

## 7 USC Ch. 102: EMERGENCY FOOD ASSISTANCE

### From Title 7—AGRICULTURE

#### 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 L. 98–8, which related to processing agreements, was repealed by Pub.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 L. 98–8 on Sept. 30, 2002, was repealed by Pub.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.

## 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.

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

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

## §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;
- (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;

(5) at the option of the State agency, describe a plan of operation for 1 or more projects in partnership with 1 or more emergency feeding organizations located in the State to harvest, process, package, or transport donated commodities received under section 7507(d) of this title; and

(6) describe a plan, which may include the use of a State advisory board established under subsection (c), that provides emergency feeding organizations or eligible recipient agencies within the State an opportunity to provide input on the commodity preferences and needs of the emergency feeding organization or eligible recipient agency.

### (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; Pub. L. 115–334, title IV, §4018(a), Dec. 20, 2018, 132 Stat. 4648.)

## 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

**2018**—Subsec. (b)(5), (6). Pub. L. 115–334 added pars. (5) and (6).

**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.

### **(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.

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

## **§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.

### **(d) Projects to harvest, process, package, or transport donated commodities**

#### **(1) Definition of project**

In this subsection, the term "project" means the harvesting, processing, packaging, or transportation of unharvested, unprocessed, or un packaged commodities donated by agricultural producers, processors, or distributors for use by emergency feeding organizations under subsection (a).

## **(2) Federal funding for projects**

### **(A) In general**

Subject to subparagraphs (B) and (C) and paragraph (3), using funds made available under paragraph (5), the Secretary may provide funding to States to pay for the costs of carrying out a project.

### **(B) Federal share**

The Federal share of the cost of a project under subparagraph (A) shall not exceed 50 percent of the total cost of the project.

### **(C) Allocation**

#### **(i) In general**

Each fiscal year, the Secretary shall allocate the funds made available under subparagraph (A), based on a formula determined by the Secretary, to States that have submitted a State plan describing a plan of operation for a project under section 7503(b)(5) of this title.

#### **(ii) Reallocation**

If the Secretary determines that a State will not expend all of the funds allocated to the State for a fiscal year under clause (i), the Secretary shall reallocate the unexpended funds to other States that have submitted under section 7503(b)(5) of this title a State plan describing a plan of operation for a project during that fiscal year or the subsequent fiscal year, as the Secretary determines appropriate.

#### **(iii) Reports**

Each State to which funds are allocated for a fiscal year under this subparagraph shall, on a regular basis, submit to the Secretary financial reports describing the use of the funds.

## **(3) Project purposes**

A State may only use Federal funds received under paragraph (2) for a project the purposes of which are—

- (A) to reduce food waste at the agricultural production, processing, or distribution level through the donation of food;
- (B) to provide food to individuals in need; and
- (C) to build relationships between agricultural producers, processors, and distributors and emergency feeding organizations through the donation of food.

## **(4) Cooperative agreements**

The Secretary may encourage a State agency that carries out a project using Federal funds received under paragraph (2) to enter into cooperative agreements with State agencies of other States under section 7505(d) of this title to maximize the use of commodities donated under the project.

## **(5) Funding**

Out of funds not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$4,000,000 for each of fiscal years 2019 through 2023, to remain available until the end of the subsequent fiscal year.

### **(e) Food waste**

The Secretary shall issue guidance outlining best practices to minimize the food waste of the commodities donated under subsection (a).

## **(f) Food donation standards**

### **(1) Definitions**

In this subsection:

#### **(A) Apparently wholesome food**

The term "apparently wholesome food" has the meaning given the term in section 1791(b) of title 42.

#### **(B) Institution of higher education**

The term "institution of higher education" has the meaning given the term in section 1002 of title 20.

#### **(C) Qualified direct donor**

The term "qualified direct donor" means a retail food store, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education.

## **(2) Guidance**

### **(A) In general**

Not later than 180 days after December 20, 2018, the Secretary shall issue guidance to promote awareness of donations of apparently wholesome food protected under section 1791(c) of title 42 by qualified direct donors in compliance with applicable State and local health, food safety, and food handling laws (including regulations).

### **(B) Issuance**

The Secretary shall encourage State agencies and emergency feeding organizations to share the guidance issued under subparagraph (A) with qualified direct donors.

(Pub. L. 98–8, title II, §203D, as added Pub. L. 100–435, title I, §102, Sept. 19, 1988, 102 Stat. 1647; amended Pub. L. 115–334, title IV, §§4018(b), (c), 4104, Dec. 20, 2018, 132 Stat. 4648, 4649, 4655.)

## **AMENDMENTS**

**2018**—Subsecs. (d), (e). Pub. L. 115–334, §4018(b), (c), added subsecs. (d) and (e).  
Subsec. (f). Pub. L. 115–334, §4104, added subsec. (f).

## **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 2023.

(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; Pub. L. 115–334, title IV, §4018(d), Dec. 20, 2018, 132 Stat. 4650.)

**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**

**2018**—Subsec. (d). Pub. L. 115–334 substituted "2023" for "2018".

**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 practicable, 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 September 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.

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

## §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.)

**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.

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

**§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 reallocated 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 reallocated 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. The Gus Schumacher nutrition incentive program**

### **(a) In general**

In this section:

#### **(1) Eligible entity**

The term "eligible entity" means a governmental agency or nonprofit organization.

#### **(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—

- (A) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and
- (B) the programs for nutrition assistance under section 19 of such Act (7 U.S.C. 2028).

#### **(4) Healthcare partner**

The term "healthcare partner" means a healthcare provider, including—

- (A) a hospital;
- (B) a Federally-qualified health center (as defined in section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)));
- (C) a hospital or clinic operated by the Secretary of Veterans Affairs; or
- (D) a healthcare provider group.

#### **(5) Member**

The term "member" means, as determined by the applicable eligible entity or healthcare partner carrying out a project under subsection (c) in accordance with procedures established by the Secretary—

- (A) an individual eligible for—
  - (i) benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or
  - (ii) medical assistance under a State plan or a waiver of such a plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and enrolled under such plan or waiver; and
- (B) a member of a low-income household that suffers from, or is at risk of developing, a diet-related health condition.

### **(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) Partners and collaborators**

An eligible entity that receives a grant under this subsection may partner with, or make subgrants to, public, private, nonprofit, or for-profit entities, including—

- (i) an emergency feeding organization;
- (ii) an agricultural cooperative;
- (iii) a producer network or association;
- (iv) a community health organization;
- (v) a public benefit corporation;
- (vi) an economic development corporation;
- (vii) a farmers' market;
- (viii) a community-supported agriculture program;
- (ix) a buying club;
- (x) a retail food store participating in the supplemental nutrition assistance program;
- (xi) a State, local, or tribal agency;

- (xii) another eligible entity that receives a grant under this subsection; and
- (xiii) any other entity the Secretary designates.

**(C) Federal share**

Except as provided in subparagraph (D)(iii), 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.

**(D) 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.

**(iii) Tribal agencies**

The Secretary may allow a Tribal agency to use funds provided to the Indian Tribe of the Tribal agency through a Federal agency (including the Indian Health Service) or other Federal benefit to satisfy all or part of the non-Federal share described in clause (i) if such use is otherwise consistent with the purpose of such funds.

**(2) Criteria**

**(A) In general**

To receive a grant under this subsection, an eligible entity shall—

- (i) meet the application criteria set forth by the Secretary; and
- (ii) propose a project that, at a minimum—
  - (I) has the support of the State agency administering the supplemental nutrition assistance program;
  - (II) would increase the purchase of fruits and vegetables by low-income households participating in the supplemental nutrition assistance program by providing an incentive for the purchase of fruits and vegetables at the point of purchase to a household purchasing food with supplemental nutrition assistance program benefits;
  - (III) except in the case of projects receiving \$100,000 or less over 1 year, would measure the purchase of fruits and vegetables by low-income households participating in the supplemental nutrition assistance program;
  - (IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.] 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);
  - (V) has adequate plans to collect data for reporting and agrees to provide that information for the report described in subsection (e)(2)(B)(iii); and
  - (VI) would share information with the Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers established under subsection (e).

**(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) include a project design—
  - (I) that provides incentives when fruits or vegetables are purchased using supplemental nutrition assistance program benefits; and
  - (II) in which the incentives earned may be used only to purchase fruits or vegetables;
- (vi) have demonstrated the ability to provide services to underserved communities;
- (vii) include coordination with multiple stakeholders, such as farm organizations, nutrition education programs, cooperative extension services, public health departments, health providers, private and public health insurance agencies, cooperative grocers, grocery associations, and community-based and nongovernmental organizations;
- (viii) offer supplemental services in high-need communities, including online ordering, transportation between home and store, and delivery services;
- (ix) include food retailers that are open—

- (I) for extended hours; and
- (II) most or all days of the year; or

(x) address other criteria as established by the Secretary.

### **(c) Produce prescription program**

#### **(1) In general**

The Secretary shall establish a grant program under which the Secretary shall award grants to eligible entities to conduct projects that demonstrate and evaluate the impact of the projects on—

- (A) the improvement of dietary health through increased consumption of fruits and vegetables;
- (B) the reduction of individual and household food insecurity; and
- (C) the reduction in healthcare use and associated costs.

#### **(2) Healthcare partners**

In carrying out a project using a grant received under paragraph (1), an eligible entity shall partner with 1 or more healthcare partners.

#### **(3) Grant applications**

##### **(A) In general**

To be eligible to receive a grant under paragraph (1), an eligible entity—

- (i) shall—
  - (I) prescribe fresh fruits and vegetables to members;
  - (II) submit to the Secretary an application containing such information as the Secretary may require, including the information described in subparagraph (B); and
- (ii) may—
  - (I) provide financial or non-financial incentives for members to purchase or procure fresh fruits and vegetables;
  - (II) provide educational resources on nutrition to members; and
  - (III) establish additional accessible locations for members to procure fresh fruits and vegetables.

##### **(B) Application**

An application shall—

- (i) identify the 1 or more healthcare partners with which the eligible entity is partnering under paragraph (2); and
- (ii) include—
  - (I) a description of the methods by which an eligible entity shall—
    - (aa) screen and verify eligibility for members for participation in a produce prescription project, in accordance with procedures established under subsection (a)(5);
    - (bb) implement an effective produce prescription project, including the role of each healthcare partner in implementing the produce prescription project;
    - (cc) evaluate members participating in a produce prescription project with respect to the matters described in subparagraphs (A) through (C) of paragraph (1);
    - (dd) provide educational opportunities relating to nutrition to members participating in a produce prescription project; and
    - (ee) inform members of the availability of the produce prescription project, including locations at which produce prescriptions may be redeemed;
  - (II) a description of any additional nonprofit or emergency feeding organizations that shall be involved in the project and the role of each additional nonprofit or emergency feeding organization in implementing and evaluating an effective produce prescription project;
  - (III) documentation of a partnership agreement with a relevant State Medicaid agency or other appropriate entity, as determined by the Secretary, to evaluate the effectiveness of the produce prescription project in reducing healthcare use and associated costs;
  - (IV) adequate plans to collect data for reporting and agreement to provide that information for the report described in subsection (e)(2)(B)(iii); and
  - (V) agreement to share information with the Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers established under subsection (e).

#### **(4) Coordination**

In carrying out the grant program established under paragraph (1), the Secretary shall coordinate with the Secretary of Health and Human Services and the heads of other appropriate Federal agencies that carry out activities relating to healthcare partners.

#### **(5) Partnerships**

**(A) In general**

In carrying out the grant program under paragraph (1), the Secretary may enter into 1 or more memoranda of understanding with a Federal agency, a State, or a private entity to ensure the effective implementation and evaluation of each project.

**(B) Memorandum of understanding**

A memorandum of understanding entered into under subparagraph (A) shall include—

- (i) a description of a plan to provide educational opportunities relating to nutrition to members participating in produce prescription projects;
- (ii) a description of the role of the Federal agency, State, or private entity, as applicable, in implementing and evaluating an effective produce prescription project; and
- (iii) documentation of a partnership agreement with a relevant State Medicaid agency or other appropriate entity, as determined by the Secretary.

**(d) Applicability****(1) In general**

The value of any benefit provided to a participant in any activity funded under subsections (b) or (c) 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)).

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

Each State shall ensure that no State or local tax is collected on a purchase of food with assistance provided under subsections (b) and (c).

**(3) No limitation on benefits**

Grants made available under subsections (b) and (c) 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.

**(4) Household allotment**

Assistance provided under subsections (b) and (c) to households receiving benefits under the supplemental nutrition assistance program shall not—

- (A) be considered part of the supplemental nutrition assistance program benefits of the household; or
- (B) 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).

**(e) Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers****(1) In general**

The Secretary shall—

- (A) establish 1 or more Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers, in consultation with the Director of the National Institute of Food and Agriculture; and
- (B) to the extent practicable, consult on the design and scope of such Centers with grocers, farmers, health professionals, researchers, incentive program managers, and employees of the Department of Agriculture with direct experience with implementation of existing incentive programs or projects.

**(2) Establishment**

The Centers shall be capable of providing services related to grants under subsections (b) and (c), including—

- (A) offering incentive program training and technical assistance to applicants and grantees to the extent practicable, including—
  - (i) collecting and providing information on best practices that may include communications, signage, record-keeping, incentive instruments, development and integration of point of sale systems, and reporting;
  - (ii) disseminating information and assisting with collaboration among grantee projects, applicable State agencies, and nutrition education programs;
  - (iii) facilitating communication between grantees and the Department of Agriculture and applicable State agencies; and
  - (iv) providing support for the development of best practices for produce prescription projects and the sharing of information among eligible entities and healthcare providers that participate in a produce prescription project under subsection (c); and
  - (v) other services identified by the Secretary; and

(B) creating a system to collect and compile core data sets from eligible entities that—

- (i) uses standard metrics with consideration of outcome measures for existing projects;
- (ii) includes to the extent practicable grocers, farmers, health professionals, researchers, incentive program managers, and employees of the Department of Agriculture with direct experience with implementation of existing incentive programs in the design of the instrument through which data will be collected and the mechanism for reporting;

(iii) compiles project data from grantees, and beginning in fiscal year 2020 generates an annual report to Congress on grant outcomes, including—

- (I) the results of the project; and
- (II) the amount of grant funds used for the project; and

(iv) creates and maintains a publicly accessible online site that makes annual reports and incentive program information available in an anonymized format that protects confidential, personal, or other sensitive data.

### **(3) Cooperative agreement**

#### **(A) In general**

To carry out paragraph (1), the Secretary may, on a competitive basis, enter into 1 or more cooperative agreements with 1 or more organizations with expertise in developing outcome-based reporting, at least 1 of which has expertise in the food insecurity nutrition incentive program and at least 1 of which has expertise in produce prescription projects.

#### **(B) Inclusion**

The organizations referred to in subparagraph (A) may include—

- (i) nongovernmental organizations;
- (ii) State cooperative extension services;
- (iii) regional food system centers;
- (iv) Federal, State, or Tribal agencies;
- (v) institutions of higher education (as defined in section 1001(a) of title 20); or
- (vi) other appropriate entities as determined by the Secretary.

### **(f) Funding**

#### **(1) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2014 through 2023.

#### **(2) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

- (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;
- (C) <sup>1</sup>\$25,000,000 for fiscal year 2018;
- (C) <sup>1</sup>\$45,000,000 for fiscal year 2019;
- (D) \$48,000,000 for fiscal year 2020;
- (E) \$48,000,000 for fiscal year 2021;
- (F) \$53,000,000 for fiscal year 2022; and
- (G) \$56,000,000 for fiscal year 2023 and each fiscal year thereafter.

#### **(3) Use of funds**

With respect to funds made available under this section for fiscal years 2019 through 2023—

- (A) for each fiscal year the Secretary shall use not more than 10 percent of such funds available for such fiscal year for the produce prescription program described in subsection (c);
- (B) for each fiscal year not more than 8 percent of such funds available for such fiscal year shall be used by the National Institute of Food and Agriculture and the Food and Nutrition Service for administration; and
- (C) the Secretary shall use for the Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Centers established under subsection (e) not more than—
  - (i) \$17,000,000 in the aggregate for fiscal years 2019 and 2020; and
  - (ii) \$7,000,000 for each of the fiscal years 2021 through 2023.

(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; Pub. L. 115–334, title IV, §4205(a), Dec. 20, 2018, 132 Stat. 4656.)

## **REFERENCES IN TEXT**

The Food and Nutrition Act of 2008, referred to in subsecs. (a)(3)(A), (5)(A)(i), (b)(2)(A)(ii)(IV), and (d)(3), 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.

The Social Security Act, referred to in subsec. (a)(5)(A)(ii), is act [Aug. 14, 1935](#), ch. 531, 49 Stat. 620. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 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

**2018**—Pub. L. 115–334, §4205(a)(1), substituted "The Gus Schumacher nutrition incentive program" for "Food insecurity nutrition incentive" in section catchline.

Subsec. (a)(1). Pub. L. 115–334, §4205(a)(2)(A), amended par. (1) generally. Prior to amendment, par. (1) defined "eligible entity".

Subsec. (a)(3). Pub. L. 115–334, §4205(a)(2)(B), substituted "means—" and subpars. (A) and (B) for "means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)."

Subsec. (a)(4), (5). Pub. L. 115–334, §4205(a)(2)(C), added pars. (4) and (5).

Subsec. (b)(1)(B) to (D). Pub. L. 115–334, §4205(a)(3)(A), added subpar. (B), redesignated former subpars. (B) and (C) as (C) and (D), respectively, substituted "Except as provided in subparagraph (D) (iii), the" for "The" in subpar. (C) as so redesignated, and added cl. (iii) of subpar. (D) as so redesignated.

Subsec. (b)(2)(A). Pub. L. 115–334, §4205(a)(3)(B)(i), amended subpar. (A) generally. Prior to amendment, subpar. (A) related to criteria for an eligible entity.

Subsec. (b)(2)(B)(v) to (x). Pub. L. 115–334, §4205(a)(3)(B)(ii), added cls. (v) to (ix), redesignated former cl. (vi) as (x), and struck out former cl. (v) which read as follows: "are located in underserved communities; or".

Subsec. (b)(3), (4). Pub. L. 115–334, §4205(a)(3)(C), struck out pars. (3) and (4) which related to treatment of benefits as supplemental nutrition benefits under section 8(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(b)) and evaluation of projects, respectively.

Subsec. (c). Pub. L. 115–334, §4205(a)(6), added subsec. (c). Former subsec. (c) redesignated (f).

Subsec. (c)(1). Pub. L. 115–334, §4205(a)(4)(A), substituted "to carry out this section \$5,000,000 for each of fiscal years 2014 through 2023" for "to carry out subsection (b) \$5,000,000 for each of fiscal years 2014 through 2018".

Subsec. (c)(2). Pub. L. 115–334, §4205(a)(4)(B), substituted "this section" for "subsection (b)" in introductory provisions and added subpar. (C) relating to fiscal year 2019 and subpars. (D) to (G).

Subsec. (c)(3). Pub. L. 115–334, §4205(a)(4)(B)(iv), added par. (3).

Subsecs. (d), (e). Pub. L. 115–334, §4205(a)(6), added subsecs. (d) and (e).

Subsec. (f). Pub. L. 115–334, §4205(a)(5), redesignated subsec. (c) as (f).

**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.

<sup>1</sup> *So in original. Two subpars. (C) have been enacted.*

## §7518. Micro-grants for food security

### (a) Purpose

The purpose of this section is to increase the quantity and quality of locally grown food through small-scale gardening, herding, and livestock operations in food insecure communities in areas of the United States that have significant levels of food insecurity and import a significant quantity of food.

**(b) Definitions**

In this section:

**(1) Eligible entity**

The term "eligible entity" means an entity that—

(A) is—

- (i) an individual;
- (ii) an Indian tribe or tribal organization, as defined in section 5304 of title 25;
- (iii) a nonprofit organization engaged in increasing food security, as determined by the Secretary, including—
  - (I) a religious organization;
  - (II) a food bank; or
  - (III) a food pantry;
- (iv) a federally funded educational facility, including—
  - (I) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);
  - (II) a public elementary school or public secondary school;
  - (III) a public institution of higher education (as defined in section 1001 of title 20);
  - (IV) a Tribal College or University (as defined in section 1059c(b) of title 20); or
  - (V) a job training program; or

(v) a local or Tribal government that may not levy local taxes under State or Federal law; and

(B) is located in an eligible State.

**(2) Eligible State**

The term "eligible State" means—

- (A) the State of Alaska;
- (B) the State of Hawaii;
- (C) American Samoa;
- (D) the Commonwealth of the Northern Mariana Islands;
- (E) the Commonwealth of Puerto Rico;
- (F) the Federated States of Micronesia;
- (G) Guam;
- (H) the Republic of the Marshall Islands;
- (I) the Republic of Palau; and
- (J) the United States Virgin Islands.

**(c) Establishment**

The Secretary shall distribute funds to the agricultural department or agency of each eligible State for the competitive distribution of subgrants to eligible entities to increase the quantity and quality of locally grown food in food insecure communities, including through small-scale gardening, herding, and livestock operations.

**(d) Distribution of funds**

**(1) In general**

Of the amount made available under subsection (g), the Secretary shall distribute—

- (A) 40 percent to the State of Alaska;
- (B) 40 percent to the State of Hawaii; and
- (C) 2.5 percent to each eligible State described in any of subparagraphs (C) through (J) of subsection (b)(2).

**(2) Carryover of funds**

Funds distributed under paragraph (1) shall remain available until expended.

**(3) Administrative funds**

An eligible State that receives funds under paragraph (1) may use not more than 3 percent of those funds—

- (A) to administer the competition for providing subgrants to eligible entities in that eligible State;
- (B) to provide oversight of the subgrant recipients in that eligible State; and
- (C) to collect data and submit a report to the Secretary under subsection (f)(2).

**(e) Subgrants to eligible entities**

**(1) Amount of subgrants**

**(A) In general**

The amount of a subgrant to an eligible entity under this section shall be—

- (i) in the case of an eligible entity that is an individual, not greater than \$5,000 per year; and
- (ii) in the case of an eligible entity described in any of clauses (ii) through (v) of subsection (b)(1)(A), not greater than \$10,000 per year.

**(B) Matching requirement**

As a condition of receiving a subgrant under this section, an eligible entity shall provide funds equal to 10 percent of the amount received by the eligible entity under the subgrant, to be derived from non-Federal sources. A State may waive the matching requirement for an individual who otherwise meets the requirements to receive a subgrant by the eligible State.

**(C) Project period**

Funds received by an eligible entity that is awarded a subgrant under this section shall remain available for expenditure not later than 3 years after the date the funds are received.

**(2) Priority**

In carrying out the competitive distribution of subgrants under subsection (c), an eligible State may give priority to an eligible entity that—

- (A) has not previously received a subgrant under this section; or
- (B) is located in a community or region in that eligible State with the highest degree of food insecurity, as determined by the agricultural department or agency of the eligible State.

**(3) Projects**

An eligible State may provide subgrants to 2 or more eligible entities to carry out the same project.

**(4) Use of subgrant funds by eligible entities**

An eligible entity that receives a subgrant under this section shall use the funds to engage in activities that will increase the quantity and quality of locally grown food for food insecure individuals, families, neighborhoods, and communities, including by—

- (A) purchasing gardening tools or equipment, soil, soil amendments, seeds, plants, animals, canning equipment, refrigeration, or other items necessary to grow and store food;
- (B) purchasing or building composting units;
- (C) purchasing or building towers designed to grow leafy green vegetables;
- (D) expanding an area under cultivation or engaging in other activities necessary to be eligible to receive funding under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) for a high tunnel;
- (E) engaging in an activity that extends the growing season;
- (F) starting or expanding hydroponic and aeroponic farming of any scale;
- (G) building, buying, erecting, or repairing fencing for livestock, poultry, or reindeer;
- (H) purchasing and equipping a slaughter and processing facility approved by the Secretary;
- (I) traveling to participate in agricultural education provided by—
  - (i) a State cooperative extension service;
  - (ii) a land-grant college or university (as defined in section 3103 of this title);
  - (iii) a Tribal College or University (as defined in section 1059c(b) of title 20);
  - (iv) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as such terms are defined in section 1059d(b) of title 20); or
  - (v) a Federal or State agency;
- (J) paying for shipping of purchased items relating to growing or raising food for local consumption or purchase;
- (K) creating or expanding avenues for—
  - (i) the sale of food commodities, specialty crops, and meats that are grown by the eligible entity for sale in the local community; or
  - (ii) increasing the availability of fresh, locally grown, and nutritious food; and
- (L) engaging in other activities relating to increasing food security (including subsistence), as determined by the Secretary.

**(5) Eligibility for other financial assistance**

An eligible entity shall not be ineligible to receive financial assistance under another program administered by the Secretary as a result of receiving a subgrant under this section.

**(f) Reporting requirement**

**(1) Subgrant recipients**

As a condition of receiving a subgrant under this section, an eligible entity shall agree to submit to the eligible State in which the eligible entity is located a report—

- (A) not later than 60 days after the end of the project funded by the subgrant; and

(B) that describes the use of the subgrants by eligible entities, the quantity of food grown through small-scale gardening, herding, and livestock operations, and the number of food insecure individuals fed as a result of the subgrant.

**(2) Report to the Secretary**

Not later than 120 days after the date on which an eligible State receives a report from each eligible entity in that State under paragraph (1), the eligible State shall submit to the Secretary a report that describes, in the aggregate, the information and data contained in the reports received from those eligible entities.

**(g) Funding**

**(1) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for fiscal year 2019 and each fiscal year thereafter, to remain available until expended.

**(2) Appropriations in advance**

Only funds appropriated under paragraph (1) in advance specifically to carry out this section shall be available to carry out this section.

(Pub. L. 115–334, [title IV](#), [§4206](#), [Dec. 20, 2018](#), 132 Stat. 4663.)

**REFERENCES IN TEXT**

The Head Start Act, referred to in subsec. (b)(1)(A)(iv)(I), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, [Aug. 13, 1981](#), 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 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 9801 of Title 42 and Tables.

The Food Security Act of 1985, referred to in subsec. (e)(4)(D), is Pub. L. 99–198, [Dec. 23, 1985](#), 99 Stat. 1354. Chapter 4 of subtitle D of title XII of the Act is classified generally to part IV (§3839aa et seq.) of subchapter IV of chapter 58 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

**CODIFICATION**

Section was enacted as part of the Agriculture Improvement Act of 2018, and not as part of the Emergency Food Assistance Act of 1983 which comprises this chapter.

**DEFINITION OF "SECRETARY"**

"Secretary" as meaning the Secretary of Agriculture, see section 2 of Pub. L. 115–334, set out as a note under section 9001 of this title.