

ment, and amounts made available under any other marketing or promotion order, may not be used to pay any administrative expense of the Board.

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

### CHAPTER 102—EMERGENCY FOOD ASSISTANCE

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#### CODIFICATION

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 L. 98-8, which related to processing agreements, was repealed by Pub.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 L. 98-8 on Sept. 30, 2002, was repealed by Pub.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

#### § 7501. Definitions

In this chapter:

##### (1) Additional commodities

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

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

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

##### (3) Eligible recipient agency

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

- (A) administers—
  - (i) an emergency feeding organization;
  - (ii) a charitable institution (including a hospital and a retirement home, but ex-

cluding 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) of this section, 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 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.

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