

119TH CONGRESS
1ST SESSION

S. _____

To improve purchasing of food by the Department of Agriculture, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To improve purchasing of food by 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 “Enabling Farmer,
5 Food worker, Environmental, and Climate Targets
6 through Innovative, Values-aligned, and Equitable Food
7 Procurement Act” or the “EFFECTIVE Food Procure-
8 ment Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that the Department of Agriculture,
3 as one of the largest food purchasers in the world, has
4 the responsibility and opportunity to help spur a more
5 just, healthy, and sustainable food system by purchasing
6 more foods that support—

- 7 (1) regional and resilient food economies;
8 (2) worker well-being;
9 (3) a safe and healthy environment;
10 (4) equity and inclusion;
11 (5) fairness for family farms, fishing busi-
12 nesses, and ranches; and
13 (6) animal welfare.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) BEGINNING FARMER, FISHERMAN, OR
17 RANCHER.—The term “beginning farmer, fisherman,
18 or rancher” means a person that—

19 (A)(i) has not operated a farm, fishing
20 business, or ranch; or

21 (ii) has operated a farm, fishing business,
22 or ranch for not more than 10 years; and

23 (B) meets such other criteria as the Sec-
24 retary may establish.

25 (2) CERTIFICATION PROGRAM.—The term “cer-
26 tification program” means a program that uses

1 qualified, independent auditors to carry out routine,
2 in-person or on-farm assessments of compliance of a
3 producer or business with publicly available stand-
4 ards that are developed with input from key stake-
5 holders and subject matter experts and exceed con-
6 ventional industry standards and applicable Federal
7 or State legal requirements.

8 (3) COVERED AUTHORITY.—The term “covered
9 authority” means—

10 (A) section 32 of the Act of August 24,
11 1935 (7 U.S.C. 612c);

12 (B) the matter under the heading “RE-
13 MOVAL OF SURPLUS AGRICULTURAL COMMOD-
14 ITIES” under the heading “AGRICULTURAL
15 MARKETING SERVICE” in title I of Public Law
16 88–250 (7 U.S.C. 612c–1);

17 (C) section 10603 of the Farm Security
18 and Rural Investment Act of 2002 (7 U.S.C.
19 612c–4);

20 (D) section 4404 of the Food, Conserva-
21 tion, and Energy Act of 2008 (7 U.S.C. 612c–
22 5);

23 (E) section 14222 of that Act (7 U.S.C.
24 612c–6); and

1 (F) any other purchasing authority of the
2 Department of Agriculture.

3 (4) COVERED ENTITY.—The term “covered en-
4 tity” means a nonprofit organization or a for-profit
5 organization that is a processor, distributor, or food
6 hub that sources at least 51 percent of its value
7 from covered producers.

8 (5) COVERED PRODUCER.—The term “covered
9 producer” means—

10 (A) a beginning farmer, fisherman, or
11 rancher;

12 (B) a veteran farmer, fisherman, or ranch-
13 er;

14 (C) a socially disadvantaged farmer, fisher-
15 man, or rancher; or

16 (D) a producer on a small or medium-sized
17 farm or ranch.

18 (6) FISHING BUSINESS.—The term “fishing
19 business” means a business engaged in commercial
20 fishing (as defined in section 3 of the Magnuson-Ste-
21 vens Fishery Conservation and Management Act (16
22 U.S.C. 1802)).

23 (7) INDIAN TRIBE.—The term “Indian Tribe”
24 means an Indian tribe included on the list published
25 by the Secretary of the Interior under section 104

1 of the Federally Recognized Indian Tribe List Act of
2 1994 (25 U.S.C. 5131).

3 (8) NATIVE ALASKAN.—The term “Native Alas-
4 kan” has the meaning given the term “Native” in
5 section 3 of the Alaska Native Claims Settlement
6 Act (43 U.S.C. 1602).

7 (9) NATIVE HAWAIIAN.—The term “Native Ha-
8 waiian” has the meaning given the term in section
9 801 of the Native American Housing Assistance and
10 Self-Determination Act of 1996 (25 U.S.C. 4221).

11 (10) NONPROFIT ORGANIZATION.—The term
12 “nonprofit organization” means an organization that
13 is described in section 501(c)(3) of the Internal Rev-
14 enue Code of 1986 and exempt from taxation under
15 section 501(a) of that Code.

16 (11) POLICY TO LIMIT DEFORESTATION.—The
17 term “policy to limit deforestation” means a policy
18 that includes, at a minimum, the following:

19 (A) Measures to identify the point of origin
20 of forest-risk commodities and ensure compli-
21 ance with the policy when supply chain risks
22 are present.

23 (B) Data detailing the complete list of di-
24 rect and indirect suppliers and supply chain
25 traceability information for each forest-risk

1 commodity found in products that may be fur-
2 nished to the Federal Government, including—

3 (i) refineries, processing plants,
4 farms, and plantations;

5 (ii) the respective owners, parent enti-
6 ties, and farmers of the entities described
7 in clause (i);

8 (iii) maps; and

9 (iv) geolocations.

10 (C) Measures taken to ensure that each
11 commodity described in subparagraph (B) does
12 not contribute to deforestation.

13 (D) Measures taken to ensure the process
14 of obtaining the free, prior, and informed con-
15 sent of indigenous peoples and local commu-
16 nities directly affected by the production of
17 commodities described in subparagraph (B).

18 (E) Measures taken to protect biodiversity
19 and prevent the poaching of wildlife and trade
20 in bushmeat in all operations and areas adja-
21 cent to the production of commodities described
22 in subparagraph (B).

23 (F) Measures taken to ensure compliance
24 with the laws of countries where forest-risk

1 commodities in the supply chain of the con-
2 tractor are produced.

3 (12) SECRETARY.—The term “Secretary”
4 means the Secretary of Agriculture.

5 (13) SMALL OR MEDIUM-SIZED FARM OR
6 RANCH.—The term “small or medium-sized farm or
7 ranch” means a farm or ranch that—

8 (A) has an annual gross cash farm income
9 of less than \$999,999; or

10 (B) meets another acreage-based definition
11 of “small” or “medium”, as determined by the
12 Secretary, that takes into consideration—

13 (i) the State or region in which the
14 farm or ranch is located;

15 (ii) the production system of the farm
16 or ranch; or

17 (iii) both.

18 (14) SOCIALLY DISADVANTAGED FARMER, FISH-
19 ERMAN, OR RANCHER.—The term “socially dis-
20 advantaged farmer, fisherman, or rancher” means a
21 farmer, operator of a fishing business, or rancher
22 who is a member of a socially disadvantaged group
23 (as defined in section 2501(a) of the Food, Agri-
24 culture, Conservation, and Trade Act of 1990 (7
25 U.S.C. 2279(a))).

1 (15) TRADEOFF PROCESS.—The term “tradeoff
2 process” means a tradeoff process described in part
3 15.101–1 of the Federal Acquisition Regulation (or
4 a successor regulation).

5 (16) VETERAN FARMER, FISHERMAN, OR
6 RANCHER.—The term “veteran farmer, fisherman,
7 or rancher” means a farmer, operator of a fishing
8 business, or rancher who has served in the Armed
9 Forces (as defined in section 101 of title 38, United
10 States Code) and who—

11 (A) has not operated a farm, fishing busi-
12 ness, or ranch;

13 (B) has operated a farm, fishing business,
14 or ranch for not more than 10 years; or

15 (C) is a veteran (as defined in that section)
16 who has first obtained status as a veteran (as
17 so defined) during the most recent 10-year pe-
18 riod.

19 **SEC. 4. FAIR FOOD PROCUREMENT.**

20 (a) PURPOSES.—The purposes of the requirements
21 described in subsection (b) are—

22 (1) to strengthen the resilience of the domestic
23 food system;

24 (2) to create more opportunities for covered
25 producers;

1 (3) to expand the choices available to school
2 food authorities and food banks participating in the
3 commodity procurement programs of the Depart-
4 ment of Agriculture; and

5 (4) to expand workplace protections in the food
6 supply chains of the Federal Government.

7 (b) REQUIREMENTS.—In the procurement of foods
8 under a covered authority, the Secretary shall make avail-
9 able and purchase a sufficient variety of—

10 (1) foods that support equity and inclusion, in-
11 cluding—

12 (A) foods that are produced by covered
13 producers or sourced from covered entities; and

14 (B) foods that accommodate people with
15 religious or restricted diets;

16 (2) foods that support diversified and resilient
17 supply chains, including—

18 (A) foods that are produced by covered
19 producers or sourced from covered entities;

20 (B) foods that are produced by or sourced
21 from agricultural cooperatives, producer asso-
22 ciations, or food hubs that principally work with
23 covered producers;

24 (C) foods that are produced by a certified
25 organic farm (as defined in section 2103 of the

1 Organic Foods Production Act of 1990 (7
2 U.S.C. 6502)); and

3 (D) foods that are produced by a farm
4 participating in an independent animal welfare
5 certification program;

6 (3) foods that support worker well-being, in-
7 cluding—

8 (A) foods that are sourced from vendors
9 with employees who are represented by a collec-
10 tive bargaining agreement or memorandum of
11 understanding;

12 (B) foods that are sourced from vendors
13 participating in a worker justice certification
14 program; and

15 (C) foods that are sourced from vendors
16 that have signed a labor peace agreement with
17 a bona fide labor union; and

18 (4) foods that mitigate the impacts on climate
19 change, including—

20 (A) foods that are produced using agricul-
21 tural practices that measurably reduce green-
22 house gas emissions and increase on-farm diver-
23 sification and resilience to climate impacts, in-
24 cluding perennial-based systems, crop rotations,

1 and ecologically managed pasture-based live-
2 stock;

3 (B) foods that are sourced from suppliers
4 with a policy to limit deforestation;

5 (C) foods that emit less greenhouse gas
6 emissions throughout the lifecycle of the prod-
7 uct, relative to nutritionally similar foods; and

8 (D) foods that provide environmental co-
9 benefits that increase climate resilience, such
10 as—

11 (i) improving soil health and water
12 quality;

13 (ii) increasing biodiversity and water
14 conservation;

15 (iii) reducing the spread of invasive
16 species; and

17 (iv) preserving native ecosystems.

18 (c) BASELINE REPORT.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary shall sub-
20 mit to the Committee on Agriculture of the House of Rep-
21 resentatives and the Committee on Agriculture, Nutrition,
22 and Forestry of the Senate a report that includes—

23 (1) the percentage of the total annual spending
24 of the Department of Agriculture spent on pur-
25 chasing foods in each category of foods listed in

1 paragraphs (1) through (4) of subsection (b), includ-
2 ing a record of each purchase the Department made
3 under each category that lists—

4 (A) the name of each supplier, distributor,
5 processor, and producer involved in the provi-
6 sion of the food product;

7 (B) the total contract obligation; and

8 (C) a description of the food purchased;

9 (2) an estimate, developed in consultation with
10 the Administrator of the Environmental Protection
11 Agency, of the greenhouse gas emissions associated
12 with the production of food purchased or procured
13 by the Department of Agriculture;

14 (3) targets to increase by calendar year 2032,
15 to the maximum extent practicable, the percentage
16 of the annual food spending by the Department of
17 Agriculture in each category of food listed in para-
18 graphs (1) through (4) of subsection (b);

19 (4) a target to reduce by calendar year 2032,
20 to the maximum extent practicable, the greenhouse
21 gas emissions associated with the annual food pur-
22 chasing by the Department of Agriculture relative to
23 calendar year 2024, in accordance with the procure-
24 ment-related targets established by Executive Order
25 14057 (42 U.S.C. 4321 note; relating to catalyzing

1 clean energy industries and jobs through Federal
2 sustainability); and

3 (5) any recommendations—

4 (A) to enhance supply chain transparency,
5 particularly for school food authorities that par-
6 ticipate in any Department of Agriculture foods
7 program;

8 (B) to restructure the commodity food pro-
9 curement programs of the Department of Agri-
10 culture to support a regional model with in-
11 creased local food purchasing, including rec-
12 ommendations for continuing and improving on
13 the Local Food Purchase Assistance Coopera-
14 tive Agreement Program; or

15 (C) to increase procurement of foods listed
16 in paragraphs (1) through (4) of subsection (b),
17 including any recommendations that would re-
18 quire new authority from Congress.

19 (d) ANNUAL REPORTS.—Not later than 2 years after
20 the date of enactment of this Act, and each year there-
21 after, the Secretary shall submit to the Committee on Ag-
22 riculture of the House of Representatives and the Com-
23 mittee on Agriculture, Nutrition, and Forestry of the Sen-
24 ate a report that includes—

1 (1) the percentage of the total annual spending
2 of the Department of Agriculture spent on pur-
3 chasing foods in each category of foods listed in
4 paragraphs (1) through (4) of subsection (b) during
5 the previous fiscal year;

6 (2) the names of all suppliers, distributors,
7 processors, and producers involved in the provision
8 of all foods purchased under a covered authority
9 during the previous fiscal year; and

10 (3) an estimate of the greenhouse gas emissions
11 associated with food purchasing by the Department
12 of Agriculture during the previous fiscal year.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$2,000,000, to remain available until expended.

16 **SEC. 5. SET-ASIDE FOR COVERED PRODUCERS.**

17 (a) IN GENERAL.—The Secretary shall, on a competi-
18 tive basis, seek to enter into procurement contracts with
19 covered producers and covered entities.

20 (b) FUNDING.—For each of fiscal years 2026
21 through 2031, of the funds made available to the Sec-
22 retary under section 32 of the Act of August 24, 1935
23 (7 U.S.C. 612c) for that fiscal year, the Secretary shall
24 use not less than \$2,000,000 to carry out subsection (a).

1 **SEC. 6. BEST VALUE PROCUREMENT PILOT PROGRAM;**
2 **TECHNICAL ASSISTANCE; GRANTS.**

3 (a) BEST VALUE PROCUREMENT PILOT PROGRAM.—

4 (1) IN GENERAL.—The Secretary shall establish
5 and carry out a pilot program that uses a tradeoff
6 process to select bids for food procurement contracts
7 that deliver the overall best value and target pur-
8 chases under covered authorities of foods listed in
9 paragraphs (1) through (4) of section 4(b), using
10 evaluation criteria established under paragraph (2).

11 (2) ESTABLISHMENT OF EVALUATION CRI-
12 TERIA.—The Secretary shall establish the evaluation
13 criteria described in paragraph (1)—

14 (A) after providing notice and an oppor-
15 tunity for public comment; and

16 (B) by providing opportunities for engage-
17 ment with—

18 (i) covered producers;

19 (ii) covered entities;

20 (iii) individuals who follow religious or
21 restricted diets;

22 (iv) Indian Tribes;

23 (v) Native Hawaiians;

24 (vi) Native Alaskans;

25 (vii) workers in the food system, in-
26 cluding workers employed on farms, in

1 food processing facilities and warehouses,
2 and in food transportation; and
3 (viii) entities that use commodity pro-
4 grams of the Department of Agriculture,
5 including child nutrition providers and
6 food banks.

7 (3) REQUIREMENT.—The Secretary shall annu-
8 ally select bids under the pilot program established
9 under this subsection in an amount that is not less
10 than 20 percent of the annual food spending of the
11 Department of Agriculture under the covered au-
12 thorities.

13 (4) REPORT TO CONGRESS.—Not later than
14 January 1, 2026, and each year thereafter through-
15 out the duration of the pilot program under this
16 subsection, the Secretary shall submit to the Com-
17 mittee on Agriculture, Nutrition, and Forestry of
18 the Senate and the Committee on Agriculture of the
19 House of Representatives a report describing the
20 progress of the Secretary in implementing the pilot
21 program, including—

22 (A) the number of bid solicitations selected
23 under the pilot program;

1 (B) the total amount spent by the Depart-
2 ment of Agriculture on purchases made through
3 the pilot program;

4 (C) a description of the evaluation criteria
5 established under paragraph (2); and

6 (D) an evaluation of the solicitation proc-
7 ess used for the pilot program that includes
8 input from vendors.

9 (5) TERMINATION.—The pilot program estab-
10 lished under this subsection shall terminate on the
11 date that is 5 years after the date of enactment of
12 this Act.

13 (b) TECHNICAL ASSISTANCE.—The Secretary shall
14 provide technical assistance to covered producers and cov-
15 ered entities to support equitable participation in the pro-
16 curement programs of the Department of Agriculture, in-
17 cluding technical assistance in obtaining necessary food
18 safety training or certification.

19 (c) GRANTS.—

20 (1) IN GENERAL.—The Secretary shall establish
21 a competitive grant program to assist eligible appli-
22 cants described in paragraph (5) in participating in
23 the procurement programs of the Department of Ag-
24 riculture.

1 (2) TERM.—The term of a grant awarded
2 under this subsection shall be not more than 3
3 years.

4 (3) USE OF FUNDS.—A grant awarded under
5 this subsection may be used for any of the following
6 activities:

7 (A) To make upgrades necessary to obtain
8 food safety accreditations and audits required
9 to become a vendor for the Department of Agri-
10 culture.

11 (B) To pay for the cost of a food safety ac-
12 creditation and audit.

13 (C) To purchase liability insurance.

14 (D) To develop and execute a food safety
15 plan.

16 (4) DISTRIBUTION.—The Secretary shall ensure
17 geographic diversity in grants awarded under this
18 subsection.

19 (5) ELIGIBILITY.—Applicants eligible for grants
20 under this subsection are—

21 (A) covered producers; and

22 (B) agricultural cooperatives, fishing co-
23 operatives, and producer associations composed
24 of covered producers.

1 (6) MAXIMUM GRANT AMOUNT.—No eligible ap-
2 plicant described in paragraph (5) may receive more
3 than \$100,000 in grants under this subsection.

4 (7) REPORTS.—

5 (A) RECIPIENTS.—Not later than 1 year
6 after receiving a grant under this subsection,
7 and annually thereafter for the period of the
8 grant term, a recipient of a grant under this
9 subsection shall submit to the Secretary a re-
10 port describing—

11 (i) how the recipient used the funds;

12 and

13 (ii) the progress of the recipient to-
14 ward becoming a vendor, as described in
15 paragraph (3)(A), if applicable.

16 (B) SECRETARY.—Not later than January
17 1, 2026, and each year thereafter in which the
18 term of a grant under this subsection is ongo-
19 ing, the Secretary shall submit to the Com-
20 mittee on Agriculture, Nutrition, and Forestry
21 of the Senate and the Committee on Agri-
22 culture of the House of Representatives a re-
23 port containing a list of the recipients of the
24 grants, including a summary of—

1 (i) how the recipients used the funds;

2 and

3 (ii) the recipients that have become

4 vendors, as described in paragraph (3)(A),

5 if applicable.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is

7 authorized to be appropriated to carry out this section

8 \$25,000,000 for fiscal year 2026, to remain available

9 through fiscal year 2031.