

amended Pub. L. 115-334, title XII, § 12405(b), Dec. 20, 2018, 132 Stat. 4975.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115-334 substituted “Under Secretary of Agriculture for Farm Production and Conservation” for “Under Secretary for Farm and Foreign Agricultural Services”.

§ 6953. Healthy food financing initiative

(a) Purpose

The purpose of this section is to enhance the authorities of the Secretary to support efforts to provide access to healthy food by establishing an initiative to improve access to healthy foods in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities by providing loans and grants to eligible fresh, healthy food retailers and enterprises to overcome the higher costs and initial barriers to entry in underserved areas.

(b) Definitions

In this section:

(1) Community development financial institution

The term “community development financial institution” has the meaning given the term in section 4702 of title 12.

(2) Initiative

The term “Initiative” means the Healthy Food Financing Initiative established under subsection (c)(1).

(3) National fund manager

The term “national fund manager” means a community development financial institution that is—

(A) in existence on the date of enactment of this section; and

(B) certified by the Community Development Financial Institution Fund of the Department of Treasury to manage the Initiative for purposes of—

- (i) raising private capital;
- (ii) providing financial and technical assistance to partnerships; and
- (iii) funding eligible projects to attract fresh, healthy food retailers and enterprises to underserved areas, in accordance with this section.

(4) Partnership

The term “partnership” means a regional, State, or local public-private partnership that—

- (A) is organized to improve access to fresh, healthy foods;
- (B) provides financial and technical assistance to eligible projects; and
- (C) meets such other criteria as the Secretary may establish.

(5) Perishable food

The term “perishable food” means a staple food that is fresh, refrigerated, or frozen.

(6) Quality job

The term “quality job” means a job that provides wages and other benefits comparable

to, or better than, similar positions in existing businesses of similar size in similar local economies.

(7) Staple food

(A) In general

The term “staple food” means food that is a basic dietary item.

(B) Inclusions

The term “staple food” includes—

- (i) bread or cereal;
- (ii) flour;
- (iii) fruits;
- (iv) vegetables;
- (v) meat; and
- (vi) dairy products.

(c) Initiative

(1) Establishment

The Secretary shall establish an initiative to achieve the purpose described in subsection (a) in accordance with this subsection.

(2) Implementation

(A) In general

(i) In general

In carrying out the Initiative, the Secretary shall provide funding to entities with eligible projects, as described in subparagraph (B), subject to the priorities described in subparagraph (C).

(ii) Use of funds

Funds provided to an entity pursuant to clause (i) shall be used—

(I) to create revolving loan pools of capital or other products to provide loans to finance eligible projects or partnerships;

(II) to provide grants for eligible projects or partnerships;

(III) to provide technical assistance to funded projects and entities seeking Initiative funding; and

(IV) to cover administrative expenses of the national fund manager in an amount not to exceed 10 percent of the Federal funds provided.

(B) Eligible projects

Subject to the approval of the Secretary, the national fund manager shall establish eligibility criteria for projects under the Initiative, which shall include the existence or planned execution of agreements—

(i) to expand or preserve the availability of staple foods in underserved areas with moderate- and low-income populations by maintaining or increasing the number of retail outlets that offer an assortment of perishable food and staple food items, as determined by the Secretary, in those areas; and

(ii) as applicable, to accept benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(C) Priorities

In carrying out the Initiative, priority shall be given to projects that—

(i) are located in severely distressed low-income communities, as defined by the Community Development Financial Institutions Fund of the Department of Treasury; and

(ii) include 1 or more of the following characteristics:

(I) The project will create or retain quality jobs for low-income residents in the community.

(II) The project supports regional food systems and locally grown foods, to the maximum extent practicable.

(III) In areas served by public transit, the project is accessible by public transit.

(IV) The project involves women- or minority-owned businesses.

(V) The project receives funding from other sources, including other Federal agencies.

(VI) The project otherwise advances the purpose of this section, as determined by the Secretary.

(d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$125,000,000, to remain available until expended.

(Pub. L. 103-354, title II, § 243, as added Pub. L. 113-79, title IV, § 4206, Feb. 7, 2014, 128 Stat. 824; amended Pub. L. 115-334, title IV, § 4204, Dec. 20, 2018, 132 Stat. 4656.)

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REFERENCES IN TEXT

The Food and Nutrition Act of 2008, referred to in subsec. (c)(2)(B)(ii), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

AMENDMENTS

2018—Subsecs. (a), (b)(3)(B)(iii). Pub. L. 115-334, § 4204(1), (2), inserted “and enterprises” after “retailers”.

Subsec. (c)(2)(B)(ii). Pub. L. 115-334, § 4204(3), inserted “as applicable,” before “to accept”.

SUBCHAPTER V—NATURAL RESOURCES AND ENVIRONMENT

§ 6961. Under Secretary of Agriculture for Natural Resources and Environment

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Natural Resources and Environment.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Natural Resources and Environment authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture

for Natural Resources and Environment those functions under the jurisdiction of the Department that are related to natural resources and environment (except to the extent those functions are delegated under section 6932 of this title).

(2) Additional functions

The Under Secretary of Agriculture for Natural Resources and Environment shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Assistant Secretary of Agriculture for Natural Resources and Environment on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103-354, title II, § 245, Oct. 13, 1994, 108 Stat. 3223.)

Editorial Notes

CODIFICATION

Section is comprised of section 245 of Pub. L. 103-354. Subsec. (e) of section 245 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Employees.

§ 6962. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 103-354, title II, § 228, formerly § 246, Oct. 13, 1994, 108 Stat. 3223; Pub. L. 104-127, title III, § 336(a)(2)(D), (b)(2)(B), (c)(3), (d)(2), Apr. 4, 1996, 110 Stat. 1005, 1006; Pub. L. 107-171, title VIII, § 8002(c), May 13, 2002, 116 Stat. 473; Pub. L. 115-334, title XII, §§ 12404(b)(1), 12410(a)(c)(1)(A), Dec. 20, 2018, 132 Stat. 4975, 4977, 4978, was moved so as to appear at the end of subtitle B of title II of Pub. L. 103-354 by Pub. L. 115-334, title XII, § 12410(c)(1)(B), Dec. 20, 2018, 132 Stat. 4978, and editorially reclassified as section 6936 of this title.

§ 6962a. Cooperative agreements

Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may on and after October 28, 2000, enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity