

116TH CONGRESS
2D SESSION

H. R. 5841

To decrease the incidence of food waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2020

Ms. PINGREE introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Oversight and Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To decrease the incidence of 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Food Recovery Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—FARMS

- Sec. 101. Use of Rural Energy for America Program to reduce food and crop waste.
- Sec. 102. Farm storage facility loan program.
- Sec. 103. Composting as conservation practice.
- Sec. 104. Study and report on methods to decrease incidence of food waste.

TITLE II—RETAIL AND RESTAURANTS

- Sec. 201. Good Samaritan food donation.
- Sec. 202. Report on food donation by retail food stores.
- Sec. 203. Use of Commodity Credit Corporation funds to cover Emergency Food Assistance Program storage and distribution costs.
- Sec. 204. Expansion of charitable deduction for contributions of food inventory.

TITLE III—SCHOOLS AND OTHER INSTITUTIONS

- Sec. 301. Amendments to Federal Food Donation Act.
- Sec. 302. School Food Recovery Program.
- Sec. 303. Food and agriculture service learning program.
- Sec. 304. Modification of National School Lunch Program procurement requirements to encourage purchase of lower-price, nonstandard-size or -shape produce.

TITLE IV—FOOD DATE LABELING

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Quality dates and discard dates.
- Sec. 404. Misbranding.
- Sec. 405. Regulations.
- Sec. 406. Delayed applicability.

TITLE V—CONSUMERS AND LOCAL INFRASTRUCTURE

- Sec. 501. Support for national media campaigns to decrease incidence of food waste.
- Sec. 502. Increase in resources for community facilities loans directed at composting and anaerobic digestion food waste-to-energy operations.
- Sec. 503. Expansion of rural utilities service water and waste disposal program to provide loans and grants for rural communities to adapt waste disposal facilities to incorporate anaerobic digestion food waste-to-energy operations.
- Sec. 504. Grants for composting and anaerobic digestion food waste-to-energy projects.
- Sec. 505. Government Accountability Office audit.
- Sec. 506. Food waste recovery transportation grants.
- Sec. 507. Food waste research program.
- Sec. 508. Grants to research centers or non-profit organizations.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
 3 retary of Agriculture.

TITLE I—FARMS

SEC. 101. USE OF RURAL ENERGY FOR AMERICA PROGRAM TO REDUCE FOOD AND CROP WASTE.

(a) REQUIREMENTS RELATING TO INSTALLATION OF ANAEROBIC DIGESTERS.—Section 9007(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)) is amended by adding at the end the following:

“(5) REQUIREMENTS RELATING TO INSTALLATION OF ANAEROBIC DIGESTERS.—In the case of a loan guarantee or grant provided under this subsection to an agricultural producer or rural small business to support the installation of an anaerobic digester that will use food waste in addition to manure to produce renewable energy, the Secretary shall obtain from the recipient of the loan guarantee or grant—

“(A) a written commitment that the recipient has read and agrees to comply with the Food Recovery Hierarchy of the Environmental Protection Agency, particularly as applied to apparently wholesome food (as defined in section 22(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1791(b))) that may be provided to, or received by, the recipient; and

1 “(B) a written end-product recycling plan
 2 that provides for the beneficial use of the mate-
 3 rial resulting from the anaerobic digester, in a
 4 manner that meets all applicable Federal,
 5 State, Tribal, and local laws safeguarding
 6 human health and the environment.”.

7 (b) FUNDING.—Section 9007(g)(1) of the Farm Se-
 8 curity and Rural Investment Act of 2002 (7 U.S.C.
 9 8107(g)(1)) is amended—

10 (1) in subparagraph (D), by striking “and” at
 11 the end;

12 (2) in subparagraph (E), by striking “fiscal
 13 year 2014 and each fiscal year thereafter.” and in-
 14 serting “each of fiscal years 2014 through 2020;
 15 and”; and

16 (3) by adding at the end the following:

17 “(F) \$70,000,000 for fiscal year 2021 and
 18 each fiscal year thereafter, of which not less
 19 than \$20,000,000 shall be reserved for use for
 20 loan guarantees and grants described in sub-
 21 section (c)(5).”.

22 **SEC. 102. FARM STORAGE FACILITY LOAN PROGRAM.**

23 Section 1614(a) of the Food, Conservation, and En-
 24 ergy Act of 2008 (7 U.S.C. 8789(a)) is amended by strik-
 25 ing “to construct or upgrade storage and handling facili-

1 ties” and inserting “to acquire, construct, or upgrade stor-
2 age, handling, and transportation facilities, which may in-
3 clude refrigerated vehicles to improve storage and mar-
4 keting and other means to reduce food waste,”.

5 **SEC. 103. COMPOSTING AS CONSERVATION PRACTICE.**

6 (a) DEFINITIONS.—Section 1201(a) of the Food Se-
7 curity Act of 1985 (16 U.S.C. 3801(a)) is amended—

8 (1) by redesignating paragraphs (3) through
9 (27) as paragraphs (4) through (28), respectively;
10 and

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) COMPOSTING PRACTICE.—The term
14 ‘composting practice’ means—

15 “(A) an activity (including an activity that
16 does not require the use of a composting facil-
17 ity) to produce compost from organic waste
18 that is—

19 “(i) generated on a farm; or

20 “(ii) brought to a farm from the near-
21 by community; and

22 “(B) the use of compost on a farm to im-
23 prove water retention and soil health, subject to
24 the condition that such a use shall be in compli-

1 ance with applicable Federal, State, Tribal, and
2 local laws.”.

3 (b) CONSERVATION STEWARDSHIP PROGRAM.—Sec-
4 tion 1238D(2)(B)(i) of the Food Security Act of 1985 (16
5 U.S.C. 3838d(2)(B)(i)) is amended by inserting “and
6 composting practices” after “agriculture drainage man-
7 agement systems”.

8 (c) ENVIRONMENTAL QUALITY INCENTIVES PRO-
9 GRAM.—Section 1240A(4)(A)(ii) of the Food Security Act
10 of 1985 (16 U.S.C. 3839aa–1(4)(A)(ii)) is amended by in-
11 serting “, including composting practices” before the semi-
12 colon at the end.

13 (d) DELIVERY OF TECHNICAL ASSISTANCE.—Section
14 1242(h) of the Food Security Act of 1985 (16 U.S.C.
15 3842(h)) is amended by adding at the end the following:

16 “(4) DEVELOPMENT OF COMPOSTING PRACTICE
17 STANDARD.—In addition to conducting a review of
18 any composting facilities practice standard under
19 this subsection, the Secretary shall develop and im-
20 plement a composting practice standard.”.

21 **SEC. 104. STUDY AND REPORT ON METHODS TO DECREASE**
22 **INCIDENCE OF FOOD WASTE.**

23 (a) DEFINITION OF AGRICULTURAL PRODUCT.—In
24 this section, the term “agricultural product” has the
25 meaning given the term “agricultural products” in section

1 207 of the Agricultural Marketing Act of 1946 (7 U.S.C.
2 1626).

3 (b) STUDY.—The Secretary shall conduct a study re-
4 garding—

5 (1) new technologies to increase the period dur-
6 ing which an agricultural product may be stored be-
7 fore the agricultural product is considered adulter-
8 ated under State or Federal law; and

9 (2) a method to measure the quantity of agri-
10 cultural product that is not harvested or sent to
11 market each year by the farms that produce the ag-
12 ricultural product.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary shall submit to
15 Congress a report that includes—

16 (1) the results of the study conducted under
17 subsection (b); and

18 (2) the recommendations of the Secretary with
19 respect to methods of decreasing the incidence of
20 food waste.

21 **TITLE II—RETAIL AND** 22 **RESTAURANTS**

23 **SEC. 201. GOOD SAMARITAN FOOD DONATION.**

24 (a) IN GENERAL.—The Bill Emerson Good Samari-
25 tan Food Donation Act (42 U.S.C. 1791) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by striking “quality and labeling”
4 and inserting “safety and safety-related la-
5 beling”; and

6 (ii) by inserting “passage of a date on
7 a date label,” after “surplus,”;

8 (B) in paragraph (2)—

9 (i) by striking “quality and labeling”
10 and inserting “safety and safety-related la-
11 beling”; and

12 (ii) by inserting “passage of a date on
13 a date label,” after “surplus,”;

14 (C) in paragraph (3), by striking “not re-
15 quired to give anything of monetary value” and
16 inserting “not required to give anything of
17 monetary value or charged a good Samaritan
18 reduced price”;

19 (D) by redesignating paragraphs (6), (7),
20 (8), (9), and (10) as paragraphs (7), (8), (9),
21 (10), and (11), respectively; and

22 (E) by inserting after paragraph (5) the
23 following:

24 “(6) GOOD SAMARITAN REDUCED PRICE.—The
25 term ‘good Samaritan reduced price’ means the

1 price of an apparently wholesome food or an appar-
2 ently fit grocery product that is an amount not
3 greater than the cost of handling, administering, and
4 distributing the apparently wholesome food or ap-
5 parently fit grocery product.”; and

6 (2) in subsection (c)—

7 (A) in paragraph (1), by inserting “or sells
8 at a good Samaritan reduced price” after “do-
9 nates in good faith”;

10 (B) in paragraph (2), by inserting “or
11 from a sale at a good Samaritan reduced price”
12 after “donation in good faith”;

13 (C) by redesignating paragraph (3) as
14 paragraph (4);

15 (D) by inserting after paragraph (2) the
16 following:

17 “(3) DIRECT DONATIONS TO NEEDY INDIVID-
18 UALS.—

19 “(A) IN GENERAL.—A qualified direct
20 donor described in subparagraph (B) shall not
21 be subject to civil or criminal liability arising
22 from the nature, age, packaging, or condition of
23 apparently wholesome food or an apparently fit
24 grocery product that the qualified direct donor

1 donates in good faith or sells at a good Samari-
2 tan reduced price to a needy individual.

3 “(B) QUALIFIED DIRECT DONOR DE-
4 SCRIBED.—A qualified direct donor referred to
5 in subparagraph (A) is a retail grocer, whole-
6 saler, agricultural producer, restaurant, caterer,
7 school food authority, or institution of higher
8 education (as defined in section 102 of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1002)).”; and

11 (E) in paragraph (4) (as redesignated by
12 subparagraph (C)), by striking “Paragraphs (1)
13 and (2)” and inserting “Paragraphs (1), (2),
14 and (3)”.

15 (b) REGULATIONS; GUIDANCE.—Not later than 180
16 days after the date of enactment of this Act, the Secretary
17 shall—

18 (1) in consultation with the Secretary of Health
19 and Human Services, issue regulations with respect
20 to the safety and safety-related labeling standards of
21 an apparently wholesome food and an apparently fit
22 grocery product under the Bill Emerson Good Sa-
23 maritan Food Donation Act (42 U.S.C. 1791) (as
24 amended by subsection (a));

- 1 (2) promote awareness of food donation under
2 that Act (as amended by subsection (a)); and
3 (3) issue guidance with respect to the amend-
4 ments made by subsection (a).

5 **SEC. 202. REPORT ON FOOD DONATION BY RETAIL FOOD**
6 **STORES.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall submit to Congress a re-
9 port describing the recommendations of the Secretary with
10 respect to methods of increasing food donation by retail
11 food stores, as defined by the Secretary.

12 **SEC. 203. USE OF COMMODITY CREDIT CORPORATION**
13 **FUNDS TO COVER EMERGENCY FOOD ASSIST-**
14 **ANCE PROGRAM STORAGE AND DISTRIBUTION**
15 **COSTS.**

16 Section 204 of the Emergency Food Assistance Act
17 of 1983 (7 U.S.C. 7508) is amended—

- 18 (1) by striking the section designation and
19 heading and all that follows through “available to
20 the States” in the first sentence of subsection (a)(1)
21 and inserting the following:

22 **“SEC. 204. FUNDS FOR STATE STORAGE AND DISTRIBUTION**
23 **COSTS.**

24 “(a) AUTHORIZATION.—

1 “(1) PROCESSING, STORAGE, TRANSPORT, AND
2 DISTRIBUTION.—

3 “(A) IN GENERAL.—Using funds of the
4 Commodity Credit Corporation, the Secretary
5 shall make available to the States \$100,000,000
6 for fiscal year 2021 and each fiscal year there-
7 after”;

8 (2) in subsection (a)(1)—

9 (A) in the second sentence, by striking
10 “Funds appropriated” and inserting the fol-
11 lowing:

12 “(B) METHOD OF ALLOCATION.—Funds
13 made available”; and

14 (B) in the third sentence, by striking “If
15 a State” and inserting the following:

16 “(C) UNUSED FUNDS.—If a State”; and

17 (3) in subsection (b)—

18 (A) by striking “(b) The value” and insert-
19 ing the following:

20 “(b) TREATMENT.—The value”; and

21 (B) by striking “appropriations made or
22 authorized under this section” and inserting
23 “amounts made available under subsection
24 (a)(1)”.

1 **SEC. 204. EXPANSION OF CHARITABLE DEDUCTION FOR**
2 **CONTRIBUTIONS OF FOOD INVENTORY.**

3 (a) NONPROFIT RETAIL SALES.—Section
4 170(e)(3)(C) of the Internal Revenue Code of 1986 is
5 amended by adding at the end the following new clause:

6 “(vii) NONPROFIT RETAIL SALE.—For
7 purposes of clause (i), a charitable con-
8 tribution of food includes a contribution to
9 or for the use of an organization described
10 in subsection (c) that is a food bank, food
11 pantry, soup kitchen, or other similar orga-
12 nization which holds such food for non-
13 profit retail sale. For purposes of the pre-
14 ceding sentence, the terms ‘food bank’,
15 ‘food pantry’, and ‘soup kitchen’ have the
16 meanings given such terms by section
17 201A of the Emergency Food Assistance
18 Act of 1983 (7 U.S.C. 7501).”.

19 (b) EFFECTIVE DATE.—Except as otherwise provided
20 in this subsection, the amendment made by this section
21 shall apply to contributions made after the date of the en-
22 actment of this Act, in taxable years ending after such
23 date.

1 **TITLE III—SCHOOLS AND OTHER**
2 **INSTITUTIONS**

3 **SEC. 301. AMENDMENTS TO FEDERAL FOOD DONATION**
4 **ACT.**

5 (a) PURPOSE.—Section 2 of the Federal Food Dona-
6 tion Act of 2008 (Public Law 110–247; 42 U.S.C. 1792
7 note) is amended by striking “encourage” and inserting
8 “require”.

9 (b) DEFINITIONS.—Section 3 of the Federal Food
10 Donation Act of 2008 (Public Law 110–247; 42 U.S.C.
11 1792 note) is amended—

12 (1) by redesignating paragraphs (3) and (4) as
13 paragraphs (4) and (5), respectively; and

14 (2) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) EXECUTIVE AGENCY.—The term ‘executive
17 agency’ has the meaning given the term in section
18 133 of title 41, United States Code.”.

19 (c) REPORT ON FOOD WASTE BY CERTAIN FEDERAL
20 CONTRACTORS.—Section 4 of the Federal Food Donation
21 Act of 2008 (Public Law 110–247; 42 U.S.C. 1792) is
22 amended—

23 (1) by amending subsection (a) to read as fol-
24 lows:

25 “(a) IN GENERAL.—

1 “(1) REQUIREMENT.—Not later than 180 days
2 after the date of enactment of the Act, the Federal
3 Acquisition Regulation issued in accordance with
4 section 1121 of title 41, United States Code, shall
5 be revised to provide that, except as provided in
6 paragraph (2), all contracts of more than \$10,000
7 for the provision, service, or sale of food in the
8 United States, or for the lease or rental of Federal
9 property to a private entity for events at which food
10 is provided in the United States, shall include a
11 clause that—

12 “(A) requires the donation of excess, ap-
13 parently wholesome food to nonprofit organiza-
14 tions that provide assistance to food-insecure
15 people in the United States;

16 “(B) states the terms and conditions de-
17 scribed in subsection (b); and

18 “(C) requires the annual submission, in a
19 form and manner specified by the executive
20 agency awarding the contract, of the report de-
21 scribed in subsection (d).

22 “(2) EXCEPTION.—Paragraph (1) shall not
23 apply to a contract with an executive agency that
24 has issued a regulation in effect on the date of en-

1 actment of the Act that prohibits a donation de-
2 scribed in paragraph (1)(A).”;

3 (2) by adding at the end the following new sub-
4 sections:

5 “(c) APPLICATION TO CONGRESS.—

6 “(1) CONTRACTS.—This Act shall apply to the
7 House of Representatives and to contracts entered
8 into by the House of Representatives, and to the
9 Senate and to contracts entered into by the Senate,
10 in the same manner and to the same extent as this
11 Act applies to an executive agency and to contracts
12 entered into by an executive agency.

13 “(2) ADMINISTRATION.—For purposes of car-
14 rying out paragraph (1)—

15 “(A) the Chief Administrative Officer of
16 the House of Representatives shall be consid-
17 ered to be the head of the House of Representa-
18 tives; and

19 “(B) the Secretary of the Senate shall be
20 considered to be the head of the Senate.

21 “(d) DATA; REPORTS.—

22 “(1) REPORT DESCRIBED.—The report de-
23 scribed in this subsection, with respect to a contract
24 described in subsection (a) entered into by a con-
25 tractor and an executive agency, is a report from the

1 contractor to the executive agency that describes, for
2 each month of performance of the contract during
3 the year covered by the report, the weight of appar-
4 ently wholesome food that was, pursuant to the con-
5 tract, disposed of in each of the following manners:

6 “(A) DONATION.—Donation by the con-
7 tractor pursuant to this Act (organized by the
8 name of the organization receiving such food).

9 “(B) COMPOSTING.—Composting or other
10 recycling by the contractor.

11 “(C) DISCARDING.—Discarding by the
12 contractor (organized by the reason such food
13 was so discarded).

14 “(2) REPORTS TO OMB.—Not later than 30
15 days after the date that an executive agency receives
16 a report pursuant to paragraph (1)(C), the agency
17 shall submit a copy of the report to the Director of
18 the Office of Management and Budget.

19 “(3) REPORTS TO CONGRESS.—The Director of
20 the Office of Management and Budget shall submit
21 to Congress an annual report aggregating the infor-
22 mation in the reports received pursuant to para-
23 graph (2) during the year covered by the report.”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—The
 2 Federal Food Donation Act of 2008 (42 U.S.C. 1792) is
 3 amended by adding at the end the following:

4 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 “There is authorized to be appropriated to the Sec-
 6 retary of Agriculture to carry out this Act \$10,000,000
 7 for fiscal year 2021 and each fiscal year thereafter.”.

8 **SEC. 302. SCHOOL FOOD RECOVERY PROGRAM.**

9 (a) SCHOOL FOOD WASTE REDUCTION GRANT PRO-
 10 GRAM.—Section 18 of the Richard B. Russell National
 11 School Lunch Act (42 U.S.C. 1769) is amended by insert-
 12 ing before subsection (b) the following:

13 “(a) SCHOOL FOOD WASTE REDUCTION GRANT PRO-
 14 GRAM.—

15 “(1) GRANT PROGRAM ESTABLISHED.—

16 “(A) IN GENERAL.—The Secretary shall
 17 carry out a program to make grants, on a com-
 18 petitive basis, to eligible local educational agen-
 19 cies to carry out food waste measurement and
 20 reporting, prevention, education, and reduction
 21 projects.

22 “(B) REGIONAL BALANCE.—In awarding
 23 grants under this subsection, the Secretary
 24 shall, to the maximum extent practicable, en-
 25 sure that—

1 “(i) a grant is awarded to an eligible
2 local educational agency in each region
3 served by the Administrator of the Food
4 and Nutrition Service; and

5 “(ii) equitable treatment of rural,
6 urban, and tribal communities.

7 “(2) APPLICATION.—To be eligible to receive a
8 grant under this subsection, an eligible local edu-
9 cational agency shall submit an application to the
10 Secretary at such time, in such manner, and con-
11 taining such information as the Secretary may re-
12 quire.

13 “(3) PRIORITY.—In making grants under this
14 subsection the Secretary shall give priority to an eli-
15 gible local educational agency that demonstrates in
16 the application under paragraph (2) that such eligi-
17 ble local educational agency will use the grant to—

18 “(A) carry out experiential education ac-
19 tivities that encourage children enrolled in such
20 eligible local educational agency to participate
21 in food waste measurement and education;

22 “(B) prioritize the best use of food in ac-
23 cordance with the Food Recovery Hierarchy
24 published by the Administrator of the Environ-
25 mental Protection Agency;

1 “(C) with respect to food waste prevention
2 and reduction, collaborate with other eligible
3 local educational agencies, tribes, nongovern-
4 mental and community-based organizations,
5 and other community partners;

6 “(D) evaluate the activities described in
7 subparagraphs (A) through (C) and make eval-
8 uation plans; and

9 “(E) establish a food waste measurement,
10 prevention, and reduction project with long-
11 term sustainability.

12 “(4) FEDERAL SHARE.—

13 “(A) IN GENERAL.—The Federal share of
14 a food waste measurement, prevention, and re-
15 duction project funded through a grant awarded
16 under this subsection shall not exceed 75 per-
17 cent of the total cost of such food waste reduc-
18 tion project.

19 “(B) FEDERAL MATCHING.—As a condi-
20 tion of receiving a grant under this subsection,
21 an eligible local educational agency shall provide
22 matching funds in the form of cash or in-kind
23 contributions, including facilities, equipment, or
24 services provided by State and local govern-

1 ments, nonprofit organizations, and private
2 sources.

3 “(5) USE OF FUNDS.—An eligible local edu-
4 cational agency that receives a grant under this sec-
5 tion shall use funds under such grant to carry out
6 at least one of the following:

7 “(A) Planning a food waste measurement,
8 prevention, and reduction project.

9 “(B) Carrying out activities under such a
10 project.

11 “(C) Providing training to support such a
12 project.

13 “(D) Purchasing equipment to support
14 such a project.

15 “(E) Offering food waste education to stu-
16 dents enrolled in such eligible local educational
17 agency.

18 “(6) EVALUATION.—

19 “(A) AGREEMENT.—As a condition of re-
20 ceiving a grant under this subsection, each eli-
21 gible local educational agency shall agree to co-
22 operate in an evaluation by the Secretary of the
23 project carried out using grant funds.

24 “(B) PERIODIC EVALUATION.—Not later
25 than 2 years after the date of the enactment of

1 this paragraph and every 2 years thereafter, the
2 Secretary shall carry out an evaluation of the
3 grants made under this section that includes—

4 “(i) the amount of Federal funds used
5 to carry out such grants; and

6 “(ii) an evaluation of the outcomes of
7 the projects carried out pursuant to such
8 grants.

9 “(7) DEFINITION OF ELIGIBLE LOCAL EDU-
10 CATIONAL AGENCY.—In this subsection, the term ‘el-
11 igible local educational agency’ means a local edu-
12 cational agency that participates in the school lunch
13 program under this Act or the school breakfast pro-
14 gram established under section 4 of the Child Nutri-
15 tion Act of 1966 (42 U.S.C. 1773).”.

16 (b) TECHNICAL ASSISTANCE.—Section 21(b) of the
17 Richard B. Russell National School Lunch Act (42 U.S.C.
18 1769b–1(b)) is amended—

19 (1) in paragraph (2), by striking “and” at the
20 end;

21 (2) in paragraph (3), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(4) food waste measurement, prevention, and
25 reduction.”.

1 **SEC. 303. FOOD AND AGRICULTURE SERVICE LEARNING**
2 **PROGRAM.**

3 Section 413 of the Agricultural Research, Extension,
4 and Education Reform Act of 1998 (7 U.S.C. 7633) is
5 amended—

6 (1) in subsection (b)(4), by inserting “to pro-
7 mote agricultural education, to raise awareness re-
8 garding the consequences of wasted food, and to en-
9 courage the implementation of food recovery initia-
10 tives to reduce the quantity of wasted food” before
11 the semicolon;

12 (2) in subsection (c)—

13 (A) in paragraph (2)—

14 (i) in subparagraph (C), by striking
15 “and where food comes from; and” and in-
16 serting “, where food comes from, the con-
17 sequences of food waste, and food recovery
18 initiatives;”;

19 (ii) in subparagraph (D), by striking
20 the period at the end and inserting “;
21 and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(E) have the capacity to carry out na-
25 tional or regional projects that include 2 or
26 more States.”; and

1 (B) by adding at the end the following:

2 “(3) RESERVATION.—The majority of the funds
3 made available to carry out this subsection shall be
4 reserved for projects that—

5 “(A) are larger in scale as compared to
6 other proposed projects;

7 “(B) are national or regional in scope; and

8 “(C) include 2 or more States.”; and

9 (3) in subsection (e)(1), by striking
10 “\$25,000,000, to remain available until expended”
11 and inserting “\$5,000,000 for each of fiscal years
12 2021 through 2025”.

13 **SEC. 304. MODIFICATION OF NATIONAL SCHOOL LUNCH**
14 **PROGRAM PROCUREMENT REQUIREMENTS**
15 **TO ENCOURAGE PURCHASE OF LOWER-**
16 **PRICE, NONSTANDARD-SIZE OR -SHAPE**
17 **PRODUCE.**

18 Section 9(a)(4)(C) of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1758(a)(4)(C)) is amended
20 by striking clause (ii) and inserting the following:

21 “(ii) in the product specifications and
22 practices required under clause (i), encour-
23 age State departments of agriculture and
24 education, school food authorities, local
25 educational agencies, and local processing

entities to purchase lower-price, non-standard-size or -shape produce to be used in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and”.

TITLE IV—FOOD DATE LABELING

SEC. 401. SHORT TITLE.

This title may be cited as the “Food Date Labeling Act of 2020”.

SEC. 402. DEFINITIONS.

In this title:

(1) ADMINISTERING SECRETARIES.—The term “administering Secretaries” means—

(A) the Secretary of Agriculture with respect to any product that is under the Secretary of Agriculture’s jurisdiction and is—

(i) a poultry product, as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453);

(ii) a meat food product, as defined in section 1 of the Federal Meat Inspection Act (21 U.S.C. 601); or

1 (iii) an egg product, as defined in sec-
2 tion 4 of the Egg Products Inspection Act
3 (21 U.S.C. 1033); and

4 (B) the Secretary of Health and Human
5 Services with respect to any product that is
6 under the Secretary of Health and Human
7 Services' jurisdiction and is a food (as defined
8 in section 201 of the Federal Food, Drug, and
9 Cosmetic Act (21 U.S.C. 321)).

10 (2) DISCARD DATE.—The term “discard date”
11 means a date voluntarily printed on food packaging,
12 which signifies the end of the estimated period of
13 shelf life under any stated storage conditions, after
14 which the food labeler advises the product not be
15 consumed.

16 (3) FOOD LABELER.—The term “food labeler”
17 means the producer, manufacturer, distributor, or
18 retailer that places a date label on food packaging
19 of a product.

20 (4) QUALITY DATE.—The term “quality date”
21 means a date voluntarily printed on food packaging
22 that is intended to communicate to consumers the
23 date after which—

24 (A) the quality of the product may begin
25 to deteriorate; but

1 (B) the product remains apparently whole-
 2 some food (as defined in subsection (b)(2) of
 3 section 22 of the Child Nutrition Act of 1966
 4 (42 U.S.C. 1791(b)(2)); also known as the Bill
 5 Emerson Good Samaritan Food Donation Act).

6 **SEC. 403. QUALITY DATES AND DISCARD DATES.**

7 (a) QUALITY DATES.—

8 (1) IN GENERAL.—If a food labeler includes a
 9 quality date on food packaging, the label shall use
 10 the uniform quality date label phrase under para-
 11 graph (2).

12 (2) UNIFORM PHRASE.—The uniform quality
 13 date label phrase under this paragraph shall be
 14 “BEST If Used By” or, if permissible under sub-
 15 section (c)(3), the standard abbreviation of “BB”,
 16 unless and until the administering Secretaries, act-
 17 ing jointly, specify through rulemaking another uni-
 18 form phrase to be used for purposes of complying
 19 with paragraph (1).

20 (3) OPTION OF THE LABELER.—The decisions
 21 on whether to include a quality date on food pack-
 22 aging and which foods should be so labeled shall be
 23 at the discretion of the food labeler.

24 (b) DISCARD DATES.—

1 (1) IN GENERAL.—If a food labeler includes a
 2 discard date on food packaging, the label shall use
 3 the uniform discard date label phrase under para-
 4 graph (2).

5 (2) UNIFORM PHRASE.—The uniform discard
 6 date label phrase under this paragraph shall be
 7 “USE By” or, if permissible under subsection
 8 (c)(3), the standard abbreviation of “UB”, unless
 9 and until the administering Secretaries, acting joint-
 10 ly, specify through rulemaking another uniform
 11 phrase to be used for purposes of complying with
 12 paragraph (1).

13 (3) OPTION OF THE LABELER.—The decisions
 14 on whether to include a discard date on food pack-
 15 aging and which foods should be so labeled shall be
 16 at the discretion of the food labeler.

17 (c) QUALITY DATE AND DISCARD DATE LABEL-
 18 ING.—

19 (1) IN GENERAL.—The quality date or discard
 20 date, as applicable, and immediately adjacent uni-
 21 form quality date label phrase or discard date label
 22 phrase—

23 (A) shall be—

24 (i) in single easy-to-read type style;

25 and

1 (ii) located in a conspicuous place on
2 the package of the food; and

3 (B) may be on the label or, at the discre-
4 tion of the food labeler, elsewhere on the pack-
5 age.

6 (2) DATE FORMAT.—Each quality date and dis-
7 card date shall be stated in terms of day and month
8 and, as appropriate, year.

9 (3) ABBREVIATIONS.—A food labeler may use a
10 standard abbreviation of “BB” and “UB” for the
11 quality date and discard date, respectively, only if
12 the food packaging is too small to include the uni-
13 form phrase described in subsection (a)(2) or (b)(2),
14 as applicable.

15 (4) FREEZE BY.—A food labeler may add “or
16 Freeze By” following a quality date or discard date
17 uniform phrase.

18 (d) INFANT FORMULA.—This title and the amend-
19 ments made by this title—

20 (1) do not apply with respect to infant formula
21 (as defined in section 201(z) of the Federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. 321(z))); and

23 (2) shall not be construed to affect the require-
24 ments pertaining to infant formula under section
25 412 of the Federal Food, Drug, and Cosmetic Act

1 (21 U.S.C. 350a) and other applicable provisions of
2 law.

3 (e) EDUCATION.—Not later than 1 year after the
4 date of enactment of this Act, the administering Secre-
5 taries, acting jointly, shall provide consumer education
6 and outreach on the meaning of quality date and discard
7 date food labels.

8 (f) RULE OF CONSTRUCTION; PREEMPTION.—

9 (1) RULE OF CONSTRUCTION.—Nothing in this
10 title or the amendments made by this title shall be
11 construed to prohibit any State or political subdivi-
12 sion of a State from establishing or continuing in ef-
13 fect any requirement that prohibits the sale or dona-
14 tion of foods based on passage of the discard date.

15 (2) PREEMPTION.—No State or political sub-
16 division of a State may establish or continue in ef-
17 fect any requirement that—

18 (A) relates to the inclusion in food labeling
19 of a quality date or a discard date that is dif-
20 ferent from or in addition to, or that is other-
21 wise not identical with, the requirements of this
22 title and the amendments made by this title; or

23 (B) prohibits the sale or donation of foods
24 based on passage of the quality date.

1 (3) ENFORCEMENT.—The administering Secre-
2 taries, acting jointly and in coordination with the
3 Federal Trade Commission, shall ensure that the
4 uniform quality date label phrase and uniform dis-
5 card date label phrase are standardized across all
6 food products.

7 (4) SAVINGS.—Notwithstanding paragraph (2),
8 nothing in this title, nor any amendment made by
9 this title, nor any standard or requirement imposed
10 pursuant to this title, shall be construed to preempt,
11 displace, or supplant any State or Federal common
12 law rights or any State or Federal statute creating
13 a remedy for civil relief, including those for civil
14 damage, or a penalty for criminal conduct.

15 (g) TIME TEMPERATURE INDICATOR LABELS.—
16 Nothing in this title or the amendments made by this title
17 shall be construed to prohibit or restrict the use of time-
18 temperature indicator labels or similar technology that is
19 in addition to or in lieu of any uniform quality date label
20 phrase under subsection (a)(2) or uniform discard date
21 label phrase under subsection (b)(2).

22 **SEC. 404. MISBRANDING.**

23 (a) FDA VIOLATIONS.—Section 403 of the Federal
24 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-
25 ed by adding at the end the following:

1 “(z) If it is food and its labeling is in violation of
2 section 403 of the Food Date Labeling Act of 2020.”.

3 (b) POULTRY PRODUCTS.—Section 4(h) of the Poul-
4 try Products Inspection Act (21 U.S.C. 453(h)) is amend-
5 ed—

6 (1) in paragraph (11), by striking “or” at the
7 end;

8 (2) in paragraph (12), by striking the period at
9 the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(13) if its labeling is in violation of section
12 403 of the Food Date Labeling Act of 2020.”.

13 (c) MEAT PRODUCTS.—Section 1(n) of the Federal
14 Meat Inspection Act (21 U.S.C. 601(n)) is amended—

15 (1) in paragraph (11), by striking “or” at the
16 end;

17 (2) in paragraph (12), by striking the period at
18 the end and inserting “; or”; and

19 (3) by adding at the end the following:

20 “(13) if its labeling is in violation of section
21 403 of the Food Date Labeling Act of 2020.”.

22 (d) EGG PRODUCTS.—Section 7(b) of the Egg Prod-
23 ucts Inspection Act (21 U.S.C. 1036(b)) is amended in
24 the first sentence by adding before the period at the end

1 “or if its labeling is in violation of section 403 of the Food
2 Date Labeling Act of 2020”.

3 **SEC. 405. REGULATIONS.**

4 Not later than 2 years after the date of enactment
5 of this Act, the Secretaries, acting jointly, shall promul-
6 gate final regulations for carrying out the provisions of
7 this title and the amendments made by this title.

8 **SEC. 406. DELAYED APPLICABILITY.**

9 This title and the amendments made by this title
10 shall apply only with respect to food products that are la-
11 beled on or after the date that is 2 years after the date
12 of promulgation of final regulations under section 405.

13 **TITLE V—CONSUMERS AND**
14 **LOCAL INFRASTRUCTURE**

15 **SEC. 501. SUPPORT FOR NATIONAL MEDIA CAMPAIGNS TO**
16 **DECREASE INCIDENCE OF FOOD WASTE.**

17 (a) IN GENERAL.—The Secretary shall support na-
18 tional media campaigns to decrease the incidence of food
19 waste.

20 (b) MANDATORY FUNDING.—

21 (1) IN GENERAL.—The Secretary shall use
22 \$8,000,000 of funds of the Commodity Credit Cor-
23 poration to carry out this section for fiscal year
24 2021.

1 (2) AVAILABILITY.—Funds described in para-
2 graph (1) shall remain available until expended.

3 **SEC. 502. INCREASE IN RESOURCES FOR COMMUNITY FA-**
4 **CILITIES LOANS DIRECTED AT COMPOSTING**
5 **AND ANAEROBIC DIGESTION FOOD WASTE-**
6 **TO-ENERGY OPERATIONS.**

7 Section 306(a)(1) of the Consolidated Farm and
8 Rural Development Act (7 U.S.C. 1926(a)(1)) is amended
9 by inserting after the first sentence the following: “5 per-
10 cent of the amounts made available for each fiscal year
11 for loans for essential community facilities under the pre-
12 ceding sentence shall be reserved for loans, in accordance
13 with subsection (c)(2), for municipal or county
14 composting, anaerobic digestion food waste-to-energy
15 projects, and the conversion of animal waste products into
16 industrial products or into raw materials that can be con-
17 verted into finished products other than by anaerobic di-
18 gestion or the production of bioethanol through fermenta-
19 tion. The Secretary shall not make or insure a loan under
20 the preceding sentence to an entity that will use the
21 amounts under the loan for an anaerobic digester that
22 uses solely manure as undigested biomass, and shall give
23 preference to loans under the preceding sentence for an-
24 aerobic digesters that use primarily nonedible food, crop

1 waste, or nonedible food and crop waste as undigested bio-
 2 mass.”.

3 **SEC. 503. EXPANSION OF RURAL UTILITIES SERVICE**
 4 **WATER AND WASTE DISPOSAL PROGRAM TO**
 5 **PROVIDE LOANS AND GRANTS FOR RURAL**
 6 **COMMUNITIES TO ADAPT WASTE DISPOSAL**
 7 **FACILITIES TO INCORPORATE ANAEROBIC**
 8 **DIGESTION FOOD WASTE-TO-ENERGY OPER-**
 9 **ATIONS.**

10 Section 306 of the Consolidated Farm and Rural De-
 11 velopment Act (7 U.S.C. 1926) is amended by inserting
 12 after subsection (b) the following:

13 “(c) WATER OR WASTE DISPOSAL LOANS AND
 14 GRANTS FOR PROJECTS TO INCORPORATE ANAEROBIC
 15 DIGESTION FOOD WASTE-TO-ENERGY OPERATIONS IN
 16 WASTE DISPOSAL FACILITIES.—

17 “(1) IN GENERAL.—Notwithstanding any other
 18 provision of law, beginning in fiscal year 2021, in
 19 addition to any other amounts available for water or
 20 waste disposal loans and grants under paragraphs
 21 (1) and (2) of subsection (a), \$50,000,000 of the
 22 funds of the Commodity Credit Corporation for each
 23 fiscal year shall be available for those loans and
 24 grants, of which the Secretary shall use—

“(A) \$25,000,000 for loans, in accordance with paragraph (2), for the adaptation of waste disposal facilities to incorporate anaerobic digestion food waste-to-energy operations; and

“(B) \$25,000,000 for grants, in accordance with paragraph (2), for the adaptation of waste disposal facilities to incorporate anaerobic digestion food waste-to-energy operations.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—A loan or grant is made in accordance with this paragraph if, before making the loan or grant, the Secretary has obtained from the recipient of the loan or grant—

“(i) a written commitment that the recipient has read and agrees to comply with the Food Recovery Hierarchy of the Environmental Protection Agency, particularly as applied to apparently wholesome food (as defined in section 22(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1791(b))) that may be provided to or received by the recipient; and

“(ii) a written end-product recycling plan that provides for the beneficial use of

the material resulting from any anaerobic digestion food waste-to-energy operation with respect to which the loan or grant is made, in a manner that meets all applicable Federal, State, Tribal, and local laws that protect human health and the environment.

“(B) LIMITATION.—A loan or grant under paragraph (1) may not be used for an anaerobic digester that uses solely manure as undigested biomass.

“(C) PREFERENCE.—The Secretary shall give preference to loans and grants under paragraph (1) for anaerobic digesters that use primarily nonedible food, crop waste, or nonedible food and crop waste as undigested biomass.

“(3) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.”.

SEC. 504. GRANTS FOR COMPOSTING AND ANAEROBIC DIGESTION FOOD WASTE-TO-ENERGY PROJECTS.

(a) IN GENERAL.—Subtitle G of the Solid Waste Disposal Act (42 U.S.C. 6971 et seq.) is amended by adding at the end the following:

1 **“SEC. 7011. GRANTS FOR COMPOSTING AND ANAEROBIC DI-**
 2 **GESTION FOOD WASTE-TO-ENERGY**
 3 **PROJECTS.**

4 “(a) GRANTS.—The Administrator shall establish a
 5 grant program to award grants to States and Tribes eligi-
 6 ble to receive the grants under subsection (b)(1) to con-
 7 struct large-scale composting or anaerobic digestion food
 8 waste-to-energy projects.

9 “(b) ELIGIBLE STATES.—

10 “(1) ELIGIBILITY.—In order to be eligible to
 11 receive a grant under this section, a State or Tribe
 12 shall—

13 “(A) have in effect a plan to limit the
 14 quantity of food waste that may be disposed of
 15 in landfills in the State or Tribe; and

16 “(B) provide to the Administrator—

17 “(i) a written commitment that the
 18 State has read and agrees to comply with
 19 the Food Recovery Hierarchy of the Envi-
 20 ronmental Protection Agency, particularly
 21 as applied to apparently wholesome food
 22 (as defined in section 22(b) of the Child
 23 Nutrition Act of 1966 (42 U.S.C.
 24 1791(b))) that may be provided to or re-
 25 ceived by the State; and

1 “(ii) a written end-product recycling
 2 plan that provides for the beneficial use of
 3 the material resulting from any anaerobic
 4 digestion food waste-to-energy operation
 5 with respect to which the loan or grant is
 6 made, in a manner that meets all applica-
 7 ble Federal, State, Tribal, and local laws
 8 that protect human health and the environ-
 9 ment.

10 “(2) LIMITATION.—A grant under subsection
 11 (a) may not be used for an anaerobic digester that
 12 uses solely manure as undigested biomass.

13 “(3) PREFERENCE.—The Administrator shall
 14 give preference to grants under subsection (a) for
 15 anaerobic digesters that use primarily nonedible
 16 food, crop waste, or nonedible food and crop waste
 17 as undigested biomass.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 19 is authorized to be appropriated to carry out this section
 20 \$100,000,000 for each fiscal year.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
 22 for the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
 23 is amended by inserting after the item relating to section
 24 7010 the following:

“Sec. 7011. Grants for composting and anaerobic digestion food waste-to-en-
 ergy projects.”.

1 **SEC. 505. GOVERNMENT ACCOUNTABILITY OFFICE AUDIT.**

2 (a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of this Act, the Comptroller General
4 of the United States (referred to in this section as the
5 “Comptroller General”) shall conduct an audit to assess
6 estimates of postharvest food loss and waste in the United
7 States, including estimates by the Department of Agri-
8 culture and other government, academic, and industry
9 stakeholders.

10 (b) REQUIREMENTS.—The Comptroller General, as
11 part of the audit conducted under subsection (a)—

12 (1) shall—

13 (A) assess the extent to which the esti-
14 mates described in that subsection provide a
15 valid benchmark for the amount and value of
16 postharvest food loss and waste in the United
17 States;

18 (B) evaluate the reliability of the data, and
19 the validity and accuracy of the assumptions
20 and models, underlying the estimates; and

21 (C) if appropriate, include recommenda-
22 tions to improve the estimates; and

23 (2) if the Comptroller General determines that
24 the estimates described in that subsection are invalid
25 under paragraph (1)(A), may conduct an estimate of

1 postharvest food loss and waste in the United
2 States.

3 **SEC. 506. FOOD WASTE RECOVERY TRANSPORTATION**
4 **GRANTS.**

5 (a) AUTHORITY TO PROVIDE ASSISTANCE.—

6 (1) IN GENERAL.—From amounts made avail-
7 able to carry out this section, the Secretary of Agri-
8 culture shall make grants to assist an eligible entity
9 with—

10 (A) purchasing, leasing, or otherwise ac-
11 quiring vehicles, including refrigerated vehicles,
12 or other equipment to carry out activities re-
13 lated to food recovery;

14 (B) reimbursing travel costs related to
15 food recovery at the per mile rate established by
16 the Commissioner of the Internal Revenue Serv-
17 ice; and

18 (C) the costs of preparing, storing, and
19 transporting donated food.

20 (2) LIMITATION.—An eligible entity may only
21 receive one grant under this section.

22 (b) APPLICATION.—To be eligible to receive a grant
23 under subsection (a), an eligible entity shall submit an ap-
24 plication to the Secretary of Agriculture, at such time, in

1 such manner, and containing such information as the Sec-
2 retary of Agriculture may require.

3 (c) ELIGIBLE ENTITY.—To be eligible for a grant
4 under subsection (a), a public food program service pro-
5 vider, a tribal organization, or a private nonprofit entity
6 (including a gleaner) shall—

7 (1) have experience in the area of—

8 (A) food recovery and distribution, particu-
9 larly concerning small and medium-sized farms;

10 (B) job training and business development
11 activities for food-related activities in low-in-
12 come communities; or

13 (C) efforts to reduce food insecurity in the
14 community, including food recovery and dis-
15 tribution, improving access to services, or co-
16 ordinating services and programs; and

17 (2) demonstrate competency to implement a
18 project, provide fiscal accountability, collect data,
19 and prepare reports and other necessary documenta-
20 tion.

21 (d) GLEANER DEFINED.—In this section, the term
22 “gleaner” has the meaning given the term in section
23 25(a)(2) of the Food and Nutrition Act of 2008 (7 U.S.C.
24 2034(a)(2)).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to carry out this section \$10,000,000 for fiscal
 3 year 2021.

4 **SEC. 507. FOOD WASTE RESEARCH PROGRAM.**

5 (a) ESTABLISHMENT.—The Food Loss and Waste
 6 Reduction Liaison of the Department of Agriculture (in
 7 this section referred to as the “Liaison”) shall establish
 8 a partnership with 5 regional partner institutions, selected
 9 under section 4, to carry out a Food Waste Research Pro-
 10 gram (in this section referred to as the “Program”).

11 (b) FOOD WASTE RESEARCH PROGRAM REQUIRE-
 12 MENTS.—

13 (1) DUTIES.—In carrying out the Program, the
 14 Liaison, in partnership with the 5 regional partner
 15 institutions selected under section 4, shall—

16 (A) plan, conduct, and arrange for public
 17 research, data, education, and recommendations
 18 within the areas of study specified in subsection
 19 (b), as such areas relate to food waste reduction
 20 and food recovery issues nationwide, regionally,
 21 and locally;

22 (B) carry out the activities of the Program
 23 within a variety of regions in the United States,
 24 which are identified and categorized by the Li-

1 aision based on the specific food recovery and
2 food waste reduction issues of such regions;

3 (C) identify areas to increase efficiency in
4 the allocation of resources, coordination, co-
5 operation, and consolidation of efforts as they
6 relate to local, statewide, Tribal, regional, and
7 Federal food recovery and food waste reduction
8 efforts;

9 (D) create a Program website, as described
10 in subsection (d), to disseminate information to
11 the public; and

12 (E) collaborate with other colleges, univer-
13 sities, and nonprofit organizations in the re-
14 gions selected by the Liaison that have dem-
15 onstrated capability for research, information
16 dissemination, and professional training in
17 order to develop regional networks that are
18 knowledgeable in food waste reduction issues.

19 (2) AREAS OF STUDY.—In carrying out the du-
20 ties listed in subsection (a), the Liaison and the re-
21 gional partner institutions shall consider the fol-
22 lowing areas of study:

23 (A) Reducing the volume of surplus food
24 produced.

1 (B) Feeding individuals in need to utilize
2 excess food, including through the use of dona-
3 tions of surplus food.

4 (C) Diverting food unusable for purposes
5 of paragraph (2) to feed animals.

6 (D) Utilizing food waste to create renew-
7 able energy sources.

8 (E) Composting food waste to create nutri-
9 ent rich soil.

10 (F) Diminishing the deposits of food waste
11 in landfills and reducing the incineration of
12 food waste.

13 (3) USE OF FUNDS.—

14 (A) IN GENERAL.—The Liaison may make
15 funds available under this section to improve
16 the facilities of the regional partner institutions
17 to a level that meets the requirements of the
18 role of a regional partner institution.

19 (B) PLAN.—A regional partner institution
20 may not receive any funding for any facility up-
21 grade under paragraph (1), unless—

22 (i) the regional partner institution
23 submits to the Liaison a plan detailing the
24 type of facility construction or improve-
25 ments to take place (including any land ac-

1 quisition, engineering, design, and staffing
2 and equipment needs, in addition to other
3 information as required by the Liaison);
4 and

5 (ii) the Liaison approves such plan.

6 (C) NON-FEDERAL COST SHARE FOR FA-
7 CILITY IMPROVEMENT.—A regional partner in-
8 stitutions shall be required to provide at least
9 a 20 percent non-Federal cost share for facility
10 improvement or construction projects pursued
11 by a regional partner institution under para-
12 graph (1).

13 (D) MATCHING FUNDS FOR OPERATING
14 EXPENSES.—A regional partner institution shall
15 be required to provide at least a 30 percent
16 non-Federal cost share for all Program oper-
17 ating expenses related to such regional partner
18 institution.

19 (E) WAGE RATE REQUIREMENTS.—A con-
20 struction activity carried out pursuant to this
21 section shall meet Federal prevailing wage re-
22 quirements as determined by the Secretary of
23 Labor in accordance with subchapter IV of
24 chapter 31 of part A of subtitle II of title 40,

1 United States Code, (commonly referred to as
2 the “Davis-Bacon Act”).

3 (4) FOOD WASTE RESEARCH PROGRAM
4 WEBSITE.—The Liaison shall establish a website
5 that shall contain at least the following information:

6 (A) Key findings and best practices.

7 (B) A list of collaborations and partner-
8 ships carried out pursuant to this section.

9 (C) Annual reports and other pertinent in-
10 formation on the duties of the Program.

11 (D) The location and contact information
12 for regional partner institutions.

13 (E) Federal, State, local, and regionally
14 specific public research, data, education, and
15 policy recommendations that shall be updated
16 in a timely manner with new information.

17 (F) Tools for tracking reduction efforts
18 and measuring food waste production.

19 (c) SELECTION OF REGIONAL PARTNER INSTITU-
20 TIONS.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this section, the
23 Liaison shall select 5 regional partner institutions to
24 partner with to carry out the requirements of the
25 Program under section 3.

1 (2) CRITERIA FOR REGIONAL PARTNER INSTI-
 2 TUTIONS.—In making a selection under subsection
 3 (a), the Liaison shall select an institution of higher
 4 education that—

5 (A) has a focus or expertise in at least one
 6 of the areas of study described in section 3(b);

7 (B) has the ability to plan, conduct, and
 8 arrange for public research, data, education,
 9 and recommendations related to food waste re-
 10 duction and the areas of study described in sec-
 11 tion 3(b);

12 (C) can assist the Liaison in fulfilling the
 13 duties listed in section 3(a);

14 (D) can contribute the required non-Fed-
 15 eral funding to maintain a regional partner in-
 16 stitution center; and

17 (E) satisfies any other criteria determined
 18 by the Liaison.

19 (3) ELIGIBLE SUB-AWARDEES.—A State, Trib-
 20 al, or local government, local educational agency, ag-
 21 ricultural or commodity organization, farmer, or
 22 other organization focused on food waste prevention
 23 may serve as an eligible sub-awardee of a regional
 24 partner institution if the entity meets the require-

1 ments of paragraphs (1) through (3) of subsection
2 (b) of this section.

3 (4) EMPLOYMENT STATUS.—Members of re-
4 gional partner institutions shall not be considered
5 Federal employees for any purpose.

6 (d) COLLABORATION WITH FEDERAL, REGIONAL,
7 STATE, TRIBAL, AND LOCAL GOVERNMENTS AND ORGA-
8 NIZATIONS.—The Liaison, in conjunction with the 5 re-
9 gional partner institutions selected under section 4 shall
10 collaborate and share best practices on regional, State,
11 Tribal, and locally specific food waste and food waste re-
12 duction issues with—

- 13 (1) State and county governments;
- 14 (2) Tribal governments;
- 15 (3) units of local government;
- 16 (4) local educational entities;
- 17 (5) colleges and universities;
- 18 (6) agricultural and commodity organizations;
- 19 (7) farmers; and
- 20 (8) organizations focused on food waste preven-
- 21 tion.

22 (e) INFORMATION COLLECTION AND DISSEMINA-
23 TION.—

24 (1) REPORT OF REGIONAL PARTNER INSTITU-
25 TIONS.—Not later than 1 year after the date of the

1 enactment of this section, and annually thereafter,
2 the regional partnership institutions shall submit to
3 the Liaison a report containing the activities, part-
4 nerships, collaborations, Federal policy recommenda-
5 tions, previous and continuing budgets, findings, and
6 any other applicable information carried out under
7 the Program.

8 (2) LIAISON REPORT.—Not later than 15
9 months after the date of the enactment of this sec-
10 tion, and annually thereafter, the Liaison shall sub-
11 mit to the Committee on Agriculture of the House
12 of Representatives and the Committee on Agri-
13 culture, Nutrition, and Forestry of the Senate and
14 publish on the Program website an annual report
15 containing a compilation of the activities, partner-
16 ships, collaborations, Federal policy recommenda-
17 tions, previous and continuing budgets, findings, and
18 any other applicable information relating to the Pro-
19 gram.

20 (3) REVIEW OF REPORT.—The Liaison shall re-
21 view the annual report from the regional partner in-
22 stitutions to ensure that funds are being used effi-
23 ciently according to the duties of the Program and
24 that the Program is producing utilizable public re-

1 search, data, education, and recommendations re-
2 lated to food waste and food waste reduction issues.

3 **SEC. 508. GRANTS TO RESEARCH CENTERS OR NON-PROFIT**
4 **ORGANIZATIONS.**

5 (a) GRANT AUTHORITY.—Not later than 180 days
6 after the date of the enactment of this section, the Food
7 Loss and Waste Reduction Liaison of the Department of
8 Agriculture (in this section referred to as the “Liaison”)
9 shall establish a grant program under which the Liaison
10 shall make grants to eligible entities, on a competitive
11 basis, to establish contracts or cooperative agreements de-
12 scribed in subsection (c) of section 224 of the Department
13 of Agriculture Reorganization Act of 1994 (7 U.S.C.
14 6924(c)) with such eligible entities to carry out the duties
15 described in subsection (b) of such section.

16 (b) APPLICATION.—To be eligible to receive a grant
17 under this section, an eligible entity shall submit to the
18 Liaison an application at such time and in such manner
19 as the Liaison may require.

20 (c) CRITERIA.—In making grants under this section,
21 the Liaison shall consider, with respect to each applicant,
22 the following:

23 (1) The alignment of food loss and recovery
24 programs and resources developed by such applicant

1 with the Environmental Protection Agency Food Re-
2 covery Hierarchy.

3 (2) The ability of the facilities and resources of
4 such applicant to develop and deliver food loss re-
5 duction and recovery programs.

6 (3) The experience of such applicant in devel-
7 oping high-impact food loss reduction and recovery
8 programs and resources at the State, Tribal, re-
9 gional, or national scale.

10 (4) Previous collaboration of such applicant
11 with other food loss reduction and recovery focused
12 organizations in the private, nonprofit, and govern-
13 ment sectors.

14 (5) Any other information that the Liaison
15 shall require.

16 (d) USE OF FUNDS.—An eligible entity that receives
17 a grant under this section shall use such grant to carry
18 out the activities described in subsection (c) of section 224
19 of the Department of Agriculture Reorganization Act of
20 1994 (7 U.S.C. 6924(c)) to accomplish the duties de-
21 scribed in subsection (b) of such section.

22 (e) DURATION.—Each grant under this section shall
23 be for a period of 3 years.

1 (f) GRANT RENEWAL.—The Liaison may renew a
2 grant under this section for an additional period of 3
3 years.

4 (g) FEDERAL SHARE.—The Federal share of a grant
5 under this section shall not exceed 70 percent of the costs
6 of the activities carried out under this section.

7 (h) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, and annually
9 thereafter, the Liaison shall submit to Congress a report
10 describing the activities conducted under this section and
11 the effects of such activities on food loss and waste reduc-
12 tion nationally.

13 (i) ELIGIBLE ENTITY DEFINED.—The term “eligible
14 entity” means a research center or nonprofit organization
15 described in section 224(c) of the Department of Agri-
16 culture Reorganization Act of 1994 (7 U.S.C. 6924(c)).

