

DOMESTIC COMMODITY DONATIONS

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DOMESTIC COMMODITY DONATIONS ¹

PART A—GENERAL

DISPOSITION OF COMMODITIES TO PREVENT WASTE

See Sec. 416 of Agricultural Act of 1949 in this Vol.

AGRICULTURAL ACT OF 1956

TITLE II—SURPLUS DISPOSAL

[PROGRAM OF ORDERLY LIQUIDATION]

[SEC. 201. ²⁰¹⁻¹ [7 U.S.C. 1851]]

* * * * *

[SURPLUS DISPOSAL ADMINISTRATOR]

[SEC. 207. ²⁰⁷⁻¹ [7 U.S.C. 1857]]

MUTUAL SECURITY ACT OF 1954

[DOMESTIC DISTRIBUTIONS OF SURPLUS FOODS AVAILABLE FOR GRANT
OR FOREIGN CURRENCY SALES]

[SEC. 402. ⁴⁰²⁻¹ [22 U.S.C. 1922]]

¹ For Sec. 32 of and related statutes, see generally SECTION 32 AND RELATED STATUTES in this Vol.

For donation of feed grains, see Sec. 606(a) of Agricultural Act of 1949 in this Vol.

For domestic sales, see DOMESTIC SALES in this Vol.

For disaster relief, see Crop Insurance and Disaster Relief Laws Vol.

²⁰¹⁻¹ Sec. 201 was repealed by sec. 274 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996.

²⁰⁷⁻¹ Sec. 207 was repealed by sec. 274 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996.

⁴⁰²⁻¹ Sec. 402 was repealed by sec. 228 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 963, April 4, 1996.

PART B—PURPOSES OF DONATION¹

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 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 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.

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9.⁹⁻¹ [42 U.S.C. 1758] [* * *]

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 13.¹³⁻¹ [42 U.S.C. 1761] [* * *]

COMMODITY DISTRIBUTION PROGRAM

SEC. 14.¹⁴⁻¹ [42 U.S.C. 1762a]

SEC. 17. [42 U.S.C. 1766] **CHILD AND ADULT CARE FOOD PROGRAM.**

[* * *]

(h) [* * *]

(2)¹⁷⁻¹

OLDER AMERICANS ACT OF 1965

NUTRITION SERVICES INCENTIVE PROGRAM

SEC. 311. [42 U.S.C. 3030a] (a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

(b)(1) The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency with a plan approved under this title for a fiscal year, and to or on behalf of each grantee with an application approved under title VI for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States

¹ See also Crop Insurance and Disaster Relief Vol.

⁹⁻¹ See sec. 9(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(c)) in Food and Nutrition Laws Vol.

¹³⁻¹ See sec. 13(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(h)) in Food and Nutrition Laws Vol.

¹⁴⁻¹ See sec. 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) in Food and Nutrition Laws Vol.

¹⁷⁻¹ See sec. 17(h)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(h)(2)) in Food and Nutrition Laws Vol.

and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.

(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.

(3) State agencies that elect to make grants and enter into contracts for purposes of this section shall promptly and equitably disburse amounts received under this subsection to the recipients of the grants and contracts.

(c)(1) Agricultural commodities (including bonus commodities) and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(2) The Commodities Credit Corporation shall dispose of food commodities (including bonus commodities) under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(3) Dairy products (including bonus commodities) purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) shall be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this title.

(4) Among the commodities provided under this subsection, the Secretary of Agriculture shall give special emphasis to foods of high nutritional value to support the health of older individuals. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the provision of commodities under this subsection.

* * * * *

AGRICULTURAL ACT OF 1980

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

DISTRIBUTION OF EXCESS AGRICULTURAL COMMODITIES THROUGH COMMUNITY FOOD BANKS

SEC. 211. [7 U.S.C. 4004] (a) 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 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes 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 and Child Nutrition Act of 1966. 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.

AGRICULTURE AND FOOD ACT OF 1981

DISTRIBUTION OF SURPLUS COMMODITIES; SPECIAL NUTRITION PROJECTS

SEC. 1114. [7 U.S.C. 1431e]¹¹¹⁴⁻¹

CONTINUING APPROPRIATIONS ACT, FY 1984¹⁰¹⁻¹

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

DISTRIBUTION UNDER FOOD DISTRIBUTION AND EMERGENCY SHELTER PROGRAM

SEC. 101. [***]

(g) [***] As authorized by the Charter of Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the Food Distribution and Emergency Shelter Program in cooperation with the Federal Emergency Management Agency.

COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987

SEC. 3A. [7 U.S.C. 612c note] ADVANCE FUNDING FOR STATE OPTION CONTRACTS.^{3A-1}

SEC. 17. [7 U.S.C. 612c note] COMMODITY DONATIONS.¹⁷⁻¹

EMERGENCY FOOD ASSISTANCE

See Emergency Food Assistance Act of 1983 in Food and Nutrition Laws Vol.

¹¹¹⁴⁻¹ See Sec. 1114 of Agriculture and Food Act of 1981 in Food and Nutrition Laws Vol.

¹⁰¹⁻¹ H.J. Res. 413, P.L. 98-151, 97 Stat. 975, Nov. 14, 1983.

^{3A-1} See Sec. 3A of Commodity Distribution Reform Act and WIC Amendments of 1987 in Food and Nutrition Laws Vol.

¹⁷⁻¹ See Sec. 17 of Commodity Distribution Reform Act and WIC Amendments of 1987 in Food and Nutrition Laws Vol.

**PART C—DONATIONS TO AREAS UNDER U.S.
JURISDICTION AND TO SCHOOLS**

ACT OF SEPTEMBER 6, 1958

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

DONATIONS TO AREAS UNDER U.S. JURISDICTION

SEC. 9. [7 U.S.C. 1431b] Notwithstanding any other provision of law those areas under the jurisdiction or administration of the United States are authorized to receive from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus commodities as may be available pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).

AGRICULTURAL ACT OF 1956

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

DONATIONS TO PENAL AND CORRECTIONAL INSTITUTIONS

SEC. 210. [7 U.S.C. 1859] Notwithstanding any other limitations as to the disposal of surplus commodities acquired through price support operations, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest, and upon application, to donate food commodities acquired through price support operations to Federal penal and correctional institutions, and to State correctional institutions for minors, other than those in which food service is provided for inmates on a fee, contract, or concession basis.

AGRICULTURAL ACT OF 1958

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

COTTON FOR COLLEGES

SEC. 505. [7 U.S.C. 1431a] Commodity Credit Corporation is authorized, on such terms as the Secretary of Agriculture may approve, to donate cotton acquired through its price support operations to educational institutions for use in the training of students in the processing and manufacture of cotton into textiles.

ACT OF SEPTEMBER 13, 1960¹⁻¹

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

SURPLUS FOODS FOR HOME ECONOMIC COURSES

[7 U.S.C. 1431 note] [S]chools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economics, including college students if the same facilities

¹⁻¹ P.L. 86-756, 74 Stat. 899, amended by Act of Aug. 30, 1961, 75 Stat. 411.

and instructors are used for training both high school and college students in home economics courses.

CRITICAL AGRICULTURAL MATERIALS ACT

DONATIONS FOR DEMONSTRATION PROJECTS

SEC. 5 [7 U.S.C. 178c] [* * *]

(b) The Secretary of Agriculture shall conduct, sponsor, promote, and coordinate basic and applied research, technology development, and technology transfer leading to effective and economical methods for large-scale culturing of plantations and the extraction of latex from Parthenium or other hydrocarbon-containing plants, and for the development of other critical agricultural materials from native agricultural crops having strategic and industrial importance. Such research shall include, but not be limited to—

* * * * *

(9) studying the economic feasibility of developing other native agricultural crops (in addition to Parthenium and other hydrocarbon-containing plants) that would supply critical agricultural materials for strategic and industrial purposes, carrying out demonstration projects to promote the development or commercialization of such crops (including projects designed to expand domestic or foreign markets for such crops), and, to the extent appropriate, carrying out research activities with respect to such crops in the manner specified in paragraphs (1) through (8).

* * * * *

(d) Notwithstanding any other provision of law, in carrying out a demonstration project referred to in subsection (b)(9), the Secretary may—

(1) enter into a contract or cooperative agreement with, or provide a grant to, any person, or public or private agency or organization, to participate in, carry out, support, or stimulate such project;

(2) make available for purposes of clause (1) agricultural commodities or the products thereof acquired by the Commodity Credit Corporation under price support operations conducted by the Corporation; or

(3) use any funds appropriated pursuant to section 16(a), or any funds provided by any person, or public or private agency or organization to carry out such project or reimburse the Commodity Credit Corporation for agricultural commodities or products that are utilized in connection with such project.

**PART D—DONATIONS OF SPECIFIC
COMMODITIES**

AGRICULTURAL ACT OF 1954

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

DOMESTIC DISPOSAL OF DAIRY PRODUCTS

SEC. 204. [7 U.S.C. 1446c] [* * *]

(c) In order to prevent the accumulation of excessive inventories of dairy products the Secretary of Agriculture shall undertake domestic disposal programs under authorities granted in the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, as amended, or as otherwise authorized by law.

AGRICULTURE AND FOOD ACT OF 1981

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

REDUCTION OF DAIRY PRODUCT INVENTORIES

SEC. 106. [7 U.S.C. 1446c-1] The Secretary of Agriculture shall utilize, to the fullest extent practicable, the authorities under the Commodity Credit Corporation Charter Act (including exportation of dairy products at not less than prevailing world market prices), the Food for Peace Act (Public Law 480), and other authorities available to the Secretary to reduce inventories of dairy products held by the Commodity Credit Corporation so as to reduce net Commodity Credit Corporation expenditures to the estimated outlays for the milk price support program used in developing budget outlays under the Congressional Budget Act of 1974 for the appropriate fiscal year.

FOOD AND AGRICULTURE ACT OF 1965

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

PURCHASE OF DAIRY PRODUCTS

SEC. 709. [7 U.S.C. 1446a-1] The Secretary of Agriculture is hereby authorized to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools (other than fluid milk in the case of schools), domestic relief distribution, community action, and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes.

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND VETERANS
HOSPITALS

See Sec. 202 of Agricultural Act of 1949 in this Vol.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

[CHEESE AND NONFAT DRY MILK]

SEC. 5. [7 U.S.C. 612c note] [* * *]⁵⁻¹

ACT OF AUGUST 19, 1958

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

DONATIONS OF PROCESSED GRAIN FOOD PRODUCTS

[7 U.S.C. 1431 note] [A]t any time Commodity Credit Corporation has any grain available for donation pursuant to the Food for Progress Act of 1985, section 416 of the Agricultural Act of 1949, as amended, section 210 of the Agricultural Act of 1956, or title II of the Agricultural Trade Development and Assistance Act, as amended,¹⁻¹ the Corporation, in lieu of processing all or any part of such grain into human food products, may purchase such processed food products in quantities not to exceed the equivalent of the respective grain available for donation on the date of such purchase and donate such processed food products pursuant to the Food for Progress Act of 1985, such section 416, and to such section 210, and make such processed food products available pursuant to such title II, and may sell, without regard to the provisions of section 407 of the Agricultural Act of 1949, as amended, a quantity of the grain equivalent to the processed food products so purchased: *Provided*, That no food product purchased pursuant to the authority contained herein shall constitute less than 50 per centum by weight of the grain from which processed (except that this limitation does not apply in the case of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities), or contain any additive other than for normal vitamin enrichment, preservative, and bleaching purposes.

AGRICULTURE AND FOOD ACT OF 1981

[DONATION OF PROTEIN BYPRODUCTS DERIVED FROM ALCOHOL FUEL
PRODUCTION]

[Sec. 1208.¹²⁰⁸⁻¹ [7 U.S.C. 1736n]]

ACT OF SEPTEMBER 21, 1959

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

ENRICHMENT OF AND SANITARY CONTAINERS FOR CORNMEAL, GRITS,
RICE, AND WHITE FLOUR DISTRIBUTION

SEC. 201. [7 U.S.C. 1431c] (a) In order to insure the nutritional value of cornmeal, grits, rice, and white flour when such foods are made available for distribution under section 416(3) of the Agricultural Act of 1949 or for distribution to schools under the Richard B. National School Lunch Act or any other Act, such foods

⁵⁻¹ See sec. 5(d)(2) of Agriculture and Consumer Protection Act of 1973 in Food and Nutrition Laws Vol.

¹⁻¹ Sec. 3001(c) of the Food, Conservation, and Energy Act of 2008, Public Law 110-246, 122 Stat. 1821, provides that "Any reference in any Federal, State, tribal, or local law (including regulations) to the 'Agricultural Trade Development and Assistance Act of 1954' shall be considered to be a reference to the 'Food for Peace Act'."

¹²⁰⁸⁻¹ Sec. 1208 was repealed by sec. 226 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 962, April 4, 1996.

shall be enriched so as to meet the standards for enriched cornmeal, enriched corn grits, enriched rice, or enriched flour, as the case may be, prescribed in regulations promulgated under the Federal Food, Drug, and Cosmetic Act; and in order to protect the nutritional value and sanitary quality of such enriched foods during transportation and storage such foods shall be packaged in sanitary containers. For convenience and ease in handling, the weight of any sanitary container when filled shall not exceed fifty pounds unless a larger container is requested by the recipient agency. Nothing in this section shall prohibit the distribution of fortified parboiled rice which is substantially equal in nutritional value to that of enriched rice.

(b) The term "sanitary container" means any container of such material and construction as (1) will not permit the infiltration of foreign matter into the contents of such container under ordinary conditions of shipping and handling, and (2) will not, for a period of at least one year, disintegrate so as to contaminate the contents of the container necessitating the washing of the contents prior to use.

PART E—PENALTIES

**AGRICULTURE AND CONSUMER PROTECTION ACT OF
1973**

PENALTIES FOR FRAUD

SEC. 4. [7 U.S.C. 612c note] [* * *]⁴⁻¹

⁴⁻¹ See Sec. 4(c) of Agriculture and Consumer Protection Act of 1973 in Food and Nutrition Laws Vol.