

tain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Federal Surplus Relief Corporation changed to Federal Surplus Commodities Corporation by amendment of its charter in 1935. It consolidated with Division of Marketing and Marketing Agreements of Agricultural Adjustment Administration to form Surplus Marketing Administration by 1940 Reorg. Plan No. III, §5, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees. By Executive orders under First War Powers Act, former section 601 et seq. of the former Appendix to Title 50, War and National Defense, Surplus Marketing Administration merged into Agricultural Marketing Administration, which consolidated into Food Distribution Administration, which consolidated into War Food Administration, which terminated and its functions transferred to Secretary of Agriculture. By Memorandum 1118, Secretary of Agriculture, Aug. 18, 1945, functions of Federal Surplus Commodities Corporation transferred to Production and Marketing Administration. 1946 Reorg. Plan No. 3, §501(a), eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, transferred functions of Surplus Marketing Administration to Secretary of Agriculture. In his letter to Congress, the President stated that purpose of this transfer was to permit Secretary of Agriculture to continue the consolidation already effected in Production and Marketing Administration.

Federal Surplus Commodities Corporation and Division of Marketing and Marketing Agreements of Agricultural Adjustment Administration and their functions consolidated into Surplus Marketing Administration in Department of Agriculture by Reorg. Plan No. III, §5, eff. June 30, 1940, set out in the Appendix to Title 5. See, also, sections 8 and 9 of said plan for provisions relating to transfer of records, property, personnel, and funds.

§ 612c-1. Authorization for appropriations to increase domestic consumption of surplus farm commodities

On and after December 30, 1963, such sums (not in excess of \$25,000,000 in any one year) as may be approved by the Congress shall be available for the purpose of increasing domestic consumption of any farm commodity or farm commodities determined by the Secretary of Agriculture to be in surplus supply, such authorization not to restrict authority in existing law, of which amount \$11,000,000 shall remain available until expended for construction and equipping of research facilities determined to be needed as a result of a special survey.

(Pub. L. 88-250, title I, §101, Dec. 30, 1963, 77 Stat. 826.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Agricultural Adjustment Act which comprises this chapter.

§ 612c-2. Technical support to exporters and importers of United States agricultural products; scope of support provided by Department of Agriculture

The Department of Agriculture shall provide technical support to exporters and importers of United States agricultural products when so requested. Such support shall include, but not be limited to, a review of the feasibility of the export proposal, adequacy of sources of supply,

compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

(Pub. L. 91-524, title VIII, §811, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Agricultural Adjustment Act which comprises this chapter.

§ 612c-3. Repealed. Pub. L. 101-624, title XV, § 1578, Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 91-524, title VIII, §812, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238, and amended Pub. L. 95-113, title X, §1005, Sept. 29, 1977, 91 Stat. 951; Pub. L. 97-444, title II, §238, Jan. 11, 1983, 96 Stat. 2326, required exporters to report export sales and restricted President from prohibiting or curtailing certain exports. See section 5712 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 101-624, title XV, §1578, Nov. 28, 1990, 104 Stat. 3702, provided that the repeal of this section is effective upon the effective date of regulations promulgated under former section 5664 of this title, as amended by title XV of Pub. L. 101-624. Implementing regulations were promulgated and published in the Federal Register as follows:

May 30, 1991, eff. July 8, 1991, 56 F.R. 25998.

June 3, 1991, eff. June 7, 1991, 56 F.R. 26323.

Aug. 16, 1991, eff. Aug. 27, 1991, 56 F.R. 42222.

§ 612c-4. Purchase of specialty crops

(a) General purchase authority

Of the funds made available under section 612c of this title, for fiscal year 2002 and each subsequent fiscal year, the Secretary of Agriculture shall use not less than \$200,000,000 each fiscal year to purchase fruits, vegetables, and other specialty food crops.

(b) Purchase of fresh fruits and vegetables for distribution to schools and service institutions

The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 1755(a) of title 42 using, of the amount specified in subsection (a), not less than \$50,000,000 for each of fiscal years 2008 through 2023.

(c) Definitions

In this section, the terms “fruits”, “vegetables”, and “other specialty food crops” shall have the meaning given the terms by the Secretary of Agriculture.

(Pub. L. 107-171, title X, §10603, May 13, 2002, 116 Stat. 511; Pub. L. 110-234, title IV, §4404(c), May 22, 2008, 122 Stat. 1138; Pub. L. 110-246, §4(a), title IV, §4404(c), June 18, 2008, 122 Stat. 1664, 1899; Pub. L. 113-79, title IV, §4201, Feb. 7, 2014, 128 Stat. 821; Pub. L. 115-334, title IV, §4202, Dec. 20, 2018, 132 Stat. 4655.)

Editorial Notes**CODIFICATION**

The authorities provided by each provision of, and each amendment made by, Pub. L. 115–334, as in effect on Sept. 30, 2023, to continue, and authorities to be carried out, until the later of Sept. 30, 2024, or the date specified in the provision of, or amendment made by, Pub. L. 115–334, see section 102(a) of Pub. L. 118–22, set out in an Extension of Agricultural Programs note under section 9001 of this title.

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 Farm Security and Rural Investment Act of 2002, and not as part of the Agricultural Adjustment Act which comprises this chapter.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–334 substituted “2023” for “2018”.

2014—Subsec. (b). Pub. L. 113–79 substituted “2018” for “2012”.

2008—Subsec. (b). Pub. L. 110–246, §4404(c), added subsec. (b) and struck out former subsec. (b) which related to authority of the Secretary of Agriculture to purchase fresh fruits and vegetables for distribution to schools and service institutions and to provide for the Secretary of Defense to serve as the servicing agency for their procurement.

Statutory Notes and Related Subsidiaries**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 4404(c) 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.

§ 612c–5. Section 612c funds for purchase of fruits, vegetables, and nuts to support domestic nutrition assistance programs**(a) Funding for additional purchases of fruits, vegetables, and nuts**

In addition to the purchases of fruits, vegetables, and nuts required by section 612c–4 of this title, the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 612c of this title, the following amounts:

- (1) \$190,000,000 for fiscal year 2008.
- (2) \$193,000,000 for fiscal year 2009.
- (3) \$199,000,000 for fiscal year 2010.
- (4) \$203,000,000 for fiscal year 2011.
- (5) \$206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) Form of purchases

Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(Pub. L. 110–234, title IV, §4404, May 22, 2008, 122 Stat. 1137; Pub. L. 110–246, §4(a), title IV, §4404, June 18, 2008, 122 Stat. 1664, 1899.)

Editorial Notes**CODIFICATION**

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

Section is comprised of section 4404 of Pub. L. 110–246. Subsec. (c) of section 4404 of Pub. L. 110–246 amended section 612c–4 of this title.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Agricultural Adjustment Act which comprises this chapter.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Enactment 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 a note under section 8701 of this title.

Section effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as an Effective Date of 2008 Amendment note under section 1161 of Title 2, The Congress.

§ 612c–6. Domestic food assistance programs**(a) Definition of section 32**

In this section, the term “section 32” means section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

(b) Transfer to Food and Nutrition Service**(1) In general**

Amounts made available for a fiscal year to carry out section 32 in excess of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administrator of the Food and Nutrition Service, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)¹ except section 21 [42 U.S.C. 1769b–1], and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21 [42 U.S.C. 1786, 1790].”

(2) Maximum amount

The maximum amount calculated under this paragraph for a fiscal year is the sum of—

- (A)(i) in the case of fiscal year 2009, \$1,173,000,000;
- (ii) in the case of fiscal year 2010, \$1,199,000,000;
- (iii) in the case of fiscal year 2011, \$1,215,000,000;
- (iv) in the case of fiscal year 2012, \$1,231,000,000;
- (v) in the case of fiscal year 2013, \$1,248,000,000;
- (vi) in the case of fiscal year 2014, \$1,266,000,000;
- (vii) in the case of fiscal year 2015, \$1,284,000,000;
- (viii) in the case of fiscal year 2016, \$1,303,000,000;
- (ix) in the case of fiscal year 2017, \$1,322,000,000; and
- (x) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending

¹ So in original. Probably should be followed by a comma.