

longer defines the term “emergency feeding organization”. However, such term is defined elsewhere in that section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

### § 7515. Allotment and delivery of commodities

#### (a) Mandatory allotments

In each fiscal year, the Secretary shall allot—

(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

#### (b) Reallocation

The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (a), and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute the amount the State was allocated to receive under the formula prescribed in subsection (a) but declined to accept. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

#### (c) Administration

##### (1) In general

Commodities made available for each fiscal year under this section shall be delivered at reasonable intervals to States based on the

grants calculated under subsection (a), or re-allocated under subsection (b), before December 31 of the following fiscal year.

#### (2) Entitlement

Each State shall be entitled to receive the value of additional commodities determined under subsection (a).

#### (d) Maintenance of effort

If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations.

(Pub. L. 98-8, title II, §214, as added Pub. L. 100-435, title I, §104, Sept. 19, 1988, 102 Stat. 1648; amended Pub. L. 101-624, title XVII, §1772(g), (h)(1), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104-127, title IV, §403(c), Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104-193, title VIII, §871(d), Aug. 22, 1996, 110 Stat. 2345.)

#### Editorial Notes

##### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (f) as (a) and struck out former subsec. (a) which provided for purpose of section.

Pub. L. 104-127, §403(c)(1), substituted “2002” for “1995”.

Subsec. (b). Pub. L. 104-193, §871(d)(1)–(3), redesignated subsec. (g) as (b), substituted “subsection (a),” for “subsection (f) of this section or subsection (j) of this section if applicable,” and “subsection (a)” for “subsection (f) of this section”, and struck out former subsec. (b) which provided definitions for section.

Subsec. (c). Pub. L. 104-193, §871(d)(4), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Subject to subsections (e) and (f) of this section, or subsection (j) of this section if applicable, purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f) of this section, or re-allocated under subsection (g) of this section, or calculated under subsection (j) of this section if applicable, before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.”

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (h) as (c) and struck out former subsec. (c) which authorized Secretary to purchase additional commodities to supplement commodities otherwise provided under program authorized by this chapter.

Subsec. (d). Pub. L. 104-193, §871(d)(5), struck out “or reduce the amount of funds available for other nutrition programs in the State in each fiscal year” after “such organizations”.

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (i) as (d) and struck out former subsec. (d) which provided for types and varieties of commodities which could be purchased under this section.

Subsec. (e). Pub. L. 104-193, §871(d)(1), struck out subsec. (e) which appropriated amounts through fiscal year 2002 for purchase of additional commodities under this section.

Pub. L. 104-127, §403(c)(2), substituted “2002” for “1995” in two places.

Subsecs. (f) to (i). Pub. L. 104-193, §871(d)(2), redesignated subsecs. (f) to (i) as (a) to (d), respectively.

Subsec. (j). Pub. L. 104-193, §871(d)(1), struck out subsec. (j) which authorized Secretary to promulgate new

formula for allocation of additional commodities to States.

1990—Subsec. (a). Pub. L. 101-624, §1772(g)(1), substituted “fiscal years 1991 through 1995” for “fiscal years 1989 and 1990”.

Subsec. (e). Pub. L. 101-624, §1772(g)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “During each of the fiscal years 1989 and 1990, the Secretary shall spend \$120,000,000 to purchase, process, and distribute additional commodities under this section.”

Subsec. (k). Pub. L. 101-624, §1772(h)(1), struck out heading and text of subsec. (k). Text read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-193, title VIII, §871(h), Aug. 22, 1996, 110 Stat. 2346, provided that: “The amendments made by subsection (d) [amending this section] shall become effective on October 1, 1996.”

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(g) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(h)(1) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

##### EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

### § 7516. Settlement and adjustment of claims

#### (a) In general

The Secretary or a designee of the Secretary shall have the authority to—

- (1) determine the amount of, settle, and adjust any claim arising under this chapter; and
- (2) waive such a claim if the Secretary determines that to do so will serve the purposes of this chapter.

#### (b) Litigation

Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28 to conduct litigation on behalf of the United States.

(Pub. L. 98-8, title II, §215, as added Pub. L. 102-237, title IX, §922(b), Dec. 13, 1991, 105 Stat. 1888.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.

### § 7517. The Gus Schumacher nutrition incentive program

#### (a) In general

In this section:

##### (1) Eligible entity

The term “eligible entity” means a governmental agency or nonprofit organization.

### (2) Emergency feeding organization

The term “emergency feeding organization” has the meaning given the term in section 7501 of this title.

### (3) Supplemental nutrition assistance program

The term “supplemental nutrition assistance program” means—

- (A) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and
- (B) the programs for nutrition assistance under section 19 of such Act (7 U.S.C. 2028).

### (4) Healthcare partner

The term “healthcare partner” means a healthcare provider, including—

- (A) a hospital;
- (B) a Federally-qualified health center (as defined in section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)));;
- (C) a hospital or clinic operated by the Secretary of Veterans Affairs; or
- (D) a healthcare provider group.

### (5) Member

The term “member” means, as determined by the applicable eligible entity or healthcare partner carrying out a project under subsection (c) in accordance with procedures established by the Secretary—

- (A) an individual eligible for—
  - (i) benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or
  - (ii) medical assistance under a State plan or a waiver of such a plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and enrolled under such plan or waiver; and
- (B) a member of a low-income household that suffers from, or is at risk of developing, a diet-related health condition.

### (b) Food insecurity nutrition incentive grants

#### (1) Authorization

##### (A) In general

In each of the years specified in subsection (c), the Secretary shall make grants to eligible entities in accordance with paragraph (2).

##### (B) Partners and collaborators

An eligible entity that receives a grant under this subsection may partner with, or make subgrants to, public, private, nonprofit, or for-profit entities, including—

- (i) an emergency feeding organization;
- (ii) an agricultural cooperative;
- (iii) a producer network or association;
- (iv) a community health organization;
- (v) a public benefit corporation;
- (vi) an economic development corporation;
- (vii) a farmers’ market;
- (viii) a community-supported agriculture program;
- (ix) a buying club;
- (x) a retail food store participating in the supplemental nutrition assistance program;
- (xi) a State, local, or tribal agency;