

103^D CONGRESS
1ST SESSION

H. R. 1254

To encourage and assist producers, processors, and other handlers of agricultural commodities to donate edible, but unmarketable, agricultural commodities to food banks, soup kitchens, and homeless shelters.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1993

Miss COLLINS of Michigan (for herself, Mr. STOKES, Mr. HASTINGS, Ms. NORTON, Mrs. MALONEY, Mr. BLACKWELL, Mr. WHEAT, Mr. CONYERS, Mrs. COLLINS of Illinois, Ms. WATERS, and Mr. CLYBURN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To encourage and assist producers, processors, and other handlers of agricultural commodities to donate edible, but unmarketable, agricultural commodities to food banks, soup kitchens, and homeless shelters.

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

1 **SECTION 1. DEPARTMENT OF AGRICULTURE PROGRAM TO**
2 **ENCOURAGE AND ASSIST THE DONATION OF**
3 **AGRICULTURAL COMMODITIES UNMARKET-**
4 **ABLE UNDER MARKETING ORDERS.**

5 (a) DONATION PROGRAM.—The Secretary of Agri-
6 culture shall establish a program to encourage and assist
7 producers, processors, and other handlers of agricultural
8 commodities described in subsection (b) to donate such
9 commodities to selected food banks, soup kitchens, and
10 homeless shelters in the United States to assist the home-
11 less and needy.

12 (b) AGRICULTURAL COMMODITIES FOR DONATION.—
13 The agricultural commodities eligible for donation under
14 the program established under subsection (a) are agricul-
15 tural commodities that, while still fit for human consump-
16 tion, are unmarketable because of grade, size, or quality
17 restrictions imposed by a marketing order issued under
18 section 8c of the Agricultural Adjustment Act (reenacted
19 with amendments by the Agricultural Marketing Agree-
20 ment Act of 1937) (7 U.S.C. 608c) or by a marketing
21 order or plan issued under another law relating to the re-
22 search and promotion of a specific agricultural commodity.

23 (c) SELECTION OF PARTICIPANTS.—The Secretary of
24 Agriculture may enter into agreements with producers,
25 processors, and other handlers of agricultural commodities
26 described in subsection (b) who offer to make such com-

1 commodities available for donation under the program estab-
2 lished under subsection (a). As part of such an agreement,
3 the Secretary may agree to pay all or part of the costs
4 incurred to harvest, handle, package, or process the agri-
5 cultural commodity to be donated if the Secretary deter-
6 mines that—

7 (1) the commodity would likely not be har-
8 vested, handled, packaged, or processed in the ab-
9 sence of the payment; and

10 (2) volunteer harvesters or voluntary handling,
11 packaging, or processing services are unavailable or
12 unfeasible.

13 (d) ELIGIBLE FOOD BANKS, SOUP KITCHENS, AND
14 HOMELESS SHELTERS.—

15 (1) NOMINATION BY LOCAL GOVERNMENTS.—

16 Local governments in a State may nominate food
17 banks, soup kitchens, and homeless shelters for se-
18 lection to receive agricultural commodities under the
19 program established under subsection (a). The nomi-
20 nations shall be submitted to the State official ap-
21 pointed by the chief executive of the State to receive
22 such nominations.

23 (2) STATE PLAN.—The State official referred to
24 in paragraph (1) shall prepare a donation plan for
25 the State based upon the nominations submitted

1 under such paragraph. The official shall submit the
2 plan to the Secretary of Agriculture at such times
3 as the Secretary may require.

4 (3) SELECTION BY SECRETARY.—Based upon
5 the agricultural commodities and funds available for
6 the program for a year, the Secretary of Agriculture
7 shall review the submitted plans and select food
8 banks, soup kitchens, and homeless shelters in each
9 State to receive agricultural commodities under the
10 program. If the State official referred to in para-
11 graph (1) is not appointed for a State, the Secretary
12 may establish an alternative method for the selection
13 of food banks, soup kitchens, and homeless shelters
14 in that State to receive agricultural commodities
15 under the program.

16 (4) CONSULTATION.—The nomination and se-
17 lection of food banks, soup kitchens, and homeless
18 shelters under this subsection should be made after
19 consultation with nonprofit organizations serving the
20 homeless and needy and with other interested per-
21 sons.

22 (e) DISTRIBUTION OF DONATED AGRICULTURAL
23 COMMODITIES.—The Secretary of Agriculture, in con-
24 sultation with the Secretary of Transportation, shall enter
25 into contracts with persons to collect, store, and distribute

1 agricultural commodities made available for donation
2 under the program established under subsection (a). Con-
3 tracts under this subsection shall be awarded on a com-
4 petitive basis and may be for such term as the Secretary
5 of Agriculture considers to be appropriate.

6 (f) FUNDS FOR PROGRAM.—The Secretary of Agri-
7 culture shall use funds available for the purposes of sec-
8 tion 32 of the Act entitled “An Act to amend the Agricul-
9 tural Adjustment Act, and for other purposes.”, approved
10 August 24, 1935 (7 U.S.C. 612c), to carry out the pro-
11 gram established under subsection (a), including the cost
12 of contracts entered into under subsection (e). Notwith-
13 standing any other provision of such section, the amount
14 devoted to this program for a fiscal year shall be equal
15 to at least 25 percent of the unobligated balance remain-
16 ing under such section at the end of the preceding fiscal
17 year.

18 (g) DEFINITIONS.—For purposes of this section:

19 (1) The term “food bank” means a public or
20 charitable institution that maintains an established
21 operation involving the provision of food or edible
22 commodities, or the products of food or edible com-
23 modities, to food pantries, soup kitchens, hunger re-
24 lief centers, or other food or feeding centers that

1 provide meals or food to homeless or needy individ-
2 uals on a regular basis.

3 (2) The term “soup kitchen” means a public or
4 charitable institution that maintains an established
5 feeding operation to provide meals for individuals
6 and families who do not have access to food and who
7 are nutritionally at risk, such as the homeless, the
8 elderly, and the impoverished.

9 (3) The term “homeless shelter” means a public
10 or charitable institution that maintains an estab-
11 lished feeding operation to provide meals to homeless
12 or needy individuals as part of a regular program to
13 provide shelter, bedding, health care services, drug
14 and alcohol abuse counseling, or occupational train-
15 ing to such individuals.

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