

118TH CONGRESS
2D SESSION

S. 3982

To amend the Agricultural Marketing Act of 1946 to establish the Expanding Access to Local Foods Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2024

Mr. REED (for himself, Mr. BROWN, Mr. BOOKER, Mr. WYDEN, Ms. BUTLER, Mr. WHITEHOUSE, Mr. KING, Mr. BLUMENTHAL, Ms. SMITH, Mrs. SHAHEEN, Ms. WARREN, Mr. FETTERMAN, and Mr. WELCH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Marketing Act of 1946 to establish the Expanding Access to Local Foods Program, 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 “Expanding Access To
5 Local Foods Act of 2024” or the “EAT Local Foods Act
6 of 2024”.

1 **SEC. 2. EXPANDING ACCESS TO LOCAL FOODS PROGRAM.**

2 Subtitle A of the Agricultural Marketing Act of 1946
3 (7 U.S.C. 1621 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 210B. EXPANDING ACCESS TO LOCAL FOODS PRO-**
6 **GRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) COLLABORATOR.—The term ‘collaborator’,
9 with respect to a project carried out using funding
10 provided under this section, means an individual or
11 entity (including private, for-profit, and nonprofit
12 entities) that—

13 “(A) is unaffiliated with the eligible unit of
14 government carrying out the project;

15 “(B) cooperates with respect to—

16 “(i) the application relating to the
17 project under subsection (d); and

18 “(ii) the conduct of the project; and

19 “(C) is not immediately connected to the
20 management of the project.

21 “(2) ELIGIBLE UNIT OF GOVERNMENT.—The
22 term ‘eligible unit of government’ means—

23 “(A) a State agency, commission, or de-
24 partment that is responsible for agriculture,
25 procurement, food distribution, emergency re-

1 sponse, or other similar activities within the
2 State;

3 “(B) the District of Columbia;

4 “(C) the Commonwealth of Puerto Rico;

5 “(D) the United States Virgin Islands;

6 “(E) Guam; and

7 “(F) a Tribal government.

8 “(3) PARTNERSHIP.—The term ‘partnership’
9 means a relationship involving close cooperation be-
10 tween or among individuals and entities (including
11 private, for-profit, and nonprofit entities) with speci-
12 fied, joint rights and responsibilities in the manage-
13 ment of a project carried out using funding provided
14 under this section.

15 “(4) PROGRAM.—The term ‘Program’ means
16 the Expanding Access To Local Foods Program es-
17 tablished under subsection (b).

18 “(5) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of Agriculture.

20 “(b) ESTABLISHMENT.—To maintain and improve
21 food and agricultural supply chain resiliency and expand
22 economic opportunities for small and underserved pro-
23 ducers while promoting food security, the Secretary shall
24 establish a program, to be known as the ‘Expanding Ac-
25 cess To Local Foods Program’, under which the Secretary

1 shall enter into cooperative agreements with eligible units
2 of government for the purposes of—

3 “(1) purchasing food, including seafood, meat,
4 and poultry, from local, regional, and underserved
5 producers; and

6 “(2) distributing that food within the geo-
7 graphic boundaries of the eligible unit of govern-
8 ment.

9 “(c) NONCOMPETITIVE ALLOCATION.—The Secretary
10 shall—

11 “(1) enter into cooperative agreements with,
12 and provide funding to, eligible units of government
13 under the Program on a noncompetitive basis;

14 “(2) of the amounts appropriated to carry out
15 the Program for each fiscal year—

16 “(A) allocate 10 percent to Tribal govern-
17 ments, to be allocated using a funding formula
18 determined by the Secretary;

19 “(B) of the amounts remaining after mak-
20 ing the allocation under subparagraph (A), allo-
21 cate 1 percent to each State; and

22 “(C) after making the allocations under
23 subparagraphs (A) and (B), allocate the re-
24 maining amounts to each eligible unit of gov-
25 ernment (excluding Tribal governments) by ap-

1 plying the formula described in section 214 of
2 Public Law 98–8 (7 U.S.C. 7515); and

3 “(3) in the case of an eligible unit of govern-
4 ment that has not submitted to the Secretary, by the
5 date that is 1 year after the date on which amounts
6 are allocated to the eligible unit of government
7 under paragraph (2), an application under sub-
8 section (d) for spending those amounts, redistribute
9 those amounts to 1 or more other eligible units of
10 government with the capacity to spend those
11 amounts.

12 “(d) APPLICATIONS.—

13 “(1) IN GENERAL.—To be eligible to receive
14 funding under this section, an eligible unit of gov-
15 ernment shall submit to the Secretary an applica-
16 tion, at such time, in such manner, and containing
17 such information as the Secretary shall require, by
18 regulation, including—

19 “(A) a plan that—

20 “(i) identifies—

21 “(I) the lead agency responsible
22 for carrying out the plan; and

23 “(II) community partners that
24 will contribute to the implementation
25 of the plan;

1 “(ii) describes the means by which the
2 funds will be used—

3 “(I) to grow a local food system;
4 and

5 “(II) to promote food security;
6 and

7 “(iii) meets the requirements of sub-
8 section (e); and

9 “(B) an assurance that—

10 “(i) the eligible unit of government
11 will comply with the requirements of the
12 plan; and

13 “(ii) the funds will supplement, not
14 supplant, funds provided by the eligible
15 unit of government in support of local food
16 or hunger relief systems.

17 “(2) REVIEW.—The Secretary—

18 “(A) shall review each application sub-
19 mitted under paragraph (1) to ensure that the
20 plan included in the application will carry out
21 the purposes of the Program described in sub-
22 section (b); and

23 “(B) may accept or reject each application,
24 as the Secretary determines to be appropriate.

25 “(e) REQUIREMENTS.—

1 “(1) IN GENERAL.—Under a cooperative agree-
2 ment entered into under the Program, an eligible
3 unit of government shall—

4 “(A) only purchase food—

5 “(i) from fishermen, farmers, pro-
6 ducers, and processors that are—

7 “(I) within the geographic bound-
8 aries of the eligible unit of govern-
9 ment in which the food will be deliv-
10 ered; or

11 “(II) not more than 400 miles
12 from the delivery destination of the
13 food; or

14 “(ii) through a subawardee described
15 in subsection (f)(1) that purchases food to
16 fulfill the subaward only from fishermen,
17 farmers, producers, and processors that
18 are—

19 “(I) within the geographic bound-
20 aries of the eligible unit of govern-
21 ment in which the food will be deliv-
22 ered; or

23 “(II) not more than 400 miles
24 from the delivery destination of the
25 food;

1 “(B) ensure that not less than 51 percent
2 of the total annual value of products purchased
3 by the eligible unit of government and any sub-
4 awardees comprises purchases from small, be-
5 ginning, or underserved farmers, ranchers, and
6 fishers, as defined by the Secretary;

7 “(C) give priority to distributing food to
8 underserved communities, as determined by the
9 Secretary;

10 “(D) expend funding not later than 3
11 years after the date on which the funding is
12 provided to the eligible unit of government; and

13 “(E) subject to paragraph (2), use not
14 more than 25 percent of the amount allocated
15 to the eligible unit of government for Program
16 administration and technical assistance, which
17 may include support for—

18 “(i) participating producers;

19 “(ii) efforts to grow the local agricul-
20 tural value chain; and

21 “(iii) small, beginning, veteran, and
22 underserved farmers, as determined by the
23 Secretary, in obtaining food safety training
24 and certifications.

1 “(2) ADMINISTRATION AND TECHNICAL ASSIST-
2 ANCE.—Of the amount used for Program adminis-
3 tration and technical assistance under paragraph
4 (1)(E), an eligible unit of government shall allocate
5 not less than 50 percent for technical assistance.

6 “(f) SUBCONTRACTS AND SUBAWARDS.—To effec-
7 tuate the purposes of the Program, as described in sub-
8 section (b), an eligible unit of government—

9 “(1) may enter into subcontracts and provide
10 subawards to support partnerships and collabo-
11 rators, subject to subsection (e)(1)(E); and

12 “(2) on entering into a subcontract or
13 subaward pursuant to paragraph (1), shall—

14 “(A) structure the subcontract or
15 subaward to be inclusive of all costs associated
16 with implementing the Program purposes, in-
17 cluding the costs of—

18 “(i) food products;

19 “(ii) aggregation and distribution;

20 “(iii) equipment or infrastructure up-
21 grades to support food safety compliance;

22 and

23 “(iv) personnel; and

1 “(B) require members of a partnership and
2 collaborators to demonstrate evidence of exist-
3 ing community or industry engagement.

4 “(g) AVAILABILITY OF FUNDS.—To effectuate the
5 purposes of the Program and ensure that the producers
6 described in subsection (e)(1)(B) can meaningfully partici-
7 pate in the Program, the Secretary shall provide—

8 “(1) not less than 50 percent of the funding
9 awarded to an eligible unit of government in advance
10 of the distribution of food under the agreement en-
11 tered into under the Program; and

12 “(2) the remaining funding awarded to the eli-
13 gible unit of government not later than the midpoint
14 of the period of performance established in that
15 agreement.

16 “(h) FOOD SAFETY TRAINING AND CERTIFI-
17 CATION.—

18 “(1) IN GENERAL.—The Secretary may require
19 food purchased under a cooperative agreement en-
20 tered into under the Program to be purchased from
21 a farm that has undergone food safety training, or
22 received a relevant food safety certification, with re-
23 spect to production, packaging, handling, and stor-
24 age to minimize risks of food safety hazards.

1 “(2) TRAINING, PLANS, AND CERTIFI-
2 CATIONS.—If the Secretary imposes the requirement
3 described in paragraph (1)—

4 “(A)(i) compliance with the requirement
5 may be demonstrated by—

6 “(I) a receipt of food safety training,
7 including Good Agricultural Practices
8 training, or an equivalent food safety cur-
9 riculum; or

10 “(II) a relevant food safety certifi-
11 cation; but

12 “(ii) the Secretary shall not require such
13 compliance to be demonstrated by a Federal
14 certification; and

15 “(B) each eligible unit of government shall
16 provide technical assistance in obtaining the re-
17 quired food safety training or certification, in
18 accordance with subsection (e)(1)(E).

19 “(i) REPORTS.—An eligible unit of government that
20 enters into a cooperative agreement under the Program
21 shall submit to the Secretary, at such times as the Sec-
22 retary determines to be appropriate, reports that shall in-
23 clude data relating to the procurement and distribution
24 of food under the cooperative agreement.

25 “(j) FUNDING.—

1 “(1) MANDATORY FUNDING.—Of the funds of
2 the Commodity Credit Corporation, the Secretary
3 shall use to carry out this section \$200,000,000 for
4 fiscal year 2024 and each fiscal year thereafter.

5 “(2) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to other funds and authorities available to
7 the Secretary, in order to carry out activities under
8 this section, there is authorized to be appropriated
9 \$200,000,000 for each of fiscal years 2024 through
10 2028, to remain available until expended by the Sec-
11 retary.”.

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