

reasonable intervals to States based on the grants calculated under subsection (a), or re-allocated under subsection (b), before December 31 of the following fiscal year.

**(2) Entitlement**

Each State shall be entitled to receive the value of additional commodities determined under subsection (a).

**(d) Maintenance of effort**

If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations.

(Pub. L. 98-8, title II, §214, as added Pub. L. 100-435, title I, §104, Sept. 19, 1988, 102 Stat. 1648; amended Pub. L. 101-624, title XVII, §1772(g), (h)(1), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104-127, title IV, §403(c), Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104-193, title VIII, §871(d), Aug. 22, 1996, 110 Stat. 2345.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (f) as (a) and struck out former subsec. (a) which provided for purpose of section.

Pub. L. 104-127, §403(c)(1), substituted “2002” for “1995”.

Subsec. (b). Pub. L. 104-193, §871(d)(1)-(3), redesignated subsec. (g) as (b), substituted “subsection (a),” for “subsection (f) of this section or subsection (j) of this section if applicable,” and “subsection (a)” for “subsection (f) of this section”, and struck out former subsec. (b) which provided definitions for section.

Subsec. (c). Pub. L. 104-193, §871(d)(4), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Subject to subsections (e) and (f) of this section, or subsection (j) of this section if applicable, purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f) of this section, or re-allocated under subsection (g) of this section, or calculated under subsection (j) of this section if applicable, before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.”

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (h) as (c) and struck out former subsec. (c) which authorized Secretary to purchase additional commodities to supplement commodities otherwise provided under program authorized by this chapter.

Subsec. (d). Pub. L. 104-193, §871(d)(5), struck out “or reduce the amount of funds available for other nutrition programs in the State in each fiscal year” after “such organizations”.

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (i) as (d) and struck out former subsec. (d) which provided for types and varieties of commodities which could be purchased under this section.

Subsec. (e). Pub. L. 104-193, §871(d)(1), struck out subsec. (e) which appropriated amounts through fiscal year 2002 for purchase of additional commodities under this section.

Pub. L. 104-127, §403(c)(2), substituted “2002” for “1995” in two places.

Subsecs. (f) to (i). Pub. L. 104-193, §871(d)(2), redesignated subsecs. (f) to (i) as (a) to (d), respectively.

Subsec. (j). Pub. L. 104-193, §871(d)(1), struck out subsec. (j) which authorized Secretary to promulgate new

formula for allocation of additional commodities to States.

1990—Subsec. (a). Pub. L. 101-624, §1772(g)(1), substituted “fiscal years 1991 through 1995” for “fiscal years 1989 and 1990”.

Subsec. (e). Pub. L. 101-624, §1772(g)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “During each of the fiscal years 1989 and 1990, the Secretary shall spend \$120,000,000 to purchase, process, and distribute additional commodities under this section.”

Subsec. (k). Pub. L. 101-624, §1772(h)(1), struck out heading and text of subsec. (k). Text read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-193, title VIII, §871(h), Aug. 22, 1996, 110 Stat. 2346, provided that: “The amendments made by subsection (d) [amending this section] shall become effective on October 1, 1996.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(g) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(h)(1) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

**§ 7516. Settlement and adjustment of claims**

**(a) In general**

The Secretary or a designee of the Secretary shall have the authority to—

- (1) determine the amount of, settle, and adjust any claim arising under this chapter; and
- (2) waive such a claim if the Secretary determines that to do so will serve the purposes of this chapter.

**(b) Litigation**

Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28 to conduct litigation on behalf of the United States.

(Pub. L. 98-8, title II, §215, as added Pub. L. 102-237, title IX, §922(b), Dec. 13, 1991, 105 Stat. 1888.)

EFFECTIVE DATE

Section effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.

**§ 7517. Food insecurity nutrition incentive**

**(a) In general**

In this section:

**(1) Eligible entity**

The term “eligible entity” means—

- (A) a nonprofit organization (including an emergency feeding organization);
- (B) an agricultural cooperative;
- (C) a producer network or association;
- (D) a community health organization;
- (E) a public benefit corporation;

- (F) an economic development corporation;
- (G) a farmers' market;
- (H) a community-supported agriculture program;
- (I) a buying club;
- (J) a retail food store participating in the supplemental nutrition assistance program;
- (K) a State, local, or tribal agency; and
- (L) any other entity the Secretary designates.

**(2) Emergency feeding organization**

The term “emergency feeding organization” has the meaning given the term in section 7501 of this title.

**(3) Supplemental nutrition assistance program**

The term “supplemental nutrition assistance program” means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

**(b) Food insecurity nutrition incentive grants**

**(1) Authorization**

**(A) In general**

In each of the years specified in subsection (c), the Secretary shall make grants to eligible entities in accordance with paragraph (2).

**(B) Federal share**

The Federal share of the cost of carrying out an activity under this subsection shall not exceed 50 percent of the total cost of the activity.

**(C) Non-Federal share**

**(i) In general**

The non-Federal share of the cost of an activity under this subsection may be provided—

- (I) in cash or in-kind contributions as determined by the Secretary, including facilities, equipment, or services; and
- (II) by a State or local government or a private source.

**(ii) Limitation**

In the case of a for-profit entity, the non-Federal share described in clause (i) shall not include services of an employee, including salaries paid or expenses covered by the employer.

**(2) Criteria**

**(A) In general**

For purposes of this subsection, an eligible entity is a governmental agency or non-profit organization that—

- (i) meets the application criteria set forth by the Secretary; and
- (ii) proposes a project that, at a minimum—
  - (I) has the support of the State agency;
  - (II) would increase the purchase of fruits and vegetables by low-income consumers participating in the supplemental nutrition assistance program by providing incentives at the point of purchase;
  - (III) agrees to participate in the evaluation described in paragraph (4);

(IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under this Act and incentives provided for in this subsection as apply to purchases made by individuals who are not members of households receiving benefits, such as provided for in section 278.2(b) of title 7, Code of Federal Regulations (or a successor regulation); and

(V) includes effective and efficient technologies for benefit redemption systems that may be replicated in other States and communities.

**(B) Priority**

In awarding grants under this section, the Secretary shall give priority to projects that—

- (i) maximize the share of funds used for direct incentives to participants;
- (ii) use direct-to-consumer sales marketing;
- (iii) demonstrate a track record of designing and implementing successful nutrition incentive programs that connect low-income consumers and agricultural producers;
- (iv) provide locally or regionally produced fruits and vegetables;
- (v) are located in underserved communities; or
- (vi) address other criteria as established by the Secretary.

**(3) Applicability**

**(A) In general**

The value of any benefit provided to a participant in any activity funded under this subsection shall be treated as supplemental nutrition benefits under section 8(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(b)).

**(B) Prohibition on collection of sales taxes**

Each State shall ensure that no State or local tax is collected on a purchase of food under this subsection.

**(C) No limitation on benefits**

A grant made available under this subsection shall not be used to carry out any project that limits the use of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any other Federal nutrition law.

**(D) Household allotment**

Assistance provided under this subsection to households receiving benefits under the supplemental nutrition assistance program shall not—

- (i) be considered part of the supplemental nutrition assistance program benefits of the household; or
- (ii) be used in the collection or disposition of claims under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

**(4) Evaluation**

**(A) Independent evaluation**

The Secretary shall provide for an independent evaluation of projects selected

under this subsection that measures the impact of each project on—

- (i) improving the nutrition and health status of participating households receiving incentives under this subsection; and
- (ii) increasing fruit and vegetable purchases in participating households.

**(B) Requirement**

The independent evaluation under subparagraph (A) shall use rigorous methodologies capable of producing scientifically valid information regarding the effectiveness of a project.

**(C) Costs**

The Secretary may use funds not to exceed 10 percent of the funding provided to carry out this section to pay costs associated with administering, monitoring, and evaluating each project.

**(c) Funding**

**(1) Authorization of appropriations**

There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2014 through 2018.

**(2) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsection (b)—

- (A) \$35,000,000 for the period of fiscal years 2014 and 2015;
- (B) \$20,000,000 for each of fiscal years 2016 and 2017; and
- (C) \$25,000,000 for fiscal year 2018.

(Pub. L. 110-234, title IV, § 4405, May 22, 2008, 122 Stat. 1138; Pub. L. 110-246, § 4(a), title IV, § 4405, June 18, 2008, 122 Stat. 1664, 1899; Pub. L. 113-79, title IV, § 4208, Feb. 7, 2014, 128 Stat. 826.)

REFERENCES IN TEXT

The Food and Nutrition Act of 2008, referred to in subsecs. (a)(3) and (b)(3)(C), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

This Act, referred to in subsec. (b)(2)(A)(ii)(IV), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651, known as the Food, Conservation, and Energy Act of 2008. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

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 Emergency Food Assistance Act of 1983 which comprises this chapter.

AMENDMENTS

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section related to hunger-free communities.

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.

DEFINITION OF “SECRETARY”

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

**CHAPTER 103—AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM**

Sec. 7601. Definitions.

SUBCHAPTER I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

- 7611. Standards for Federal funding of agricultural research, extension, and education.
- 7612. Priority setting process.
- 7613. Relevance and merit of agricultural research, extension, and education funded by the Department.
- 7614. Definitions.
- 7614a. Roadmap.
- 7614b. Review of plan of work requirements.
- 7614c. Budget submission and funding.

SUBCHAPTER II—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

- 7621 to 7623. Repealed.
- 7624. Biobased products.
- 7625. National Food Safety Training, Education, Extension, Outreach, and Technical Assistance Program.
- 7626. Integrated research, education, and extension competitive grants program.
- 7627. Coordinated program of research, extension, and education to improve viability of small and medium size dairy, livestock, and poultry operations.
- 7628. Support for research regarding diseases of wheat, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*.
- 7629. Repealed.
- 7630. Grants for youth organizations.
- 7631. Agricultural biotechnology research and development for developing countries.
- 7632. Specialty crop research initiative.
- 7633. Food and agriculture service learning program.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

PART A—MISCELLANEOUS

- 7641. Patent Culture Collection fees.
- 7642. Food Animal Residue Avoidance Database program.

PART B—GENERAL

- 7651. Nutrient composition data.
- 7652. Role of Secretary regarding food and agricultural sciences research and extension.
- 7653. Office of Pest Management Policy.
- 7654. Food Safety Research Information Office.
- 7655. Safe food handling education.
- 7655a. Food safety education initiatives.
- 7655b. Forestry products advanced utilization research.
- 7656. Designation of Crisis Management Team within Department.
- 7657. Senior Scientific Research Service.