodity supplemental food program in a State may be provided with a temporary monthly certification to fill any caseload slot resulting from nonparticipation by certified participants.

“(D) APPROVALS.—A certification period of more than 1 year established by a State under subparagraph (B) shall be subject to the approval of the Secretary, who shall approve such a certification period on the condition that, with respect to each participant receiving benefits under the commodity supplemental food program of the State, the local agency in the State administering the commodity supplemental food program, on an annual basis during the certification period applicable to the participant—

- “(i) verifies the address and continued interest of the participant; and
- “(ii) has sufficient reason to determine that the participant still meets the income eligibility standards under paragraph (1), which may include a determination that the participant has a fixed income.

“(h) Each State agency administering a commodity supplemental food program serving women, infants, and children shall—

“(1) ensure that written information concerning the supplemental nutrition assistance program, the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and the child support enforcement program under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) is provided on at least one occasion to each adult who applies for or participates in the commodity supplemental food program;

“(2) provide each local agency with materials showing the maximum income limits, according to family size, applicable to pregnant women, infants, and children up to age 6 under the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (hereinafter referred to in this section as the ‘medicaid program’) which

materials may be identical to those provided under section 17(e)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(e)(3)); and

“(3) ensure that local agencies provide to pregnant, breast feeding and post partum women, and adults applying on behalf of infants or children, who apply to the commodity supplemental food program, or who reapply to such program, written information about the medicaid program and referral to the program or to agencies authorized to determine presumptive eligibility for the medicaid program, if the individuals are not participating in the medicaid program.

“(i) Each State agency administering a commodity supplemental food program serving elderly persons shall ensure that written information is provided on at least one occasion to each elderly participant in or applicant for the commodity supplemental food program for the elderly concerning—

“(1) supplemental nutrition assistance benefits provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

“(2) the supplemental security income benefits provided under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); and

“(3) medical assistance provided under title XIX of such Act (42 U.S.C. 1396 et seq.) (including medical assistance provided to a qualified medicare beneficiary (as defined in section 1905(p) of such Act (42 U.S.C. 1396d(5)))).

“(j)(1) If the Secretary must pay a significantly higher than expected price for one or more types of commodities purchased under the commodity supplemental food program, the Secretary shall promptly determine whether the price is likely to cause the number of persons that can be served in the program in a fiscal year to decline.

“(2) If the Secretary determines that such a decline would occur, the Secretary shall promptly notify the State agencies charged with operating the program of the decline and shall ensure that a State agency notify all local agencies operating the program in the State of the decline.

“(k)(1) The Secretary or a designee of the Secretary shall have the authority to—

“(A) determine the amount of, settle, and adjust any claim arising under the commodity supplemental food program; and

“(B) waive such a claim if the Secretary determines that to do so will serve the purposes of the program.

“(2) Nothing contained in this subsection shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduct litigation on behalf of the United States.

“(l) USE OF APPROVED FOOD SAFETY TECHNOLOGY.—

“(1) IN GENERAL.—In acquiring commodities for distribution through a program specified in paragraph (2), the Secretary shall not prohibit the use of any technology to improve food safety that—

“(A) has been approved by the Secretary; or

“(B) has been approved or is otherwise allowed by the Secretary of Health and Human Services.

“(2) PROGRAMS.—A program referred to in paragraph (1) is a program authorized under—

“(A) this Act [see Short Title of 1973 Amendment note set out under section 1281 of this title];

“(B) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

“(C) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

“(D) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

“(E) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(m) PHASE-OUT.—Notwithstanding any other provision of law, an individual who receives assistance under the commodity supplemental food program on the day before the date of enactment of this subsection [Feb. 7, 2014] shall continue to receive that assistance until the date on which the individual is no longer eligible for

assistance under the eligibility requirements for the program in effect on the day before the date of enactment of this subsection.”

[Amendment by Pub. L. 107-171 [amending section 5 of Pub. L. 93-86, set out above] effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107-171, set out as an Effective Date note under section 1161 of Title 2, The Congress.]

[Pub. L. 107-171, title IV, § 4201(d), May 13, 2002, 116 Stat. 329, provided that: “The amendment made by subsection (b)(3) [amending section 5 of Pub. L. 93-86, set out above] takes effect on the date of enactment of this Act [May 13, 2002].”]

[Amendment by section 922(c) of Pub. L. 102-237 effective and implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.]

[Amendment by sections 1771(c)(2) and 1774(c) of Pub. L. 101-624 effective Nov. 28, 1990; amendment by section 1771(d) of Pub. L. 101-624 effective Oct. 1, 1990, and amendments by section 1771(e) and (f) of Pub. L. 101-624 effective and implemented the first day of the month beginning 120 days after the publication of implementing regulations which shall be promulgated not later than Oct. 1, 1991, see section 1781(a), (b)(1), (2) of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 2012 of this title.]

[Pub. L. 97-98, title XIII, § 1335, Dec. 22, 1981, 95 Stat. 1293, provided in part that the amendment to section 5 of Pub. L. 93-86, set out above, by Pub. L. 97-98 is effective Oct. 1, 1981.]

[Pub. L. 95-113, title XIII, § 1304(b), Sept. 29, 1977, 91 Stat. 980, provided in part that section 5 of Pub. L. 93-86, set out above, is effective Oct. 1, 1977.]

**DIRECT DISTRIBUTION PROGRAMS FOR DIET OF NEEDY CHILDREN AND LOW-INCOME PERSONS SUFFERING FROM GENERAL AND CONTINUED HUNGER; ADDITIONAL FUNDS**

Pub. L. 92-32, § 6, June 30, 1971, 85 Stat. 86, authorized the Secretary of Agriculture to use during the fiscal year ending June 30, 1972, not to exceed \$20,000,000 in funds from section 612c of this title, in addition to funds appropriated or otherwise available, to carry out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, in order to provide in the vicinity of their residence an adequate diet to needy children and low income persons suffering, through no fault of their own, from general and continued hunger; provided that food made available to needy children was to be in addition to food made available under the National School Lunch Act or the Child Nutrition Act of 1966; and authorized payment of administrative costs incurred by state or local agencies in carrying out programs for needy children.

**USE OF FUNDS FOR SCHOOL LUNCH PROGRAM UNDER SECTION 1753 OF TITLE 42**

Use of funds appropriated under this section for implementing section 1753 of Title 42 until supplemental appropriation is made and reimbursement of such funds, see section 4(a) of Pub. L. 92-433, set out as a note under section 1753 of Title 42, The Public Health and Welfare.

**TRANSFER OF FUNDS TO SCHOOLS IN NEED OF ADDITIONAL ASSISTANCE IN SCHOOL BREAKFAST PROGRAM**

Authorization for transfer of funds under this section to assist schools in need of additional funds in school

breakfast program, see note set out under section 1773 of Title 42, The Public Health and Welfare.

**ADDITIONAL FUNDS FOR FOOD SERVICE PROGRAMS FOR CHILDREN; APPORTIONMENT TO STATES; SPECIAL ASSISTANCE; CONSULTATION WITH CHILD NUTRITION COUNCIL; REIMBURSEMENT FROM SUPPLEMENTAL APPROPRIATION**

Additional funds for food service programs for children from appropriations under this section, apportionment to States, special assistance programs, consultation with National Advisory Council on Child Nutrition, and reimbursement from supplemental appropriation, see note set out under section 1753 of Title 42, The Public Health and Welfare.

**MEAL AND FLOUR FOR RELIEF**

Act Aug. 9, 1955, ch. 671, 69 Stat. 608, authorized the Secretary of Agriculture upon specific request of the Governor of any State, during the period commencing Aug. 9, 1955 and ending June 30, 1957, to make available, pursuant to clause (2) of this section for distribution by State agencies, other than institutions and schools, directly to families and persons determined by appropriate State or local public welfare agencies to be in need, wheat flour and corn meal in such quantities as the Secretary of Agriculture determines can be effectively distributed and utilized within such period without regard to the requirement contained in this section, that such funds be devoted principally to perishable nonbasic agricultural commodities and their products.

**ELIGIBILITY OF SUPPLEMENTAL SECURITY INCOME RECIPIENTS FOR FOOD STAMPS DURING THE PERIOD ENDING SEPTEMBER 30, 1978**

Pub. L. 93-233, § 8(b)(3), Dec. 31, 1973, 87 Stat. 956, as amended by Pub. L. 93-335, § 1(b), July 8, 1974, 88 Stat. 291; Pub. L. 94-44, § 3(b), June 28, 1975, 89 Stat. 235; Pub. L. 94-365, § 2(2), July 14, 1976, 90 Stat. 990; Pub. L. 95-59, § 3(2), June 30, 1977, 91 Stat. 255, limited the eligibility of supplemental security income recipients for food Stamps during the period ending September 30, 1978.

**FOOD STAMP PLAN**

Acts June 25, 1940, ch. 421, § 1, 54 Stat. 563; July 1, 1941, ch. 267, § 1, 55 Stat. 438, provided: “That said 25 per centum provision and the like provision in said section 32 [this section], as amended, shall not apply to amounts devoted to a stamp plan for the removal of surplus agricultural commodities from funds made available hereby and by said section 32 [this section], and, notwithstanding expenditures under such stamp plan, the 25 per centum provision shall continue to be calculated on the aggregate amount available hereunder and under said section 32 [this section].”

**DISTRIBUTION OF SURPLUS COMMODITIES TO OTHER UNITED STATES AREAS**

Extension of relief programs to areas under United States jurisdiction, see section 1431b of this title.

**FISHERY PRODUCTS; USE OF FUNDS**

Use of funds made available under this section for distribution of surplus fishery products, and for promotion of free flow of domestically produced fishery products, see sections 713c-2 and 713c-3 of Title 15, Commerce and Trade.

**HOME ECONOMICS TRAINING**

Authorization of schools to use surplus foods received under this section to train students in home economics, see note set out under section 1431 of this title.

**Executive Documents**

**TRANSFER OF FUNCTIONS**

Functions of all officers, agencies, and employees of the Department of Agriculture transferred, with cer-

tain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Federal Surplus Relief Corporation changed to Federal Surplus Commodities Corporation by amendment of its charter in 1935. It consolidated with Division of Marketing and Marketing Agreements of Agricultural Adjustment Administration to form Surplus Marketing Administration by 1940 Reorg. Plan No. III, §5, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees. By Executive orders under First War Powers Act, former section 601 et seq. of the former Appendix to Title 50, War and National Defense, Surplus Marketing Administration merged into Agricultural Marketing Administration, which consolidated into Food Distribution Administration, which consolidated into War Food Administration, which terminated and its functions transferred to Secretary of Agriculture. By Memorandum 1118, Secretary of Agriculture, Aug. 18, 1945, functions of Federal Surplus Commodities Corporation transferred to Production and Marketing Administration. 1946 Reorg. Plan No. 3, §501(a), eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, transferred functions of Surplus Marketing Administration to Secretary of Agriculture. In his letter to Congress, the President stated that purpose of this transfer was to permit Secretary of Agriculture to continue the consolidation already effected in Production and Marketing Administration.

Federal Surplus Commodities Corporation and Division of Marketing and Marketing Agreements of Agricultural Adjustment Administration and their functions consolidated into Surplus Marketing Administration in Department of Agriculture by Reorg. Plan No. III, §5, eff. June 30, 1940, set out in the Appendix to Title 5. See, also, sections 8 and 9 of said plan for provisions relating to transfer of records, property, personnel, and funds.

**§ 612c-1. Authorization for appropriations to increase domestic consumption of surplus farm commodities**

On and after December 30, 1963, such sums (not in excess of \$25,000,000 in any one year) as may be approved by the Congress shall be available for the purpose of increasing domestic consumption of any farm commodity or farm commodities determined by the Secretary of Agriculture to be in surplus supply, such authorization not to restrict authority in existing law, of which amount \$11,000,000 shall remain available until expended for construction and equipping of research facilities determined to be needed as a result of a special survey.

(Pub. L. 88-250, title I, §101, Dec. 30, 1963, 77 Stat. 826.)

**Editorial Notes**

CODIFICATION

Section was not enacted as part of the Agricultural Adjustment Act which comprises this chapter.

**§ 612c-2. Technical support to exporters and importers of United States agricultural products; scope of support provided by Department of Agriculture**

The Department of Agriculture shall provide technical support to exporters and importers of United States agricultural products when so requested. Such support shall include, but not be limited to, a review of the feasibility of the export proposal, adequacy of sources of supply,

compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

(Pub. L. 91-524, title VIII, §811, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238.)

**Editorial Notes**

CODIFICATION

Section was not enacted as part of the Agricultural Adjustment Act which comprises this chapter.

**§ 612c-3. Repealed. Pub. L. 101-624, title XV, § 1578, Nov. 28, 1990, 104 Stat. 3702**

Section, Pub. L. 91-524, title VIII, §812, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238, and amended Pub. L. 95-113, title X, §1005, Sept. 29, 1977, 91 Stat. 951; Pub. L. 97-444, title II, §238, Jan. 11, 1983, 96 Stat. 2326, required exporters to report export sales and restricted President from prohibiting or curtailing certain exports. See section 5712 of this title.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF REPEAL

Pub. L. 101-624, title XV, §1578, Nov. 28, 1990, 104 Stat. 3702, provided that the repeal of this section is effective upon the effective date of regulations promulgated under former section 5664 of this title, as amended by title XV of Pub. L. 101-624. Implementing regulations were promulgated and published in the Federal Register as follows:

May 30, 1991, eff. July 8, 1991, 56 F.R. 25998.

June 3, 1991, eff. June 7, 1991, 56 F.R. 26323.

Aug. 16, 1991, eff. Aug. 27, 1991, 56 F.R. 42222.

**§ 612c-4. Purchase of specialty crops**

**(a) General purchase authority**

Of the funds made available under section 612c of this title, for fiscal year 2002 and each subsequent fiscal year, the Secretary of Agriculture shall use not less than \$200,000,000 each fiscal year to purchase fruits, vegetables, and other specialty food crops.

**(b) Purchase of fresh fruits and vegetables for distribution to schools and service institutions**

The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 1755(a) of title 42 using, of the amount specified in subsection (a), not less than \$50,000,000 for each of fiscal years 2008 through 2023.

**(c) Definitions**

In this section, the terms “fruits”, “vegetables”, and “other specialty food crops” shall have the meaning given the terms by the Secretary of Agriculture.

(Pub. L. 107-171, title X, §10603, May 13, 2002, 116 Stat. 511; Pub. L. 110-234, title IV, §4404(c), May 22, 2008, 122 Stat. 1138; Pub. L. 110-246, §4(a), title IV, §4404(c), June 18, 2008, 122 Stat. 1664, 1899; Pub. L. 113-79, title IV, §4201, Feb. 7, 2014, 128 Stat. 821; Pub. L. 115-334, title IV, §4202, Dec. 20, 2018, 132 Stat. 4655.)