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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide additional agricultural products for distribution by emergency feeding organizations during the COVID-19 public health emergency.

IN THE HOUSE OF REPRESENTATIVES

Ms. FUDGE (for herself and _____) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide additional agricultural products for distribution by emergency feeding organizations during the COVID-19 public health emergency.

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 Enhancement Act of 2020”.

1 **SEC. 2. ENHANCED PROJECTS TO HARVEST, PROCESS,**
2 **PACKAGE, OR TRANSPORT DONATED COM-**
3 **MODITIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVID–19.—The term “COVID-19” means
6 the 2019 Novel Coronavirus or 2019-nCoV.

7 (2) EMERGENCY FEEDING ORGANIZATION.—
8 The term “emergency feeding organization” has the
9 meaning given the term in section 201A of the
10 Emergency Food Assistance Act of 1983 (7 U.S.C.
11 7501).

12 (3) PROJECT.—The term “project” has the
13 meaning given the term in section 203D(d)(1) of the
14 Emergency Food Assistance Act of 1983 (7 U.S.C.
15 7507(d)(1)).

16 (4) PRIORITY AGRICULTURAL PRODUCT.—The
17 term “priority agricultural product” means a dairy,
18 meat, or poultry product, or a specialty crop—

19 (A) packaged or marketed for sale to com-
20 mercial or food service industries;

21 (B) for which decreased demand exists for
22 such a product due to the COVID–19 outbreak;
23 and

24 (C) the repurposing of which would be im-
25 practical for grocery or retail sale.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (6) STATE.—The term “State” has the mean-
4 ing given the term in section 203D of the Emer-
5 gency Food Assistance Act of 1983 (7 U.S.C. 7507).

6 (7) STATE AGENCY.—The term “State agency”
7 has the meaning given the term in section 203D of
8 the Emergency Food Assistance Act of 1983 (7
9 U.S.C. 7507).

10 (b) ENHANCED PROJECTS.—

11 (1) IN GENERAL.—Subject to paragraphs (3)
12 and (4), using funds made available under sub-
13 section (d), the Secretary may provide funds to
14 States to pay for harvesting, processing, packaging,
15 or transportation costs of carrying out a project.

16 (2) GUIDANCE.—Not later than 30 days after
17 the date of enactment of this Act, the Secretary
18 shall issue guidance to States—

19 (A) to carry out this section;

20 (B) to inform States of their allocations
21 under paragraph (3); and

22 (C) to encourage States to carry out
23 projects that work with agricultural producers,
24 processors, and distributors with priority agri-
25 cultural products.

1 (3) ALLOCATION.—

2 (A) ELIGIBILITY FOR ALLOCATION.—The
3 Secretary shall allocate funds made available
4 under subsection (d) based on the formula in
5 effect under section 214(a) of the Emergency
6 Food Assistance Act of 1983 (7 U.S.C.
7 7515(a)), among States that timely submit a
8 State plan of operation for a project that in-
9 cludes—

10 (i) a list of emergency feeding organi-
11 zations in the State that will operate the
12 project in partnership with the State agen-
13 cy;

14 (ii) at the option of the State, a list
15 of priority agricultural products located in
16 the State that are for donation to emer-
17 gency feeding organizations and ready for
18 transport;

19 (iii) a description of how the project
20 will meet the purposes described in section
21 203D(d)(3) of the Emergency Food Assist-
22 ance Act of 1983 (7 U.S.C. 7507(d)(3));
23 and

24 (iv) a timeline of when the project will
25 begin operating.

1 (B) REALLOCATION.—If the Secretary de-
2 termines that a State will not expend all the
3 funds allocated to the State under subpara-
4 graph (A), the Secretary shall reallocate the un-
5 expended funds to other eligible States.

6 (C) REPORT.—Each State that receives
7 funds allocated under this paragraph shall sub-
8 mit to the Secretary financial reports on a reg-
9 ular basis describing the use of the funds.

10 (4) USE OF FUNDS.—

11 (A) IN GENERAL.—A State that receives
12 funds under section 203D(d)(5) of the Emer-
13 gency Food Assistance Act of 1983 (7 U.S.C.
14 7507(d)(5)) may—

15 (i) receive funds under this section;
16 and
17 (ii) use funds received under this sec-
18 tion—

19 (I) to expand projects for which
20 funds are received under such section
21 203D(d)(5); and

22 (II) to carry out new projects
23 with agricultural producers, proc-
24 essors, or distributors participating in

1 projects for which funds are received
2 under such section 203D(d)(5).

3 (B) FEDERAL SHARE.—Funds received
4 under this section shall not be subject to the
5 Federal share limitation described in section
6 203D(d)(2)(B) of the Emergency Food Assist-
7 ance Act of 1983 (7 U.S.C. 7507(d)(2)(B)).

8 (c) COOPERATIVE AGREEMENTS.—

9 (1) IN GENERAL.—A State agency that carries
10 out a project using Federal funds received under
11 this section may enter into cooperative agreements
12 with State agencies of other States under section
13 203B(d) of the Emergency Food Assistance Act of
14 1983 (7 U.S.C. 7507(d)) to maximize the use of
15 commodities donated under the project.

16 (2) SUBMISSION.—Not later than 15 days after
17 entering into a cooperative agreement under sub-
18 paragraph (A), a State agency shall submit such
19 agreement to the Secretary.

20 (d) APPROPRIATION OF FUNDS.—Out of funds in the
21 Treasury not otherwise appropriated, there is appro-
22 priated to carry out this section \$25,000,000 to remain
23 available until the September 30, 2021. Such funds are
24 designated by Congress as being for an emergency require-
25 ment pursuant to section 251(b)(2)(A)(i) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 (2
2 U.S.C. 901(b)(2)(A)(i)).

3 (e) PUBLIC AVAILABILITY.—Not later than 10 days
4 after the date of the receipt or issuance of each document
5 listed in paragraphs (1), (2), or (3) of this subsection, the
6 Secretary shall make publicly available on the website of
7 the Department of Agriculture the following documents:

8 (1) Any guidance issued under subsection
9 (b)(2).

10 (2) A State plan or operation or report sub-
11 mitted in accordance with subsection (b)(3).

12 (3) A cooperative agreement submitted in ac-
13 cordance with subsection (c).