

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.