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**19. FARMER-TO-CONSUMER DIRECT MARKETING ACT OF  
1976**

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May 22, 2008

**19. FARMER-TO-CONSUMER DIRECT MARKETING  
ACT OF 1976**

[As Amended Through P.L. 110–246, Effective May 22, 2008]

Public Law 94–463, October 8, 1976

AN ACT To encourage the direct marketing of agricultural commodities from farmers to consumers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [7 U.S.C. 3001 note] this Act may be cited as the “Farmer-to-Consumer Direct Marketing Act of 1976”.*

PURPOSE

SEC. 2. [7 U.S.C. 3001] It is the purpose of this Act to promote, through appropriate means and on an economically sustainable basis, the development and expansion of direct marketing of agricultural commodities from farmers to consumers. To accomplish this objective, the Secretary of Agriculture (hereinafter referred to as the “Secretary”) shall initiate and coordinate a program designed to facilitate direct marketing from farmers to consumers for the mutual benefit of consumers and farmers.

DEFINITION

SEC. 3. [7 U.S.C. 3002] For purposes of this Act, the term “direct marketing from farmers to consumers” shall mean the marketing of agricultural commodities at any marketplace (including, but not limited to, roadside stands, city markets, and vehicles used for house-to-house marketing of agricultural commodities) established and maintained for the purpose of enabling farmers to sell (either individually or through a farmers’ organization directly representing the farmers who produced the commodities being sold) their agricultural commodities directly to individual consumers, or organizations representing consumers, in a manner calculated to lower the cost and increase the quality of food to such consumers while providing increased financial returns to the farmers.

SURVEY

SEC. 4. [7 U.S.C. 3003] The Secretary shall provide, through the Economic Research Service of the United States Department of Agriculture, or whatever agency or agencies the Secretary considers appropriate, an annual survey of existing methods of direct marketing from farmers to consumers in each State.

DIRECT MARKETING ASSISTANCE WITHIN THE STATES

SEC. 5. [7 U.S.C. 3004] (a) In order to promote the establishment and operation of direct marketing from farmers to consumers, the Secretary shall provide that funds appropriated to carry out this section be utilized by State departments of agriculture and the Secretary for the purpose of conducting or facilitating activities

which will initiate, encourage, develop, or coordinate methods of direct marketing from farmers to consumers within or among the States. Such funds shall be allocated to a State on the basis of the feasibility of direct marketing from farmers to consumers within that State as compared to other States and shall be allocated within a State to the State department of agriculture and to the Secretary on the basis of the types of activities which are needed in the State, as determined by the Secretary. The activities shall include, but shall not be limited to—

(1) sponsoring conferences which are designed to facilitate the sharing of information (among farm producers, consumers, and other interested persons or groups) concerning the establishment and operation of direct marketing from farmers to consumers;

(2) compiling laws and regulations relevant to the conduct of the various methods of such direct marketing within the State, formulating drafts of enabling legislation needed to facilitate such direct marketing, determining feasible locations for additional facilities for such direct marketing, and preparing and disseminating practical information on the establishment and operation of such direct marketing; and

(3) providing technical assistance for the purpose of aiding interested individuals or groups in the establishment of arrangements for direct marketing from farmers to consumers.

(b) DEVELOPMENT OF FARMERS' MARKETS.—The Secretary shall—

(1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers' markets;

(2) develop opportunities to share information among managers of farmers' markets;

(3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and

(4) work with producers to develop farmers' markets.

(c) In the implementation of this section, the Secretary shall take into account consumer preferences and needs which may bear upon the establishment and operation of arrangements for direct marketing from farmers to consumers.

#### **SEC. 6. [7 U.S.C. 3005] FARMERS' MARKET PROMOTION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the "Farmers' Market Promotion Program" (referred to in this section as the "Program"), to make grants to eligible entities for projects to establish, expand, and promote farmers' markets and to promote direct producer-to-consumer marketing.

(b) PROGRAM PURPOSES.—

(1) IN GENERAL.—The purposes of the Program are—

(A) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers' markets, roadside stands, community-supported agriculture programs, agri-tourism activities, and other direct producer-to-consumer market opportunities; and

(B) to develop, or aid in the development of, new farmers' markets, roadside stands, community-supported agri-

culture programs, agri-tourism activities, and other direct producer-to-consumer marketing opportunities.

(2) **LIMITATIONS.**—An eligible entity may not use a grant or other assistance provided under the Program for the purchase, construction, or rehabilitation of a building or structure.

(c) **ELIGIBLE ENTITIES.**—An entity shall be eligible to receive a grant under the Program if the entity is—

(1) an agricultural cooperative or a producer network or association;

(2) a local government;

(3) a nonprofit corporation;

(4) a public benefit corporation;

(5) an economic development corporation;

(6) a regional farmers' market authority; or

(7) such other entity as the Secretary may designate.

(d) **CRITERIA AND GUIDELINES.**—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(e) **FUNDING.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) \$3,000,000 for fiscal year 2008;

(B) \$5,000,000 for each of fiscal years 2009 through 2010; and

(C) \$10,000,000 for each of fiscal years 2011 and 2012.

(2) **USE OF FUNDS.**—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.

(3) **INTERDEPARTMENTAL COORDINATION.**—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

(4) **LIMITATION.**—Funds described in paragraph (2)—

(A) may not be used for the ongoing cost of carrying out any project; and

(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.

#### AUTHORIZATION OF APPROPRIATIONS

**SEC. 7. [7 U.S.C. 3006]** (a) For purposes of carrying out section 4, there are authorized to be appropriated such sums as are necessary.

(b) For purposes of carrying out the provisions of section 5, there is authorized to be appropriated \$1,500,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978.

#### EMERGENCY HAY PROGRAM

**SEC. 8. [Omitted-Obsolete]**