

to the Code, see Short Title note set out under section 2401 of the Appendix to Title 50 and Tables.

Section 1445e of this title, referred to in subsec. (c)(2), was amended generally by Pub. L. 101-624, title XI, §1123, Nov. 28, 1990, 104 Stat. 3503, and, as so amended, subsec. (b) of section 1445e does not contain a clause (5).

#### AMENDMENTS

1998—Subsec. (d)(2). Pub. L. 105-385 made technical amendment to reference in original act which appears in text as reference to section 1736f-1 of this title.

1996—Subsec. (d)(2). Pub. L. 104-127 added par. (2) and struck out former par. (2) which read as follows: “The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 1736f-1 of this title shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 1736f-1 of this title) the references to ‘wheat’ in such subsections of section 1736f-1 of this title shall be deemed to be references to ‘agricultural commodities’.”

1981—Subsec. (c)(2)(A). Pub. L. 97-98, §1004(1), substituted “third sentence” for “second sentence”.

Subsec. (c)(2)(B)(i). Pub. L. 97-98, §1004(2), substituted “110 per centum” for “105 per centum”, “Secretary may encourage repayment” for “Secretary may call for repayment”, and “clause (5) of the third sentence” for “clause (6) of the second sentence”.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Section 213 of title II of Pub. L. 96-494 provided that: “Except as otherwise provided herein, this title [enacting this chapter and section 1445h of this title, amending sections 1444c, 1445b, 1445e, and 1446 of this title, and enacting provisions set out as notes under this section, sections 1445e and 1445h of this title, and section 714c of Title 15, Commerce and Trade] shall become effective October 1, 1980, or the date of enactment [Dec. 3, 1980], whichever is later.”

#### SHORT TITLE

Section 1 of Pub. L. 96-494 provided: “That this Act [enacting this chapter and sections 1445h and 1736f-1 of this title, amending sections 608c, 1444c, 1445b, 1445e, and 1446 of this title, and enacting provisions set out as notes under this section, sections 1445e, 1445h, and 1736f-1 of this title, and section 714c of Title 15, Commerce and Trade] may be cited as the ‘Agricultural Act of 1980’.”

Section 201 of title II of Pub. L. 96-494 provided that: “This title [enacting this chapter and section 1445h of this title, amending sections 1444c, 1445b, 1445e, and 1446 of this title, and enacting provisions set out as notes under this section, sections 1445e and 1445h of this title, and section 714c of Title 15, Commerce and Trade] may be cited as the ‘Agricultural Trade Suspension Adjustment Act of 1980’.”

### § 4002. Alcohol processor grain reserve program

#### (a) Definitions

As used in this section—

(1) The term “Secretary” means the Secretary of Agriculture.

(2) The term “processor” means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms “agricultural grain” and “grain” mean any agricultural commodity (A) that is suitable for processing into alcohol for

use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term “producer storage program” means the producer storage program provided for under section 1445e<sup>1</sup> of this title.

(5) The term “small scale biomass energy project” shall have the same meaning as defined in section 8802(19) of title 42.

#### (b) Loans on stored grain; processors eligible

To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

#### (c) Terms and conditions of processor grain reserve program and producer storage program

Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

#### (d) Amount of loan

The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

#### (e) Replacement of removed grain

Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

#### (f) Purposes for which grain to be used

Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

<sup>1</sup> See References in Text note below.

**(g) Terms and conditions of loan; security; non-recourse loans**

Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

**(h) Payment for cost of storage; repayment of loans**

In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

**(i) Announcement of terms and conditions of program**

The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

**(j) Use of Commodity Credit Corporation facilities**

The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

**(k) Authorization of appropriations; appropriation acts as determining amount and extent of loans; expiration of authority to make loans**

There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after December 3, 1980.

(Pub. L. 96-494, title II, § 209, Dec. 3, 1980, 94 Stat. 2575.)

## REFERENCES IN TEXT

The producer storage program provided for under section 1445e of this title, referred to in subsec. (a)(4), refers to section 1445e prior to the general amendment of such section by Pub. L. 101-624, title XI, § 1123, Nov. 28, 1990, 104 Stat. 3503. As amended, section 1445e now provides for a farmer owned reserve program.

**§ 4003. Study of potential for expansion of United States agricultural export markets; report to President and Congress**

(a) The Secretary of Agriculture, in consultation with the United States Trade Representa-

tive and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

(Pub. L. 96-494, title II, § 210, Dec. 3, 1980, 94 Stat. 2576.)

**§ 4004. Food bank special nutrition projects****(a) Distribution of agricultural commodities to community food banks for emergency distribution; availability of agricultural commodities; use of currently used distributorship systems; selection of food banks**

The Secretary of Agriculture shall carry out special nutrition projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such special nutrition projects, agricultural commodities and other foods available to the Secretary under section 1431 of this title, section 1446a-1 of this title, and section 612c of this title. For purpose of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] and Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.]. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the special nutrition projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.