

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 be<sup>1</sup> 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 15<sup>1</sup> 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-

<sup>1</sup> So in original. The word “be” probably should not appear.

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

gram authorized by this chapter as is given to other commodity recipient agencies, taking into account the types and amounts of commodities available and appropriate for distribution to these organizations.

(2) In determining the commodities that will be made available to emergency feeding organizations under this chapter, the Secretary may distribute commodities that become available on a seasonal or irregular basis.

#### (h) **Kosher and Halal food**

As soon as practicable after February 7, 2014, the Secretary shall finalize and implement a plan—

(1) to increase the purchase of Kosher and Halal food from food manufacturers with a Kosher or Halal certification to carry out the program established under this chapter if the Kosher and Halal food purchased is cost neutral as compared to food that is not from food manufacturers with a Kosher or Halal certification; and

(2) to modify the labeling of the commodities list used to carry out the program in a manner that enables Kosher and Halal distribution entities to identify which commodities to obtain from local food banks.

(Pub. L. 98–8, title II, §202, Mar. 24, 1983, 97 Stat. 35; Pub. L. 98–92, §2(3), (4), Sept. 2, 1983, 97 Stat. 609; Pub. L. 99–198, title XV, §§1564(a), 1565(a), Dec. 23, 1985, 99 Stat. 1591; Pub. L. 100–77, title VIII, §811, July 22, 1987, 101 Stat. 536; Pub. L. 100–435, title I, §101, Sept. 19, 1988, 102 Stat. 1647; Pub. L. 101–624, title XVII, §1772(b), Nov. 28, 1990, 104 Stat. 3808; Pub. L. 113–79, title IV, §4207, Feb. 7, 2014, 128 Stat. 826.)

#### **Editorial Notes**

##### REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in subsec. (a)(4), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in subsec. (a)(4), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in subsec. (a)(4), is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

Section 713a–14 of title 15, referred to in subsec. (f), was repealed by Pub. L. 113–79, title I, §1423(a), Feb. 7, 2014, 128 Stat. 695.

Section 1163 of the Food Security Act of 1985, referred to in subsec. (f), is section 1163 of Pub. L. 99–198, which is set out as a note under section 1731 of this title.

##### AMENDMENTS

2014—Subsec. (h). Pub. L. 113–79 added subsec. (h).  
1990—Subsec. (g). Pub. L. 101–624 added subsec. (g).  
1988—Subsec. (f). Pub. L. 100–435 added subsec. (f).  
1987—Subsec. (a). Pub. L. 100–77, §811(b), inserted subsec. (a) designation.

Subsec. (d). Pub. L. 100–77, §811(a), inserted “a variety of commodities and products thereof that are most use-

ful to eligible recipient agencies, including” after “shall include”.

1985—Pub. L. 99–198, §1565(a), struck out subsec. (a) designation and struck out subsec. (b) which read as follows: “Notwithstanding any other provision of law, if wheat stocks acquired by the Commodity Credit Corporation are not available for the purposes of this chapter, up to 300,000 metric tons of wheat designated under section 1736f–1(b)(1) of this title may be used for the purposes of this chapter. Any amount of wheat used from the Food Security Wheat Reserve under this chapter shall be replenished by an equivalent quantity of wheat under the provisions of section 1736f–1(b) of this title as soon as practicable, but before October 1, 1985.”

Subsecs. (c) to (e). Pub. L. 99–198, §1564(a), added subsecs. (c) to (e).

1983—Subsec. (a). Pub. L. 98–92, §2(3), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Notwithstanding any other provision of law, commodities acquired by the Commodity Credit Corporation that are in excess of quantities needed for the fiscal year to carry out a payment-in-kind acreage diversion program, maintain U.S. share of world markets, and meet international market development and food aid commitments, shall be made available by the Secretary of Agriculture (hereinafter in this chapter referred to as the ‘Secretary’) without charge or credit in such fiscal year for use by eligible recipient agencies. Upon request, commodities provided by the CCC shall be provided in a form suitable for individual household or institutional use.”

Subsec. (b). Pub. L. 98–92, §2(4), substituted “may be used” for “shall be used” and directed the substitution of “October 1, 1985” for “December 1, 1983”, which was executed by making the substitution for “December 31, 1983” to reflect the probable intent of Congress.

#### **Statutory Notes and Related Subsidiaries**

##### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–435 to be effective and implemented on Sept. 19, 1988, see section 701(b)(1) of Pub. L. 100–435, set out as a note under section 2012 of this title.

##### EFFECTIVE DATE OF 1983 AMENDMENT

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

#### **§ 7503. State plan**

##### **(a) Plans**

###### **(1) In general**

To receive commodities under this chapter, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this chapter.

###### **(2) Updates**

A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.

##### **(b) Requirements**

Each plan shall—

(1) designate the State agency responsible for distributing the commodities received under this chapter;

(2) set forth a plan of operation and administration to expeditiously distribute commodities under this chapter;

(3) set forth the standards of eligibility for recipient agencies;