

118TH CONGRESS
1ST SESSION

S. 1205

To modify market development programs under the Department of
Agriculture, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2023

Mr. BROWN (for himself, Ms. SMITH, Mr. WELCH, and Mr. FETTERMAN) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on Agriculture, Nutrition, and Forestry

A BILL

To modify market development programs under the
Department of Agriculture, 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 “Local Farms and Food
5 Act of 2023”.

6 **SEC. 2. LOCAL AGRICULTURE MARKET PROGRAM REFORM.**

7 Section 210A of the Agricultural Marketing Act of
8 1946 (7 U.S.C. 1627c) is amended—

9 (1) in subsection (a)—

1 (A) by redesignating paragraphs (5)
 2 through (13) as paragraphs (6) through (14),
 3 respectively; and

4 (B) by inserting after paragraph (4) the
 5 following:

6 “(5) FOOD HUB.—The term ‘food hub’ means
 7 a business or organization that actively manages the
 8 aggregation, distribution, and marketing of source-
 9 identified food products to multiple buyers from
 10 multiple producers, who are primarily local and re-
 11 gional producers, to strengthen the ability of those
 12 producers to satisfy local and regional wholesale, re-
 13 tail, and institutional demands.”;

14 (2) in subsection (b)(4), by inserting “, regional
 15 food chain coordination,” after “collaboration”;

16 (3) in subsection (c)(4), by striking “stake-
 17 holders.” and inserting “stakeholders, including eli-
 18 gible entities described in subsection (d)(6)(B) that
 19 receive a grant by submitting an application under
 20 subsection (d)(6)(D) through a competitive coopera-
 21 tive agreement with a nongovernmental organization,
 22 before and after providing grants under the Pro-
 23 gram.”;

24 (4) in subsection (d)—

(A) in paragraph (1), by striking “2019 through 2023” and inserting “2024 through 2028”;

(B) in paragraph (2)—

(i) in subparagraph (I), by striking “or” at the end;

(ii) in subparagraph (J)(ii), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(K) to support the purchase of general purpose equipment; or

“(L) to support the logistics required for the redemption of Federal nutrition benefits at direct producer-to-consumer markets.”;

(C) in paragraph (5)(E)—

(i) by striking “An eligible entity” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), an eligible entity”; and

(ii) by adding at the end the following:

“(ii) EXCEPTION.—

1 “(I) IN GENERAL.—An eligible
2 entity described in subparagraph (B)
3 that has an adjusted gross income of
4 not more than \$250,000 averaged
5 over the previous 3 years shall con-
6 tribute an amount of non-Federal
7 funds in the form of cash or an in-
8 kind contribution that is equal to 25
9 percent of the amount of Federal
10 funds received.

11 “(II) LIMITATION.—The amount
12 of Federal funds received under a
13 grant by an eligible entity that pro-
14 vides a reduced non-Federal contribu-
15 tion in accordance with subclause (I)
16 may not exceed \$200,000.

17 “(III) REQUIRED DOCUMENTA-
18 TION.—The Secretary shall consider a
19 letter from an accountant stating that
20 the adjusted gross income of an eligi-
21 ble entity described in subparagraph
22 (B) is not more than \$250,000 aver-
23 aged over the previous 3 years, based
24 on the line on Internal Revenue Serv-
25 ice form 1040 that describes adjusted

- 1 gross income, sufficient to dem-
2 onstrate eligibility for a reduced non-
3 Federal contribution under subclause
4 (I).”; and
5 (D) in paragraph (6)—
6 (i) in subparagraph (B)—
7 (I) by redesignating clauses (vii)
8 and (viii) as clauses (viii) and (ix), re-
9 spectively; and
10 (II) by inserting after clause (vi)
11 the following:
12 “(vii) a food hub;”;
13 (ii) in subparagraph (C)—
14 (I) in the matter preceding clause
15 (i), by inserting “, outreach, and tech-
16 nical assistance” after “applications”;
17 (II) in clause (i)—
18 (aa) by inserting “would”
19 before “benefit”; and
20 (bb) by striking “or” at the
21 end;
22 (III) by redesignating clause (ii)
23 as clause (iii);
24 (IV) by inserting after clause (i)
25 the following:

“(ii) would provide greater geographic balance relative to the benefits of the Program; or”; and

(V) in clause (iii) (as so redesignated), by striking “are used” and inserting “would be used”;

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(iv) by inserting after subparagraph (C) the following:

“(D) SIMPLIFIED APPLICATIONS.—

“(i) IN GENERAL.—The Secretary shall establish a simplified ‘turnkey’ application form for eligible entities described in subparagraph (B) that—

“(I) request less than \$100,000;

and

“(II) chose from the project categories described in clause (ii), which shall include a specific, limited set of key activities with predefined requirements established by the Secretary.

“(ii) PROJECT CATEGORIES.—

1 “(I) DIRECT-TO-CONSUMER
 2 PROJECTS.—In the case of a direct-to-
 3 consumer project, an application form
 4 described in clause (i) shall be avail-
 5 able for the following categories of
 6 projects:

7 “(aa) An outreach and pro-
 8 motion project.

9 “(bb) A project to provide
 10 funding for farmers market man-
 11 ager staff time.

12 “(cc) A project to provide
 13 vendor training.

14 “(dd) A planning and design
 15 project.

16 “(ee) A data collection and
 17 evaluation project.

18 “(II) LOCAL AND REGIONAL
 19 FOOD MARKETS AND ENTERPRISE
 20 PROJECTS.—In the case of a local and
 21 regional food market and enterprise
 22 project, an application form described
 23 in clause (i) shall be available for the
 24 following categories of projects:

1 “(aa) A food hub feasibility
2 study project.

3 “(bb) A project to provide
4 funding for regional food chain
5 coordination staff time.

6 “(cc) A project to provide
7 technical assistance.

8 “(dd) A data collection and
9 evaluation project.

10 “(ee) A project to purchase
11 general purpose equipment.

12 “(iii) GENERAL PURPOSE EQUIPMENT
13 GRANTS.—In the case of a project de-
14 scribed in clause (ii)(II)(ee), the Secretary,
15 acting through the Administrator of the
16 Agricultural Marketing Service, in coordi-
17 nation with the Administrator of the Rural
18 Business-Cooperative Service, shall fulfill
19 the applicable documentation and moni-
20 toring requirements under sections
21 200.313 and 200.439 of title 2, Code of
22 Federal Regulations (as in effect on the
23 date of enactment of this clause).”; and

(v) in subparagraph (E) (as so redesignated), by striking clause (ii) and inserting the following:

“(ii) EXCEPTION.—An eligible entity described in subparagraph (B) may use—

“(I) not more than \$100,000 of the amount of a grant for an eligible activity described in subparagraph (J) or (K) of paragraph (2)—

“(aa) to purchase or upgrade equipment to improve food safety; or

“(bb) to purchase general purpose equipment; and

“(II) any amount of a grant to purchase general purpose equipment in accordance with subparagraph (D)(ii)(II)(ee).”;

(5) in subsection (e)(2)(A), by striking “2019” and all that follows through the period at the end and inserting the following: “2024 through 2028 to support partnerships—

“(i) to plan a local or regional food system;

1 “(ii) to implement a local or regional
2 food system plan;

3 “(iii) to develop and implement a re-
4 gional food chain coordination project; and

5 “(iv) to develop and implement a re-
6 gional outreach, technical assistance, and
7 evaluation project.”;

8 (6) in subsection (f)(1)—

9 (A) in subparagraph (A), by striking “sub-
10 section (d); or” and inserting “subsection
11 (d)(5);”

12 (B) by redesignating subparagraph (B) as
13 subparagraph (C); and

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) are eligible to submit an application
17 in accordance with subsection (d)(6)(D); or”;
18 and

19 (7) in subsection (i)—

20 (A) in paragraph (1), by striking
21 “\$50,000,000 for fiscal year 2019” and insert-
22 ing “\$75,000,000 for fiscal year 2024”;

23 (B) in paragraph (2), by striking
24 “\$20,000,000 for fiscal year 2019” and insert-
25 ing “\$30,000,000 for fiscal year 2024”; and

1 (C) in paragraph (3)(B)—

2 (i) by striking “Of the funds” and in-
3 serting the following:

4 “(i) IN GENERAL.—Of the funds”;
5 and

6 (ii) by adding at the end the fol-
7 lowing:

8 “(ii) SIMPLIFIED APPLICATIONS.—Of
9 the funds made available for grants under
10 subsection (d)(6) for a fiscal year, not less
11 than 25 percent, and not more than 50
12 percent, shall be used to provide grants to
13 eligible entities that submit an application
14 in accordance with subsection (d)(6)(D).”.

15 **SEC. 3. FUNDING FOR THE SENIORS FARMERS’ MARKET**
16 **NUTRITION PROGRAM.**

17 Section 4402(a) of the Farm Security and Rural In-
18 vestment Act of 2002 (7 U.S.C. 3007(a)) is amended by
19 striking “Of the funds” and all that follows through the
20 period at the end and inserting the following:

21 “(1) MANDATORY FUNDING.—Of the funds of
22 the Commodity Credit Corporation, the Secretary of
23 Agriculture shall use to carry out and expand the
24 seniors farmers’ market nutrition program

1 \$20,600,000 for each of fiscal years 2024 through
2 2028.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to carry out
5 this section \$10,000,000 for each of fiscal years
6 2024 through 2028.”.

7 **SEC. 4. FEDERAL SHARE FOR ACTIVITIES UNDER GUS**
8 **SCHUMACHER NUTRITION INCENTIVE PRO-**
9 **GRAM.**

10 Section 4405(b)(1)(C) of the Food, Conservation,
11 and Energy Act of 2008 (7 U.S.C. 7517(b)(1)(C)) is
12 amended by striking “50” and inserting “75”.

13 **SEC. 5. PANEL TO REVIEW PRODUCE PRESCRIPTION PRO-**
14 **GRAM APPLICATIONS.**

15 Section 4405(c)(3) of the Food, Conservation, and
16 Energy Act of 2008 (7 U.S.C. 7517(c)(3)) is amended by
17 adding at the end the following:

18 “(C) PANEL TO REVIEW APPLICATIONS.—

19 “(i) IN GENERAL.—The Secretary
20 shall establish a panel—

21 “(I) to review applications sub-
22 mitted to the Secretary pursuant to
23 this paragraph; and

1 “(II) to make recommendations
2 to the Secretary with respect to those
3 applications.

4 “(ii) MEMBERS.—The panel required
5 under clause (i) shall include—

6 “(I) at least 1 member with expe-
7 rience as a healthcare provider; and

8 “(II) at least 1 member with ex-
9 perience administering health plans.”.

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