

SECTION 32 AND RELATED LAWS

[As Amended Through P.L. 107-195, June 16, 2002]

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SECTION 32 AND RELATED STATUTES**PART A—GENERAL****SECTION 32 OF P.L. 320, 74TH CONGRESS¹**

SEC. 32. [7 U.S.C. 612c] There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year.² Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce or by increasing their utilization through benefits, indemnities, donations or by other means, among persons in low-income groups as determined by the Secretary of Agriculture; and (3) reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. Determinations by the Secretary as to what constitutes diversion and what constitutes normal channels of trade and commerce and what constitutes normal production for domestic consumption shall be final.

The sums appropriated under this section shall be expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment of any one or more of the purposes of this section.³ Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year. The sums appropriated under this section shall be devoted principally to perishable non-basic agricultural commodities (other than those receiving price support under title II of the Agri-

¹ The Act of August 24, 1935, 49 Stat. 750, 774. Although this section has been amended a number of times, the purposes of Section 32—through payments or indemnities to encourage the exportation and domestic consumption of agricultural commodities and products and to reestablish farmers' purchasing power in connection with the normal production of agricultural commodities—remain basically the same since February 29, 1936. Authority to encourage consumption of agricultural commodities and products by their utilization among persons in low-income groups was added by amendment of clause (2) in 1939 (53 Stat. 975). Later amendments are noted.

Sec. 709 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, P.L. 105-277, 112 Stat. 2681-50, Oct. 21, 1998, provides as follows:

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

² See Sec. 205 of the Agricultural Act of 1956 in this Part A of this Compilation.

³ See Sec. 392(b) of the Agricultural Adjustment Act of 1938 in this Part A.

cultural Act of 1949)⁴ and their products.⁵ The sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this section until expended; but any excess of the amount remaining unexpended at the end of any fiscal year over \$500,000,000⁶ shall, in the same manner as though it had been appropriated for the service of such fiscal year, be subject to the provisions of section 3690⁷ of the Revised Statutes (U.S.C., title 31, sec. 712), and section 5⁶ of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-five and for other purposes” (U.S.C., title 31, sec. 713).⁸ A public or private nonprofit organization that receives agricultural commodities or the products thereof under clause (2) of the second sentence may transfer such commodities or products to another public or private nonprofit organization that agrees to use such commodities or products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.⁹

AGRICULTURAL ACT OF 1956

APPROPRIATION TO SUPPLEMENT SECTION 32 FUNDS

SEC. 205.⁹ [7 U.S.C. 1855] There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1957, the sum of \$500,000,000 to enable the Secretary of Agriculture to further carry out the provisions of section 32, Public Law 320, Seventy-fourth Congress, as amended (7 U.S.C. 612c), subject to all provisions of law relating to the expenditure of funds appropriated by such section, except that up to 50 per centum of such \$500,000,000 may be devoted during any fiscal year to any one agricultural commodity or the products thereof.

AGRICULTURAL ADJUSTMENT ACT OF 1938

LIMITATION ON SECTION 32 ADMINISTRATIVE EXPENSES

SEC. 392. [7 U.S.C. 1392] [* * *]

(b)¹⁰ [* * *] In the administration of section 32 of the Act entitled “An Act to amend the Agricultural Adjustment Act, and for other purposes,” approved August 24, 1935 (49 Stat. 774), as amended, and the Agricultural Marketing Agreement Act of 1937, as amended, and those sections of the Agricultural Adjustment Act (of 1933), as amended, which were reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1942, for administrative expenses in the District of Columbia, including regional offices, and in the several

⁴The clause within the parentheses was substituted for “other than those designated in title II of the Agricultural Act of 1949” by sec. 5 of the Act of January 30, 1954, 68 Stat. 4.

⁵This sentence was added by sec. 411 of the Agricultural Act of 1949, 63 Stat. 1057.

⁶Sec. 10602 of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 511, May 13, 2002, amended this para. by striking “\$300,000,000” and inserting “\$500,000,000”.

⁷Superseded by the Act of July 6, 1949, 63 Stat. 407, 31 U.S.C. 712a, and the Act of July 25, 1956, 70 Stat. 647, as amended, 31 U.S.C. 701-708.

⁸This sentence was added by section 301 of the Agricultural Act of 1948, 62 Stat. 1257.

⁹The last sentence was added by sec. 1561 of the Food Security Act of 1985, P.L. 99-198, 99 Stat. 1589, Dec. 23, 1985.

¹⁰70 Stat. 200, May 28, 1956.

¹¹52 Stat. 69, Feb. 16, 1938, as amended by Act of Aug. 3, 1956, 70 Stat. 1034.

States (not including the expenses of county and local committees) shall not exceed 4 per centum of the total amount available for such fiscal year for carrying out the purposes of said Acts, unless otherwise provided by appropriation or other law. [* * *]

AGRICULTURAL ACT OF 1949

UTILIZATION OF COMMODITY CREDIT CORPORATION

See Sec. 404 of the Agricultural Act of 1949 in this Vol.

CRIMINAL PENALTIES FOR OBTAINING BY FRAUD AGRICULTURAL COMMODITIES PROVIDED UNDER SECTION 32

See Sec. 4(c) of the Agriculture and Consumer Protection Act of 1973 in DOMESTIC COMMODITY DONATIONS section of this Vol.

PART B—PURPOSES OF COMMODITY DISTRIBUTIONS

ACT OF JUNE 28, 1937¹

[RELIEF AND NONPROFIT SUMMER CAMPS FOR CHILDREN]

[15 U.S.C. 713c] [I]n carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935 (49 Stat. 77), as amended, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation,² which Corporation is continued, until June 30, 1945, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section, as may be necessary for the purpose of effectuating clause (2) of said section: *Provided*, That such transferred funds, together with other funds of the Corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, sorting, and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia, and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration.

In carrying out clause (2) of section 32, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and products thereof purchased under the preceding paragraph of this section, may be donated for relief purposes and for use in nonprofit summer camps for children.³

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, FY 2000

[INDIVIDUAL HARDSHIP CASES]

SEC. 709.⁴ **[7 U.S.C. 612c note]** Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with the Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

¹ 50 Stat. 323; February 16, 1938, 52 Stat. 31, 38; June 27, 1942, 56 Stat. 461.

² The functions of the Federal Surplus Commodities Corporation have been transferred to the Secretary of Agriculture (15 U.S.C. 713c note, 713c-2 note) and the Corporation has been dissolved.

³ The last nine words were added by the Act of July 2, 1958, 72 Stat. 286.

⁴ P.L. 106-78, 113 Stat. 1161, Oct. 22, 1999.

**ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT⁵**

FEDERAL DISASTER ASSISTANCE PROGRAMS

SEC. 413. [42 U.S.C. 5180] [* * *]

(b)⁶ The Secretary of Agriculture shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster or emergency in such area.

AGRICULTURAL TRADE ACT OF 1978

SEC. 416.⁷ [7 U.S.C. 5676] LIMITATION ON USE OF CERTAIN EXPORT PROMOTION PROGRAMS.

(a) IN GENERAL.—The Secretary may provide that a person shall be ineligible for participation in an export program established under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), or in any other export credit, credit guarantee, bonus, or other export program carried out through, or administered by, the Commodity Credit Corporation or carried out with funds made available pursuant to section 32 of the Act entitled “An Act to amend the Agricultural Adjustment Act, and for other purposes”, approved August 24, 1935 (7 U.S.C. 612c) with respect to the export of any agricultural commodity or product that has been or will be used as the basis for a claim of a refund, as drawback, pursuant to section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)), of any duty, tax, or fee imposed under Federal law on an imported commodity or product.

[* * *]

OTHER SECTION 32 RELATED STATUTES

See the following other Section 32 related statutes (partially in DOMESTIC COMMODITY DONATIONS):

1. Secs. 3A and 17(a) of Commodity Distribution Reform and WIC Amendments of 1987 (7 U.S.C. 612c note). [The Secretary permitted to use section 32 funds to pay the cost of food or the processing or packaging of food on behalf of a State distribution agency and for any program authorized to be carried out by the Secretary that involves the acquisition of commodities for use in a domestic feeding program, including any program conducted by the Secretary that provides commodities to individuals in cases of hardship.]

2. Sec. 1 of Act of Sept. 13, 1960 (7 U.S.C. 1431 note). [Schools receiving surplus foods pursuant to section 32 authorized to use such foods in training students in home economics.]

3. Sec. 9(b) of Act of September 6, 1958 (7 U.S.C. 1431b). [Donations of surplus agricultural commodities made available pursuant to clause (2) of section 32 to areas under the jurisdiction or administration of the U.S.]

4. Sec. 211(a) of Agricultural Act of 1980 (7 U.S.C. 4004(a)). [The Secretary shall carry out special nutrition projects to pro-

⁵ Sec. 102(a) of P.L. 100-707, 102 Stat. 4689, Nov. 23, 1988, changed the title of the Disaster Relief Act of 1974 to the Robert T. Stafford Disaster and Emergency Assistance Act.

⁶ Sec. 410 was redesignated as sec. 413 by sec. 106(h) of P.L. 100-707, 102 Stat. 4705, Nov. 23, 1988.

⁷ Sec. 416 was amended to read as provided above by sec. 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3685, Nov. 28, 1990.

vide commodities available under section 32 to community food banks for emergency food box distribution to needy individuals and families.]

5. Sec. 202(c) of Emergency Food Assistance Act of 1983 (7 U.S.C. 7502(c)). [The Secretary authorized to use agricultural commodities and the products thereof made available under clause (2) of section 32 for food assistance to eligible recipient agencies.]

6. Secs. 9(c), 13(h), 14(a), and 18(g)(4) of Richard B. Russell National School Lunch Act (42 U.S.C. 1758(c), 1761(h), 1762a(a), 1769(g)(4)). [Surplus agricultural commodities purchased under clause (2) of section 32 may be donated to schools and service institutions and to carry out fruit and vegetable pilot program.]

7. Sec. 8 of Child Nutrition Act of 1986 (42 U.S.C. 1777). [Surplus agricultural commodities purchased under section 32 may be donated to schools and service institutions.]

8. Sec. 311(c)(1) of Older Americans Act of 1965 (42 U.S.C. 3030a(c)(1)). [Agricultural commodities and products purchased under section 32 shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the Older Americans Act of 1965.]

PART C—SPECIFIC COMMODITIES

ACT OF AUGUST 11, 1939¹

[PURCHASE AND DISTRIBUTION OF SURPLUS PRODUCTS OF FISHING INDUSTRY]

[SEC. 1. [15 U.S.C. 713c-2] A]ny part of the funds not to exceed \$1,500,000 per year, transferred by the Secretary of Agriculture to the Federal Surplus Commodities Corporation created under and to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may also be used by such Corporation for the purpose of diverting surplus fishery products (including fish, shellfish, mollusks, and crustacea) from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels: *Provided*, That none of the funds made available to the Federal Surplus Commodities Corporation under this Act shall be used to purchase any of the commodities designated in this Act which may have been produced in any foreign country. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this Act.

[PROMOTION OF FREE FLOW OF DOMESTICALLY PRODUCED FISHERY PRODUCTS]

SEC. 2.² [15 U.S.C. 713c-3] (a) DEFINITIONS.—As used in this section—

(1) [* * *]

(2) The term “Secretary” means the Secretary of Commerce.

(3) [* * *]

(4) [* * *]

(5) [* * *]

(b)(1) FUND.—The Secretary of Agriculture shall transfer to the Secretary each fiscal year, beginning with the fiscal year commencing July 1, 1954, and ending on June 30, 1957,³ from moneys made available to carry out provisions of section 32 of such Act of August 24, 1935, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund only for— [* * *]

¹ 53 Stat. 1411.

² Sec. 2 was substantially revised by P.L. 96-561, 94 Stat. 3288, Dec. 22, 1980. For the previous version which authorized the retransfer of funds to the Secretary of Agriculture for certain specific purposes, see pp. 40-3 and 40-4 of Agriculture Handbook No. 476, as of Jan. 1, 1981.

³ Section 12(a) of the Act of August 8, 1956 (70 Stat. 1124, U.S.C. 713c-3, note) provides: “The authorization for the transfer of certain funds from the Secretary of Agriculture to the Secretary of the Interior and their maintenance in a separate fund as contained in section 2(a) of the Act of August 11, 1939, as amended July 1, 1954 (68 Stat. 376) shall be continued for the year ending June 30, 1957, and each year thereafter.”

AGRICULTURE APPROPRIATION ACT FOR FISCAL YEAR 1983⁴

* * * * *

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION
32)⁵

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$5,670,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

EMERGENCY JOBS APPROPRIATIONS FOR FISCAL YEAR 1983⁶

DISTRIBUTION OF AGRICULTURAL COMMODITIES

* * * * *

Notwithstanding 15 U.S.C. 713c-2, the Secretary of Agriculture shall purchase domestically produced fresh and processed fishery products from funds appropriated under 7 U.S.C. 612c, and distribute to eligible recipient agencies.

DISASTER ASSISTANCE ACT OF 1988

[COTTONSEED OIL AND SUNFLOWER OIL EXPORTS]

[SEC. 301.⁷ [7 U.S.C. 1464 note] [* * *]]

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

SEC. 10603. [7 U.S.C. 612c-4] PURCHASE OF SPECIALTY CROPS.¹⁰⁶⁰³⁻¹

(a) **GENERAL PURCHASE AUTHORITY.**—Of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for fiscal year 2002 and each subsequent fiscal year, the Secretary of Agriculture shall use not less than \$200,000,000 each fiscal year to purchase fruits, vegetables, and other specialty food crops.

(b) **PURCHASE AUTHORITY.**—

(1) **PURCHASE.**—Of the amount specified in subsection (a), the Secretary of Agriculture shall use not less than \$50,000,000 each fiscal year for the purchase of fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)).

(2) **SERVICING AGENCY.**—The Secretary of Agriculture shall provide for the Secretary of Defense to serve as the servicing agency for the procurement of the fresh fruits and vegetables

⁴P.L. 97-370, 96 Stat. 1787, Dec. 18, 1982.

⁵96 Stat 1795.

⁶P.L. 93-8, 97 Stat. 13, Mar. 24, 1983.

⁷Sec. 301(b)(2)(A)(i) of the Disaster Assistance Act of 1988 was effective only for the 1991 through 1995 crops. For the text of sec. 301(b)(2)(A)(i), see p. 55-2 of Volume I—Domestic Agricultural Programs (as of March 3, 1992).

¹⁰⁶⁰³⁻¹P.L. 107-171, 116 Stat. 511, May 13, 2002.

Sec. 10901 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c note; P.L. 107-171) requires the Secretary to submit a report on the quantity and type of (1) fruits, vegetables, and other specialty food crops that are purchased under section 10603 of that Act, and (2) other commodities that are purchased under section 32.

under this subsection on the same terms and conditions as provided in the memorandum of agreement entered into between the Agricultural Marketing Service, the Food and Consumer Service, and the Defense Personnel Support Center during August 1995 (or any successor memorandum of agreement).

(c) DEFINITIONS.—In this section, the terms “fruits”, “vegetables”, and “other specialty food crops” shall have the meaning given the terms by the Secretary of Agriculture.

PART D—GRAIN FOR WILDFOWL

ACT OF JULY 3, 1956¹

[COOPERATION WITH AGENCIES TO PREVENT WATERFOWL DEPREDATIONS]

[SEC. 1. [7 U.S.C. 442] F]or the purpose of preventing crop damage by migratory waterfowl, the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Commodity Credit Corporation to be available for the purposes of this Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary of the Interior shall requisition pursuant to section 2 hereof. With respect to any grain thus made available, the Commodity Credit Corporation may pay packaging, transporting, handling, and other charges up to the time of delivery to one or more designated locations in each State.

[USE OF SURPLUS GRAIN TO PREVENT WATERFOWL DEPREDATIONS]

SEC. 2. [7 U.S.C. 443] Upon a finding by the Secretary of the Interior that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl, the Secretary of the Interior is hereby authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Commodity Credit Corporation through price-support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

[REIMBURSEMENT FOR PACKAGING AND TRANSPORTATION]

SEC. 3. [7 U.S.C. 444] With respect to all grain made available pursuant to section 2, the Commodity Credit Corporation shall be reimbursed by the Secretary of the Interior for its expenses in packaging and transporting such grain for purposes of this Act.

[AUTHORIZATION OF APPROPRIATIONS]

SEC. 4. [7 U.S.C. 445] There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in the grain transferred pursuant to this Act.

[TERMINATION DATE]

[SEC. 5.² * * *]

¹ P.L. 84-654, 70 Stat. 492.

² Section 5, providing for expiration of this Act 3 years after its enactment, was repealed by the Act of Aug. 4, 1959, P.L. 86-135, 78 Stat. 279.

ACT OF AUGUST 17, 1961³[REQUISITION OF SURPLUS GRAIN TO PREVENT STARVATION OF
RESIDENT GAME BIRDS AND WILDLIFE]

[SEC. 1. [7 U.S.C. 447] F]or the purpose of meeting emergency situations caused by adverse weather conditions or other factors destructive of important wildlife resources, the States are hereby authorized, upon the request of the State fish and game authority or other State agency having similar authority and a finding by the Secretary of the Interior that any area of the United States is threatened with serious damage or loss to resident game birds and other resident wildlife from starvation, to requisition from the Commodity Credit Corporation grain acquired by the Corporation through price-support operations. Such grain may thereafter be furnished to the particular State for direct and sole utilization by the appropriate State agencies for purposes of this Act in such quantities as mutually agreed upon by the State and the Commodity Credit Corporation and subject to such regulations as may be considered desirable by the Corporation. The Corporation shall be reimbursed by the particular State in each instance for the expense of the Corporation in packaging and transporting such grain for purposes of this Act.

[REQUISITION AND USE OF GRAIN FOR PREVENTION OF STARVATION OF
MIGRATORY BIRDS]

SEC. 2. [7 U.S.C. 448] Upon a finding by the Secretary of the Interior that migratory birds are threatened with starvation in any area of the United States, the Secretary is authorized to requisition from the Commodity Credit Corporation grain acquired by that Corporation through price-support operations in such quantities as may be mutually agreed upon. The Corporation shall be reimbursed by the Secretary for its expense in packaging and transporting of such grain for purposes of this Act.

[AUTHORIZATION OF APPROPRIATIONS FOR REIMBURSEMENT OF CCC]

SEC. 3. [7 U.S.C. 449] There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in grain transferred pursuant to this Act.

³P.L. 87-152, 75 Stat. 389.