

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.

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

#### (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.

### § 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.