

(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.)

**Editorial Notes**

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,