

"ELIGIBLE RECIPIENT AGENCIES

"SEC. 201A. As used in this Act, the term 'eligible recipient agencies' means public or nonprofit organizations that administer—

"Eligible recipient agencies."

"(1) activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons;

7 USC 612c note.

"(2) school lunch programs, summer camps for children, and other child nutrition programs providing food service;

"(3) nutrition projects operating under the Older Americans Act of 1965, including congregate nutrition sites and providers of home-delivered meals;

42 USC 3001 note.

"(4) activities and projects that are supported under section 4 of the Agriculture and Consumer Protection Act of 1973;

7 USC 612c note.

"(5) activities of charitable institutions, including hospitals and retirement homes, to the extent that needy persons are served; or

"(6) disaster relief programs;

and that have been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under this Act.";

(3) amending section 202(a) to read as follows:

Ante, p. 35.

"SEC. 202. (a) Notwithstanding any other provision of law, in order to complement the domestic nutrition programs, make maximum use of the Nation's agricultural abundance, and expand and improve the domestic distribution of price-supported commodities, commodities acquired by the Commodity Credit Corporation that the Secretary of Agriculture (hereinafter referred to as the 'Secretary') determines, in his discretion, are in excess of quantities needed to—

"(1) carry out other domestic donation programs,

"(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(3) meet international market development and food aid commitments, and

"(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act,

7 USC 1281.

7 USC 1421 note.

15 USC 714 note.

shall be made available by the Secretary, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance.";

(4) in section 202(b)—

Ante, p. 35.

(A) in the first sentence, striking out "shall" and inserting in lieu thereof "may"; and

(B) in the second sentence, striking out "December 1, 1983" and inserting in lieu thereof "October 1, 1985";

(5) inserting, after section 203, new sections 203A, 203B, and 203C as follows:

Ante, p. 35.

"INITIAL PROCESSING COSTS

"SEC. 203A. The Secretary may use funds of the Commodity Credit Corporation to pay costs of initial processing and packaging of commodities to be distributed under the program established under

7 USC 612c note.

Corporation-
owned
commodities.

this Act into forms, and in quantities, suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by individual households or for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

"FEDERAL AND STATE RESPONSIBILITIES

Eligible
recipient
agencies,
distribution.
7 USC 612c note.

"SEC. 203B. (a) The Secretary shall, as expeditiously as possible, provide the commodities made available under this Act in such quantities as can be used without waste to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agencies, except that the Secretary may provide such commodities directly to eligible recipient agencies and to private companies that process such commodities for eligible recipient agencies under sections 203 and 203A of this Act.

Ante, pp. 35,
609.

"(b) State agencies receiving commodities under this Act shall, as expeditiously as possible, distribute such commodities, in the quantities requested (to the extent practicable), to eligible recipient agencies within their respective States. However, if a State agency cannot meet all requests for a particular commodity under this Act, the State agency shall give priority in the distribution of such commodity to eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

"(c) Each State agency receiving commodities for individual household use under this Act shall distribute such commodities to eligible recipient agencies in the State that serve needy persons, and shall, with the approval of the Secretary, determine those persons in the State that shall qualify as needy persons eligible for such commodities.

"ASSURANCES; ANTICIPATED USE

Commodity
management.
7 USC 612c note.

"SEC. 203C. (a) The Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under this Act will provide such commodities to persons served by the eligible recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also take such precautions as the Secretary deems necessary to assure that commodities made available under this Act will not displace commercial sales of such commodities or the products thereof. The Secretary shall not make commodities available for donation in any quantity or manner that the Secretary, in the Secretary's discretion, determines may, substitute for the same or any other agricultural produce that would otherwise be purchased in the market.

"(b) Commodities provided under this Act shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this Act in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities."

Ante, p. 35.

(6) in section 204—

(A) designating the last sentence as subsection (c);

(B) inserting, after the first sentence, a new subsection (b) as follows:

“(b) There are hereby authorized to be appropriated \$50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than twenty per centum of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar non-profit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: *Provided*, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency.”; and

(C) in subsection (c), as so designated by subclause (A) of this clause, striking out “this appropriation” and inserting in lieu thereof “appropriations made or authorized under this section”;

(7) in section 205—

(A) amending the heading to read as follows:

“RELATIONSHIP TO OTHER PROGRAMS”;

(B) inserting “(a)” after the section designation; and

(C) adding, at the end thereof, a new subsection “(b)” as follows:

“(b) Except as otherwise provided in section 203A of this Act, none of the commodities distributed under this Act shall be sold or otherwise disposed of in commercial channels in any form.”;

(8) amending section 209 to read as follows:

“SEC. 209. Section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out ‘amount appropriated for the provision of commodities to State agencies’ and inserting in lieu thereof ‘sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of the additional commodities donated by the Secretary to State or local agencies for use in such program which are provided without charge against funds appropriated for such program and are included in food packages distributed to program participants’”;

(9) in section 210—

(A) inserting “(a)” after the section designation; and

(B) adding, at the end thereof, new subsections (b) and (c) as follows:

“(b) In administering this Act, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

“(c) With respect to the commodity distribution program under this Act in effect during the fiscal years ending September 30, 1984, and September 30, 1985, the Secretary shall, not later than October 1, 1983, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the first twelve months of the program; and, prior to the beginning of the fiscal year ending September 30, 1985, the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary antici-

Appropriation authorization for storage and distribution costs.

Ante, p. 36.

Ante, p. 609.

Ante, p. 36.

Ante, p. 36.

Administration.

Publication in Federal Register.

pates are likely to be made available during the second twelve months of the program under this Act: *Provided*, that the actual types and quantities of commodities made available by the Secretary under this Act may differ from the estimates.”; and

Ante, p. 36. (10) inserting, after section 210, new sections 211 and 212 as follows:

“FINALITY OF DETERMINATIONS

7 USC 612c note. “SEC. 211. Determinations made by the Secretary of Agriculture under this Act and the facts constituting the basis for any donation of commodities under this Act, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

“PROGRAM TERMINATION

7 USC 612c note. “SEC. 212. The provisions of this Act, with the exception of 207, *Ante*, p. 36. shall terminate September 30, 1985.”

Ante, p. 36. SEC. 3. Section 4(c) of the Agriculture and Consumer Protection Act of 1973 is amended by inserting “Temporary” before “Emergency Food Assistance Act of 1983”.

Approved September 2, 1983.

(B) inserting “(a) after the section designation and (C) adding at the end thereof a new subsection “(b)” as follows: (b) Except as otherwise provided in section 202A of this Act, none of the commodities distributed under this Act shall be sold or otherwise disposed of in commercial channels in any form.” (8) inserting section 212 to read as follows: “Sec. 212. Section 212(c) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c) is amended by striking out “amount appropriated for the provision of commodities to States, agencies, and meeting in lieu thereof, sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of the additional commodities donated by the Secretary to the value of total expenses for use in such program which are provided without charge against funds appropriated for such program and are included in food packages distributed to program participants.” (9) in section 210— (A) inserting “(a) after the section designation and (B) adding at the end thereof a new subsection “(b)” and (c) as follows: (b) In administering this Act the Secretary shall maintain to the maximum extent practicable the regulatory responsibilities and paperwork requirements imposed on eligible recipient agencies. (c) With respect to the commodity distribution program under this Act in effect during the fiscal year ending September 30, 1984, and September 30, 1985, the Secretary shall not later than October 1, 1988, publish in the Federal Register the commodity distribution quantities of commodities to be made available during the period of the program and prior to the beginning of the program.

LEGISLATIVE HISTORY—H.R. 3409:

HOUSE REPORT No. 98-328 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 129 (1983):

Aug. 1, 2, considered and passed House.

Aug. 4, considered and passed Senate, amended; House concurred in Senate amendments.