

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 L. 110-234 were repealed by section 4(a) of Pub.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

on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(B) any transfers for the fiscal year from section 32 to the Department of Commerce under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(c) Fresh fruit and vegetable program

Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall transfer for use to carry out the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act [42 U.S.C. 1769a] the amounts specified in subsection (i) of that section.

(d) Whole grain products

Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall use to carry out section 1755a of title 42 \$4,000,000 for fiscal year 2009.

(e) Maintenance of funding

The funding provided under subsections (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act [42 U.S.C. 1769a];

(2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(3) section 2036² of this title.

(Pub. L. 110–234, title XIV, §14222, May 22, 2008, 122 Stat. 1483; Pub. L. 110–246, §4(a), title XIV, §14222, June 18, 2008, 122 Stat. 1664, 2245; Pub. L. 112–55, div. A, title IV, Nov. 18, 2011, 125 Stat. 574.)

Editorial Notes

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsecs. (b)(1) and (e)(1), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 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 1751 of Title 42 and Tables.

The Child Nutrition Act of 1966, referred to in subsec. (b)(1), is Pub. L. 89–642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 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 1771 of Title 42 and Tables.

The Fish and Wildlife Act of 1956, referred to in subsec. (b)(2)(B), is act Aug. 8, 1956, ch. 1036, 70 Stat. 119, which is classified generally to sections 742a to 742d and 742e to 742j–2 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 742a of Title 16 and Tables.

The Emergency Food Assistance Act of 1983, referred to in subsec. (e)(2), is Pub. L. 98–8, title II, Mar. 24, 1983, 97 Stat. 35, which is classified principally to chapter 102 (§7501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7501 of this title and Tables.

Section 2036 of this title, referred to in subsec. (e)(3), was in the original “section 27 of the Food Stamp Act of 1977”, and was translated as meaning section 27 of Pub. L. 88–525, the Food and Nutrition Act of 2008, to

reflect the probable intent of Congress and the renaming of the Act by Pub. L. 110–246, title IV, §4001(a), June 18, 2008, 122 Stat. 1853.

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 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.

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 112–55 inserted “except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21” before period at end.

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, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

§ 613. Termination date; investigations and reports

This chapter shall cease to be in effect whenever the President finds and proclaims that the national economic emergency in relation to agriculture has been ended; and pending such time the President shall by proclamation terminate with respect to any basic agricultural commodity such provisions of this chapter as he finds are not requisite to carrying out the declared policy with respect to such commodity. In the case of sugar beets and sugarcane, the taxes provided by this chapter shall cease to be in effect, and the powers vested in the President or in the Secretary of Agriculture shall terminate on December 31, 1937 unless this chapter ceases to be in effect at an earlier date, as hereinabove provided. The Secretary of Agriculture shall make such investigations and reports thereon to the President as may be necessary to aid him in executing this section.

(May 12, 1933, ch. 25, title I, §13, 48 Stat. 39; May 9, 1934, ch. 263, §15, 48 Stat. 677; Aug. 24, 1935, ch. 641, §20(a), 49 Stat. 768.)

Editorial Notes

AMENDMENTS

1935—Act Aug. 24, 1935, substituted “on December 31, 1937” for “at the end of three years after the adoption of this amendment”.

1934—Act May 9, 1934, inserted second sentence relating to taxes on sugar beets and sugarcane.

§ 613a. Repealed. Sept. 1, 1937, ch. 898, title V, § 510, 50 Stat. 916

Section, act June 19, 1936, ch. 612, §1, 49 Stat. 1539, related to termination of taxes on sugar beets and sugarcane.

§ 614. Separability

If any provision of this chapter is declared unconstitutional, or the applicability thereof to

² See References in Text note below.