

SECTION 32 AND RELATED LAWS

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

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

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. 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. 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 Agricultural Act of 1949) and their products. 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 \$500,000,000 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 3690 of the Revised Statutes (U.S.C., title 31, sec. 712), and section 5 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). 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.

AGRICULTURAL ACT OF 1956

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

APPROPRIATION TO SUPPLEMENT SECTION 32 FUNDS

SEC. 205. [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] [* * *]³⁹²⁻¹

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 Food and Nutrition Laws Vol.

³⁹²⁻¹ See Sec. 392(b) of Agricultural Adjustment Act of 1938 in this Vol.

**PART B—PURPOSES OF COMMODITY
DISTRIBUTIONS**

ACT OF JUNE 28, 1937

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

[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,³²⁻¹ 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.

**DEPARTMENT OF AGRICULTURE APPROPRIATION ACT,
FY 2000**

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

[INDIVIDUAL HARDSHIP CASES]

SEC. 709. [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.

³²⁻¹The 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.

**ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT****FEDERAL DISASTER ASSISTANCE PROGRAMS****SEC. 413. [42 U.S.C. 5180] [* * *]**

(b) 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 U.S.C. 5676] LIMITATION ON USE OF CERTAIN EXPORT
PROMOTION PROGRAMS.⁴¹⁶⁻¹**

⁴¹⁶⁻¹ See Sec. 416(a) of Agricultural Trade Act of 1978 in Agricultural Trade Laws Vol.

PART C—SPECIFIC COMMODITIES

ACT OF AUGUST 11, 1939

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

[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. [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, 1957,²⁻¹ from monies 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— [* * *]

²⁻¹ 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
1983¹**

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

* * * * *

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION
32)²

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
1983³**

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

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.^{301–1} [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.**

[As Amended Through P.L. 110–246, Effective October 1, 2008]

(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 OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—The Secretary of Agriculture shall purchase 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)) using, of the amount specified in subsection (a), not less than \$50,000,000 for each of fiscal years 2008 through 2012.

¹ P.L. 97–370, 96 Stat. 1787, Dec. 18, 1982.

² 96 Stat 1795.

³ P.L. 93–8, 97 Stat. 13, Mar. 24, 1983.

^{301–1} Sec. 301(b)(2)(A)(i) of the Disaster Assistance Act of 1988 was effective only for the 1991 through 1995 crops.

(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, 1956

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

[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. ⁵⁻¹ * * *]

⁵⁻¹Section 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, 1961

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

[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.