

115TH CONGRESS
2D SESSION

S. 2824

To amend the Food, Conservation, and Energy Act of 2008 to establish in each State a network between agricultural producers and food banks to provide food to the needy and reduce food waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food, Conservation, and Energy Act of 2008 to establish in each State a network between agricultural producers and food banks to provide food to the needy and reduce food waste, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farm to Food Bank
5 Act of 2018”.

1 **SEC. 2. FARM TO FOOD BANK PROGRAM.**

2 The Food, Conservation, and Energy Act of 2008 is
3 amended by inserting after section 4405 (7 U.S.C. 7517)
4 the following:

5 **“SEC. 4406. FARM TO FOOD BANK PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) AGRICULTURAL COOPERATIVE.—The term
8 ‘agricultural cooperative’ means a farmers’ coopera-
9 tive described in section 521(b)(1) of the Internal
10 Revenue Code of 1986.

11 “(2) AGRICULTURAL PRODUCER.—The term
12 ‘agricultural producer’ includes—

13 “(A) an agricultural cooperative;

14 “(B) a person engaged in farming, ranch-
15 ing, or aquaculture;

16 “(C) a person engaged in the packing of a
17 food product; and

18 “(D) a person engaged in the minimal
19 processing of a food product, as determined by
20 the Secretary.

21 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means an organization described in section
23 501(c)(3) of the Internal Revenue Code of 1986 and
24 exempt from taxation under 501(a) of that Code
25 that—

26 “(A) is—

1 “(i) a food bank;

2 “(ii) an association of food banks; or

3 “(iii) a food assistance network; and

4 “(B) has the expertise and infrastructure
5 to source, aggregate, transport, and distribute
6 an eligible product to individuals in need in the
7 State or region in which the eligible entity is lo-
8 cated.

9 “(4) ELIGIBLE PRODUCT.—The term ‘eligible
10 product’ means a food product—

11 “(A) that is—

12 “(i) a fruit, vegetable, grain, meat (in-
13 cluding poultry and nonamenable species),
14 egg, seafood, legume, nut, seed, or dairy
15 product;

16 “(ii) grown or produced in the United
17 States;

18 “(iii) fresh or minimally processed, as
19 determined by the Secretary, taking into
20 account—

21 “(I) distribution needs;

22 “(II) food storage availability;

23 and

24 “(III) the availability of that food
25 product in a State or region; and

1 “(iv) safe for consumption; and

2 “(B)(i) for which there is limited access to
3 a retail market or supply chain;

4 “(ii) that has been grown or otherwise pro-
5 duced for the purpose of donation; or

6 “(iii) that has been gleaned.

7 “(5) FARM TO FOOD BANK PROGRAM.—The
8 term ‘farm to food bank program’ means a program
9 under which agricultural producers donate eligible
10 products to an eligible entity for free distribution to
11 individuals in need.

12 “(6) GLEAN.—The term ‘glean’ means to col-
13 lect unharvested crops from the fields of agricultural
14 producers for ultimate free distribution to individ-
15 uals in need.

16 “(7) REGION.—The term ‘region’ means a geo-
17 graphic area, as determined by the Secretary, that
18 comprises—

19 “(A) one or more States; or

20 “(B) one or more localities within a State.

21 “(8) STATE.—The term ‘State’ means—

22 “(A) a State;

23 “(B) the District of Columbia;

1 “(C) an Indian tribe (as defined in section
2 4 of the Indian Self-Determination and Edu-
3 cation Assistance Act (25 U.S.C. 5304));

4 “(D) the Commonwealth of Puerto Rico;
5 and

6 “(E) any other territory or possession of
7 the United States.

8 “(b) PROGRAM PURPOSES.—The purposes of this
9 section are—

10 “(1) to reduce food waste through gleaning;

11 “(2) to promote food recovery at the agricul-
12 tural production level;

13 “(3) to provide food to individuals in need; and

14 “(4) to build relationships between agricultural
15 producers and eligible entities through the donation
16 of food.

17 “(c) ESTABLISHMENT.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish a program under which the Secretary shall allo-
20 cate funding to a State to support the establishment
21 and administration of a farm to food bank program
22 in that State.

23 “(2) STATE OPT-IN.—

1 “(A) IN GENERAL.—The Secretary shall
2 allocate funding to a State under paragraph (1)
3 if that State—

4 “(i) opts in to participate in the pro-
5 gram; and

6 “(ii) demonstrates an ability to par-
7 ticipate in the program, as determined by
8 the Secretary.

9 “(B) STATE PLAN.—To receive funding
10 under paragraph (1), a State shall submit to
11 the Secretary an operation and administration
12 plan for a farm to food bank program in that
13 State, which shall include a description of the
14 State agency and the eligible entity that the
15 State shall partner with under subsection
16 (d)(2)(A).

17 “(3) TECHNICAL ASSISTANCE.—

18 “(A) IN GENERAL.—Under the program
19 described in paragraph (1), the Secretary shall
20 provide technical assistance and training relat-
21 ing to establishing and administering a farm to
22 food bank program (including training relating
23 to safe food handling) to a State or eligible en-
24 tity on the request of that State or eligible enti-
25 ty.

1 “(B) COORDINATION.—In carrying out
2 subparagraph (A), the Secretary shall coordi-
3 nate with the Commissioner of Food and Drugs
4 as the Secretary determines is necessary.

5 “(d) STATE IMPLEMENTATION.—

6 “(1) IN GENERAL.—A State that receives funds
7 under subsection (c)(1)—

8 “(A) shall establish and administer a farm
9 to food bank program in the State; and

10 “(B) may establish and administer a re-
11 gional farm to food bank program with a neigh-
12 boring State that receives funds under sub-
13 section (c)(1).

14 “(2) PARTNERSHIP WITH ELIGIBLE ENTITY.—

15 “(A) IN GENERAL.—To carry out para-
16 graph (1), a State shall partner with an eligible
17 entity—

18 “(i) that is selected under subpara-
19 graph (B); and

20 “(ii) for the purpose of—

21 “(I) jointly establishing and ad-
22 ministering a farm to food bank pro-
23 gram in the State; or

24 “(II) overseeing the establish-
25 ment and administration of a farm to

1 food bank program in the State by
2 that eligible entity.

3 “(B) SELECTION OF ELIGIBLE ENTITY.—A
4 State shall select an eligible entity as a partner
5 under subparagraph (A) by—

6 “(i) issuing a request for proposals
7 from eligible entities located in the State
8 or region, as applicable; and

9 “(ii) selecting the winning eligible en-
10 tity based on criteria determined by the
11 Secretary under subparagraph (C).

12 “(C) CRITERIA FOR SELECTION.—The Sec-
13 retary shall establish criteria for the selection of
14 an eligible entity under subparagraph (B) that
15 shall include the requirement that the winning
16 eligible entity—

17 “(i) is audited for food safety by an
18 independent third party; and

19 “(ii) donates food to individuals in
20 need.

21 “(3) PRIORITY OF ELIGIBLE PRODUCTS.—In
22 carrying out paragraph (1)(A), a State shall
23 prioritize eligible products that are fresh and pri-
24 marily produced in the State or region, as applica-
25 ble.

1 “(4) USE OF FUNDS.—

2 “(A) REIMBURSEMENT FOR COSTS.—In
3 carrying out paragraph (1), a State may reim-
4 burse an agricultural producer or an eligible en-
5 tity, as appropriate, participating in a farm to
6 food bank program for eligible costs, as deter-
7 mined by the Secretary, including the cost of—

8 “(i) producing an eligible product that
9 is a dairy product;

10 “(ii) harvesting an eligible product;

11 “(iii) storing an eligible product;

12 “(iv) minimally processing an eligible
13 product;

14 “(v) packing an eligible product; and

15 “(vi) transporting an eligible product
16 to an eligible entity.

17 “(B) FORMULA.—A State that receives
18 funds under subsection (c)(1) shall distribute
19 funds to eligible entities participating in a farm
20 to food bank program in the State according to
21 a formula—

22 “(i) determined by the State in con-
23 sultation with the eligible entity partnering
24 with that State; or

1 “(ii) described in section 251.3(h) of
2 title 7, Code of Federal Regulations (as in
3 effect on the date of enactment of this sec-
4 tion).

5 “(e) FUNDING.—

6 “(1) ALLOCATION OF FUNDS.—In carrying out
7 subsection (c)(1), the Secretary shall allocate fund-
8 ing to each State—

9 “(A) according to the formula described in
10 section 251.3(h) of title 7, Code of Federal
11 Regulations (as in effect on the date of enact-
12 ment of this section); and

13 “(B) on a 2-year basis.

14 “(2) ADMINISTRATIVE FUNDS.—Of the funding
15 allocated to each State under paragraph (1), not
16 more than 10 percent may be used for administra-
17 tive costs.

18 “(3) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated such sums
20 as are necessary to carry out this section.”.

21 **SEC. 3. CROP INSURANCE.**

22 Section 508(a) of the Federal Crop Insurance Act (7
23 U.S.C. 1508(a)) is amended by adding at the end the fol-
24 lowing:

1 “(11) FOOD DONATION AS ALTERNATIVE
2 USE.—

3 “(A) DEFINITION OF DONATE.—In this
4 paragraph, the term ‘donate’ means to give
5 without requiring anything of monetary value
6 from the recipient.

7 “(B) EFFECT ON CROP INSURANCE.—The
8 Corporation shall establish a procedure under
9 which an insured crop that is donated by a pro-
10 ducer does not qualify as a produced crop under
11 a crop insurance claim.”.

12 **SEC. 4. STUDY ON FOOD WASTE.**

13 (a) DEFINITION OF FOOD WASTE.—In this section,
14 the term “food waste” means food waste that occurs—

- 15 (1) on the farm and ranch production level; and
16 (2) before and after the harvest period.

17 (b) STUDY.—The Secretary of Agriculture, in coordi-
18 nation with the Administrator of the Environmental Pro-
19 tection Agency and the Commissioner of Food and Drugs,
20 shall conduct a study to evaluate and determine—

- 21 (1) methods of measuring food waste;
22 (2) standards for the volume of food waste; and
23 (3) causal factors for food waste.

24 (c) INITIAL REPORT.—Not later than 1 year after the
25 date of enactment of this Act, the Secretary of Agriculture

1 shall submit a report that describes the results of the
2 study conducted under subsection (b) to the Committee
3 on Agriculture of the House of Representatives and the
4 Committee on Agriculture, Nutrition, and Forestry of the
5 Senate.

6 (d) ANNUAL REPORT.—Not later than 1 year after
7 the date of submission of the report under subsection (c),
8 and annually thereafter, the Secretary of Agriculture shall
9 submit to the Committee on Agriculture of the House of
10 Representatives and the Committee on Agriculture, Nutri-
11 tion, and Forestry of the Senate a report that describes—

12 (1) food waste during the 1-year period ending
13 on the date of submission of the report under this
14 subsection; and

15 (2) the methods that the Secretary shall imple-
16 ment to reduce food waste.

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