producer, restaurant, caterer, school food authority, or institution of higher education.

(2) Guidance

(A) In general

Not later than 180 days after December 20, 2018, the Secretary shall issue guidance to promote awareness of donations of apparently wholesome food protected under section 1791(c) of title 42 by qualified direct donors in compliance with applicable State and local health, food safety, and food handling laws (including regulations).

(B) Issuance

The Secretary shall encourage State agencies and emergency feeding organizations to share the guidance issued under subparagraph (A) with qualified direct donors.

(2) Guidance

(A) In general

Amended Pub. L. 115–334, title IV, §§ 4018(b), (c), 100–435, title I, § 102, Sept. 19, 1988, 102 Stat. 1647; added subsecs. (d) and (e).


Amendments

2018—Subsecs. (d), (e). Pub. L. 115–334, § 4018(b), (c), added subsecs. (d) and (e).


Effective date

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100–435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

§ 7508. Authorization and appropriations

(a)(1) There are authorized to be appropriated $100,000,000 for fiscal year 2008 and each fiscal year thereafter for the Secretary to make available to the States to pay for the direct and indirect costs of the States related to the processing, storage, transporting, and distributing to eligible recipient agencies of commodities provided by the Secretary under this chapter and commodities secured from other sources, including commodities secured by gleaning (as defined in section 111(a) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note; Public Law 100–435)) and donated wild game. Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis, dividing such funds among the States in the same proportions as the commodities distributed under this chapter for such fiscal year are divided among the States. If a State agency is unable to use all of the funds so allocated to it, the Secretary shall reallocate such unused funds among the other States.

(2) Each State shall make available to emergency feeding organizations in the State not less than 40 percent of the funds provided as authorized in paragraph (1) that it has been allocated for a fiscal year, as necessary to pay for, or provide advance payments to cover, the direct expenses of the emergency feeding organizations for distributing commodities to needy persons, but only to the extent such expenses are actually so incurred by such organizations. As used in this paragraph, the term “direct expenses” includes costs of transporting, storing, handling, repackaging, processing, and distributing commodities incurred after they are received by the organization; costs associated with determinations of eligibility, verification, and documentation; costs of providing information to persons receiving commodities under this chapter concerning the appropriate storage and preparation of such commodities; costs involved in publishing announcements of times and locations of distribution; and costs of recordkeeping, auditing, and other administrative procedures required for participation in the program under this chapter. If a State makes a payment, using State funds, to cover direct expenses of emergency feeding organizations, the amount of such payment shall be counted toward the amount a State must make available for direct expenses of emergency feeding organizations under this paragraph.

(3) States to which funds are allocated for a fiscal year under this subsection shall submit financial reports to the Secretary, on a regular basis, as to the use of such funds. No such funds may be used by States or emergency feeding organizations for costs other than those involved in covering the expenses related to the distribution of commodities by emergency feeding organizations.

(4)(A) Except as provided in subparagraph (B), effective January 1, 1987, to be eligible to receive funds under this subsection, a State shall provide in cash or in kind (according to procedures approved by the Secretary for certifying these in-kind contributions) from non-Federal sources a contribution equal to the difference between—

(i) the amount of such funds so received; and

(ii) any part of the amount allocated to the State and paid by the State.

(I) to emergency feeding organizations; or

(II) for the direct expenses of such organizations;

for use in carrying out this chapter.

(B)(i) Except as provided in clause (ii), subparagraph (A) shall apply to States beginning on January 1, 1987.

(ii) If the legislature of a State does not convene in regular session before January 1, 1987, paragraph (1) shall apply to such State beginning on October 1, 1987.

(C) Funds allocated to a State under this section may, upon State request, be allocated before States satisfy the matching requirement specified in subparagraph (A), based on the estimated contribution required. The Secretary shall periodically reconcile estimated and actual contributions and adjust allocations to the State to correct for overpayments and underpayments.

(5) States may not charge for commodities made available to emergency feeding organizations, and may not pass on to such organizations the cost of any matching requirements, under this chapter.

(b) The value of the commodities made available under this chapter and the funds of the Corporation used to pay the costs of initial processing, packaging (including forms suitable for home use), and delivering commodities to the States shall not be charged against appropriations made or authorized under this section.
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Amendments


Pub. L. 110–246, § 4201(c), in first sentence, substituted “$100,000,000” for “$60,000,000” and inserted “and during the period ending September 30, 2003 through 2007”. Subsec. (a)(1). Pub. L. 110–234, in first sentence, substituted “40” for “20” and, in second sentence, substituted “40” for “20” and, in second sentence, substituted “storage,” after “processing,” and, “including commodities gleaning” (as defined in section 1501(a) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note; Public Law 100–435)) after “sources”, for “for State and local payments for costs associated with meeting and preparing the storage and processing of such commodities;” (as so added).


Subsec. (a)(1). Pub. L. 104–193, § 871(c), in first sentence, substituted “to pay for the direct and indirect administrative costs of the States related to the processing, transporting, and distributing to eligible recipient agencies of commodities provided by the Secretary under this chapter and commodities secured from other sources” for “for State and local payments for costs associated with the distribution of commodities by emergency feeding organizations under this chapter” and struck out at end “States may also use funds provided under this paragraph to pay for the costs associated with the distribution of commodities under the program authorized under section 110 of the Hunger Prevention Act of 1988, and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 7515 of this title.”

Pub. L. 100–435, § 106(a), inserted “recessed” after “40” and, in second sentence, substituted “of the value of commodities distributed by any such agency”.

Subsecs. (c), (d). Pub. L. 101–624, § 1772(c)(2), redesignated subsec. (c) as (d) and struck out former subsec. (d) which read as follows: “There are hereby authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than twenty per centum of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar non-profit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: Provided, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency.”


Subsec. (b). Pub. L. 101–624, § 1772(c)(1), (2), redesignated subsec. (d) as (b) and struck out former subsec. (b) which read as follows: “There are hereby authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than twenty per centum of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar non-profit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: Provided, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency.”

Subsecs. (c), (d). Pub. L. 101–624, § 1772(c)(2), redesignated subsec. (c) as (d) and (b) respectively.

1988—Subsec. (c)(1). Pub. L. 100–435, § 106(a), inserted “at end “States may also use funds provided under this paragraph to pay for the costs associated with the distribution of commodities under the program authorized under section 110 of the Hunger Prevention Act of 1988, and to pay for the costs associated with the distribution of additional commodities provided pursuant to section 7515 of this title.”


Subsec. (c)(2). Pub. L. 100–435, § 103(b), (c), in first sentence, substituted “40” for “20” and, in second sentence, inserted “of the value of commodities distributed by any such agency”.


1986—Subsecs. (c), (d). Pub. L. 99–198 added subsec. (c) and redesignated former subsec. (c) as (d).

1985—Subsecs. (b), (c). Pub. L. 98–92 added subsec. (b), designated former last sentence of subsec. (a) as (c), and redesignated therein “appropriations made or authorized under this section” for “this appropriation”.

Effective Date of 2008 Amendment


Amendment by sections 4201(c) and 4406(b)(1) of Pub. L. 110–246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as a note under section 1151 of Title 2, The Congress.

Effective Date of 2002 Amendment


Effective Date of 1990 Amendment

§ 7509. Relationship to other programs

(a) Section 2013(b) of this title shall not apply with respect to the distribution of commodities under this chapter.

(b) Except as otherwise provided in section 7504 of this title, none of the commodities distributed under this chapter shall be sold or otherwise disposed of in commercial channels in any form.

§ 7510. Commodities not income

Notwithstanding any other provision of law, commodities distributed under this chapter shall not be considered income or resources for any purposes under any Federal, State, or local law.

§ 7511. Prohibition against certain State charges

Whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary for distribution within the States to eligible recipient agencies, the State may not charge recipient agencies any amount that is in excess of the State’s direct costs of storing and transporting the commodities to recipient agencies minus any amount the Secretary provides the State for the costs of storing and transporting such commodities.