

§ 2911. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter. Sums appropriated to carry out this chapter shall not be available for payment of the expenses or expenditures of the Board or the Committee in administering any provisions of the order issued under section 2903(b) of this title.

(Pub. L. 94-294, §12, May 28, 1976, 90 Stat. 535; Pub. L. 99-198, title XVI, §1601(b), Dec. 23, 1985, 99 Stat. 1606.)

AMENDMENTS

1985—Pub. L. 99-198 amended section generally, substituting provisions relating to authorization of appropriations for provisions relating to refund of assessment from Beef Board.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective Jan. 1, 1986, see section 1601(c) of Pub. L. 99-198, set out as a note under section 2901 of this title.

§§ 2912 to 2918. Omitted

CODIFICATION

Sections 2912 to 2918 of this title were omitted in the general revision of this chapter by Pub. L. 99-198, title XVI, §1601(b), Dec. 23, 1985, 99 Stat. 1597.

Section 2912, Pub. L. 94-294, §13, May 28, 1976, 90 Stat. 535, related to administrative review of orders, petition for such review, a hearing, and judicial review.

Section 2913, Pub. L. 94-294, §14, May 28, 1976, 90 Stat. 536, related to enforcement of orders, referral of civil actions to Attorney General, penalties for willful violations, and availability of additional remedies. See section 2908 of this title.

Section 2914, Pub. L. 94-294, §15, May 28, 1976, 90 Stat. 536, related to certification of organizations and contents of a factual report as criteria. See section 2905 of this title.

Section 2915, Pub. L. 94-294, §16, May 28, 1976, 90 Stat. 537, provided that nothing in this chapter be construed to interfere with workings of any State beef board, council, or other promotion entity. See section 2910(a) of this title.

Section 2916, Pub. L. 94-294, §17, May 28, 1976, 90 Stat. 537, authorized Secretary to promulgate regulations to carry out this chapter.

Section 2917, Pub. L. 94-294, §18, May 28, 1976, 90 Stat. 537, related to investigations by Secretary, oaths and affirmations, subpoenas, judicial enforcement, contempt proceedings, and service of process. See section 2909 of this title.

Section 2918, Pub. L. 94-294, §20, May 28, 1976, 90 Stat. 538, authorized appropriations to carry out this chapter. See section 2911 of this title.

**CHAPTER 63—FARMER-TO-CONSUMER
DIRECT MARKETING**

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§ 3001. Congressional statement of purpose

It is the purpose of this chapter to promote, through appropriate means and on an economi-

cally sustainable basis, the development and expansion of direct marketing of agricultural commodities from farmers to consumers. To accomplish this objective, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall initiate and coordinate a program designed to facilitate direct marketing from farmers to consumers for the mutual benefit of consumers and farmers.

(Pub. L. 94-463, §2, Oct. 8, 1976, 90 Stat. 1982.)

SHORT TITLE

Pub. L. 94-463, §1, Oct. 8, 1976, 90 Stat. 1982, provided: "That this Act [enacting this chapter and provisions set out as a note under section 5145 of Title 42, The Public Health and Welfare] may be cited as the 'Farmer-to-Consumer Direct Marketing Act of 1976.'"

§ 3002. Definitions

For purposes of this chapter, the term "direct marketing from farmers to consumers" shall mean the marketing of agricultural commodities at any marketplace (including, but not limited to, roadside stands, city markets, and vehicles used for house-to-house marketing of agricultural commodities) established and maintained for the purpose of enabling farmers to sell (either individually or through a farmers' organization directly representing the farmers who produced the commodities being sold) their agricultural commodities directly to individual consumers, or organizations representing consumers, in a manner calculated to lower the cost and increase the quality of food to such consumers while providing increased financial returns to the farmers.

(Pub. L. 94-463, §3, Oct. 8, 1976, 90 Stat. 1982.)

§ 3003. Survey

The Secretary shall provide, through the Economic Research Service of the United States Department of Agriculture, or whatever agency or agencies the Secretary considers appropriate, an annual survey of existing methods of direct marketing from farmers to consumers in each State.

(Pub. L. 94-463, §4, Oct. 8, 1976, 90 Stat. 1982; Pub. L. 107-171, title X, §10605(b)(1), May 13, 2002, 116 Stat. 513.)

AMENDMENTS

2002—Pub. L. 107-171 substituted "an annual survey" for "a continuing survey" and struck out at end "The initial survey, which shall be completed no later than one year following October 8, 1976, shall include the number of types of such marketing methods in existence, the volume of business conducted through each such marketing method, and the impact of such marketing methods upon financial returns to farmers (including their impact upon improving the economic viability of small farmers) and food quality and costs to consumers."

§ 3004. Direct marketing assistance within the States**(a) In general**

In order to promote the establishment and operation of direct marketing from farmers to consumers, the Secretary shall provide that funds appropriated to carry out this section be utilized by State departments of agriculture and

the Secretary for the purpose of conducting or facilitating activities which will initiate, encourage, develop, or coordinate methods of direct marketing from farmers to consumers within or among the States. Such funds shall be allocated to a State on the basis of the feasibility of direct marketing from farmers to consumers within that State as compared to other States and shall be allocated within a State to the State department of agriculture and to the Secretary on the basis of the types of activities which are needed in the State, as determined by the Secretary. The activities shall include, but shall not be limited to—

- (1) sponsoring conferences which are designed to facilitate the sharing of information (among farm producers, consumers, and other interested persons or groups) concerning the establishment and operation of direct marketing from farmers to consumers;
- (2) compiling laws and regulations relevant to the conduct of the various methods of such direct marketing within the State, formulating drafts of enabling legislation needed to facilitate such direct marketing, determining feasible locations for additional facilities for such direct marketing, and preparing and disseminating practical information on the establishment and operation of such direct marketing; and
- (3) providing technical assistance for the purpose of aiding interested individuals or groups in the establishment of arrangements for direct marketing from farmers to consumers.

(b) Development of farmers' markets

The Secretary shall—

- (1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers' markets;
- (2) develop opportunities to share information among managers of farmers' markets;
- (3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and
- (4) work with producers to develop farmers' markets.

(c) Consideration of consumer preferences

In the implementation of this section, the Secretary shall take into account consumer preferences and needs which may bear upon the establishment and operation of arrangements for direct marketing from farmers to consumers.

(Pub. L. 94-463, § 5, Oct. 8, 1976, 90 Stat. 1982; Pub. L. 107-171, title X, § 10605(b)(2), May 13, 2002, 116 Stat. 513.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171, § 10605(b)(2)(A), substituted “Secretary for the purpose” for “Extension Service of the United States Department of Agriculture for the purpose”, “Secretary on the basis” for “Extension Service on the basis”, and “, as determined by the Secretary” for “and on the basis of which of these two agencies, or combination thereof, can best perform these activities”.

Subsecs. (b), (c). Pub. L. 107-171, § 10605(b)(2)(B), (C), added subsec. (b) and redesignated former subsec. (b) as (c).

§ 3005. Farmers' Market and Local Food Promotion Program

(a) Establishment

The Secretary shall carry out a program, to be known as the “Farmers' Market and Local Food Promotion Program” (referred to in this section as the “Program”), to make grants to eligible entities for projects to establish, expand, and promote direct producer-to-consumer marketing and assist in the development of local food business enterprises.

(b) Program purposes

The purposes of the Program are to increase domestic consumption of and access to locally and regionally produced agricultural products, and to develop new market opportunities for farm and ranch operations serving local markets, by developing, improving, expanding, and providing outreach, training, and technical assistance to, or assisting in the development, improvement and expansion of—

- (1) domestic farmers' markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities; and
- (2) local and regional food business enterprises (including those that are not direct producer-to-consumer markets) that process, distribute, aggregate, or store locally or regionally produced food products.

(c) Eligible entities

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

- (1) an agricultural cooperative or other agricultural business entity or a producer network or association, including a community supported agriculture 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) Priorities

In providing grants under the Program, priority shall be given to applications that include projects that benefit underserved communities, including communities that—

- (1) are located in areas of concentrated poverty with limited access to fresh locally or regionally grown foods; and
- (2) have not received benefits from the Program in the recent past.

(f) Funds requirements for eligible entities

(1) Matching funds

An entity receiving a grant under this section for a project to carry out a purpose described in subsection (b)(2) shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to 25 percent of the total cost of the project.