

118TH CONGRESS
1ST SESSION

S. 2659

To provide increased financial assistance for farmers’ markets and farmers’ market nutrition programs, to increase local agricultural production through food bank in-house production and local farmer contracting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. BENNET (for himself, Mr. WELCH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To provide increased financial assistance for farmers’ markets and farmers’ market nutrition programs, to increase local agricultural production through food bank in-house production and local farmer contracting, 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 “Farmers’ Market and
5 Food Bank Local Revitalization Act of 2023”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) food insecurity, epidemic levels of obesity,
2 hypertension, diabetes, and youth osteoporosis are
3 caused by improper nutrition yielded by a lack of
4 nutritious, reliable, and locally available healthy food
5 options;

6 (2) the American Diabetes Association esti-
7 mated a 41-percent increase in costs of diagnosed
8 diabetes, from a cost of \$174,000,000,000 in 2007
9 to a cost of \$245,000,000,000 in 2012, with 62 per-
10 cent of those costs coming from senior health pro-
11 grams such as Medicare and Medicaid;

12 (3) since sequestration in 2008, there has been
13 no funding increase for the senior farmers' market
14 nutrition program under section 4402 of the Farm
15 Security and Rural Investment Act of 2002 (7
16 U.S.C. 3007);

17 (4)(A) from 2008 to 2020, the moderate at-
18 home food cost for a family of 2 individuals aged 51
19 to 70 years old increased by an average of \$70 per
20 month; and

21 (B) funding for the seniors farmers' market nu-
22 trition program has not kept pace with that infla-
23 tion;

24 (5) according to the Department of Agriculture,
25 the seniors farmers' market nutrition program is ex-

1 periencing, across all participating States, terri-
2 tories, and Indian Tribes—

3 (A) a total program funding backlog of
4 \$20,065,021; and

5 (B) a seasonal benefit funding backlog of
6 \$16,120,741;

7 (6)(A) approximately 1 in 10 United States
8 senior citizens, or approximately 5,146,000 individ-
9 uals, are forced to live well below the Federal pov-
10 erty level; and

11 (B) the seniors farmers' market nutrition pro-
12 gram is only able to reach about 725,000 of those
13 individuals due to inadequate funding;

14 (7) since sequestration in 2008, funding for the
15 women, infants, and children farmers' market nutri-
16 tion program under section 17(m) of the Child Nu-
17 trition Act of 1966 (42 U.S.C. 1786(m)) has de-
18 creased by more than \$6,000,000, with no subse-
19 quent increase to previous levels;

20 (8) the women, infants, and children farmers'
21 market nutrition program is a vital safeguard for
22 the nearly 1 in 7 children who will be—

23 (A) born into poverty in the United States;

24 and

25 (B) at nutritional risk;

1 (9) according to the Department of Agriculture,
2 the women, infants, and children farmers' market
3 nutrition program has a total program and seasonal
4 benefit funding backlog of \$6,198,432 across all par-
5 ticipating States, territories, and Indian Tribes;

6 (10) in the United States, food banks provide
7 meals to 1 in 7 individuals;

8 (11)(A) many food banks share special relation-
9 ships with local farmers, who often donate crops to
10 food banks; and

11 (B) the relationships described in subparagraph
12 (A) allow for more efficient and sustainable procure-
13 ment for food banks;

14 (12) assisting food banks to grow their own
15 food will aid local procurement and allow food banks
16 to serve as farming resources to their communities,
17 especially to individuals who are food-insecure; and

18 (13) the Agriculture Improvement Act of 2018
19 (Public Law 115–334; 132 Stat. 4490) (and amend-
20 ments made by that Act) specifically required an ex-
21 amination of methods to incorporate local products
22 to reduce food waste.

23 (b) PURPOSES.—The purposes of this Act are—

24 (1) to increase and enhance funding for farm-
25 ers' market nutrition programs—

1 (A) to support seniors and food-insecure
2 families; and

3 (B) to increase market capacity for local
4 farmers;

5 (2) to provide funding assistance for the expan-
6 sion and construction of farmers' markets in rural
7 and urban food desert areas; and

8 (3) to increase local food production through—

9 (A) encouraging partnerships of food
10 banks and local farmers; and

11 (B) the provision of funding to food banks
12 to grow necessary produce through traditional
13 or controlled environmental agriculture farming
14 methods.

15 **SEC. 3. AUTHORIZATION FOR 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—

19 (1) by striking “2023” and inserting “2028”;

20 (2) by striking “Of the funds of the Commodity
21 Credit Corporation, the Secretary of Agriculture”
22 and inserting the following:

23 “(1) COMMODITY CREDIT CORPORATION.—Of
24 the funds of the Commodity Credit Corporation, the

1 Secretary of Agriculture (referred to in this section
2 as the ‘Secretary’); and

3 (3) by adding at the end the following:

4 “(2) AUTHORIZATION OF APPROPRIATIONS.—

5 “(A) IN GENERAL.—In addition to the
6 amounts made available under paragraph (1),
7 there are authorized to be appropriated to the
8 Secretary, for the purposes described in sub-
9 paragraph (B)—

10 “(i) for fiscal year 2024, such sums
11 as are necessary to ensure that not less
12 than \$60,000,000 is available under this
13 paragraph and paragraph (1);

14 “(ii) for fiscal year 2025, such sums
15 as are necessary to ensure that not less
16 than \$70,000,000 is available under this
17 paragraph and paragraph (1); and

18 “(iii) for each of fiscal years 2026
19 through 2028, such sums as are necessary
20 to ensure that not less than \$100,000,000
21 is available under this paragraph and para-
22 graph (1).

23 “(B) BENEFIT ENHANCEMENT.—The addi-
24 tional amounts made available under subpara-
25 graph (A) shall be used—

1 “(i) to increase the income limit for
 2 seniors farmers’ market nutrition program
 3 eligibility to 200 percent of the Federal
 4 poverty guideline;

5 “(ii) to increase the minimum indi-
 6 vidual benefit available under the seniors
 7 farmers’ market nutrition program to \$35;
 8 and

9 “(iii) to remove the maximum indi-
 10 vidual benefit limit under the seniors farm-
 11 ers’ market nutrition program.”.

12 **SEC. 4. MINIMUM INDIVIDUAL BENEFIT INCREASE UNDER**
 13 **WIC FARMERS’ MARKET NUTRITION PRO-**
 14 **GRAM.**

15 Section 17(m) of the Child Nutrition Act of 1966 (42
 16 U.S.C. 1786(m)) is amended—

17 (1) in paragraph (4), by striking “paragraph
 18 (6)” each place it appears and inserting “paragraph
 19 (7)”;

20 (2) in paragraph (5)—

21 (A) by striking “paragraph (3)” each place
 22 it appears and inserting “paragraph (4)”; and

23 (B) in subparagraph (C)—

24 (i) in clause (i), by striking “\$10”
 25 and inserting “\$35”; and

1 (ii) in clause (ii), by striking “\$30”
2 and inserting “\$60”;

3 (3) in paragraph (6)—

4 (A) in subparagraph (A), in the second
5 sentence, by striking “subparagraph (G)” and
6 inserting “subparagraph (F)”;

7 (B) in subparagraph (B)—

8 (i) in clause (i), by striking “para-
9 graph (3)” and inserting “paragraph (4)”;
10 and

11 (ii) in clause (ii), by striking “para-
12 graph (6)” and inserting “paragraph (7)”;

13 (C) in subparagraph (C)(iv), by striking
14 “subparagraph (G)(i)” each place it appears
15 and inserting “subparagraph (F)(i)”; and

16 (D) in subparagraph (D)(ii)—

17 (i) in the matter preceding subclause
18 (I), by striking “this paragraph” and in-
19 serting “this subparagraph”; and

20 (ii) in subclause (II), by striking
21 “paragraph (5)” and inserting “paragraph
22 (6)”;

23 (4) in paragraph (9)—

24 (A) in subparagraph (A)—

1 (i) by striking “necessary for each”
2 and inserting the following: “necessary
3 for—

4 “(i) each”;

5 (ii) in clause (i) (as so designated), by
6 striking the period at the end and inserting
7 “; and”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(ii) each of fiscal years 2024 through
11 2028.”; and

12 (B) in subparagraph (B)—

13 (i) in clause (ii), by striking “(ii) The
14 Secretary” and inserting the following:

15 “(ii) REALLOCATION PROCEDURES.—
16 The Secretary”;

17 (ii) in clause (i)—

18 (I) in subclause (II), by striking
19 “(II) Notwithstanding” and inserting
20 the following:

21 “(II) REIMBURSEMENT FOR EX-
22 PENSES INCURRED.—Notwith-
23 standing”;

24 (II) in subclause (I), by striking
25 “allocated. The unexpended funds

1 shall be returned to the Secretary by”
 2 and inserting “allocated, by not later
 3 than”; and

4 (iii) by striking “(B)(i)(I) Each
 5 State” and inserting the following:

6 “(B) UNOBLIGATED BALANCES.—

7 “(i) RETURN TO SECRETARY.—

8 “(I) IN GENERAL.—Subject to
 9 subclause (II), each State”;

10 (5) by striking paragraph (10);

11 (6) by redesignating paragraphs (2) through
 12 (9) as paragraphs (3) through (10), respectively;

13 and

14 (7) by striking “(m)(1) Subject to” and insert-
 15 ing the following:

16 “(m) WOMEN, INFANTS, AND CHILDREN FARMERS’
 17 MARKET NUTRITION PROGRAM.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) COUPON.—The term ‘coupon’ means
 20 a coupon, voucher, or other negotiable financial
 21 instrument by which benefits provided under
 22 this section are transferred.

23 “(B) PROGRAM.—The term ‘program’
 24 means—

1 “(i) the State farmers’ market coupon
 2 nutrition program authorized by this sub-
 3 section (as in effect on September 30,
 4 1991); and

5 “(ii) the farmers’ market nutrition
 6 program authorized by this subsection.

7 “(C) RECIPIENT.—The term ‘recipient’
 8 means a person or household, as determined by
 9 the State, that is—

10 “(i) chosen by a State to receive bene-
 11 fits under this subsection; or

12 “(ii) included on a waiting list to re-
 13 ceive those benefits.

14 “(D) STATE AGENCY.—The term ‘State
 15 agency’ includes—

16 “(i) a State department of agri-
 17 culture; and

18 “(ii) any other agency approved by
 19 the chief executive officer of the State.

20 “(2) GRANT PROGRAM.—Subject to”.

21 **SEC. 5. INFRASTRUCTURE FUNDING FOR FARMERS’ MAR-**
 22 **KETS.**

23 (a) IN GENERAL.—The Secretary of Agriculture (re-
 24 ferred to in this Act as the “Secretary”) shall make loans,

1 loan guarantees, and grants to public agencies and non-
2 profit organizations for—

3 (1) the construction of new farmers' markets;

4 or

5 (2) the improvement or rehabilitation of exist-
6 ing farmers' markets, including by adding or im-
7 proving payment technologies used at those farmers'
8 markets.

9 (b) ELIGIBILITY.—To be eligible to receive a loan,
10 loan guarantee, or grant under this section with respect
11 to a farmers' market, a public agency or nonprofit organi-
12 zation shall demonstrate, to the satisfaction of the Sec-
13 retary—

14 (1) financial need; and

15 (2) a commitment to reserving not less than 50
16 percent of the floor area of the farmers' market for
17 the sale of agricultural products that, as determined
18 by the Secretary, are produced locally by—

19 (A) farmers, ranchers, or aquaculture,
20 mariculture, or fisheries operators; or

21 (B) an association of farmers, ranchers, or
22 aquaculture, mariculture, or fisheries operators.

23 (c) COST SHARING.—

24 (1) GRANTS.—The amount of a grant provided
25 under this section shall be not more than 25 percent

1 of the cost of the activity for which the grant is pro-
2 vided.

3 (2) MAXIMUM AMOUNT.—The combined amount
4 of a grant or loan provided, and any loan guaran-
5 teed, for a public agency or nonprofit organization
6 under this section shall not exceed 80 percent of the
7 cost of the activity for which the grant or loan is
8 provided, or the loan is guaranteed, as applicable.

9 (d) INTEREST RATE.—

10 (1) IN GENERAL.—A loan provided by the Sec-
11 retary under this section shall bear interest at the
12 rate equivalent to the rate of interest charged on
13 United States Treasury securities of comparable ma-
14 turity on the date on which the loan is approved.

15 (2) DURATION.—The interest rate referred to
16 in paragraph (1) with respect to a loan under this
17 section shall remain in effect for the term of the
18 loan.

19 (e) FUNDING.—Of the funds of the Commodity Cred-
20 it Corporation, the Secretary shall use to carry out this
21 section \$50,000,000 for each of fiscal years 2024 through
22 2029.

1 **SEC. 6. PILOT PROGRAM FOR FOOD BANKS AND LOCAL**
2 **FARMER CONTRACTING FOR LOCAL PRO-**
3 **CUREMENT.**

4 (a) **ESTABLISHMENT.**—The Secretary shall establish
5 a pilot program under which the Secretary shall provide
6 grants to food banks to voluntarily contract with farmers
7 local to the food banks to grow produce for food bank pro-
8 grams to promote local procurement of produce.

9 (b) **METHODS.**—Under a contract described in sub-
10 section (a), a local farmer may grow produce through tra-
11 ditional or controlled environmental agriculture farming
12 methods.

13 (c) **AMOUNT.**—The amount of a grant provided to a
14 food bank under this section shall be \$500,000.

15 (d) **DISTRIBUTION.**—

16 (1) **IN GENERAL.**—Subject to paragraph (2),
17 the Secretary shall distribute grants under this sec-
18 tion to 15 food banks, in accordance with the fol-
19 lowing:

20 (A) **ZIP CODE.**—Of the 15 food banks that
21 receive grants under this section—

22 (i) 5 shall be located in urban ZIP
23 Codes (as designated by the Bureau of the
24 Census);

1 (ii) 5 shall be located in suburban ZIP
2 Codes (as designated by the Bureau of the
3 Census); and

4 (iii) 5 shall be located in rural ZIP
5 Codes (as designated by the Bureau of the
6 Census).

7 (B) CENSUS BUREAU REGION.—Of the 15
8 food banks that receive grants under this sec-
9 tion—

10 (i) 3 shall be located in the Northeast
11 Region (as established by the Bureau of
12 the Census);

13 (ii) 3 shall be located in the Midwest
14 Region (as established by the Bureau of
15 the Census);

16 (iii) 3 shall be located in the South
17 Region (as established by the Bureau of
18 the Census);

19 (iv) 3 shall be located in the West Re-
20 gion (as established by the Bureau of the
21 Census); and

22 (v) 3 may be located in any region es-
23 tablished by the Bureau of the Census, as
24 the Secretary determines to be appropriate.

1 (2) **PRIORITY.**—A food bank that serves an eco-
2 nomicallly depressed or food desert area, as deter-
3 mined by the Secretary, shall be given priority in the
4 distribution of grants under this section.

5 (e) **FUNDING.**—Of the funds of the Commodity Cred-
6 it Corporation, the Secretary shall use to carry out this
7 section \$7,500,000 for the period of fiscal years of 2024
8 and 2025.

9 **SEC. 7. REPORT TO CONGRESS.**

10 Not later than 180 days after the effective date of
11 this Act, the Secretary shall submit to the Committee on
12 Agriculture, Nutrition, and Forestry of the Senate, the
13 Special Committee on Aging of the Senate, and the Com-
14 mittees on Agriculture and Education and the Workforce
15 of the House of Representatives a report that describes—

16 (1) the effect of this Act and the amendments
17 made by this Act on—

18 (A) local procurement of food; and

19 (B) local farmers;

20 (2) the individuals and entities procuring food
21 locally pursuant to this Act and the amendments
22 made by this Act; and

23 (3) the communities involved in programs car-
24 ried out under this Act and the amendments made
25 by this Act.

1 **SEC. 8. EFFECTIVE DATE.**

2 This Act, and the amendments made by this Act, take
3 effect on the date that is 120 days after the date of enact-
4 ment of this Act.

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