

of the order and this subchapter would be adequately served by such a procedure.

**(b) Jurisdiction**

The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, an order or regulation issued under this subchapter.

**(c) Referral to Attorney General**

A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

(Pub. L. 104-127, title V, §578, Apr. 4, 1996, 110 Stat. 1082.)

**§ 7488. Investigations and power to subpoena**

**(a) Investigations**

The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this subchapter; and

(2) to determine whether any person subject to this subchapter has engaged, or is about to engage, in an act that constitutes or will constitute a violation of this subchapter or of an order or regulation issued under this subchapter.

**(b) Oaths, affirmations, and subpoenas**

For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

**(c) Aid of courts**

**(1) Request**

In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in requiring the attendance and testimony of the person and the production of records.

**(2) Enforcement order of the court**

The court may issue an enforcement order requiring the person to appear before the Secretary to produce records or to give testimony concerning the matter under investigation.

**(3) Contempt**

A failure to obey an enforcement order of the court under paragraph (2) may be punished by the court as a contempt of the court.

**(4) Process**

Process in a case under this subsection may be served in the judicial district in which the person resides or carries on business or wherever the person may be found.

(Pub. L. 104-127, title V, §579, Apr. 4, 1996, 110 Stat. 1083.)

**§ 7489. Relation to other programs**

Nothing in this subchapter preempts or supercedes any other program relating to popcorn

promotion organized and operated under the laws of the United States or any State.

(Pub. L. 104-127, title V, §580, Apr. 4, 1996, 110 Stat. 1083.)

**§ 7490. Regulations**

The Secretary may issue such regulations as are necessary to carry out this subchapter.

(Pub. L. 104-127, title V, §581, Apr. 4, 1996, 110 Stat. 1083.)

**§ 7491. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subchapter. Amounts made available under this section or otherwise made available to the Department, and amounts made available under any other marketing or promotion order, may not be used to pay any administrative expense of the Board.

(Pub. L. 104-127, title V, §582, Apr. 4, 1996, 110 Stat. 1083.)

**CHAPTER 102—EMERGENCY FOOD ASSISTANCE**

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**CODIFICATION**

This chapter is comprised principally of title II (§§201-215) of Pub. L. 98-8, Mar. 24, 1983, 97 Stat. 35, as amended. Title II of Pub. L. 98-8 was formerly set out as a note under section 612c of this title. Section 203 of title II of Pub. L. 98-8, which related to processing agreements, was repealed by Pub. L. 99-198, title XV, §1567(c), Dec. 23, 1985, 99 Stat. 1592. Section 207 of title II of Pub. L. 98-8 amended section 4(c) of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, set out as a note under section 612c of this title. Section 212 of title II of Pub. L. 98-8, which provided for termination of title II of Pub. L. 98-8 on Sept. 30, 2002, was repealed by Pub. L. 104-193, title VIII, §871(e)(4), Aug. 22, 1996, 110 Stat. 2345.

**§ 7501. Definitions**

In this chapter:

**(1) Additional commodities**

The term “additional commodities” means commodities made available under section 7515 of this title in addition to the commodities made available under sections 7502 and 7507 of this title.

**(2) Average monthly number of unemployed persons**

The term “average monthly number of unemployed persons” means the average monthly number of unemployed persons in each State during the most recent fiscal year for which information concerning the number of unemployed persons is available, as determined by the Bureau of Labor Statistics of the Department of Labor.

**(3) Eligible recipient agency**

The term “eligible recipient agency” means a public or nonprofit organization that—

(A) administers—

- (i) an emergency feeding organization;
- (ii) a charitable institution (including a hospital and a retirement home, but excluding a penal institution) to the extent that the institution serves needy persons;
- (iii) a summer camp for children, or a child nutrition program providing food service;
- (iv) a nutrition project operating under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), including a project that operates a congregate nutrition site and a project that provides home-delivered meals; or
- (v) a disaster relief program;

(B) has been designated by the appropriate State agency, or by the Secretary; and

(C) has been approved by the Secretary for participation in the program established under this chapter.

**(4) Emergency feeding organization**

The term “emergency feeding organization” means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

**(5) Food bank**

The term “food bank” means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

**(6) Food pantry**

The term “food pantry” means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

**(7) Poverty line**

The term “poverty line” has the meaning provided in section 9902(2) of title 42.

**(8) Soup kitchen**

The term “soup kitchen” means a public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis.

**(9) Total value of additional commodities**

The term “total value of additional commodities” means the actual cost of all additional commodities that are paid by the Secretary (including the distribution and processing costs incurred by the Secretary).

**(10) Value of additional commodities allocated to each State**

The term “value of additional commodities allocated to each State” means the actual cost of additional commodities allocated to each State that are paid by the Secretary (including the distribution and processing costs incurred by the Secretary).

(Pub. L. 98-8, title II, §201A, as added Pub. L. 98-92, §2(2), Sept. 2, 1983, 97 Stat. 608; amended Pub. L. 99-198, title XV, §1563, Dec. 23, 1985, 99 Stat. 1590; Pub. L. 104-193, title VIII, §871(a), Aug. 22, 1996, 110 Stat. 2343.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning the Emergency Food Assistance Act of 1983, title II of Pub. L. 98-8, Mar. 24, 1983, 97 Stat. 35, as amended, which enacted this chapter and amended provisions set out as a note under section 612c of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Older Americans Act of 1965, referred to in par. (3)(A)(iv), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, as amended, which is classified generally to chapter 35 (§3001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

## AMENDMENTS

1996—Pub. L. 104-193 amended section generally, substituting provisions containing an opening provision and pars. (1) to (10) defining “additional commodities”, “average monthly number of unemployed persons”, “eligible recipient agency”, “emergency feeding organization”, “food bank”, “food pantry”, “poverty line”, “soup kitchen”, “total value of additional commodities”, and “value of additional commodities allocated to each state” for an opening provision and pars. (1) to (6) defining “eligible recipient agencies”.

1985—Par. (1), Pub. L. 99-198 inserted before semicolon at end “(including the activities and projects of charitable institutions, food banks, hunger centers, soup kitchens, and similar public or private nonprofit eligible recipient agencies) hereinafter in this chapter referred to as ‘emergency feeding organizations’”.

## EFFECTIVE DATE

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that the amendments made by section 2 are effective Oct. 1, 1983.

## SHORT TITLE

Pub. L. 98-8, title II, §201, Mar. 24, 1983, 97 Stat. 35, as amended by Pub. L. 98-92, §2(1), Sept. 2, 1983, 97 Stat. 608; Pub. L. 101-624, title XVII, §1772(a)(2), Nov. 28, 1990, 104 Stat. 3808, provided that: “This title [enacting this chapter and amending provisions set out as a note under section 612c of this title] may be cited as the

‘Emergency Food Assistance Act of 1983’, and is hereinafter in this title referred to as ‘this Act.’”

### § 7502. Availability of CCC commodities

#### (a) In general

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 [7 U.S.C. 1281 et seq.], the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], and the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.],

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

#### (b) Repealed. Pub. L. 99-198, title XV, § 1565(a)(2), Dec. 23, 1985, 99 Stat. 1591

#### (c) Additional commodities

In addition to any commodities described in subsection (a), in carrying out this chapter, the Secretary may use agricultural commodities and the products thereof made available under clause (2) of the second sentence of section 612c of this title.

#### (d) Varieties of commodities

Commodities made available under this chapter shall include a variety of commodities and products thereof that are most useful to eligible recipient agencies, including, but not be<sup>1</sup> limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.

#### (e) Report to Congress

Effective April 1, 1986, the Secretary shall submit semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the types and amounts of commodities made available for distribution under this chapter.

#### (f) Relation to other programs

Notwithstanding any other provision of law, the programs authorized by section 713a-14 of title 15<sup>1</sup> and section 1163 of the Food Security Act of 1985 shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made

available to carry out this chapter or any other domestic feeding program.

#### (g) Donations to emergency feeding organizations

(1) Whenever commodities acquired by the Commodity Credit Corporation are made available for donation to domestic food programs in quantities that exceed Federal obligations, the Secretary shall give equal consideration to making donations of such commodities to emergency feeding organizations participating in the program authorized by this chapter as is given to other commodity recipient agencies, taking into account the types and amounts of commodities available and appropriate for distribution to these organizations.

(2) In determining the commodities that will be made available to emergency feeding organizations under this chapter, the Secretary may distribute commodities that become available on a seasonal or irregular basis.

#### (h) Kosher and Halal food

As soon as practicable after February 7, 2014, the Secretary shall finalize and implement a plan—

(1) to increase the purchase of Kosher and Halal food from food manufacturers with a Kosher or Halal certification to carry out the program established under this chapter if the Kosher and Halal food purchased is cost neutral as compared to food that is not from food manufacturers with a Kosher or Halal certification; and

(2) to modify the labeling of the commodities list used to carry out the program in a manner that enables Kosher and Halal distribution entities to identify which commodities to obtain from local food banks.

(Pub. L. 98-8, title II, § 202, Mar. 24, 1983, 97 Stat. 35; Pub. L. 98-92, § 2(3), (4), Sept. 2, 1983, 97 Stat. 609; Pub. L. 99-198, title XV, §§ 1564(a), 1565(a), Dec. 23, 1985, 99 Stat. 1591; Pub. L. 100-77, title VIII, § 811, July 22, 1987, 101 Stat. 536; Pub. L. 100-435, title I, § 101, Sept. 19, 1988, 102 Stat. 1647; Pub. L. 101-624, title XVII, § 1772(b), Nov. 28, 1990, 104 Stat. 3808; Pub. L. 113-79, title IV, § 4207, Feb. 7, 2014, 128 Stat. 826.)

#### REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in subsec. (a)(4), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in subsec. (a)(4), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in subsec. (a)(4), is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

Section 713a-14 of title 15, referred to in subsec. (f), was repealed by Pub. L. 113-79, title I, §1423(a), Feb. 7, 2014, 128 Stat. 695.

Section 1163 of the Food Security Act of 1985, referred to in subsec. (f), is section 1163 of Pub. L. 99-198, which is set out as a note under section 1731 of this title.

<sup>1</sup> So in original. The word “be” probably should not appear.

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

## AMENDMENTS

2014—Subsec. (h). Pub. L. 113-79 added subsec. (h).  
 1990—Subsec. (g). Pub. L. 101-624 added subsec. (g).  
 1988—Subsec. (f). Pub. L. 100-435 added subsec. (f).  
 1987—Subsec. (a). Pub. L. 100-77, §811(b), inserted subsec. (a) designation.

Subsec. (d). Pub. L. 100-77, §811(a), inserted “a variety of commodities and products thereof that are most useful to eligible recipient agencies, including” after “shall include”.

1985—Pub. L. 99-198, §1565(a), struck out subsec. (a) designation and struck out subsec. (b) which read as follows: “Notwithstanding any other provision of law, if wheat stocks acquired by the Commodity Credit Corporation are not available for the purposes of this chapter, up to 300,000 metric tons of wheat designated under section 1736f-1(b)(1) of this title may be used for the purposes of this chapter. Any amount of wheat used from the Food Security Wheat Reserve under this chapter shall be replenished by an equivalent quantity of wheat under the provisions of section 1736f-1(b) of this title as soon as practicable, but before October 1, 1985.”

Subsecs. (c) to (e). Pub. L. 99-198, §1564(a), added subsecs. (c) to (e).

1983—Subsec. (a). Pub. L. 98-92, §2(3), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Notwithstanding any other provision of law, commodities acquired by the Commodity Credit Corporation that are in excess of quantities needed for the fiscal year to carry out a payment-in-kind acreage diversion program, maintain U.S. share of world markets, and meet international market development and food aid commitments, shall be made available by the Secretary of Agriculture (hereinafter in this chapter referred to as the ‘Secretary’) without charge or credit in such fiscal year for use by eligible recipient agencies. Upon request, commodities provided by the CCC shall be provided in a form suitable for individual household or institutional use.”

Subsec. (b). Pub. L. 98-92, §2(4), substituted “may be used” for “shall be used” and directed the substitution of “October 1, 1985” for “December 1, 1983”, which was executed by making the substitution for “December 31, 1983” to reflect the probable intent of Congress.

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-435 to be effective and implemented on Sept. 19, 1988, see section 701(b)(1) of Pub. L. 100-435, set out as a note under section 2012 of this title.

## EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that the amendment made by section 2 is effective Oct. 1, 1983.

**§ 7503. State plan****(a) Plans****(1) In general**

To receive commodities under this chapter, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this chapter.

**(2) Updates**

A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.

**(b) Requirements**

Each plan shall—

(1) designate the State agency responsible for distributing the commodities received under this chapter;

(2) set forth a plan of operation and administration to expeditiously distribute commodities under this chapter;

(3) set forth the standards of eligibility for recipient agencies; and

(4) set forth the standards of eligibility for individual or household recipients of commodities, which shall require—

(A) individuals or households to be comprised of needy persons; and

(B) individual or household members to be residing in the geographic location served by the distributing agency at the time of applying for assistance.

**(c) State advisory board**

The Secretary shall encourage each State receiving commodities under this chapter to establish a State advisory board consisting of representatives of all entities in the State, both public and private, interested in the distribution of commodities received under this chapter.

(Pub. L. 98-8, title II, §202A, as added Pub. L. 100-77, title VIII, §812, July 22, 1987, 101 Stat. 537; amended Pub. L. 104-193, title VIII, §871(b), Aug. 22, 1996, 110 Stat. 2344; Pub. L. 110-234, title IV, §4201(b), May 22, 2008, 122 Stat. 1121; Pub. L. 110-246, §4(a), title IV, §4201(b), June 18, 2008, 122 Stat. 1664, 1882.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §4201(b), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “To receive commodities under this chapter, a State shall submit a plan of operation and administration every 4 years to the Secretary for approval. The plan may be amended at any time, with the approval of the Secretary.”

1996—Pub. L. 104-193 amended section generally, substituting present provisions for provisions relating to availability of flour, cornmeal, and cheese acquired by the Commodity Credit Corporation.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 4201(b) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

**§ 7504. Initial processing costs**

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 chapter 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. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

(Pub. L. 98-8, title II, §203A, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 609; amended Pub. L. 99-198, title XV, §1565(b), Dec. 23, 1985, 99 Stat. 1591.)

#### AMENDMENTS

1985—Pub. L. 99-198 struck out “, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs” after “equal in value to such costs”.

#### EFFECTIVE DATE

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that this section is effective Oct. 1, 1983.

### § 7505. Federal and State responsibilities

#### (a) Federal responsibility; optional State priority

The Secretary shall, as expeditiously as possible, provide the commodities made available under this chapter 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<sup>1</sup> 7504 of this title. Notwithstanding any other provision of this chapter, in the distribution of commodities under this chapter, each State agency shall have the option to give priority to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.

#### (b) Distribution by State agencies; priority; rural areas

State agencies receiving commodities under this chapter 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 chapter, 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. Each State agency shall encourage distribution of such commodities in rural areas.

#### (c) Distribution to needy persons

Each State agency receiving commodities for individual household use under this chapter 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.

<sup>1</sup> So in original. Probably should be “section”.

#### (d) Cooperative agreements with adjoining States

Each State agency receiving commodities under this chapter may—

(1) enter into cooperative agreements with State agencies of other States for joint provision of such commodities to an emergency feeding organization that serves needy persons in a single geographical area part of which is situated in each of such States; or

(2) transfer such commodities to any such emergency feeding organization in the other State under such agreement.

(Pub. L. 98-8, title II, §203B, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 610; amended Pub. L. 99-198, title XV, §1568, Dec. 23, 1985, 99 Stat. 1592; Pub. L. 100-435, title I, §105(c), Sept. 19, 1988, 102 Stat. 1651; Pub. L. 104-193, title VIII, §871(e)(1), Aug. 22, 1996, 110 Stat. 2345.)

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193 substituted “203A”, which was translated as “section 7504 of this title”, for “203 and 203A of this Act”.

1988—Subsec. (a). Pub. L. 100-435 inserted at end “Notwithstanding any other provision of this chapter, in the distribution of commodities under this chapter, each State agency shall have the option to give priority to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.”

1985—Subsec. (b). Pub. L. 99-198, §1568(a), inserted at end “Each State agency shall encourage distribution of such commodities in rural areas.”

Subsec. (d). Pub. L. 99-198, §1568(b), added subsec. (d).

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that this section is effective Oct. 1, 1983.

### § 7506. Assurances; anticipated use

(a) The Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under this chapter 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 chapter 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 chapter shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this chapter in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.

(Pub. L. 98-8, title II, §203C, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 610; amended Pub. L. 99-198, title XV, §1566, Dec. 23, 1985, 99 Stat. 1591; Pub. L. 104-66, title I, §1011(k), Dec. 21, 1995, 109 Stat. 710.)

#### AMENDMENTS

1995—Subsec. (a). Pub. L. 104-66 struck out at end “The Secretary shall submit to Congress each year a report as to whether and to what extent such displacements or substitutions are occurring.”

1985—Subsec. (a). Pub. L. 99-198 inserted at end “The Secretary shall submit to Congress each year a report as to whether and to what extent such displacements or substitutions are occurring.”

#### EFFECTIVE DATE

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that this section is effective Oct. 1, 1983.

### § 7507. State and local supplementation of commodities

#### (a) Authorization

The Secretary shall establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the program authorized by this chapter for use by emergency feeding organizations with nutritious and wholesome commodities that such entities or persons donate to State agencies and emergency feeding organizations for distribution, in all or part of the State, in addition to the commodities otherwise made available under this chapter.

#### (b) Use of funds and facilities

States and emergency feeding organizations may use the funds appropriated under this chapter and equipment, structures, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this chapter, and the personnel, both paid or volunteer, involved in such storage, handling, or distribution, to store, handle or distribute commodities donated for the use of emergency feeding organizations under subsection (a).

#### (c) Volunteer workers

State and emergency feeding organizations shall continue, to the maximum extent practicable, to use volunteer workers and commodities and other foodstuffs donated by charitable and other organizations in the operation of the program authorized by this section.

(Pub. L. 98-8, title II, §203D, as added Pub. L. 100-435, title I, §102, Sept. 19, 1988, 102 Stat. 1647.)

#### EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

### § 7508. Authorization and appropriations

(a)(1) There are authorized to be appropriated \$100,000,000 for fiscal year 2008 and each fiscal year thereafter for the Secretary to make available to the States to pay for the direct and indirect costs of the States related to the processing, storage, transporting, and distributing to

eligible recipient agencies of commodities provided by the Secretary under this chapter and commodities secured from other sources, including commodities secured by gleaning (as defined in section 111(a) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note; Public Law 100-435)) and donated wild game. Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis, dividing such funds among the States in the same proportions as the commodities distributed under this chapter for such fiscal year are divided among the States. If a State agency is unable to use all of the funds so allocated to it, the Secretary shall reallocate such unused funds among the other States.

(2) Each State shall make available to emergency feeding organizations in the State not less than 40 per centum of the funds provided as authorized in paragraph (1) that it has been allocated for a fiscal year, as necessary to pay for, or provide advance payments to cover, the direct expenses of the emergency feeding organizations for distributing commodities to needy persons, but only to the extent such expenses are actually so incurred by such organizations. As used in this paragraph, the term “direct expenses” includes costs of transporting, storing, handling, repackaging, processing, and distributing commodities incurred after they are received by the organization; costs associated with determinations of eligibility, verification, and documentation; costs of providing information to persons receiving commodities under this chapter concerning the appropriate storage and preparation of such commodities; costs involved in publishing announcements of times and locations of distribution; and costs of recordkeeping, auditing, and other administrative procedures required for participation in the program under this chapter. If a State makes a payment, using State funds, to cover direct expenses of emergency feeding organizations, the amount of such payment shall be counted toward the amount a State must make available for direct expenses of emergency feeding organizations under this paragraph.

(3) States to which funds are allocated for a fiscal year under this subsection shall submit financial reports to the Secretary, on a regular basis, as to the use of such funds. No such funds may be used by States or emergency feeding organizations for costs other than those involved in covering the expenses related to the distribution of commodities by emergency feeding organizations.

(4)(A) Except as provided in subparagraph (B), effective January 1, 1987, to be eligible to receive funds under this subsection, a State shall provide in cash or in kind (according to procedures approved by the Secretary for certifying these in-kind contributions) from non-Federal sources a contribution equal to the difference between—

- (i) the amount of such funds so received; and
- (ii) any part of the amount allocated to the State and paid by the State—

- (I) to emergency feeding organizations; or
- (II) for the direct expenses of such organizations;

for use in carrying out this chapter.

(B)(i) Except as provided in clause (ii), subparagraph (A) shall apply to States beginning on January 1, 1987.

(ii) If the legislature of a State does not convene in regular session before January 1, 1987, paragraph (1) shall apply to such State beginning on October 1, 1987.

(C) Funds allocated to a State under this section may, upon State request, be allocated before States satisfy the matching requirement specified in subparagraph (A), based on the estimated contribution required. The Secretary shall periodically reconcile estimated and actual contributions and adjust allocations to the State to correct for overpayments and underpayments.

(5) States may not charge for commodities made available to emergency feeding organizations, and may not pass on to such organizations the cost of any matching requirements, under this chapter.

(b) The value of the commodities made available under this chapter and the funds of the Corporation used to pay the costs of initial processing, packaging (including forms suitable for home use), and delivering commodities to the States shall not be charged against appropriations made or authorized under this section.

(Pub. L. 98-8, title II, §204, Mar. 24, 1983, 97 Stat. 35; Pub. L. 98-92, §2(6), Sept. 2, 1983, 97 Stat. 610; Pub. L. 99-198, title XV, §1569, Dec. 23, 1985, 99 Stat. 1592; Pub. L. 100-77, title VIII, §813, July 22, 1987, 101 Stat. 537; Pub. L. 100-435, title I, §§103(a)-(c), 105(a), Sept. 19, 1988, 102 Stat. 1647, 1650; Pub. L. 101-624, title XVII, §1772(c), (d), Nov. 28, 1990, 104 Stat. 3808, 3809; Pub. L. 104-127, title IV, §403(a), Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104-193, title VIII, §871(c), (e)(2), Aug. 22, 1996, 110 Stat. 2345; Pub. L. 107-171, title IV, §4204, May 13, 2002, 116 Stat. 330; Pub. L. 110-234, title IV, §§4201(c), 4406(b)(1), May 22, 2008, 122 Stat. 1121, 1141; Pub. L. 110-246, §4(a), title IV, §§4201(c), 4406(b)(1), June 18, 2008, 122 Stat. 1664, 1882, 1902.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-246, §4406(b)(1), in first sentence, substituted “for fiscal year 2008 and each fiscal year thereafter” for “for each of the fiscal years 2003 through 2007”.

Pub. L. 110-246, §4201(c), in first sentence, substituted “\$100,000,000” for “\$60,000,000” and inserted “and donated wild game” before period at end.

2002—Subsec. (a)(1). Pub. L. 107-171, in first sentence, substituted “\$60,000,000” for “\$50,000,000” and “2003 through 2007” for “1991 through 2002”, struck out “administrative” before “costs of the States”, and inserted “storage,” after “processing,” and “, including commodities secured by gleaning (as defined in section 111(a) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note; Public Law 100-435))” after “sources”.

1996—Subsec. (a). Pub. L. 104-193, §871(e)(2), made technical amendment to reference in original act which appears in text as reference to “this chapter” in second sentence of par. (1), in second sentence of par. (2) immediately before concluding period, and in concluding provisions of par. (4)(A).

Subsec. (a)(1). Pub. L. 104-193, §871(c), in first sentence, substituted “to pay for the direct and indirect administrative costs of the States related to the processing, transporting, and distributing to eligible recipient agencies of commodities provided by the Secretary under this chapter and commodities secured from other sources” for “for State and local payments for costs associated with the distribution of commodities by emergency feeding organizations under this chapter” and struck out at end “States may also use funds provided under this paragraph to pay for the costs associated with the distribution of commodities under the program authorized under section 110 of the Hunger Prevention Act of 1988 [section 110 of Pub. L. 100-435, set out above], and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 7515 of this title”.

Pub. L. 104-127 substituted “2002” for “1995” in first sentence.

1990—Subsec. (a). Pub. L. 101-624, §1772(c)(1), (2), redesignated subsec. (c) as (a) and struck out former subsec. (a) which read as follows: “There is appropriated for the period ending September 30, 1983, \$50,000,000 for the Secretary to make available to the States for storage and distribution costs, of which not less than \$10,000,000 shall be made available for paying the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit organizations 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.”

Subsec. (a)(1). Pub. L. 101-624, §1772(c)(3), substituted “1991 through 1995” for “ending September 30, 1986, through September 30, 1990.”

Subsec. (a)(2). Pub. L. 101-624, §1772(d), inserted “repackaging, processing,” after “handling,” in second sentence.

Subsec. (b). Pub. L. 101-624, §1772(c)(1), (2), redesignated subsec. (d) as (b) and struck out former subsec. (b) which read as follows: “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.”

Subsecs. (c), (d). Pub. L. 101-624, §1772(c)(2), redesignated subsecs. (c) and (d) as (a) and (b), respectively.

1988—Subsec. (c)(1). Pub. L. 100-435, §105(a), inserted at end “States may also use funds provided under this paragraph to pay for the costs associated with the distribution of commodities under the program authorized under section 110 of the Hunger Prevention Act of 1988, and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 7515 of this title.”

Pub. L. 100-435, §103(a), substituted “through September 30, 1990” for “through September 30, 1988” in first sentence.

Subsec. (c)(2). Pub. L. 100-435, §103(b), (c), in first sentence, substituted “40” for “20” and, in second sentence, inserted “costs of providing information to persons receiving commodities under this chapter concerning the appropriate storage and preparation of such commodities;” after “documentation;”.

1987—Subsec. (c)(1). Pub. L. 100-77 substituted “through September 30, 1988” for “and September 30, 1987” in first sentence.

1985—Subsecs. (c), (d). Pub. L. 99-198 added subsec. (c) and redesignated former subsec. (c) as (d).

1983—Subsecs. (b), (c). Pub. L. 98-92 added subsec. (b), designated former last sentence of subsec. (a) as (c), and substituted therein “appropriations made or authorized under this section” for “this appropriation”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by sections 4201(c) and 4406(b)(1) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-171 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.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(c) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(d) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 103(a)–(c) of Pub. L. 100-435 to be effective and implemented on Sept. 19, 1988, and amendment by section 105(a) of Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, see section 701(a), (b)(1) of Pub. L. 100-435, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that the amendment made by section 2 is effective Oct. 1, 1983.

### § 7509. Relationship to other programs

(a) Section 2013(b) of this title shall not apply with respect to the distribution of commodities under this chapter.

(b) Except as otherwise provided in section 7504 of this title, none of the commodities distributed under this chapter shall be sold or otherwise disposed of in commercial channels in any form.

(Pub. L. 98-8, title II, §205, Mar. 24, 1983, 97 Stat. 36; Pub. L. 98-92, §2(7), Sept. 2, 1983, 97 Stat. 611; Pub. L. 110-234, title I, §4002(b)(1)(B), (2)(I), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (2)(I), June 18, 2008, 122 Stat. 1664, 1857, 1858.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §4002(b)(1)(B), (2)(I), made technical amendment to reference in original act which appears in text as reference to section 2013(b) of this title.

1983—Pub. L. 98-92 substituted “Relationship to other programs” for “Relationships to food stamps” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 4002(b)(1)(B), (2)(I) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that the amendment made by section 2 is effective Oct. 1, 1983.

### § 7510. Commodities not income

Notwithstanding any other provision of law, commodities distributed under this chapter shall not be considered income or resources for any purposes under any Federal, State, or local law.

(Pub. L. 98-8, title II, §206, Mar. 24, 1983, 97 Stat. 36.)

### § 7511. Prohibition against certain State charges

Whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary for distribution within the States to eligible recipient agencies, the State may not charge recipient agencies any amount that is in excess of the State’s direct costs of storing and transporting the commodities to recipient agencies minus any amount the Secretary provides the State for the costs of storing and transporting such commodities.

(Pub. L. 98-8, title II, §208, Mar. 24, 1983, 97 Stat. 36.)

### § 7511a. Emergency food program infrastructure grants

#### (a) Definition of eligible entity

In this section, the term “eligible entity” means an emergency feeding organization.

#### (b) Program authorized

##### (1) In general

The Secretary shall use funds made available under subsection (d) to make grants to eligible entities to pay the costs of an activity described in subsection (c).

##### (2) Rural preference

The Secretary shall use not less than 50 percent of the funds described in paragraph (1) for a fiscal year to make grants to eligible entities that serve predominantly rural communities for the purposes of—

(A) expanding the capacity and infrastructure of food banks, State-wide food bank associations, and food bank collaboratives that operate in rural areas; and

(B) improving the capacity of the food banks to procure, receive, store, distribute, track, and deliver time-sensitive or perishable food products.

#### (c) Use of funds

An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

(5) improving the identification of—

(A) potential providers of donated foods;

(B) potential nonprofit emergency food providers; and

(C) persons in need of emergency food assistance in rural areas; and

(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

#### (d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2008 through 2018.

(Pub. L. 98-8, title II, §209, as added Pub. L. 110-234, title IV, §4202, May 22, 2008, 122 Stat. 1121; Pub. L. 110-246, §4(a), title IV, §4202, June 18, 2008, 122 Stat. 1664, 1883; amended Pub. L. 113-79, title IV, §4027(b), Feb. 7, 2014, 128 Stat. 812.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 209 of Pub. L. 98-8, which related to commodity supplemental food program administrative expenses, was set out in a note under section 612c of this title prior to repeal by Pub. L. 99-198, title XV, §1562(e)(1), Dec. 23, 1985, 99 Stat. 1590.

#### AMENDMENTS

2014—Subsec. (d). Pub. L. 113-79 substituted “2018” for “2012”.

#### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

Section effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 1161 of Title 2, The Congress.

### § 7512. Regulations

#### (a) Issuance

The Secretary shall issue regulations within 30 days to implement this chapter.

#### (b) Minimization of regulatory requirements

In administering this chapter, the Secretary shall minimize, to the maximum extent prac-

ticable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

#### (c) Publication in Federal Register

(1) The Secretary shall as early as feasible but not later than the beginning of each fiscal year, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available under the commodity distribution program under this chapter during the fiscal year.

(2) The actual types and quantities of commodities made available by the Secretary under this chapter may differ from the estimates made under paragraph (1).

#### (d) Standards of liability for commodity losses

The regulations issued by the Secretary under this section shall include provisions that set standards with respect to liability for commodity losses under the program under this chapter in situations in which there is no evidence of negligence or fraud, and conditions for payment to cover such losses. Such provisions shall take into consideration the special needs and circumstances of emergency feeding organizations<sup>1</sup>

#### (e) Final regulations

The Secretary is authorized to issue final regulations without first issuing proposed regulations for public comment in order to carry out the provisions of sections 7514 and 7515 of this title. If final regulations are issued without such prior public comment the Secretary shall permit public comment on such regulations, consider pertinent comments, and make modifications of such regulations as appropriate not later than 1 year after September 19, 1988. Such final and modified regulations shall be accompanied by a statement of the basis and purpose for such regulations.

(Pub. L. 98-8, title II, §210, Mar. 24, 1983, 97 Stat. 36; Pub. L. 98-92, §2(9), Sept. 2, 1983, 97 Stat. 611; Pub. L. 99-198, title XV, §1570, Dec. 23, 1985, 99 Stat. 1594; Pub. L. 100-77, title VIII, §814(b), July 22, 1987, 101 Stat. 538; Pub. L. 100-435, title I, §§103(d), 105(b), Sept. 19, 1988, 102 Stat. 1648, 1651; Pub. L. 101-624, title XVII, §1772(e), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104-193, title VIII, §871(e)(3), Aug. 22, 1996, 110 Stat. 2345.)

#### AMENDMENTS

1996—Subsec. (e). Pub. L. 104-193 struck out “(except as otherwise provided for in section 7515(j) of this title)” before “for public comment” in first sentence.

1990—Subsec. (c). Pub. L. 101-624 added subsec. (c) and struck out former subsec. (c) which contained provisions similar to the current provisions for specific fiscal years.

1988—Subsec. (c). Pub. L. 100-435, §103(d), substituted “each of the fiscal years 1989 and 1990” for “the fiscal year ending September 30, 1988”.

Subsec. (e). Pub. L. 100-435, §105(b), added subsec. (e).  
1987—Subsec. (c). Pub. L. 100-77 substituted provisions relating to period ending on date specified in former section 212 of Pub. L. 98-8 for provisions relating to period beginning October 1, 1983 and ending September 30, 1987, and substituted “fiscal year ending September 30, 1988” for “fiscal year ending September 30, 1987”.

1985—Subsec. (c). Pub. L. 99-198, §1570(1), substituted “the period beginning October 1, 1983, and ending Sep-

<sup>1</sup> So in original.

tember 30, 1987” for “the fiscal years ending September 30, 1984, and September 30, 1985”, “as early as feasible but not later than the beginning of the fiscal year ending September 30, 1987” for “prior to the beginning of the fiscal year ending September 30, 1985”, and “such fiscal year” for “second twelve months”.

Subsec. (d). Pub. L. 99-198, § 1570(2), added subsec. (d). 1983-Pub. L. 98-92 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective and implemented first day of month beginning 120 days after publication of implementing regulations to be promulgated not later than Oct. 1, 1991, see section 1781(a) of Pub. L. 101-624, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 103(d) of Pub. L. 100-435 to be effective and implemented on Sept. 19, 1988, and amendment by section 105(b) of Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, see section 701(a), (b)(1) of Pub. L. 100-435, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-92, § 2, Sept. 2, 1983, 97 Stat. 608, provided in part that the amendment made by section 2 is effective Oct. 1, 1983.

### § 7513. Finality of determinations

Determinations made by the Secretary of Agriculture under this chapter and the facts constituting the basis for any donation of commodities under this chapter, 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.

(Pub. L. 98-8, title II, § 211, as added Pub. L. 98-92, § 2(10), Sept. 2, 1983, 97 Stat. 612.)

#### EFFECTIVE DATE

Pub. L. 98-92, § 2, Sept. 2, 1983, 97 Stat. 608, provided in part that this section is effective Oct. 1, 1983.

### § 7514. Incorporation of additional commodities

#### (a) In general

The Secretary shall administer the program authorized under this chapter in a manner that incorporates into the program additional commodities purchased by the Secretary under section 7515 of this title to be distributed to States for use in such States by emergency feeding organizations, as defined in section 7501(1)<sup>1</sup> of this title. Such additional commodities, to the extent practicable and appropriate, shall include commodities purchased within a given State for distribution within such State.

#### (b) Supplement commodities available

The Secretary shall supplement the commodities made available to emergency feeding organizations under sections 7502 and 7507(a) of this title with nutritious and useful commodities purchased by the Secretary under section 7515 of this title.

(Pub. L. 98-8, title II, § 213, as added Pub. L. 100-435, title I, § 104, Sept. 19, 1988, 102 Stat. 1648.)

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

#### REFERENCES IN TEXT

Section 7501 of this title, referred to in subsec. (a), was subsequently amended, and section 7501(1) no longer defines the term “emergency feeding organization”. However, such term is defined elsewhere in that section.

#### EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

### § 7515. Allotment and delivery of commodities

#### (a) Mandatory allotments

In each fiscal year, the Secretary shall allot—

(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

#### (b) Reallocation

The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (a), and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute the amount the State was allocated to receive under the formula prescribed in subsection (a) but declined to accept. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

#### (c) Administration

##### (1) In general

Commodities made available for each fiscal year under this section shall be delivered at

reasonable intervals to States based on the grants calculated under subsection (a), or re-allocated under subsection (b), before December 31 of the following fiscal year.

**(2) Entitlement**

Each State shall be entitled to receive the value of additional commodities determined under subsection (a).

**(d) Maintenance of effort**

If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations.

(Pub. L. 98-8, title II, §214, as added Pub. L. 100-435, title I, §104, Sept. 19, 1988, 102 Stat. 1648; amended Pub. L. 101-624, title XVII, §1772(g), (h)(1), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104-127, title IV, §403(c), Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104-193, title VIII, §871(d), Aug. 22, 1996, 110 Stat. 2345.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (f) as (a) and struck out former subsec. (a) which provided for purpose of section.

Pub. L. 104-127, §403(c)(1), substituted “2002” for “1995”.

Subsec. (b). Pub. L. 104-193, §871(d)(1)-(3), redesignated subsec. (g) as (b), substituted “subsection (a),” for “subsection (f) of this section or subsection (j) of this section if applicable,” and “subsection (a)” for “subsection (f) of this section”, and struck out former subsec. (b) which provided definitions for section.

Subsec. (c). Pub. L. 104-193, §871(d)(4), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Subject to subsections (e) and (f) of this section, or subsection (j) of this section if applicable, purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f) of this section, or re-allocated under subsection (g) of this section, or calculated under subsection (j) of this section if applicable, before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.”

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (h) as (c) and struck out former subsec. (c) which authorized Secretary to purchase additional commodities to supplement commodities otherwise provided under program authorized by this chapter.

Subsec. (d). Pub. L. 104-193, §871(d)(5), struck out “or reduce the amount of funds available for other nutrition programs in the State in each fiscal year” after “such organizations”.

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (i) as (d) and struck out former subsec. (d) which provided for types and varieties of commodities which could be purchased under this section.

Subsec. (e). Pub. L. 104-193, §871(d)(1), struck out subsec. (e) which appropriated amounts through fiscal year 2002 for purchase of additional commodities under this section.

Pub. L. 104-127, §403(c)(2), substituted “2002” for “1995” in two places.

Subsecs. (f) to (i). Pub. L. 104-193, §871(d)(2), redesignated subsecs. (f) to (i) as (a) to (d), respectively.

Subsec. (j). Pub. L. 104-193, §871(d)(1), struck out subsec. (j) which authorized Secretary to promulgate new

formula for allocation of additional commodities to States.

1990—Subsec. (a). Pub. L. 101-624, §1772(g)(1), substituted “fiscal years 1991 through 1995” for “fiscal years 1989 and 1990”.

Subsec. (e). Pub. L. 101-624, §1772(g)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “During each of the fiscal years 1989 and 1990, the Secretary shall spend \$120,000,000 to purchase, process, and distribute additional commodities under this section.”

Subsec. (k). Pub. L. 101-624, §1772(h)(1), struck out heading and text of subsec. (k). Text read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-193, title VIII, §871(h), Aug. 22, 1996, 110 Stat. 2346, provided that: “The amendments made by subsection (d) [amending this section] shall become effective on October 1, 1996.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(g) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(h)(1) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

**§ 7516. Settlement and adjustment of claims**

**(a) In general**

The Secretary or a designee of the Secretary shall have the authority to—

- (1) determine the amount of, settle, and adjust any claim arising under this chapter; and
- (2) waive such a claim if the Secretary determines that to do so will serve the purposes of this chapter.

**(b) Litigation**

Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28 to conduct litigation on behalf of the United States.

(Pub. L. 98-8, title II, §215, as added Pub. L. 102-237, title IX, §922(b), Dec. 13, 1991, 105 Stat. 1888.)

EFFECTIVE DATE

Section effective and to be 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.

**§ 7517. Food insecurity nutrition incentive**

**(a) In general**

In this section:

**(1) Eligible entity**

The term “eligible entity” means—

- (A) a nonprofit organization (including an emergency feeding organization);
- (B) an agricultural cooperative;
- (C) a producer network or association;
- (D) a community health organization;
- (E) a public benefit corporation;

- (F) an economic development corporation;
- (G) a farmers' market;
- (H) a community-supported agriculture program;
- (I) a buying club;
- (J) a retail food store participating in the supplemental nutrition assistance program;
- (K) a State, local, or tribal agency; and
- (L) any other entity the Secretary designates.

**(2) Emergency feeding organization**

The term “emergency feeding organization” has the meaning given the term in section 7501 of this title.

**(3) Supplemental nutrition assistance program**

The term “supplemental nutrition assistance program” means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

**(b) Food insecurity nutrition incentive grants**

**(1) Authorization**

**(A) In general**

In each of the years specified in subsection (c), the Secretary shall make grants to eligible entities in accordance with paragraph (2).

**(B) Federal share**

The Federal share of the cost of carrying out an activity under this subsection shall not exceed 50 percent of the total cost of the activity.

**(C) Non-Federal share**

**(i) In general**

The non-Federal share of the cost of an activity under this subsection may be provided—

- (I) in cash or in-kind contributions as determined by the Secretary, including facilities, equipment, or services; and
- (II) by a State or local government or a private source.

**(ii) Limitation**

In the case of a for-profit entity, the non-Federal share described in clause (i) shall not include services of an employee, including salaries paid or expenses covered by the employer.

**(2) Criteria**

**(A) In general**

For purposes of this subsection, an eligible entity is a governmental agency or non-profit organization that—

- (i) meets the application criteria set forth by the Secretary; and
- (ii) proposes a project that, at a minimum—
  - (I) has the support of the State agency;
  - (II) would increase the purchase of fruits and vegetables by low-income consumers participating in the supplemental nutrition assistance program by providing incentives at the point of purchase;
  - (III) agrees to participate in the evaluation described in paragraph (4);

(IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under this Act and incentives provided for in this subsection as apply to purchases made by individuals who are not members of households receiving benefits, such as provided for in section 278.2(b) of title 7, Code of Federal Regulations (or a successor regulation); and

(V) includes effective and efficient technologies for benefit redemption systems that may be replicated in other States and communities.

**(B) Priority**

In awarding grants under this section, the Secretary shall give priority to projects that—

- (i) maximize the share of funds used for direct incentives to participants;
- (ii) use direct-to-consumer sales marketing;
- (iii) demonstrate a track record of designing and implementing successful nutrition incentive programs that connect low-income consumers and agricultural producers;
- (iv) provide locally or regionally produced fruits and vegetables;
- (v) are located in underserved communities; or
- (vi) address other criteria as established by the Secretary.

**(3) Applicability**

**(A) In general**

The value of any benefit provided to a participant in any activity funded under this subsection shall be treated as supplemental nutrition benefits under section 8(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(b)).

**(B) Prohibition on collection of sales taxes**

Each State shall ensure that no State or local tax is collected on a purchase of food under this subsection.

**(C) No limitation on benefits**

A grant made available under this subsection shall not be used to carry out any project that limits the use of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any other Federal nutrition law.

**(D) Household allotment**

Assistance provided under this subsection to households receiving benefits under the supplemental nutrition assistance program shall not—

- (i) be considered part of the supplemental nutrition assistance program benefits of the household; or
- (ii) be used in the collection or disposition of claims under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

**(4) Evaluation**

**(A) Independent evaluation**

The Secretary shall provide for an independent evaluation of projects selected

under this subsection that measures the impact of each project on—

- (i) improving the nutrition and health status of participating households receiving incentives under this subsection; and
- (ii) increasing fruit and vegetable purchases in participating households.

**(B) Requirement**

The independent evaluation under subparagraph (A) shall use rigorous methodologies capable of producing scientifically valid information regarding the effectiveness of a project.

**(C) Costs**

The Secretary may use funds not to exceed 10 percent of the funding provided to carry out this section to pay costs associated with administering, monitoring, and evaluating each project.

**(c) Funding**

**(1) Authorization of appropriations**

There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2014 through 2018.

**(2) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsection (b)—

- (A) \$35,000,000 for the period of fiscal years 2014 and 2015;
- (B) \$20,000,000 for each of fiscal years 2016 and 2017; and
- (C) \$25,000,000 for fiscal year 2018.

(Pub. L. 110-234, title IV, § 4405, May 22, 2008, 122 Stat. 1138; Pub. L. 110-246, § 4(a), title IV, § 4405, June 18, 2008, 122 Stat. 1664, 1899; Pub. L. 113-79, title IV, § 4208, Feb. 7, 2014, 128 Stat. 826.)

REFERENCES IN TEXT

The Food and Nutrition Act of 2008, referred to in subsecs. (a)(3) and (b)(3)(C), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

This Act, referred to in subsec. (b)(2)(A)(ii)(IV), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651, known as the Food, Conservation, and Energy Act of 2008. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Emergency Food Assistance Act of 1983 which comprises this chapter.

AMENDMENTS

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section related to hunger-free communities.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

Section effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 1161 of Title 2, The Congress.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

**CHAPTER 103—AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM**

Sec. 7601. Definitions.

SUBCHAPTER I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

- 7611. Standards for Federal funding of agricultural research, extension, and education.
- 7612. Priority setting process.
- 7613. Relevance and merit of agricultural research, extension, and education funded by the Department.
- 7614. Definitions.
- 7614a. Roadmap.
- 7614b. Review of plan of work requirements.
- 7614c. Budget submission and funding.

SUBCHAPTER II—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

- 7621 to 7623. Repealed.
- 7624. Biobased products.
- 7625. National Food Safety Training, Education, Extension, Outreach, and Technical Assistance Program.
- 7626. Integrated research, education, and extension competitive grants program.
- 7627. Coordinated program of research, extension, and education to improve viability of small and medium size dairy, livestock, and poultry operations.
- 7628. Support for research regarding diseases of wheat, triticale, and barley caused by Fusarium graminearum or by Tilletia indica.
- 7629. Repealed.
- 7630. Grants for youth organizations.
- 7631. Agricultural biotechnology research and development for developing countries.
- 7632. Specialty crop research initiative.
- 7633. Food and agriculture service learning program.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

PART A—MISCELLANEOUS

- 7641. Patent Culture Collection fees.
- 7642. Food Animal Residue Avoidance Database program.

PART B—GENERAL

- 7651. Nutrient composition data.
- 7652. Role of Secretary regarding food and agricultural sciences research and extension.
- 7653. Office of Pest Management Policy.
- 7654. Food Safety Research Information Office.
- 7655. Safe food handling education.
- 7655a. Food safety education initiatives.
- 7655b. Forestry products advanced utilization research.
- 7656. Designation of Crisis Management Team within Department.
- 7657. Senior Scientific Research Service.