

§ 612c-5. Section 612c funds for purchase of fruits, vegetables, and nuts to support domestic nutrition assistance programs

(a) Funding for additional purchases of fruits, vegetables, and nuts

In addition to the purchases of fruits, vegetables, and nuts required by section 612c-4 of this title, the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 612c of this title, the following amounts:

- (1) \$190,000,000 for fiscal year 2008.
- (2) \$193,000,000 for fiscal year 2009.
- (3) \$199,000,000 for fiscal year 2010.
- (4) \$203,000,000 for fiscal year 2011.
- (5) \$206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) Form of purchases

Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(Pub. L. 110-234, title IV, § 4404, May 22, 2008, 122 Stat. 1137; Pub. L. 110-246, § 4(a), title IV, § 4404, June 18, 2008, 122 Stat. 1664, 1899.)

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 L. 110-234 was repealed by section 4(a) of Pub.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.

Section is comprised of section 4404 of Pub. L. 110-246. Subsec. (c) of section 4404 of Pub. L. 110-246 amended section 612c-4 of this title.

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

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.

§ 612c-6. Domestic food assistance programs

(a) Definition of section 32

In this section, the term “section 32” means section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

(b) Transfer to Food and Nutrition Service

(1) In general

Amounts made available for a fiscal year to carry out section 32 in excess of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administrator of the Food and Nutrition Service, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)¹ except section 21 [42 U.S.C. 1769b-1], and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21 [42 U.S.C. 1786, 1790].

(2) Maximum amount

The maximum amount calculated under this paragraph for a fiscal year is the sum of—

- (A)(i) in the case of fiscal year 2009, \$1,173,000,000;
- (ii) in the case of fiscal year 2010, \$1,199,000,000;
- (iii) in the case of fiscal year 2011, \$1,215,000,000;
- (iv) in the case of fiscal year 2012, \$1,231,000,000;
- (v) in the case of fiscal year 2013, \$1,248,000,000;
- (vi) in the case of fiscal year 2014, \$1,266,000,000;
- (vii) in the case of fiscal year 2015, \$1,284,000,000;
- (viii) in the case of fiscal year 2016, \$1,303,000,000;
- (ix) in the case of fiscal year 2017, \$1,322,000,000; and

(x) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(B) any transfers for the fiscal year from section 32 to the Department of Commerce under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(c) Fresh fruit and vegetable program

Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall transfer for use to carry out the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act [42 U.S.C. 1769a] the amounts specified in subsection (i) of that section.

(d) Whole grain products

Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall use to carry out section 1755a of title 42 \$4,000,000 for fiscal year 2009.

(e) Maintenance of funding

The funding provided under subsections (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

- (1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act [42 U.S.C. 1769a];
- (2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and
- (3) section 2036² of this title.

(Pub. L. 110-234, title XIV, § 14222, May 22, 2008, 122 Stat. 1483; Pub. L. 110-246, § 4(a), title XIV, § 14222, June 18, 2008, 122 Stat. 1664, 2245; Pub. L. 112-55, div. A, title IV, Nov. 18, 2011, 125 Stat. 574.)

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsecs. (b)(1) and (e)(1), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 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 1751 of Title 42 and Tables.

¹ So in original. Probably should be followed by a comma.

² See References in Text note below.