To amend the Agricultural Marketing Act of 1946 to establish a voluntary program to reduce food loss and waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Agricultural Marketing Act of 1946 to establish a voluntary program to reduce food loss and waste, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reduce Food Loss and Waste Act”.

SEC. 2. FOOD LOSS AND WASTE CERTIFICATION PROGRAM.

Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:
“(a) DEFINITIONS.—In this section:

“(1) APPARENTLY WHOLESOME FOOD.—The term ‘apparently wholesome food’ has the meaning given the term in subsection (b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

“(2) CERTIFIED PARTICIPANT.—The term ‘certified participant’ means an eligible participant that has been certified under subsection (d).

“(3) ELIGIBLE PARTICIPANT.—The term ‘eligible participant’ means—

“(A) a contractor that has entered into a contract with an executive agency, the Senate, or the House of Representatives for the provision, service, or sale of food in the United States;

“(B) a State, local, municipal, or Tribal government;

“(C) a corporation, partnership, organization, or association;

“(D) a farm or a food producer, manufacturer, processor, holder, or packer;

“(E) a retail grocer;
“(F) a restaurant or similar food service establishment;

“(G) an institution of higher education or a consortium of those institutions; or

“(H) a primary or secondary school or a consortium of those institutions.

“(4) EXCESS.—The term ‘excess’, with respect to food, means that the food would otherwise be discarded.

“(5) FOOD.—The term ‘food’ means food (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is intended for human consumption.

“(6) PROGRAM.—The term ‘program’ means the Food Loss and Waste Reduction Certification Program established under subsection (b).

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(b) ESTABLISHMENT.—The Secretary shall establish a voluntary program, to be known as the ‘Food Loss and Waste Reduction Certification Program’—

“(1) to certify eligible participants in accordance with subsection (d); and

“(2) to promote certified participants in accordance with subsection (e).
“(c) Purposes.—The purposes of the program are—

“(1) to reduce food loss and waste;

“(2) to increase donations of excess, apparently wholesome food to nonprofit organizations that provide food assistance to individuals in need; and

“(3) to increase the use of alternative disposal methods for food, such as redirection to animal feed, anaerobic digestion, and composting.

“(d) Certification.—

“(1) Criteria.—

“(A) In general.—

“(i) Establishment and publication.—Not later than 18 months after the date of enactment of the Reduce Food Loss and Waste Act, the Secretary shall establish and publish in the Federal Register criteria for the certification of an eligible participant under the program.

“(ii) Inclusions.—Criteria described in clause (i) shall include the submission to a third-party certifier accredited under paragraph (3) of documentation from 12 consecutive months on the quantity of food that the eligible participant—
“(I) has donated to nonprofit organizations that provide food assistance for individuals in need; or

“(II) has sent to be disposed of.

“(B) Stakeholder input.—The Secretary shall solicit comments from interested parties prior to the establishment or revision of the criteria described in subparagraph (A).

“(C) Revisions.—

“(i) In general.—The Secretary shall revise the criteria described in subparagraph (A) on a periodic basis.

“(ii) Publication.—The Secretary shall publish in the Federal Register criteria revised under clause (i) not later than 270 days before the effective date of the revised criteria, including an explanation of the revisions.

“(2) Accreditation bodies.—

“(A) In general.—Not later than 18 months after the date of enactment of the Reduce Food Loss and Waste Act, the Secretary shall establish a process to recognize accreditation bodies to accredit third-party certifiers under paragraph (3)(A).
“(B) STANDARDS.—The Secretary shall recognize an accreditation body under subparagraph (A) if the accreditation body meets such standards as the Secretary shall establish.

“(3) THIRD-PARTY CERTIFIERS.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Reduce Food Loss and Waste Act, the Secretary shall establish a process for accreditation bodies recognized under paragraph (2) to accredit third-party certifiers to review and certify eligible participants under the program.

“(B) STANDARDS.—An accreditation body recognized under paragraph (2) shall accredit a third-party certifier under subparagraph (A) if the third-party certifier meets such standards as the Secretary shall establish.

“(C) PREFERENCE.—In accrediting third-party certifiers under subparagraph (A), an accreditation body recognized under paragraph (2) shall give preference to institutions of higher education that have expertise in food loss and waste reduction.

“(D) CERTIFICATION.—A third-party certifier accredited under subparagraph (A) shall
review and certify an eligible participant under the program if the eligible participant meets the criteria established under paragraph (1).

“(4) PUBLICATION.—The Secretary shall maintain on a publicly available website of the Department of Agriculture—

“(A) a list of accreditation bodies recognized under paragraph (2); and

“(B) a list of third-party certifiers accredited under paragraph (3).

“(e) PROMOTION.—

“(1) IN GENERAL.—The Secretary shall promote a certified participant under the program, including through—

“(A) voluntary labeling established under paragraph (2); and

“(B) such other communications as the Secretary determines to be appropriate relating to the products, buildings, practices, and policies of the certified participant, such as—

“(i) publication on the website of the Department of Agriculture of information relating to the certified participant; and
“(ii) holding events to promote the certified participant or otherwise relating to the program.

“(2) VOLUNTARY LABELING.—The Secretary shall establish 1 or more voluntary labels that indicate that a certified participant is certified under the program.

“(f) INTERAGENCY COORDINATION.—The Secretary shall carry out this section in coordination with the Commissioner of Food and Drugs and the Administrator of the Environmental Protection Agency, in accordance with the memorandum of understanding revised under section 3 of the Reduce Food Loss and Waste Act.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, including for the hiring of additional personnel, $3,000,000 for each of fiscal years 2024 through 2028, to remain available until expended.”.

SEC. 3. MEMORANDUM OF UNDERSTANDING.

The Secretary of Agriculture, the Commissioner of Food and Drugs, and the Administrator of the Environmental Protection Agency shall revise, in accordance with section 210B of the Agricultural Marketing Act of 1946 (as added by section 2), the agreement signed on Decem-
ber 17, 2020, relating to cooperation and coordination on food loss and waste.