

retary shall consider the common needs of the agencies and the availability of processors.

(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 L. 110–234 were repealed by section 4(a) of Pub.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.

Pub. L. 108-7, div. A, title VII, §725, Feb. 20, 2003, 117 Stat. 42.

Pub. L. 107-76, title VII, §727, Nov. 28, 2001, 115 Stat. 735.

Pub. L. 106-387, §1(a) [title VII, §743], Oct. 28, 2000, 114 Stat. 1549, 1549A-35.

**§ 1432. Extension of price support on long staple cotton seeds and products**

Any price support program in effect on cottonseed or any of its products shall be extended to the same seed and products of the cottons defined under section 1347(a) of this title.

(Oct. 31, 1949, ch. 792, title IV, §420, as added July 17, 1952, ch. 933, §3(2), 66 Stat. 759.)

REFERENCES IN TEXT

Section 1347 of this title, referred to in text, was repealed by Pub. L. 98-88, §2, Aug. 26, 1983, 97 Stat. 494.

INAPPLICABILITY OF SECTION

Section inapplicable to 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(b)(10) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(b)(10) of this title.

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

**§ 1433. Repealed. Pub. L. 100-387, title I, § 101(b)(3), Aug. 11, 1988, 102 Stat. 931**

Section, act Oct. 31, 1949, ch. 792, title IV, §421, as added Sept. 11, 1964, Pub. L. 88-585, §2, 78 Stat. 927, related to penalties for misuse of feed intended to relieve distress or preserve foundation herds. See section 1471j of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100-387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

**§ 1433a. Forgiveness of violations; determinations**

Notwithstanding any other provision of law, whenever a producer samples, turns, moves, or replaces grain or any other commodity which is security for a Commodity Credit Corporation producer loan or is held under a producer reserve program, and does so in violation of law or regulation, the appropriate county committee established under section 590h(b) of title 16 may forgive some or all of the penalties and requirements that would normally be imposed on the producer by reason of the violation, if such committee determines that (1) the violation occurred inadvertently or accidentally, because of lack of knowledge or understanding of the law or regulation, or because the producer or the producer's agent acted to prevent spoilage of the commodity, and (2) the violation did not result

in harm or damage to the rights or interests of any person. The county committee shall furnish a copy of its determination to the Administrator of the Agricultural Stabilization and Conservation Service and the appropriate State committee established under section 590h(b) of title 16. The determination may be disapproved by either the Administrator or the State committee within sixty days after receipt of a copy of the determination. Any determination not disapproved by the Administrator or such State committee within such sixty-day period shall be considered approved.

(Oct. 31, 1949, ch. 792, title IV, §422, as added Pub. L. 97-98, title X, §1002, Dec. 22, 1981, 95 Stat. 1260.)

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.

INAPPLICABILITY OF SECTION

Section inapplicable to 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(b)(10) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(b)(10) of this title.

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

**§ 1433b. Processing of surplus agricultural commodities into liquid fuels and agricultural commodity byproducts**

**(a) Authority of Commodity Credit Corporation; terms and conditions established by Secretary; fuel prices**

Notwithstanding any other provision of law, in order to prevent the accumulation of excessive stocks of agricultural commodities through the price support and stabilization operations of the Commodity Credit Corporation<sup>1</sup> the Corporation may, under terms and conditions established by the Secretary, make its accumulated stocks of agricultural commodities available, at no cost or reduced cost, to encourage the purchase of such commodities for the production of liquid fuels and agricultural commodity byproducts. In carrying out the program established by this section, the Secretary shall ensure, insofar as possible, that any use of agricultural commodities made available be made in such manner as to encourage increased use and avoid displacing usual marketings of agricultural commodities.

**(b) Feasibility of processing**

In determining the feasibility of providing for the processing of Commodity Credit Corporation stocks of commodities under subsection (a), the Secretary shall consider the nature of the commodities, and the acquisition, transportation,

<sup>1</sup> So in original. Probably should be followed by a comma.