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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To direct the Secretary of Agriculture to enter into contracts to provide individuals dealing with food and nutrition insecurity family-friendly fresh produce, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. DELAURO introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To direct the Secretary of Agriculture to enter into contracts to provide individuals dealing with food and nutrition insecurity family-friendly fresh produce, 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 “Fresh Produce Pro-  
5 curement Reform Act of 2021”.

1 **SEC. 2. CONTRACTS FOR FRESH PRODUCE.**

2 (a) IN GENERAL; PURPOSES.—Not later than 90  
3 days after the date of the enactment of this Act, the Sec-  
4 retary, acting through the Administrator of the Agricul-  
5 tural Marketing Service and in consultation with the Ad-  
6 ministrator of Food and Nutrition Service, shall establish  
7 a program (in this section referred to as the “Program”)  
8 under which the Secretary shall enter into contracts with  
9 eligible entities to procure fresh produce for distribution  
10 to qualifying nonprofits that serve individuals at risk of  
11 food and nutrition insecurity. The Program shall aim to—

12 (1) increase access to a wide variety of fresh  
13 fruits and vegetables to low-income households;

14 (2) directly connect fruit and vegetable pro-  
15 ducers and distributors to nonprofit emergency feed-  
16 ing entities;

17 (3) increase the Federal Government’s procure-  
18 ment of fresh fruits and vegetables;

19 (4) strengthen the local and regional food sup-  
20 ply chain;

21 (5) reduce on-farm food loss; and

22 (6) model nimbleness and responsiveness in and  
23 out of emergency situations.

24 (b) SELECTION CRITERIA.—In determining whether  
25 to award contractors, the Secretary of Agriculture should  
26 consider whether the eligible entity—

1           (1) has previous experience distributing fresh  
2 produce through the Department of Agriculture;

3           (2) has demonstrated experience in fresh  
4 produce supply chain distribution;

5           (3) holds qualifications including, PACA li-  
6 cense, food safety certifications, and any other re-  
7 quirements as determined by Secretary;

8           (4) operates a facility or facilities in or adjacent  
9 to the State where the produce will be distributed;

10          (5) sources from small and medium sized grow-  
11 ers and local and regional produce as geographically  
12 and seasonally feasible; and

13          (6) offers the government a price determined to  
14 be the overall best value without limiting evaluation  
15 factors to lowest price or highest technical rating.

16          (c) PRIORITY.—In entering into contracts under the  
17 Program, the Secretary shall give priority to the following:

18           (1) Socially-disadvantaged eligible entities, in-  
19 cluding women-owned and veteran-owned.

20           (2) Eligible entities that are, or source from,  
21 beginning farmers, or small or mid-sized farms that  
22 are structured as family farms, as defined in sub-  
23 section (g).

1           (3) Eligible entities that can deliver to areas in  
2           most need of fresh produce, as determined by the  
3           Secretary.

4           (4) Eligible entities that can demonstrate a  
5           commitment to serving local communities through  
6           strong relationships with qualifying nonprofits, pub-  
7           lic agencies, and Tribal governments, as determined  
8           by Secretary.

9           (d) CONTRACT TERMS AND PRODUCE MAKEUP.—  
10          The Secretary shall ensure the following when admin-  
11          istering contracts:

12           (1) The period of performance under the con-  
13          tract shall be—

14                   (A) at least 90 days; and

15                   (B) not more than 120 days.

16           (2) Eligible entity is located in the State or lo-  
17          cality in which produce is provided, or has dem-  
18          onstrated experience distributing to the service area.

19           (3) Award multiple contracts within each of  
20          United States Department of Agriculture's Food  
21          and Nutrition Services regions to provide opportuni-  
22          ties for a broad range of producers and entities.

23           (4) The makeup of the produce includes:

24                   (A) Only fresh fruits and vegetables grown  
25          in the United States.

1 (B) Locally grown fruits and vegetables  
2 where geographically and seasonally possible, as  
3 determined by the Secretary.

4 (C) No fewer than seven varieties of fresh  
5 fruits and vegetables.

6 (D) Offer a variety of both fruits and vege-  
7 tables consistent with the most recent Dietary  
8 Guidelines for Americans published under sec-  
9 tion 301 of the National Nutrition Monitoring  
10 and Related Research Act of 1990.

11 (E) Include culturally competent commod-  
12 ities, as determined by Secretary in consultation  
13 with the distributing agency.

14 (5) Price paid by the government is inclusive of  
15 all transportation and distribution costs associated  
16 with delivering to the final destination of eligible  
17 nonprofit distributing partner.

18 (e) PROGRAM ADMINISTRATION.—

19 (1) QUALIFYING NONPROFITS.—The Secretary  
20 shall establish a process for which to identify quali-  
21 fying nonprofit entities that may participate in the  
22 program and conduct outreach to ensure that eligi-  
23 ble nonprofits are made aware of the Program.

24 (2) EQUITY AND GEOGRAPHIC REACH.—In car-  
25 rying out the program each fiscal year, the Secretary

1 shall enter into contracts with eligible entities in a  
2 manner that ensures the total value of contracts en-  
3 tered into in each State, territory, or Tribal entity,  
4 is proportionate to the number of households and in-  
5 dividuals living in poverty within the State, territory,  
6 or Tribal entity, as determined by the Secretary.

7 (A) VULNERABLE AREAS.—The Secretary  
8 shall establish a process—

9 (i) to determine the areas most in  
10 need of produce provision under the Pro-  
11 gram, including rural areas, the territories  
12 and possessions of the United States, and  
13 areas under the jurisdiction of a Tribal  
14 government; and

15 (ii) to ensure such areas are served by  
16 the Program.

17 (B) TECHNICAL ASSISTANCE.—The Sec-  
18 retary shall provide technical assistance to eligi-  
19 ble entities participating in the Program with  
20 respect to—

21 (i) the contact terms and expectations  
22 applicable to covered entities under the  
23 Program;

1 (ii) best practices for the distribution  
2 of the produce and expectations of dis-  
3 tribution; and

4 (iii) food safety certification.

5 (C) FINANCIAL ASSISTANCE.—the Sec-  
6 retary shall provide information to assist small,  
7 beginning, veteran, and socially disadvantaged  
8 farmers in obtaining food safety certifications  
9 and covering the associated costs of necessary  
10 changes and upgrades to practices and equip-  
11 ment to improve food safety.

12 (f) REPORTING.—

13 (1) Not later than one year after the date of  
14 enactment of this Act, the Secretary shall provide to  
15 Congress a report on activities carried out under the  
16 Program, including counties and percentage of coun-  
17 ties served, number of produce packages provided,  
18 quantity and variety of fresh produce distributed,  
19 number of farms sourced from, including size of  
20 farms, and percentage of produce procured locally  
21 and regionally and other data as determined by the  
22 Secretary.

23 (2) Not later than 1 year after the enactment  
24 of this Act, the Comptroller General of the United  
25 States shall submit to the Committee of Agriculture

1 of the House of Representatives a report that evalu-  
2 ates the Program’s effectiveness at meeting the  
3 goals as stated in subsection (a).

4 (g) DEFINITIONS.—In this section:

5 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
6 ty” means any of the following small businesses, as  
7 defined by the Small Business Administration:

8 (A) Grower, packer, distributor, or food-  
9 hub.

10 (B) A nonprofit organization.

11 (C) A cooperative.

12 (2) QUALIFYING NONPROFIT.—The term  
13 “qualifying nonprofit” means all of the following:

14 (A) A nonprofit food bank, soup kitchen,  
15 school, child or senior care center, youth serving  
16 community based organization, Tribal organiza-  
17 tion, or public agency participating in an exist-  
18 ing United States Department of Agriculture  
19 nutrition program including, but not limited to,  
20 National School Lunch Program, Summer Food  
21 Service Program, Child and Adult Care Food  
22 Program, Food Distribution Program on Indian  
23 Reservations, Commodity Supplemental Food  
24 Program, or Emergency Food Assistance Pro-  
25 gram.



1           (B) A food bank or other nonprofit that  
2           does not meet criteria under subsection (a) but  
3           has demonstrated experience in serving needs of  
4           vulnerable populations facing food and nutrition  
5           insecurity and can demonstrate necessary food  
6           safety understanding and other requirements as  
7           determined by the Secretary.

8           (3) SECRETARY.—The term “Secretary” means  
9           the Secretary of Agriculture acting through the Ad-  
10          ministrators of the Agricultural Marketing Service of  
11          the Department of Agriculture.

12          (4) STATE.—The term “State” means all  
13          States within the United States of America, the Dis-  
14          trict of Columbia, territories and possessions, and  
15          Tribal governments.

16          (5) BEGINNING FARMER.—The term “begin-  
17          ning farmer” has the meaning given the term in sec-  
18          tion 343(a) of the Consolidated Farm and Rural De-  
19          velopment Act (7 U.S.C. 1991(a)).

20          (6) SOCIALLY DISADVANTAGED APPLICANT OR  
21          FARMER.—The term “socially disadvantaged appli-  
22          cant or farmer”; has the meaning given the term in  
23          section 761.2 of title 7, Code of Federal Regula-  
24          tions.

1           (7) VETERAN FARMER.—The term “veteran  
2 farmer” has the meaning given the term in section  
3 2501(e) of the Food, Agriculture, Conservation and  
4 Trade Act of 1990 (7 U.S.C. 2279(e)).

5           (8) FAMILY FARM.—The term “family farm”  
6 has the meaning given the term in section 231(a) of  
7 the Agricultural Risk Protection Act of 2000 (7  
8 U.S.C. 1632(a)).