

limited to, a review of the feasibility of the export proposal, adequacy of sources of supply, compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

(Pub. L. 91-524, title VIII, §811, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238.)

#### CODIFICATION

Section was not enacted as part of the Agricultural Adjustment Act which comprises this chapter.

#### § 612c-3. Repealed. Pub. L. 101-624, title XV, § 1578, Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 91-524, title VIII, §812, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238, and amended Pub. L. 95-113, title X, §1005, Sept. 29, 1977, 91 Stat. 951; Pub. L. 97-444, title II, §238, Jan. 11, 1983, 96 Stat. 2326, required exporters to report export sales and restricted President from prohibiting or curtailing certain exports. See section 5712 of this title.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 101-624, title XV, §1578, Nov. 28, 1990, 104 Stat. 3702, provided that the repeal of this section is effective upon the effective date of regulations promulgated under former section 5664 of this title, as amended by title XV of Pub. L. 101-624. Implementing regulations were promulgated and published in the Federal Register as follows:

May 30, 1991, eff. July 8, 1991, 56 F.R. 25998.  
June 3, 1991, eff. June 7, 1991, 56 F.R. 26323.  
Aug. 16, 1991, eff. Aug. 27, 1991, 56 F.R. 42222.

#### § 612c-4. Purchase of specialty crops

##### (a) General purchase authority

Of the funds made available under section 612c of this title, for fiscal year 2002 and each subsequent fiscal year, the Secretary of Agriculture shall use not less than \$200,000,000 each fiscal year to purchase fruits, vegetables, and other specialty food crops.

##### (b) Purchase of fresh fruits and vegetables for distribution to schools and service institutions

The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 1755(a) of title 42 using, of the amount specified in subsection (a), not less than \$50,000,000 for each of fiscal years 2008 through 2012.

##### (c) Definitions

In this section, the terms “fruits”, “vegetables”, and “other specialty food crops” shall have the meaning given the terms by the Secretary of Agriculture.

(Pub. L. 107-171, title X, §10603, May 13, 2002, 116 Stat. 511; Pub. L. 110-234, title IV, §4404(c), May 22, 2008, 122 Stat. 1138; Pub. L. 110-246, §4(a), title IV, §4404(c), June 18, 2008, 122 Stat. 1664, 1899.)

#### 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.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Ag-

ricultural Adjustment Act which comprises this chapter.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, §4404(c), added subsec. (b) and struck out former subsec. (b) which related to authority of the Secretary of Agriculture to purchase fresh fruits and vegetables for distribution to schools and service institutions and to provide for the Secretary of Defense to serve as the servicing agency for their procurement.

#### 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 4404(c) 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.

#### § 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.)<sup>1</sup> 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 2036<sup>2</sup> 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.

The Child Nutrition Act of 1966, referred to in subsec. (b)(1), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 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 1771 of Title 42 and Tables.

The Fish and Wildlife Act of 1956, referred to in subsec. (b)(2)(B), is act Aug. 8, 1956, ch. 1036, 70 Stat. 119, which is classified generally to sections 742a to 742d and 742e to 742j-2 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 742a of Title 16 and Tables.

The Emergency Food Assistance Act of 1983, referred to in subsec. (e)(2), is Pub. L. 98-8, title II, Mar. 24, 1983, 97 Stat. 35, which is classified principally to chapter 102 (§7501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7501 of this title and Tables.

Section 2036 of this title, referred to in subsec. (e)(3), was in the original “section 27 of the Food Stamp Act of 1977”, and was translated as meaning section 27 of Pub. L. 88-525, the Food and Nutrition Act of 2008, to reflect the probable intent of Congress and the renaming of the Act by Pub. L. 110-246, title IV, §4001(a), June 18, 2008, 122 Stat. 1853.

## 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 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.

## AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 112-55 inserted “except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21” before period at end.

## 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, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

## DEFINITION OF “SECRETARY”

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

<sup>1</sup> So in original. Probably should be followed by a comma.

<sup>2</sup> See References in Text note below.