

the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (a), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

#### CODIFICATION

Section was not enacted as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-78 substituted “Richard B. Russell National School Lunch Act” for “National School Lunch Act”.

1962—Subsec. (a). Pub. L. 87-803 inserted provisions requiring the enrichment of rice to meet the standards for enriched rice, empowered recipient agencies to request containers larger than 50 pounds, and provided that nothing in this section shall prohibit the distribution of fortified parboiled rice which is substantially equal in nutritional value to that of enriched rice.

#### § 1431d. Donations for school feeding programs abroad; student financing; priorities

In any school feeding programs undertaken on and after September 27, 1962 outside the United States pursuant to section 1431 of this title, section 308 of Public Law 480 (83d Congress), as amended, and section 1431b of this title, the Secretary shall receive assurances satisfactory to him that, insofar as practicable, there will be student participation in the financing of such programs on the basis of ability to pay, and such programs shall be undertaken with the understanding that commodities will be available for those programs only in accordance with the provisions of such statutes and that commodities made available under section 1431 of this title will be available only in accordance with the priorities established in such section.

(Pub. L. 87-703, title II, §205, Sept. 27, 1962, 76 Stat. 611.)

#### REFERENCES IN TEXT

Section 308 of Public Law 480 (83d Congress), referred to in text, which was classified to section 1697 of this title, was repealed by Pub. L. 89-808, §2(D), Nov. 11, 1966, 80 Stat. 1535.

#### CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1962, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

#### § 1431e. Distribution of surplus commodities to special nutrition projects; reprocessing agreements with private companies

(1) Notwithstanding any other provision of law, whenever Government stocks of commodities are acquired under the price support programs and are not likely to be sold by the Commodity Credit Corporation or otherwise used in programs of commodity sale or distribution, such commodities shall be made available without charge or credit to nutrition projects under

the authority of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), to child nutrition programs providing food service, and to food banks participating in the special nutrition projects established under section 4004 of this title. Such distribution may include bulk distribution to congregate nutrition sites and to providers of home delivered meals under the Older Americans Act of 1965. The Commodity Credit Corporation is authorized to use available funds to operate the program under this subsection and to further process products to facilitate bonus commodity use. Commodities made available under this section shall include, but not be limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.

(2)(A) For each of fiscal years 2008 through 2018, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies. The expense of reprocessing shall be paid by such eligible recipient agencies.

(B) To maintain eligibility to enter into, and to continue, any agreement with the Secretary of Agriculture under subparagraph (A), a private company shall annually settle all accounts with the Secretary and any appropriate State agency regarding commodities processed under such agreements.

(C) Whenever commodities are made available to agencies pursuant to section 311(a)(4)<sup>1</sup> of the Older Americans Act of 1965, the Secretary shall encourage access to processed end products containing the commodities when in the Secretary's judgment it is cost effective. The requirements of this subparagraph shall be met in the most efficient and effective way possible. The Secretary may, among other alternatives, use direct purchase, State option contracts authorized under section 3A of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237; 7 U.S.C. 612c note), State processing programs, and (beginning in fiscal year 1994) agreements with private companies operated as a part of the national commodity processing program.

(D) In each of fiscal years 1992, 1993, and 1994, the Secretary shall conduct a pilot project in not more than three States under which any commodity made available to agencies pursuant to section 311(a)(4)<sup>1</sup> of the Older Americans Act of 1965 that the Secretary determines to be appropriate for reprocessing is made available to the agencies as reprocessed end products. The reprocessing shall be performed pursuant to agreements with private companies, at the expense of the agencies, and operated as part of the national commodity processing program established under subparagraph (A). In determining the appropriateness of the commodities to be reprocessed under the pilot project, the Secretary shall consider the common needs of the agencies and the availability of processors.

<sup>1</sup> See References in Text note below.

(Pub. L. 97–98, title XI, §1114(a), Dec. 22, 1981, 95 Stat. 1269; Pub. L. 99–198, title XV, §1567(a), (b), Dec. 23, 1985, 99 Stat. 1591, 1592; Pub. L. 100–237, §6, Jan. 8, 1988, 101 Stat. 1740; Pub. L. 101–624, title XVII, §1775, Nov. 28, 1990, 104 Stat. 3813; Pub. L. 102–237, title IX, §921, Dec. 13, 1991, 105 Stat. 1887; Pub. L. 104–127, title IV, §405, Apr. 4, 1996, 110 Stat. 1029; Pub. L. 107–171, title IV, §4203, May 13, 2002, 116 Stat. 330; Pub. L. 110–234, title IV, §4406(b)(4), May 22, 2008, 122 Stat. 1142; Pub. L. 110–246, §4(a), title IV, §4406(b)(4), June 18, 2008, 122 Stat. 1664, 1903; Pub. L. 113–79, title IV, §4103, Feb. 7, 2014, 128 Stat. 820.)

## REFERENCES IN TEXT

The Older Americans Act of 1965, referred to in text, 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. Section 311 of the Act, which is classified to section 3030a of Title 42, was amended by Pub. L. 106–501, title III, §309, Nov. 13, 2000, 114 Stat. 2246, and, as so amended, provisions which formerly appeared in subsec. (a)(4) were struck out. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

## 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 Agriculture and Food Act of 1981, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

## AMENDMENTS

2014—Par. (2)(A). Pub. L. 113–79 substituted “2018” for “2012”.

2008—Par. (2)(A). Pub. L. 110–246, §4406(b)(4), substituted “For each of fiscal years 2008 through 2012” for “Effective through September 30, 2007”.

2002—Par. (2)(A). Pub. L. 107–171 substituted “2007” for “2002”.

1996—Par. (2)(A). Pub. L. 104–127 substituted “2002” for “1995”.

1991—Par. (2)(D). Pub. L. 102–237 substituted “1992, 1993, and 1994” for “1992 and 1993”.

1990—Par. (2)(A). Pub. L. 101–624, §1775(a), substituted “1995” for “1990”.

Par. (2)(C), (D). Pub. L. 101–624, §1775(b), added subpars. (C) and (D).

1988—Par. (2)(A). Pub. L. 100–237 substituted “September 30, 1990” for “June 30, 1987”.

1985—Pub. L. 99–198 designated existing provisions as par. (1), inserted provision directing that commodities made available under this section include, but not be limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal, and added par. (2).

## 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 4406(b)(4) 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 OF 2002 AMENDMENT

Amendment by Pub. L. 107–171 effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L.

107–171, set out as an Effective Date note under section 1161 of Title 2, The Congress.

## EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–237 effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102–237, set out as a note under section 1421 of this title.

## EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as a note under section 4301 of this title.

## NATIONAL DONATED COMMODITY PROCESSING PROGRAMS

Pub. L. 99–500, title III, §364, Oct. 18, 1986, 100 Stat. 1783–368, and Pub. L. 99–591, title III, §364, Oct. 30, 1986, 100 Stat. 3341–371; Pub. L. 99–661, div. D, title IV, §4404, Nov. 14, 1986, 100 Stat. 4079, provided that: “In accordance with the terms and conditions of section 1114(a)(2) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)), whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of the commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies.”

### § 1431f. Assistance to foreign countries to mitigate effects of HIV and AIDS

On and after November 10, 2005, of any shipments of commodities made pursuant to section 1431(b) of this title, the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

(Pub. L. 109–97, title VII, §725, Nov. 10, 2005, 119 Stat. 2153.)

## CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108–447, div. A, title VII, §728, Dec. 8, 2004, 118 Stat. 2843.

Pub. L. 108–199, div. A, title VII, §725, Jan. 23, 2004, 118 Stat. 34.