

114TH CONGRESS
1ST SESSION

H. R. 4184

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2015

Ms. PINGREE introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on House Administration, Oversight and Government Reform, Ways and Means, Education and the Workforce, and Energy and Commerce, 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.**

4 This Act may be cited as the “Food Recovery Act
5 of 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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 the incidence of food waste.

TITLE II—RETAIL AND RESTAURANTS

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

TITLE III—SCHOOLS AND OTHER INSTITUTIONS

- Sec. 301. Establishment of the Office of Food Recovery.
- Sec. 302. Amendments to Federal Food Donation Act to require food donations by executive agencies and Congress.
- Sec. 303. Food and agriculture service learning program.
- Sec. 304. Farm to school grant program to improve access to local foods in schools and reduce food waste.
- Sec. 305. Modification of National School Lunch Program procurement requirements to encourage purchase of lower-price, non-standard size or shape produce.

TITLE IV—CONSUMERS AND LOCAL INFRASTRUCTURE

- Sec. 401. Food date labeling.
- Sec. 402. Support for national media campaigns to decrease the incidence of food waste.
- Sec. 403. Increase in resources for community facilities loans directed at composting and waste-to-energy operations.
- Sec. 404. 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 food waste-to-energy operations.
- Sec. 405. Grants for composting and food waste-to-energy projects.

- 1 **TITLE I—FARMS**
- 2 **SEC. 101. USE OF RURAL ENERGY FOR AMERICA PROGRAM**
- 3 **TO REDUCE FOOD AND CROP WASTE.**
- 4 (a) INCREASED FUNDING.—Section 9007(g)(1) of
- 5 the Farm Security and Rural Investment Act of 2002 (7
- 6 U.S.C. 8107(g)(1)) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (D);

3 (2) in subparagraph (E), by striking “fiscal
4 year 2014 and each fiscal year thereafter.” and in-
5 serting “each of fiscal years 2014 and 2015; and”;
6 and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(F) \$70,000,000 for fiscal year 2016 and
10 each fiscal year thereafter.”.

11 (b) REQUIREMENTS RELATED TO INSTALLATION OF
12 ANAEROBIC DIGESTERS.—Section 9007(c) of the Farm
13 Security and Rural Investment Act of 2002 (7 U.S.C.
14 8107(c)) is amended by adding at the end the following
15 new paragraph:

16 “(5) REQUIREMENTS RELATED TO INSTALLA-
17 TION OF ANAEROBIC DIGESTERS.—

18 “(A) IN GENERAL.—In the case of a loan
19 guarantee or grant under this subsection to an
20 agricultural producer or rural small business to
21 support the installation of an anaerobic digester
22 that will use food or crop waste, or both, to
23 produce energy, the Secretary shall obtain from
24 the recipient—

1 “(i) a written agreement entered into
2 between the recipient and a hunger-serving
3 organization providing for the recipient
4 and the organization to work together to
5 ensure that apparently wholesome food (as
6 defined in section 170(e)(3)(C)(iii) of the
7 Internal Revenue Code of 1986) generated
8 by or provided to the recipient for use in
9 the anaerobic digester is redistributed to
10 the organization for provision to people in
11 need of food; and

12 “(ii) a written end-product recycling
13 plan, which shall provide for the disposal
14 of the material resulting from the anaer-
15 obic digester, is made, in accordance with
16 guidelines which the Administrator of the
17 Environmental Protection Agency shall es-
18 tablish, that ensures that the disposal of
19 such material does not create an environ-
20 mental hazard.

21 “(B) HUNGER-SERVING ORGANIZATION
22 DEFINED.—In subparagraph (A), the term
23 ‘hunger-serving organization’ means—

1 “(i) a food bank (as defined in section
2 201A(5) of the Emergency Food Assist-
3 ance Act of 1983);

4 “(ii) a food pantry (as defined in sec-
5 tion 201A(6) of such Act); or

6 “(iii) a soup kitchen (as defined in
7 section 201A(8) of such Act).”.

8 (c) SET-ASIDE FOR ANAEROBIC DIGESTERS.—Sec-
9 tion 9007(g) of the Farm Security and Rural Investment
10 Act of 2002 (7 U.S.C. 8107(g)) is amended by adding at
11 the end the following new paragraph:

12 “(4) SET-ASIDE FOR ANAEROBIC DIGESTERS.—
13 Of the funds made available for each fiscal year
14 under this subsection, not less than \$20,000,000
15 shall be available to support the installation of an-
16 aerobic digesters that use food or crop waste, or
17 both, to produce energy. Such funds shall remain
18 available until expended.”.

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

20 (a) INCLUSION OF REFRIGERATED VEHICLE AS ELI-
21 GIBLE FACILITY.—Section 1614(a) of the Food, Con-
22 servation, and Energy Act of 2008 (7 U.S.C. 8789(a)) is
23 amended by striking “construct or upgrade storage and
24 handling facilities” and inserting “acquire, construct, or
25 upgrade storage, handling, and transportation facilities,

1 which may include refrigerated vehicles to improve storage
2 and marketing.”.

3 (b) SET-ASIDE TO IMPROVE PRODUCER AND EMER-
4 GENCY FEEDING ORGANIZATION COOPERATION.—Section
5 1614 of the Food, Conservation, and Energy Act of 2008
6 (7 U.S.C. 8789) is amended by adding at the end the fol-
7 lowing new subsection:

8 “(g) SET-ASIDE TO IMPROVE COOPERATION BE-
9 TWEEN PRODUCERS AND EMERGENCY FEEDING ORGANI-
10 ZATIONS.—Of the funds made available for a fiscal year
11 for storage facility loans under this section, the Secretary
12 shall reserve at least 5 percent for eligible producers that,
13 in cooperation with an emergency feeding organization,
14 agree to use the storage facility loan to acquire, construct,
15 or upgrade storage, handling, and transportation facilities
16 to improve the ability of the producer to provide commod-
17 ities to an emergency feeding organization and the ability
18 of the emergency feeding organization to provide commod-
19 ities to eligible recipients. In this subsection, the term
20 ‘emergency feeding organization’ has the meaning given
21 that term in section 201A of the Emergency Food Assist-
22 ance Act of 1983 (7 U.S.C. 7501).”.

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

24 Title XII of the Food Security Act of 1985 (16
25 U.S.C. 3801 et seq.) is amended—

1 (1) in section 1201(a), by adding at the end the
2 following:

3 “(28) COMPOSTING PRACTICE.—The term
4 ‘composting practice’ includes—

5 “(A) activities to produce compost, includ-
6 ing activities that do not require the use of a
7 composting facility; and

8 “(B) the use of compost.”;

9 (2) in section 1238D(2)(B)(i), by inserting
10 “and composting practices” after “agriculture drain-
11 age management systems”; and

12 (3) in section 1240A(4)(A)(ii), by inserting “,
13 including composting practices” before the semi-
14 colon.

15 **SEC. 104. STUDY AND REPORT ON METHODS TO DECREASE**
16 **THE INCIDENCE OF FOOD WASTE.**

17 (a) STUDY.—The Secretary of Agriculture shall con-
18 duct a study on—

19 (1) new technologies to increase the period dur-
20 ing which an agricultural product may be stored be-
21 fore such product is considered adulterated under
22 State or Federal law; and

23 (2) a method to measure the amount of agricul-
24 tural products that are disposed of each year by the
25 farms that produce such products.

1 (b) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Secretary of Agriculture
3 shall submit to Congress a report that contains—

4 (1) the results of the study conducted under
5 subsection (a); and

6 (2) the recommendations of the Secretary with
7 respect to methods of decreasing the incidence of
8 food waste.

9 (c) AGRICULTURAL PRODUCT DEFINED.—In this
10 section, the term “agricultural product” has the meaning
11 given the term “agricultural products” in section 207 of
12 the Agricultural Marketing Act of 1946 (7 U.S.C. 1626).

13 **TITLE II—RETAIL AND** 14 **RESTAURANTS**

15 **SEC. 201. EXTENSION AND EXPANSION OF CHARITABLE DE-**
16 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**
17 **VENTORY.**

18 (a) PERMANENT EXTENSION.—Section 170(e)(3)(C)
19 of the Internal Revenue Code of 1986 is amended by strik-
20 ing clause (iv).

21 (b) INCREASE IN LIMITATION.—Section 170(e)(3)(C)
22 of such Code, as amended by subsection (a), is amended
23 by striking clause (ii), by redesignating clause (iii) as
24 clause (iv), and by inserting after clause (i) the following
25 new clauses:

1 “(ii) LIMITATION.—The aggregate
2 amount of such contributions for any tax-
3 able year which may be taken into account
4 under this section shall not exceed—

5 “(I) in the case of any taxpayer
6 other than a C corporation, 15 per-
7 cent of the taxpayer’s aggregate net
8 income for such taxable year from all
9 trades or businesses from which such
10 contributions were made for such
11 year, computed without regard to this
12 section, and

13 “(II) in the case of a C corpora-
14 tion, 15 percent of taxable income (as
15 defined in subsection (b)(2)(D)).

16 “(iii) RULES RELATED TO LIMITA-
17 TION.—

18 “(I) CARRYOVER.—If such aggre-
19 gate amount exceeds the limitation
20 imposed under clause (ii), such excess
21 shall be treated (in a manner con-
22 sistent with the rules of subsection
23 (d)) as a charitable contribution de-
24 scribed in clause (i) in each of the 5

1 succeeding taxable years in order of
2 time.

3 “(II) COORDINATION WITH OVER-
4 ALL CORPORATE LIMITATION.—In the
5 case of any charitable contribution al-
6 lowable under clause (ii)(II), sub-
7 section (b)(2)(A) shall not apply to
8 such contribution, but the limitation
9 imposed by such subsection shall be
10 reduced (but not below zero) by the
11 aggregate amount of such contribu-
12 tions. For purposes of subsection
13 (b)(2)(B), such contributions shall be
14 treated as allowable under subsection
15 (b)(2)(A).”.

16 (c) DETERMINATION OF BASIS FOR CERTAIN TAX-
17 PAYERS.—Section 170(e)(3)(C) of such Code, as amended
18 by subsections (a) and (b), is amended by adding at the
19 end the following new clause:

20 “(v) DETERMINATION OF BASIS FOR
21 CERTAIN TAXPAYERS.—If a taxpayer—

22 “(I) does not account for inven-
23 tories under section 471, and

24 “(II) is not required to capitalize
25 indirect costs under section 263A,

1 the taxpayer may elect, solely for purposes
2 of subparagraph (B), to treat the basis of
3 any apparently wholesome food as being
4 equal to 25 percent of the fair market
5 value of such food.”.

6 (d) DETERMINATION OF FAIR MARKET VALUE.—
7 Section 170(e)(3)(C) of such Code, as amended by sub-
8 sections (a), (b), and (c), is amended by adding at the
9 end the following new clause:

10 “(vi) DETERMINATION OF FAIR MAR-
11 KET VALUE.—In the case of any such con-
12 tribution of apparently wholesome food
13 which cannot or will not be sold solely by
14 reason of internal standards of the tax-
15 payer, lack of market, or similar cir-
16 cumstances, or by reason of being pro-
17 duced by the taxpayer exclusively for the
18 purposes of transferring the food to an or-
19 ganization described in subparagraph (A),
20 the fair market value of such contribution
21 shall be determined—

22 “(I) without regard to such inter-
23 nal standards, such lack of market,
24 such circumstances, or such exclusive
25 purpose, and

1 “(II) by taking into account the
2 price at which the same or substan-
3 tially the same food items (as to both
4 type and quality) are sold by the tax-
5 payer at the time of the contribution
6 (or, if not so sold at such time, in the
7 recent past).”.

8 (e) NONPROFIT RETAIL SALES.—Section
9 170(e)(3)(C) of such Code, as amended by subsections (a),
10 (b), (c), and (d), is amended by adding at the end the
11 following new clause:

12 “(vii) NONPROFIT RETAIL SALE.—For
13 purposes of clause (i), a charitable con-
14 tribution of food includes a contribution to
15 or for the use of an organization described
16 in subsection (c) that is a food bank, food
17 pantry, soup kitchen, or other similar orga-
18 nization which holds such food for non-
19 profit retail sale. For purposes of the pre-
20 ceding sentence, the terms ‘food bank’,
21 ‘food pantry’, and ‘soup kitchen’ have the
22 meanings given such terms by section
23 201A of the Emergency Food Assistance
24 Act of 1983 (7 U.S.C. 7501).”.

25 (f) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, the amendments made by
3 this section shall apply to contributions made after
4 the date of the enactment of this Act, in taxable
5 years ending after such date.

6 (2) LIMITATION; APPLICABILITY TO C CORPORA-
7 TIONS.—The amendments made by subsection (b)
8 shall apply to contributions made in taxable years
9 ending after the date of the enactment of this Act.

10 **SEC. 202. GOOD SAMARITAN FOOD DONATION.**

11 (a) DEFINITION OF ULTIMATE DISTRIBUTION.—Sec-
12 tion 22(b) of the Child Nutrition Act of 1966 (42 U.S.C.
13 1791(b)) is amended by adding at the end the following
14 new paragraph:

15 “(11) ULTIMATE DISTRIBUTION.—The term
16 ‘ultimate distribution’ means any method by which
17 an individual receives a product from an entity, in-
18 cluding by donation or at a reduced cost.”.

19 (b) LOCAL HEALTH LAWS AND REGULATIONS.—Sec-
20 tion 22 of the Child Nutrition Act of 1966 (42 U.S.C.
21 1791) is amended—

22 (1) in subsections (b)(1), (b)(2), and (e) by
23 striking “Federal, State, and local” and inserting
24 “Federal and State”; and

25 (2) in subsection (f), by striking “or local”.

1 (c) CONFORMING AMENDMENT.—Section 22(e)(2) of
2 the Child Nutrition Act of 1966 (42 U.S.C. 1791(e)(2))
3 is amended by striking “distribution” and inserting “ulti-
4 mate distribution to needy individuals”.

5 **SEC. 203. REPORT ON FOOD DONATION BY RETAIL FOOD**
6 **STORES.**

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

12 **SEC. 204. USE OF COMMODITY CREDIT CORPORATION**
13 **FUNDS TO COVER EMERGENCY FOOD ASSIST-**
14 **ANCE PROGRAM STORAGE AND DISTRIBUTION COSTS.**
15

16 (a) USE OF COMMODITY CREDIT CORPORATION
17 FUNDS.—Section 204(a)(1) of the Emergency Food As-
18 sistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended—

19 (1) in the first sentence, by striking “There are
20 authorized to be appropriated \$100,000,000 for fis-
21 cal year 2008 and each fiscal year thereafter, for the
22 Secretary to make available to the States” and in-
23 serting “Using funds of the Commodity Credit Cor-
24 poration, the Secretary shall make available to the

1 States \$100,000,000 for fiscal year 2016 and each
2 fiscal year thereafter”; and

3 (2) in the second sentence, by striking “Funds
4 appropriated” and inserting “Funds made avail-
5 able”.

6 (b) RELATION TO OTHER COMMODITY CREDIT COR-
7 PORATION EXPENDITURES.—Section 204(b) of the Emer-
8 gency Food Assistance Act of 1983 (7 U.S.C. 7508(b))
9 is amended by striking “appropriations made or author-
10 ized under this section” and inserting “amounts made
11 available under subsection (a)(1)”.

12 (c) CLERICAL AMENDMENT.—The heading of section
13 204 of the Emergency Food Assistance Act of 1983 (7
14 U.S.C. 7508) is amended to read as follows:

15 **“SEC. 204. FUNDS FOR STATE STORAGE AND DISTRIBUTION**
16 **COSTS.”.**

17 **TITLE III—SCHOOLS AND OTHER**
18 **INSTITUTIONS**

19 **SEC. 301. ESTABLISHMENT OF THE OFFICE OF FOOD RE-**
20 **COVERY.**

21 The Federal Crop Insurance Reform and Department
22 of Agriculture Reorganization Act of 1994 is amended by
23 inserting after section 309 (7 U.S.C. 6921) the following
24 new section:

1 **“SEC. 310. OFFICE OF FOOD RECOVERY.**

2 “(a) OFFICE ESTABLISHED.—The Secretary of Agri-
3 culture shall establish within the Department of Agri-
4 culture an office to be known as the ‘Office of Food Recov-
5 ery’ to coordinate Federal programs to measure and re-
6 duce the incidence of food waste.

7 “(b) DIRECTOR OF FOOD RECOVERY.—The Office
8 shall be headed by a Director, to be appointed by the Sec-
9 retary.

10 “(c) DUTIES.—The Director of the Office of Food
11 Recovery shall—

12 “(1) support and promote Federal programs to
13 reduce the incidence of food waste; and

14 “(2) make recommendations with respect to re-
15 ducing the incidence of food waste.”.

16 **SEC. 302. AMENDMENTS TO FEDERAL FOOD DONATION ACT**
17 **TO REQUIRE FOOD DONATIONS BY EXECU-**
18 **TIVE AGENCIES AND CONGRESS.**

19 (a) REQUIREMENT.—The Federal Food Donation
20 Act of 2008 (Public Law 110–247; 42 U.S.C. 1792) is
21 amended—

22 (1) in section 2, by striking “encourage” and
23 inserting “require”; and

24 (2) in section 4(a)(1), by striking “encourages”
25 and inserting “requires”.

1 (b) DEFINITION OF AGENCIES COVERED.—Section 3
2 of such Act is amended by adding at the end the following
3 new paragraph:

4 “(5) EXECUTIVE AGENCY.—The term ‘executive
5 agency’ has the meaning provided that term in sec-
6 tion 133 of title 41, United States Code.”.

7 (c) DEADLINE.—Section 4(a) of such Act is amended
8 by striking “Not later than” and all that follows through
9 “421)” and inserting “Not later than 180 days after the
10 date of the enactment of the Food Recovery Act of 2015,
11 the Federal Acquisition Regulation issued in accordance
12 with section 1121 of title 41, United States Code,”.

13 (d) EXPANSION OF CONTRACTS COVERED.—Section
14 4(a) of such Act is amended by striking “\$25,000” and
15 inserting “\$10,000”.

16 (e) COVERAGE OF CONGRESS.—Section 4 of such Act
17 is amended by adding at the end the following new sub-
18 section:

19 “(c) APPLICATION TO CONGRESS.—

20 “(1) CONTRACTS.—This Act shall apply to the
21 House of Representatives and to contracts entered
22 into by the House of Representatives, and to the
23 Senate and to contracts entered into by the Senate,
24 in the same manner and to the same extent as this

1 Act applies to an executive agency and to contracts
2 entered into by an executive agency.

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

5 “(A) the Chief Administrative Officer of
6 the House of Representatives shall be consid-
7 ered the head of the House of Representatives;
8 and

9 “(B) the Secretary of the Senate shall be
10 considered the head of the Senate.”.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—Such Act
12 is further amended by adding at the end the following new
13 section:

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

15 “There is authorized to be appropriated \$10,000,000
16 each fiscal year to the Secretary of Agriculture to enforce
17 this Act.”.

18 **SEC. 303. FOOD AND AGRICULTURE SERVICE LEARNING**
19 **PROGRAM.**

20 (a) PURPOSES AND PRIORITIES.—Section 413 of the
21 Agricultural Research, Extension, and Education Reform
22 Act of 1998 (7 U.S.C. 7633) is amended—

23 (1) in subsection (a), by striking “and improve
24 the nutritional health of children” and inserting “,
25 improve the nutritional health of children, and raise

1 public awareness about wasted food and the use of
2 food recovery efforts to reduce the quantity of wast-
3 ed food”;

4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (4) and
6 (5) as paragraphs (5) and (6), respectively; and

7 (B) by inserting after paragraph (3) the
8 following new paragraph:

9 “(4) to raise public awareness about the con-
10 sequences of wasted food and to encourage the im-
11 plementation of food recovery initiatives to reduce
12 the quantity of wasted food;” and

13 (3) in subsection (c)(2)(C), by striking “and
14 where food comes from” and inserting “, where food
15 comes from, the consequences of food waste, and
16 food recovery initiatives”.

17 (b) FUNDING.—Section 413 of the Agricultural Re-
18 search, Extension, and Education Reform Act of 1998 (7
19 U.S.C. 7633) is amended—

20 (1) in subsection (a), by striking “Subject to
21 the availability of appropriations under subsection
22 (e), the Secretary” and inserting “The Secretary”;
23 and

24 (2) in subsection (e), by striking paragraph (1)
25 and inserting the following new paragraph:

1 “(1) SOURCE OF FUNDS.—Using funds of the
2 Commodity Credit Corporation, the Secretary shall
3 make available \$5,000,000 for fiscal year 2016 and
4 for each fiscal year thereafter to carry out the Pro-
5 gram. Such amounts shall remain available until ex-
6 pended.”.

7 **SEC. 304. FARM TO SCHOOL GRANT PROGRAM TO IMPROVE**
8 **ACCESS TO LOCAL FOODS IN SCHOOLS AND**
9 **REDUCE FOOD WASTE.**

10 (a) PURPOSE OF GRANT PROGRAM.—Section
11 18(g)(3)(A)(v) of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1769(g)(3)(A)(v)) is amended by
13 inserting before the semicolon the following: “and reduc-
14 ing food waste at both the school and farm level”.

15 (b) FUNDING.—Section 18(g)(8)(A) of the Richard
16 B. Russell National School Lunch Act (42 U.S.C.
17 1769(g)(8)(A))—

18 (1) by striking “On October 1, 2012, and each
19 October 1 thereafter, out” and inserting “Out”; and

20 (2) by striking “\$5,000,000, to remain available
21 until expended.” and inserting “\$5,000,000 on Octo-
22 ber 1, 2012, and each October 1 thereafter through
23 October 1, 2015, and \$6,000,000 on October 1,
24 2016, and each October 1 thereafter. Amounts made

1 available under this subparagraph shall remain
2 available until expended.”

3 (c) SET-ASIDE FOR FOOD WASTE REDUCTION
4 GRANTS.—Section 18(g)(3) of the Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C. 1769(g)(3)) is amend-
6 ed by adding at the end the following new subparagraph:

7 “(D) SET-ASIDE FOR FOOD WASTE REDUC-
8 TION GRANTS.—Of the funds made available for
9 a fiscal year for grants under this subsection,
10 the Secretary shall reserve at least \$1,000,000
11 for grants to implement farm to school pro-
12 grams designed to both facilitate a school’s use
13 of food from farms that would otherwise go to
14 waste and projects that provide farms with
15 compostable materials from schools, including
16 food scraps, and compostable lunch trays and
17 utensils.”.

18 **SEC. 305. MODIFICATION OF NATIONAL SCHOOL LUNCH**
19 **PROGRAM PROCUREMENT REQUIREMENTS**
20 **TO ENCOURAGE PURCHASE OF LOWER-**
21 **PRICE, NON-STANDARD SIZE OR SHAPE**
22 **PRODUCE.**

23 Section 9(a)(4)(C) of the Richard B. Russell National
24 School Lunch Act (7 U.S.C. 2011 et seq.(a)(4)(C)) is

1 amended by striking clause (ii) and inserting the following
2 new clause (ii):

3 “(ii) in the product specifications and
4 practices required by clause (i), encourage
5 State departments of agriculture and edu-
6 cation, school food authorities, local edu-
7 cational agencies, and local processing enti-
8 ties to purchase lower-price, non-standard
9 size or shape produce to be used in school
10 nutrition programs under this Act and the
11 Child Nutrition Act of 1966 (42 U.S.C.
12 1771 et seq.); and”.

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

15 **SEC. 401. FOOD DATE LABELING.**

16 (a) MISBRANDING.—Section 403 of the Federal
17 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-
18 ed by adding at the end the following:

19 “(z) If it is food whose date labeling is in violation
20 of section 424.”.

21 (b) REQUIREMENTS.—Chapter IV of the Federal
22 Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.)
23 is amended by adding at the end the following:

1 **“SEC. 424. DATE LABELING.**

2 “(a) IN GENERAL.—If the labeling of food includes
3 a date by which the food is recommended to be sold or
4 consumed, such date—

5 “(1) shall be immediately preceded by the
6 words ‘Best if Used By’;

7 “(2) shall be immediately followed by the state-
8 ment ‘Manufacturer’s Suggestion Only’ in the same
9 size, font, and color as such date; and

10 “(3) shall not be characterized as a sell-by, use-
11 by, best-by, quality best-by, expires on, or other
12 similar date.

13 “(b) HIGH-RISK FOODS.—

14 “(1) DEFINITION.—In this subsection, the term
15 ‘high-risk food’ means food for which a listing pur-
16 suant to paragraph (3) is in effect.

17 “(2) LABELING.—If the labeling of any high-
18 risk food includes a date by which the food is rec-
19 ommended to be sold or consumed, such date—

20 “(A) shall be immediately preceded by the
21 words ‘Expires on’;

22 “(B) shall be immediately followed by the
23 statement ‘Manufacturer’s Suggestion Only’ in
24 the same size, font, and color as such date; and

1 “(C) shall not be characterized as a sell-by,
2 use-by, best-by, quality best-by, freshest by, or
3 other similar date.

4 “(3) LIST.—The Secretary shall—

5 “(A) not later than 180 days after the date
6 of the enactment of this section, publish a list
7 of foods that—

8 “(i) are sold ready-to-eat; and

9 “(ii) have a high risk of microbial con-
10 tamination if not consumed by a certain
11 date; and

12 “(B) periodically review and, as appro-
13 priate, update such list.

14 “(c) EXCEPTION.—This section does not apply with
15 respect to infant formula subject to section 412.”.

16 (c) APPLICABILITY.—The requirements of sections
17 403(z) and 424 of the Federal Food, Drug, and Cosmetic
18 Act, as added by this section, apply beginning on the date
19 that is 1 year after the date of enactment of this Act,
20 except that subsection (b)(3) of such section 424 is not
21 subject to such delay in applicability.

1 **SEC. 402. SUPPORT FOR NATIONAL MEDIA CAMPAIGNS TO**
2 **DECREASE THE INCIDENCE OF FOOD WASTE.**

3 (a) IN GENERAL.—The Secretary of Agriculture shall
4 support national media campaigns to decrease the inci-
5 dence of food waste.

6 (b) MANDATORY FUNDING.—The Secretary of Agri-
7 culture shall use \$8,000,000 of funds of the Commodity
8 Credit Corporation to carry out this section for fiscal year
9 2017. Such funds shall remain available until expended.

10 **SEC. 403. INCREASE IN RESOURCES FOR COMMUNITY FA-**
11 **CILITIES LOANS DIRECTED AT COMPOSTING**
12 **AND WASTE-TO-ENERGY OPERATIONS.**

13 Section 306(a)(1) of the Consolidated Farm and
14 Rural Development Act (7 U.S.C. 926(a)(1)) is amended
15 by inserting after the 1st sentence the following: “5 per-
16 cent of the amounts made available for each fiscal year
17 for loans for essential community facilities under the pre-
18 ceding sentence shall be reserved for loans, in accordance
19 with section 306(e)(2), for municipal or county
20 composting and anaerobic digestion food waste-to-energy
21 projects.”.

1 **SEC. 404. EXPANSION OF RURAL UTILITIES SERVICE**
2 **WATER AND WASTE DISPOSAL PROGRAM TO**
3 **PROVIDE LOANS AND GRANTS FOR RURAL**
4 **COMMUNITIES TO ADAPT WASTE DISPOSAL**
5 **FACILITIES TO INCORPORATE FOOD WASTE-**
6 **TO-ENERGY OPERATIONS.**

7 Section 306 of the Consolidated Farm and Rural De-
8 velopment Act (7 U.S.C. 1926) is amended by adding at
9 the end the following:

10 “(e) WATER OR WASTE DISPOSAL LOANS AND
11 GRANTS FOR PROJECTS TO INCORPORATE FOOD WASTE-
12 TO-ENERGY OPERATIONS IN WASTE DISPOSAL FACILI-
13 TIES.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law, beginning in fiscal year 2016, in
16 addition to any other amounts available for water or
17 waste disposal loans and grants under paragraphs
18 (1) and (2) of subsection (a), \$50,000,000 of the
19 funds of the Commodity Credit Corporation for each
20 fiscal year shall be available for the loans and
21 grants, of which the Secretary shall use—

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

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

5 “(2) REQUIREMENTS.—

6 “(A) IN GENERAL.—A loan or grant is
7 made in accordance with this paragraph if, be-
8 fore making the loan or grant, the Secretary
9 has obtained from the recipient—

10 “(i) a written agreement entered into
11 between the recipient and a hunger-serving
12 organization providing for the recipient
13 and the organization to work together to
14 ensure that apparently wholesome food (as
15 defined in section 170(e)(3)(C)(iii) of the
16 Internal Revenue Code of 1986) provided
17 to the recipient is redistributed to the or-
18 ganization for provision to people in need
19 of food; and

20 “(ii) a written end-product recycling
21 plan, which shall provide for the disposal
22 of the material resulting from any food-to-
23 waste operation with respect to which the
24 loan or grant is made, in accordance with
25 guidelines which the Administrator of the

1 Environmental Protection Agency shall es-
 2 tablish, that ensures that the disposal does
 3 not create an environmental hazard.

4 “(B) HUNGER-SERVING ORGANIZATION
 5 DEFINED.—In subparagraph (A), the term
 6 ‘hunger-serving organization’ means—

7 “(i) a food bank (as defined in section
 8 201A(5) of the Emergency Food Assist-
 9 ance Act of 1983);

10 “(ii) a food pantry (as defined in sec-
 11 tion 201A(6) of such Act); or

12 “(iii) a soup kitchen (as defined in
 13 section 201A(8) of such Act).

14 “(3) AVAILABILITY.—Funds made available
 15 under paragraph (1) shall remain available until ex-
 16 pended.”.

17 **SEC. 405. GRANTS FOR COMPOSTING AND FOOD WASTE-TO-**
 18 **ENERGY PROJECTS.**

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

22 **“SEC. 7011. GRANTS FOR COMPOSTING AND FOOD WASTE-**
 23 **TO-ENERGY PROJECTS.**

24 “(a) GRANTS.—The Administrator shall establish a
 25 grant program to award grants to eligible States to con-

1 struct large-scale composting or food waste-to-energy an-
2 aerobic digestion projects.

3 “(b) ELIGIBLE STATES.—In order to be eligible to
4 receive a grant under this section, a State shall—

5 “(1) limit the amount of food waste that may
6 be disposed of in landfills in the State;

7 “(2) enter into a written agreement with a hun-
8 ger-serving organization providing for the State and
9 the organization to work together to ensure that ap-
10 parently wholesome food (as defined in section
11 170(e)(3)(C)(iii) of the Internal Revenue Code of
12 1986) provided to the State for the project is redis-
13 tributed to the organization for provision to people
14 in need of food; and

15 “(3) have in place a written end-product recy-
16 cling plan, which shall provide for the disposal of the
17 material resulting from the project, in accordance
18 with guidelines which the Administrator of the Envi-
19 ronmental Protection Agency shall establish, that
20 ensures that the disposal does not create an environ-
21 mental hazard.

22 “(c) HUNGER-SERVING ORGANIZATION DEFINED.—
23 In subsection (b), the term ‘hunger-serving organization’
24 means—

1 “(1) a food bank (as defined in section 201A(5)
2 of the Emergency Food Assistance Act of 1983);

3 “(2) a food pantry (as defined in section
4 201A(6) of such Act); or

5 “(3) a soup kitchen (as defined in section
6 201A(8) of such Act).

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$100,000,000 for each fiscal year.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 for such Act is amended by inserting after the item relat-
12 ing to section 7010 the following new item:

“Sec. 7011. Grants for composting and food waste-to-energy projects.”.

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