

and to prevent and restrain any person from violating, an order or regulation issued under this subchapter.

(c) Referral to Attorney General

A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

(Pub. L. 104-127, title V, §578, Apr. 4, 1996, 110 Stat. 1082.)

§ 7488. Investigations and power to subpoena

(a) Investigations

The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this subchapter; and

(2) to determine whether any person subject to this subchapter has engaged, or is about to engage, in an act that constitutes or will constitute a violation of this subchapter or of an order or regulation issued under this subchapter.

(b) Oaths, affirmations, and subpoenas

For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(c) Aid of courts

(1) Request

In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in requiring the attendance and testimony of the person and the production of records.

(2) Enforcement order of the court

The court may issue an enforcement order requiring the person to appear before the Secretary to produce records or to give testimony concerning the matter under investigation.

(3) Contempt

A failure to obey an enforcement order of the court under paragraph (2) may be punished by the court as a contempt of the court.

(4) Process

Process in a case under this subsection may be served in the judicial district in which the person resides or carries on business or wherever the person may be found.

(Pub. L. 104-127, title V, §579, Apr. 4, 1996, 110 Stat. 1083.)

§ 7489. Relation to other programs

Nothing in this subchapter preempts or supercedes any other program relating to popcorn promotion organized and operated under the laws of the United States or any State.

(Pub. L. 104-127, title V, §580, Apr. 4, 1996, 110 Stat. 1083.)

§ 7490. Regulations

The Secretary may issue such regulations as are necessary to carry out this subchapter.

(Pub. L. 104-127, title V, §581, Apr. 4, 1996, 110 Stat. 1083.)

§ 7491. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter. Amounts made available under this section or otherwise made available to the Department, and amounts made available under any other marketing or promotion order, may not be used to pay any administrative expense of the Board.

(Pub. L. 104-127, title V, §582, Apr. 4, 1996, 110 Stat. 1083.)

CHAPTER 102—EMERGENCY FOOD ASSISTANCE

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Editorial Notes

CODIFICATION

This chapter is comprised principally of title II (§§201-215) of Pub. L. 98-8, Mar. 24, 1983, 97 Stat. 35, as amended. Title II of Pub. L. 98-8 was formerly set out as a note under section 612c of this title. Section 203 of title II of Pub. L. 98-8, which related to processing agreements, was repealed by Pub. L. 99-198, title XV, §1567(c), Dec. 23, 1985, 99 Stat. 1592. Section 207 of title II of Pub. L. 98-8 amended section 4(c) of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, set out as a note under section 612c of this title. Section 212 of title II of Pub. L. 98-8, which provided for termination of title II of Pub. L. 98-8 on Sept. 30, 2002, was repealed by Pub. L. 104-193, title VIII, §871(e)(4), Aug. 22, 1996, 110 Stat. 2345.

§ 7501. Definitions

In this chapter:

(1) Additional commodities

The term “additional commodities” means commodities made available under section 7515 of this title in addition to the commodities made available under sections 7502 and 7507 of this title.

(2) Average monthly number of unemployed persons

The term “average monthly number of unemployed persons” means the average month-

ly number of unemployed persons in each State during the most recent fiscal year for which information concerning the number of unemployed persons is available, as determined by the Bureau of Labor Statistics of the Department of Labor.

(3) Eligible recipient agency

The term “eligible recipient agency” means a public or nonprofit organization that—

(A) administers—

- (i) an emergency feeding organization;
- (ii) a charitable institution (including a hospital and a retirement home, but excluding a penal institution) to the extent that the institution serves needy persons;
- (iii) a summer camp for children, or a child nutrition program providing food service;
- (iv) a nutrition project operating under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), including a project that operates a congregate nutrition site and a project that provides home-delivered meals; or
- (v) a disaster relief program;

(B) has been designated by the appropriate State agency, or by the Secretary; and

(C) has been approved by the Secretary for participation in the program established under this chapter.

(4) Emergency feeding organization

The term “emergency feeding organization” means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

(5) Food bank

The term “food bank” means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

(6) Food pantry

The term “food pantry” means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

(7) Poverty line

The term “poverty line” has the meaning provided in section 9902(2) of title 42.

(8) Soup kitchen

The term “soup kitchen” means a public or charitable institution that, as an integral part of the normal activities of the institution,

maintains an established feeding operation to provide food to needy homeless persons on a regular basis.

(9) Total value of additional commodities

The term “total value of additional commodities” means the actual cost of all additional commodities that are paid by the Secretary (including the distribution and processing costs incurred by the Secretary).

(10) Value of additional commodities allocated to each State

The term “value of additional commodities allocated to each State” means the actual cost of additional commodities allocated to each State that are paid by the Secretary (including the distribution and processing costs incurred by the Secretary).

(Pub. L. 98–8, title II, §201A, as added Pub. L. 98–92, §2(2), Sept. 2, 1983, 97 Stat. 608; amended Pub. L. 99–198, title XV, §1563, Dec. 23, 1985, 99 Stat. 1590; Pub. L. 104–193, title VIII, §871(a), Aug. 22, 1996, 110 Stat. 2343.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning the Emergency Food Assistance Act of 1983, title II of Pub. L. 98–8, Mar. 24, 1983, 97 Stat. 35, as amended, which enacted this chapter and amended provisions set out as a note under section 612c of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Older Americans Act of 1965, referred to in par. (3)(A)(iv), 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. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

AMENDMENTS

1996—Pub. L. 104–193 amended section generally, substituting provisions containing an opening provision and pars. (1) to (10) defining “additional commodities”, “average monthly number of unemployed persons”, “eligible recipient agency”, “emergency feeding organization”, “food bank”, “food pantry”, “poverty line”, “soup kitchen”, “total value of additional commodities”, and “value of additional commodities allocated to each state” for an opening provision and pars. (1) to (6) defining “eligible recipient agencies”.

1985—Par. (1). Pub. L. 99–198 inserted before semicolon at end “(including the activities and projects of charitable institutions, food banks, hunger centers, soup kitchens, and similar public or private nonprofit eligible recipient agencies) hereinafter in this chapter referred to as ‘emergency feeding organizations’”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 98–92, §2, Sept. 2, 1983, 97 Stat. 608, provided in part that the amendments made by section 2 are effective Oct. 1, 1983.

SHORT TITLE

Pub. L. 98–8, title II, §201, Mar. 24, 1983, 97 Stat. 35, as amended by Pub. L. 98–92, §2(1), Sept. 2, 1983, 97 Stat. 608; Pub. L. 101–624, title XVII, §1772(a)(2), Nov. 28, 1990, 104 Stat. 3808, provided that: “This title [enacting this chapter and amending provisions set out as a note under section 612c of this title] may be cited as the ‘Emergency Food Assistance Act of 1983’, and is hereinafter in this title referred to as ‘this Act’.”

FOOD SUPPLY CHAIN AND AGRICULTURE PANDEMIC
RESPONSE

Pub. L. 117-2, title I, §1001, Mar. 11, 2021, 135 Stat. 10, provided that:

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$4,000,000,000, to remain available until expended, to carry out this section.

“(b) USE OF FUNDS.—The Secretary of Agriculture shall use the amounts made available pursuant to subsection (a)—

“(1) to purchase food and agricultural commodities;

“(2) to purchase and distribute agricultural commodities (including fresh produce, dairy, seafood, eggs, and meat) to individuals in need, including through delivery to nonprofit organizations and through restaurants and other food related entities, as determined by the Secretary, that may receive, store, process, and distribute food items;

“(3) to make grants and loans for small or midsized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to COVID-19, including for measures to protect workers against COVID-19; and

“(4) to make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency.

“(c) ANIMAL HEALTH.—

“(1) COVID-19 ANIMAL SURVEILLANCE.—The Secretary of Agriculture shall conduct monitoring and surveillance of susceptible animals for incidence of SARS-CoV-2.

“(2) FUNDING.—Out of the amounts made available under subsection (a), the Secretary shall use \$300,000,000 to carry out this subsection.

“(d) OVERTIME FEES.—

“(1) SMALL ESTABLISHMENT; VERY SMALL ESTABLISHMENT DEFINITIONS.—The terms ‘small establishment’ and ‘very small establishment’ have the meaning given those terms in the final rule entitled ‘Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems’ published in the Federal Register on July 25, 1996 (61 Fed. Reg. 38806).

“(2) OVERTIME INSPECTION COST REDUCTION.—Notwithstanding section 10703 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2219a), the Act of June 5, 1948 (21 U.S.C. 695), section 25 of the Poultry Products Inspection Act (21 U.S.C. 468), and section 24 of the Egg Products Inspection Act (21 U.S.C. 1053), and any regulations promulgated by the Department of Agriculture implementing such provisions of law and subject to the availability of funds under paragraph (3), the Secretary of Agriculture shall reduce the amount of overtime inspection costs borne by federally-inspected small establishments and very small establishments engaged in meat, poultry, or egg products processing and subject to the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), for inspection activities carried out during the period of fiscal years 2021 through 2030.

“(3) FUNDING.—Out of the amounts made available under subsection (a), the Secretary shall use \$100,000,000 to carry out this subsection.”

§ 7502. Availability of CCC commodities

(a) In general

Notwithstanding any other provision of law, in order to complement the domestic nutrition programs, make maximum use of the Nation’s agricultural abundance, and expand and improve the domestic distribution of price-supported commodities, commodities acquired by the Com-

modity Credit Corporation that the Secretary of Agriculture (hereinafter referred to as the “Secretary”) determines, in his discretion, are in excess of quantities needed to—

(1) carry out other domestic donation programs,

(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

(3) meet international market development and food aid commitments, and

(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938 [7 U.S.C. 1281 et seq.], the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], and the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.],

shall be made available by the Secretary, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance.

(b) Repealed. Pub. L. 99-198, title XV, § 1565(a)(2), Dec. 23, 1985, 99 Stat. 1591

(c) Additional commodities

In addition to any commodities described in subsection (a), in carrying out this chapter, the Secretary may use agricultural commodities and the products thereof made available under clause (2) of the second sentence of section 612c of this title.

(d) Varieties of commodities

Commodities made available under this chapter shall include a variety of commodities and products thereof that are most useful to eligible recipient agencies, including, but not be¹ limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.

(e) Report to Congress

Effective April 1, 1986, the Secretary shall submit semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the types and amounts of commodities made available for distribution under this chapter.

(f) Relation to other programs

Notwithstanding any other provision of law, the programs authorized by section 713a-14 of title 15¹ and section 1163 of the Food Security Act of 1985 shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made available to carry out this chapter or any other domestic feeding program.

(g) Donations to emergency feeding organizations

(1) Whenever commodities acquired by the Commodity Credit Corporation are made available for donation to domestic food programs in quantities that exceed Federal obligations, the Secretary shall give equal consideration to making donations of such commodities to emergency feeding organizations participating in the pro-

¹ So in original. The word “be” probably should not appear.

¹ See References in Text note below.