

PART B—DAIRY PRODUCT DONATION PROGRAM

§ 9071. Dairy product donation program**(a) Program required; purpose**

Not later than 120 days after the date on which the Secretary certifies to Congress that the margin protection program is operational, the Secretary shall establish and administer a dairy product donation program for the purposes of—

- (1) addressing low operating margins experienced by participating dairy operations; and
- (2) providing nutrition assistance to individuals in low-income groups.

(b) Program trigger

The Secretary shall announce that the dairy product donation program is in effect for a month, and undertake activities under subsection (c) during the month, whenever the actual dairy production margin has been \$4.00 or less per hundredweight of milk for each of the immediately preceding 2 months.

(c) Required program activities**(1) In general**

Whenever the dairy product donation program is in effect under subsection (b), the Secretary shall immediately purchase dairy products, at prevailing market prices, until such time as one of the termination conditions specified in subsection (d)(1) is met.

(2) Consultation

To determine the types and quantities of dairy products to purchase under the dairy product donation program, the Secretary shall consult with public and private nonprofit organizations organized to feed low-income populations¹

(d) Termination of program activities**(1) Termination thresholds**

The Secretary shall cease activities under the dairy product donation program, and shall not reinstate activities under the program until the condition specified in subsection (b) is again met, whenever any one of the following occurs:

- (A) The Secretary has made purchases under the dairy product donation program for three consecutive months, even if the actual dairy production margin remains \$4.00 or less per hundredweight of milk.
- (B) The actual dairy production margin has been greater than \$4.00 per hundredweight of milk for the immediately preceding month.
- (C) The actual dairy production margin has been \$4.00 or less, but more than \$3.00, per hundredweight of milk for the immediately preceding month and during the same month—

- (i) the price in the United States for cheddar cheese was more than 5 percent above the world price; or

- (ii) the price in the United States for non-fat dry milk was more than 5 percent above the world price of skim milk powder.

(D) The actual dairy production margin has been \$3.00 or less per hundredweight of milk for the immediately preceding month and during the same month—

- (i) the price in the United States for cheddar cheese was more than 7 percent above the world price; or

- (ii) the price in the United States for non-fat dry milk was more than 7 percent above the world price of skim milk powder.

(2) Determinations

For purposes of this subsection, the Secretary shall determine the price in the United States for cheddar cheese and non-fat dry milk and the world price of cheddar cheese and skim milk powder.

(e) Distribution of purchased dairy products**(1) In general**

The Secretary of Agriculture shall distribute, but not store, the dairy products purchased under the dairy product donation program in a manner that encourages the domestic consumption of such dairy products by diverting them to persons in low-income groups, as determined by the Secretary.

(2) Use of public or private nonprofit organizations

The Secretary shall utilize the services of public and private nonprofit organizations for the distribution of dairy products purchased under the dairy product donation program. A public or private nonprofit organization that receives dairy products may transfer the products to another public or private nonprofit organization that agrees to use the dairy products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.

(f) Prohibition on resale of products

A public or private nonprofit organization that receives dairy products under subsection (e) may not sell the products back into commercial markets.

(g) Use of Commodity Credit Corporation funds

As specified in section 9091(a) of this title, the funds, facilities, and authorities of the Commodity Credit Corporation shall be available to the Secretary for the purposes of implementing and administering the dairy product donation program.

(h) Duration

In addition to the termination conditions specified in subsection (d)(1), the dairy product donation program shall end on December 31, 2018.

(Pub. L. 113-79, title I, §1431, Feb. 7, 2014, 128 Stat. 695.)

SUBCHAPTER IV—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAMS

§ 9081. Supplemental agricultural disaster assistance**(a) Definitions**

In this section:

¹ So in original. Probably should be followed by a period.