

§ 3005. Farmers' Market Promotion Program**(a) Establishment**

The Secretary shall carry out a program, to be known as the "Farmers' Market Promotion Program" (referred to in this section as the "Program"), to make grants to eligible entities for projects to establish, expand, and promote farmers' markets and to promote direct producer-to-consumer marketing.

(b) Program purposes**(1) In general**

The purposes of the Program are—

(A) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers' markets, roadside stands, community-supported agriculture programs, agri-tourism activities, and other direct producer-to-consumer market opportunities; and

(B) to develop, or aid in the development of, new farmers' markets, roadside stands, community-supported agriculture programs, agri-tourism activities, and other direct producer-to-consumer marketing opportunities.

(2) Limitations

An eligible entity may not use a grant or other assistance provided under the Program for the purchase, construction, or rehabilitation of a building or structure.

(c) Eligible entities

An entity shall be eligible to receive a grant under the Program if the entity is—

- (1) an agricultural cooperative or a producer network or association;
- (2) a local government;
- (3) a nonprofit corporation;
- (4) a public benefit corporation;
- (5) an economic development corporation;
- (6) a regional farmers' market authority; or
- (7) such other entity as the Secretary may designate.

(d) Criteria and guidelines

The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(e) Funding**(1) Fiscal years 2008 through 2012**

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

- (A) \$3,000,000 for fiscal year 2008;
- (B) \$5,000,000 for each of fiscal years 2009 through 2010; and
- (C) \$10,000,000 for each of fiscal years 2011 and 2012.

(2) Fiscal year 2013

There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.

(3) Use of funds

Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) or (2) shall be used to support the use of electronic benefits transfers for

Federal nutrition programs at farmers' markets.

(4) Interdepartmental coordination

In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

(5) Limitation

Funds described in paragraph (3)—

(A) may not be used for the ongoing cost of carrying out any project; and

(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.

(Pub. L. 94-463, § 6, as added Pub. L. 107-171, title X, § 10605(a), May 13, 2002, 116 Stat. 513; amended Pub. L. 110-234, title X, § 10106, May 22, 2008, 122 Stat. 1337; Pub. L. 110-246, § 4(a), title X, § 10106, June 18, 2008, 122 Stat. 1664, 2098; Pub. L. 112-240, title VII, § 701(g)(1), Jan. 2, 2013, 126 Stat. 2366.)

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.

PRIOR PROVISIONS

A prior section 3005, Pub. L. 94-463, § 6, Oct. 8, 1976, 90 Stat. 1983; Pub. L. 103-437, § 4(a)(8), Nov. 2, 1994, 108 Stat. 4582, related to review of activities by Secretary and annual report to Congress, prior to repeal by Pub. L. 105-362, title I, § 101(d)(1), Nov. 10, 1998, 112 Stat. 3281.

AMENDMENTS

2013—Subsec. (e)(1). Pub. L. 112-240, § 701(g)(1)(A), substituted "Fiscal years 2008 through 2012" for "In general" in heading.

Subsec. (e)(2) to (5). Pub. L. 112-240, § 701(g)(1)(B)–(E), added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and substituted "paragraph (1) or (2)" for "paragraph (1)" in par. (3) and "paragraph (3)" for "paragraph (2)" in introductory provisions of par. (5).

2008—Subsec. (a). Pub. L. 110-246, § 10106(1), inserted "and to promote direct producer-to-consumer marketing" before period at end.

Subsec. (b)(1)(A). Pub. L. 110-246, § 10106(2)(A), inserted "agri-tourism activities," after "programs,"

Subsec. (b)(1)(B). Pub. L. 110-246, § 10106(2)(B), inserted "agri-tourism activities," after "programs," and substituted "marketing opportunities" for "infrastructure".

Subsec. (c)(1). Pub. L. 110-246, § 10106(3), inserted "or a producer network or association" after "cooperative".

Subsec. (e). Pub. L. 110-246, § 10106(4), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: "There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2007."

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

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, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 3006. Authorization of appropriations

(a) For purposes of carrying out section 3003 of this title, there are authorized to be appropriated such sums as are necessary.

(b) For purposes of carrying out the provisions of section 3004 of this title, there is authorized to be appropriated \$1,500,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978.

(Pub. L. 94-463, § 7, Oct. 8, 1976, 90 Stat. 1983; Pub. L. 105-362, title I, § 101(d)(2), Nov. 10, 1998, 112 Stat. 3281.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-362 substituted “section 3003” for “the provisions of sections 3003 and 3005”.

§ 3007. Seniors farmers’ market nutrition program**(a) Funding**

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers’ market nutrition program \$20,600,000 for each of fiscal years 2008 through 2012.

(b) Program purposes

The purposes of the seniors farmers’ market nutrition program are—

(1) to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and herbs from farmers’ markets, roadside stands, and community supported agriculture programs to low-income seniors;

(2) to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers’ markets, roadside stands, and community supported agriculture programs; and

(3) to develop or aid in the development of new and additional farmers’ markets, roadside stands, and community supported agriculture programs.

(c) Exclusion of benefits in determining eligibility for other programs

The value of any benefit provided to any eligible seniors farmers’ market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.

(d) Prohibition on collection of sales tax

Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers’ market nutrition program.

(e) Regulations

The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers’ market nutrition program.

(f) Federal law not applicable

Section 1693o-2 of title 15 shall not apply to electronic benefit transfer systems established under this section.

(Pub. L. 107-171, title IV, § 4402, May 13, 2002, 116 Stat. 334; Pub. L. 110-234, title IV, §§ 4231,

4406(c)(1), May 22, 2008, 122 Stat. 1124, 1142; Pub. L. 110-246, § 4(a), title IV, §§ 4231, 4406(c)(1), June 18, 2008, 122 Stat. 1664, 1886, 1903; Pub. L. 111-203, title X, § 1075(c), July 21, 2010, 124 Stat. 2074.)

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 Food Stamp Reauthorization Act of 2002 and also as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Farmer-to-Consumer Direct Marketing Act of 1976 which comprises this chapter.

AMENDMENTS

2010—Subsec. (f). Pub. L. 111-203 added subsec. (f).

2008—Subsec. (a). Pub. L. 110-246, § 4406(c)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary of Agriculture shall use \$5,000,000 for fiscal year 2002, and \$15,000,000 for each of fiscal years 2003 through 2007, of the funds available to the Commodity Credit Corporation to carry out and expand a seniors farmers’ market nutrition program.”

Subsec. (b)(1). Pub. L. 110-246, § 4231(1), inserted “honey,” after “vegetables.”

Subsec. (c). Pub. L. 110-246, § 4231(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers’ market nutrition program.”

Subsecs. (d), (e). Pub. L. 110-246, § 4231(3), added subsecs. (d) and (e).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

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 4231 and 4406(c)(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

Section effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107-171, set out as a note under section 1161 of Title 2, The Congress.

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