

110TH CONGRESS
1ST SESSION

S. 1031

To amend the Farm Security and Rural Investment Act of 2002 to provide coordination and direction for commodity programs, and to ensure the distribution of fresh fruits and vegetables to schools and service institutions in the United States.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2007

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Farm Security and Rural Investment Act of 2002 to provide coordination and direction for commodity programs, and to ensure the distribution of fresh fruits and vegetables to schools and service institutions in the United States.

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 “School Food Fresh
5 Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COMMODITY PROGRAM.—The term “com-
2 modity program” means any of—

3 (A) the commodity supplemental food pro-
4 gram established under section 5 of the Agri-
5 culture and Consumer Protection Act of 1973
6 (7 U.S.C. 612c note; Public Law 93–86);

7 (B) the food distribution program on In-
8 dian reservations established under section 4(b)
9 of the Food Stamp Act of 1977 (7 U.S.C.
10 2013(b));

11 (C) the emergency food assistance program
12 established under the Emergency Food Assist-
13 ance Act of 1983 (7 U.S.C. 7501 et seq.) and
14 section 27 of the Food Stamp Act of 1977 (7
15 U.S.C. 2036);

16 (D) the school lunch program established
17 under the Richard B. Russell National School
18 Lunch Act (42 U.S.C. 1751 et seq.);

19 (E) the summer food service program for
20 children established under section 13 of that
21 Act (42 U.S.C. 1761);

22 (F) the child and adult care food program
23 established under section 17 of that Act (42
24 U.S.C. 1766); and

1 (G) the school breakfast program estab-
2 lished under section 4 of that Act (42 U.S.C.
3 1773).

4 (2) DEPARTMENT.—The term “Department”
5 means the Department of Agriculture.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of Agriculture.

8 (4) TASK FORCE.—The term “Task Force”
9 means the multiagency task force established under
10 section 3(a).

11 **SEC. 3. MULTIAGENCY TASK FORCE.**

12 (a) IN GENERAL.—The Secretary shall establish, in
13 the office of the Under Secretary for Food, Nutrition, and
14 Consumer Services, a multiagency task force for the pur-
15 pose of providing coordination and direction for com-
16 modity programs.

17 (b) COMPOSITION.—The Task Force shall be com-
18 posed of at least 4 members, including—

19 (1) a representative from the Food Distribution
20 Division of the Food and Nutrition Service, who
21 shall—

22 (A) be appointed by the Under Secretary
23 for Food, Nutrition, and Consumer Services;
24 and

1 (B) serve as Chairperson of the Task
2 Force;

3 (2) at least 1 representative from the Agricul-
4 tural Marketing Service, who shall be appointed by
5 the Under Secretary for Marketing and Regulatory
6 Programs;

7 (3) at least 1 representative from the Farm
8 Services Agency, who shall be appointed by the
9 Under Secretary for Farm and Foreign Agricultural
10 Services; and

11 (4) at least 1 representative from the Food
12 Safety and Inspection Service, who shall be ap-
13 pointed by the Under Secretary for Food Safety.

14 (c) DUTIES.—

15 (1) IN GENERAL.—The Task Force shall be re-
16 sponsible for evaluation and monitoring of the com-
17 modity programs to ensure that the commodity pro-
18 grams meet the mission of the Department—

19 (A) to support the United States farm sec-
20 tor;

21 (B) to comply with the most recent Die-
22 tary Guidelines for Americans published under
23 section 301 of the National Nutrition Moni-
24 toring and Related Research Act of 1990 (7
25 U.S.C. 5341); and

1 (C) to contribute to the health and well-
2 being of individuals in the United States
3 through the distribution of domestic agricul-
4 tural products through commodity programs.

5 (2) SPECIFIC DUTIES.—In carrying out para-
6 graph (1), the Task Force shall—

7 (A) review and make recommendations re-
8 garding the specifications used for the procure-
9 ment of food commodities, taking into consider-
10 ation recommendations based on the results of
11 evaluations carried out using grants made avail-
12 able under section 4;

13 (B) review and make recommendations re-
14 garding the effective distribution of food com-
15 modities;

16 (C) review and make recommendations re-
17 garding efficient and effective systems to ensure
18 the best use of Federal funds to maximize the
19 quantity and quality of foods purchased for re-
20 cipient agencies and the best use of those pur-
21 chased foods by recipient agencies; and

22 (D) on the request of the Secretary, review
23 and make recommendations regarding future
24 updates of the Dietary Guidelines for Ameri-
25 cans published under section 301 of the Na-

1 tional Nutrition Monitoring and Related Re-
2 search Act of 1990 (7 U.S.C. 5341).

3 (d) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, and annually thereafter, the Sec-
5 retary shall submit to Congress a report that describes,
6 for the period covered by the report—

7 (1) the findings and recommendations of the
8 Task Force; and

9 (2) policies implemented for the betterment of
10 commodity programs.

11 **SEC. 4. GRANTS FOR SPECIFICATION DEVELOPMENT.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall provide
14 5 competitive grants to nonprofit research institutions (in-
15 cluding research universities) selected by the Secretary for
16 use in evaluating the product specifications of food com-
17 modity products procured through commodity programs to
18 determine—

19 (1) the consistency of those specifications with
20 the nutritional goals of the commodity program;

21 (2) the acceptability of the products procured
22 under the specifications by recipient agencies and
23 consumers; and

24 (3) the extent to which food commodities pur-
25 chased through commodity programs are comparable

1 to any commercial counterparts to those commod-
2 ities.

3 (b) TYPES OF GRANTS.—Of the 5 grants provided
4 under subsection (a), a grant shall be provided for the
5 evaluation and recommendation of product specifications
6 for each of the categories of—

7 (1) fruits and vegetables;

8 (2) meat;

9 (3) poultry;

10 (4) grains, nuts, and oils; and

11 (5) dairy products.

12 (c) REPORT.—Not later than 18 months after the
13 date on which the Secretary provides a grant under this
14 section, the recipient of the grant shall submit to the Sec-
15 retary and the Task Force a report that—

16 (1) describes the results of evaluations carried
17 out using funds from the grant; and

18 (2) includes recommendations based on those
19 results.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$2,500,000.

1 **SEC. 5. USDA SCHOOL FOOD FRESH PROGRAM.**

2 Section 10603 of the Farm Security and Rural In-
3 vestment Act of 2002 (7 U.S.C. 612c-4) is amended to
4 read as follows:

5 **“SEC. 10603. PURCHASE OF SPECIALTY CROPS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) FRUITS, VEGETABLES, OTHER SPECIALTY
8 FOOD CROPS.—The terms ‘fruits’, ‘vegetables’, and
9 ‘other specialty food crops’ shall have the meaning
10 given the terms by the Secretary of Agriculture.

11 “(2) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Agriculture.

13 “(3) SERVICE INSTITUTION.—The term ‘service
14 institution’ has the meaning given the term in sec-
15 tion 13(a) of the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1761(a)).

17 “(b) PURCHASE AUTHORITY.—Of the funds made
18 available under section 32 of the Act of August 24, 1935
19 (7 U.S.C. 612c), for fiscal year 2008 and each subsequent
20 fiscal year, the Secretary shall use not less than
21 \$200,000,000 each fiscal year to purchase fruits, vegeta-
22 bles, and other specialty food crops.

23 “(c) USDA SCHOOL FOOD FRESH PROGRAM.—

24 “(1) DEFINITION OF ELIGIBLE PRODUCT.—In
25 this subsection, the term ‘eligible product’ means a
26 fruit or vegetable item that—

1 “(A) is offered by a vendor approved by
2 the Secretary under paragraph (4);

3 “(B) is fresh, dried, or frozen in a manner
4 that maximizes retention of nutrient density;
5 and

6 “(C) to the maximum extent practicable,
7 reflects local preferences and supports local ag-
8 riculture.

9 “(2) AGREEMENTS.—The Secretary, acting
10 through such regional procurement offices of the De-
11 partment of Agriculture as the Secretary determines
12 to be appropriate, shall carry out a program under
13 which the Secretary shall enter into agreements with
14 local and regional distributors to supply eligible
15 products to schools and service institutions.

16 “(3) FUNDS.—Eligible products supplied under
17 an agreement described in paragraph (2) shall be
18 purchased by schools and service institutions using
19 funds that are allocated to the schools or service in-
20 stitutions for the purpose of—

21 “(A) purchasing fruits and vegetables; or

22 “(B) providing nutritious meals.

23 “(4) VENDORS.—

24 “(A) IN GENERAL.—A local or regional
25 distributor of eligible products that seeks to

1 supply eligible products to schools and service
2 institutions under this subsection shall apply to
3 the Secretary for approval as a participating
4 vendor.

5 “(B) CONDITIONS FOR APPROVAL.—The
6 Secretary shall approve a vendor as eligible to
7 supply eligible products under this subsection if
8 the vendor—

9 “(i) demonstrates the ability to supply
10 those eligible products;

11 “(ii) complies with standards for food
12 safety developed by the Secretary;

13 “(iii) consistently provides products
14 that meet standards of grade, size,
15 freshness, and quality as required by the
16 Secretary or a local procurement officer;
17 and

18 “(iv) demonstrates the ability to sup-
19 ply eligible products from local growers
20 and processors.

21 “(C) MONITORING.—

22 “(i) IN GENERAL.—The Secretary
23 shall develop and implement a system for
24 monitoring vendors approved under this
25 paragraph.

1 “(ii) CERTIFICATION.—A monitoring
2 system under clause (i) may include a re-
3 quirement to obtain certification—

4 “(I) in accordance with a pro-
5 gram designed by the Secretary; and

6 “(II) for which the Secretary
7 may require compensation.

8 “(5) FUNDING.—

9 “(A) IN GENERAL.—Of the amount speci-
10 fied in subsection (b), the Secretary shall use
11 not less than \$50,000,000 each fiscal year for
12 the purchase of eligible products for distribu-
13 tion to schools and service institutions in ac-
14 cordance with section 6(a) of the Richard B.
15 Russell National School Lunch Act (42 U.S.C.
16 1755(a)).

17 “(B) ADDITIONAL AVAILABLE FUNDS.—A
18 school or service institution that uses an agree-
19 ment described in paragraph (2) to purchase el-
20 igible products may allocate up to 30 percent of
21 the funds of the school or service institution au-
22 thorized under section 6 of the Richard B. Rus-
23 sell National School Lunch Act (42 U.S.C.
24 1755), and such additional funds as are nec-
25 essary from funds allocated to the school or

1 service institution under sections 4 and 11 of
2 that Act (42 U.S.C. 1753, 1759a), for the pur-
3 pose of procuring eligible products through ven-
4 dors approved by the Secretary under para-
5 graph (4).

6 “(C) AUTHORIZATION OF APPROPRIATIONS
7 FOR ADMINISTRATIVE EXPENSES.—There are
8 authorized to be appropriated such sums as are
9 necessary to pay administrative costs incurred
10 in carrying out this subsection.”

11 **SEC. 6. USE OF COMMODITY ENTITLEMENT FUNDS.**

12 (a) IN GENERAL.—The Secretary shall, to the max-
13 imum extent practicable, purchase for commodity pro-
14 grams foods that are in the least-processed state.

15 (b) PROCESSING OF FOODS.—The Secretary, upon
16 the approval of national processing agreements, shall
17 make available to all schools and other recipient agencies
18 the opportunity to divert unprocessed or minimally-proc-
19 essed commodity foods to subsequent processors for con-
20 version into usable end products.

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