Public Law 98-92
98th Congress

An Act

To amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 602(e)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(B) If the applicable limit for a State, as determined under clause (ii) of subparagraph (A), for the week beginning July 24, 1983, was a number equal to or less than such State's applicable limit for the week beginning March 27, 1983, under this paragraph (as in effect for such week) reduced by four, the applicable limit for such State shall not be less than the applicable limit for the week beginning July 24, 1983, for any week after the week beginning after July 24, 1983."

(b) The amendment made by subsection (a) shall apply to weeks beginning after July 24, 1983.

(c) (1) In the case of an account established before the week beginning June 5, 1983, the applicable limit under section 602(e)(2)(A)(ii) of the Federal Supplemental Compensation Act of 1982 shall in no event be less than the number of weeks applicable to such State for the week beginning March 27, 1983, under section 602(e)(2) of such Act (as in effect for such week) reduced by four.

(2) Paragraph (1) shall apply only to compensation for weeks of unemployment beginning on or after the date of the enactment of this Act.

(d) In the case of any eligible individual who (without regard to the amendment made by subsection (a) or the provisions of subsection (c)) exhausted his rights to Federal supplemental compensation (by reason of the payment of all of the amount in his Federal supplemental compensation account) before the first week beginning after the date of the enactment of this Act, such individual's eligibility for additional compensation by reason of the amendment made by subsection (a) or the provisions of subsection (c) for any week of unemployment shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before the beginning of the first week beginning after the date of the enactment of this Act.

SEC. 2. Effective October 1, 1983, the Temporary Emergency Food Assistance Act of 1983 (title II of Public Law 98-8; 97 Stat. 35 and 36) is amended by—

(1) in section 201, striking out "the Act" and inserting in lieu thereof "this Act";

(2) inserting, after section 201, a new section 201A as follows:
"ELIGIBLE RECIPIENT AGENCIES

"Sec. 201A. As used in this Act, the term 'eligible recipient agencies' means public or nonprofit organizations that administer—

"(1) activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons;
"(2) school lunch programs, summer camps for children, and other child nutrition programs providing food service;
"(3) nutrition projects operating under the Older Americans Act of 1965, including congregate nutrition sites and providers of home-delivered meals;
"(4) activities and projects that are supported under section 4 of the Agriculture and Consumer Protection Act of 1973;
"(5) activities of charitable institutions, including hospitals and retirement homes, to the extent that needy persons are served; or
"(6) disaster relief programs;

and that have been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under this Act.";

"Sec. 202. (a) Notwithstanding any other provision of law, in order to complement the domestic nutrition programs, make maximum use of the Nation's agricultural abundance, and expand and improve the domestic distribution of price-supported commodities, commodities acquired by the Commodity Credit Corporation that the Secretary of Agriculture (hereinafter referred to as the 'Secretary') determines, in his discretion, are in excess of quantities needed to—

"(1) carry out other domestic donation programs,
"(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),
"(3) meet international market development and food aid commitments, and
"(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act,

shall be made available by the Secretary, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance.";

"(4) in section 202(b)—
(A) in the first sentence, striking out "shall" and inserting in lieu thereof "may"; and
(B) in the second sentence, striking out "December 1, 1983" and inserting in lieu thereof "October 1, 1985";

(5) inserting, after section 203, new sections 203A, 203B, and 203C as follows:

"INITIAL PROCESSING COSTS

"Sec. 203A. The Secretary may use funds of the Commodity Credit Corporation to pay costs of initial processing and packaging of commodities to be distributed under the program established under
this Act into forms, and in quantities, suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by individual households or for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

"FEDERAL AND STATE RESPONSIBILITIES"

"Sec. 203B. (a) The Secretary shall, as expeditiously as possible, provide the commodities made available under this Act in such quantities as can be used without waste to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agencies, except that the Secretary may provide such commodities directly to eligible recipient agencies and to private companies that process such commodities for eligible recipient agencies under sections 203 and 203A of this Act.

(b) State agencies receiving commodities under this Act shall, as expeditiously as possible, distribute such commodities, in the quantities requested (to the extent practicable), to eligible recipient agencies within their respective States. However, if a State agency cannot meet all requests for a particular commodity under this Act, the State agency shall give priority in the distribution of such commodity to eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

(c) Each State agency receiving commodities for individual household use under this Act shall distribute such commodities to eligible recipient agencies in the State that serve needy persons, and shall, with the approval of the Secretary, determine those persons in the State that shall qualify as needy persons eligible for such commodities.

"ASSURANCES; ANTICIPATED USE"

"Sec. 203C. (a) The Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under this Act will provide such commodities to persons served by the eligible recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also take such precautions as the Secretary deems necessary to assure that commodities made available under this Act will not displace commercial sales of such commodities or the products thereof. The Secretary shall not make commodities available for donation in any quantity or manner that the Secretary, in the Secretary's discretion, determines may, substitute for the same or any other agricultural produce that would otherwise be purchased in the market.

(b) Commodities provided under this Act shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this Act in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities."

(A) designating the last sentence as subsection (c);
(B) inserting, after the first sentence, a new subsection (b) as follows:

"(b) There are hereby authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than twenty per centum of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: Provided, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency."; and

(C) in subsection (c), as so designated by subclause (A) of this clause, striking out "this appropriation" and inserting in lieu thereof "appropriations made or authorized under this section";

(7) in section 205—

(A) amending the heading to read as follows:

"RELATIONSHIP TO OTHER PROGRAMS";

(B) inserting "(a)" after the section designation; and

(C) adding, at the end thereof, a new subsection "(b)" as follows:

"(b) Except as otherwise provided in section 203A of this Act, none of the commodities distributed under this Act shall be sold or otherwise disposed of in commercial channels in any form.";

(8) amending section 209 to read as follows:

"SEC. 209. Section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out 'amount appropriated for the provision of commodities to State agencies' and inserting in lieu thereof 'sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of the additional commodities donated by the Secretary to State or local agencies for use in such program which are provided without charge against funds appropriated for such program and are included in food packages distributed to program participants";

(9) in section 210—

(A) inserting "(a)" after the section designation; and

(B) adding, at the end thereof, new subsections (b) and (c) as follows:

"(b) In administering this Act, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

"(c) With respect to the commodity distribution program under this Act in effect during the fiscal years ending September 30, 1984, and September 30, 1985, the Secretary shall, not later than October 1, 1983, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the first twelve months of the program; and, prior to the beginning of the fiscal year ending September 30, 1985, the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary antici-
pates are likely to be made available during the second twelve
months of the program under this Act: Provided, that the actual
types and quantities of commodities made available by the Secretary
under this Act may differ from the estimates.

Provided, that the actual

(10) inserting, after section 210, new sections 211 and 212 as

as follows:

"FINALITY OF DETERMINATIONS

"Sec. 211. Determinations made by the Secretary of Agriculture
under this Act and the facts constituting the basis for any donation
of commodities under this Act, or the amount thereof, when
officially determined in conformity with the applicable regulations
prescribed by the Secretary, shall be final and conclusive and shall
not be reviewable by any other officer or agency of the Government.

"PROGRAM TERMINATION

"Sec. 212. The provisions of this Act, with the exception of 207,
shall terminate September 30, 1985.”

SEC. 3. Section 4(c) of the Agriculture and Consumer Protection

Approved September 2, 1983.

LEGISLATIVE HISTORY—H.R. 3409:
HOUSE REPORT No. 98-328 (Comm. on Ways and Means).
Aug. 1, 2, considered and passed House.
Aug. 4, considered and passed Senate, amended; House concurred in Senate
amendments.