

109TH CONGRESS
1ST SESSION

S. 1885

To encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2005

Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. DURBIN, Mr. MARTINEZ, Mr. LEVIN, Mr. CORZINE, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

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 “Food Employment
5 Empowerment and Development Program Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means an entity that meets the requirements of
3 section (3)(b).

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (3) VULNERABLE SUBPOPULATION.—

7 (A) IN GENERAL.—The term “vulnerable
8 subpopulation” means low-income individuals,
9 unemployed individuals, and other subpopula-
10 tions identified by the Secretary as being likely
11 to experience special risks from hunger or a
12 special need for job training.

13 (B) INCLUSIONS.—The term “vulnerable
14 subpopulation” includes—

15 (i) addicts (as defined in section 102
16 of the Controlled Substances Act (21
17 U.S.C. 802));

18 (ii) at-risk youths (as defined in sec-
19 tion 1432 of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 6472));

22 (iii) individuals that are basic skills
23 deficient (as defined in section 101 of the
24 Workforce Investment Act of 1998 (29
25 U.S.C. 2801));

1 (iv) homeless individuals (as defined
2 in section 17(b) of the Child Nutrition Act
3 of 1966 (42 U.S.C. 1786(b));

4 (v) homeless youths (as defined in sec-
5 tion 387 of the Runaway and Homeless
6 Youth Act (42 U.S.C. 5732a));

7 (vi) individuals with disabilities (as
8 defined in section 3 of the Americans with
9 Disabilities Act of 1990 (42 U.S.C.
10 12102));

11 (vii) low-income individuals (as de-
12 fined in section 101 of the Workforce In-
13 vestment Act of 1998 (29 U.S.C. 2801));
14 and

15 (viii) older individuals (as defined in
16 section 102 of the Older Americans Act of
17 1965 (42 U.S.C. 3002)).

18 **SEC. 3. FOOD EMPLOYMENT EMPOWERMENT AND DEVEL-**
19 **OPMENT PROGRAM.**

20 (a) ESTABLISHMENT.—The Secretary shall establish
21 a food employment empowerment and development pro-
22 gram under which the Secretary shall make grants to eligi-
23 ble entities to encourage the effective use of community
24 resources to combat hunger and the root causes of hunger

1 by creating opportunity through food recovery and job
2 training.

3 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
4 grant under this section, an entity shall be a public agen-
5 cy, or private nonprofit institution, that conducts, or will
6 conduct, 2 or more of the following activities as an integral
7 part of the normal operation of the entity:

8 (1) Recovery of donated food from area res-
9 taurants, caterers, hotels, cafeterias, farms, or other
10 food service businesses.

11 (2) Distribution of meals or recovered food to—

12 (A) nonprofit organizations described in
13 section 501(c)(3) of the Internal Revenue Code
14 of 1986;

15 (B) entities that feed vulnerable sub-
16 populations; and

17 (C) other agencies considered appropriate
18 by the Secretary.

19 (3) Training of unemployed and underemployed
20 adults for careers in the food service industry.

21 (4) Carrying out of a welfare-to-work job train-
22 ing program in combination with—

23 (A) production of school meals, such as
24 school meals served under the Richard B. Rus-
25 sell National School Lunch Act (42 U.S.C.

1 1751 et seq.) or the Child Nutrition Act of
2 1966 (42 U.S.C. 1771 et seq.); or

3 (B) support for after-school programs,
4 such as programs conducted by community
5 learning centers (as defined in section 4201(b)
6 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 7171(b))).

8 (c) USE OF FUNDS.—An eligible entity may use a
9 grant awarded under this section for—

10 (1) capital investments related to the operation
11 of the eligible entity;

12 (2) support services for clients, including staff,
13 of the eligible entity and individuals enrolled in job
14 training programs;

15 (3) purchase of equipment and supplies related
16 to the operation of the eligible entity or that improve
17 or directly affect service delivery;

18 (4) building and kitchen renovations that im-
19 prove or directly affect service delivery;

20 (5) educational material and services;

21 (6) administrative costs, in accordance with
22 guidelines established by the Secretary; and

23 (7) additional activities determined appropriate
24 by the Secretary.

1 (d) PREFERENCES.—In awarding grants under this
2 section, the Secretary shall give preference to eligible enti-
3 ties that perform, or will perform, any of the following
4 activities:

5 (1) Carrying out food recovery programs that
6 are integrated with—

7 (A) culinary worker training programs,
8 such as programs conducted by a food service
9 management institute under section 21 of the
10 Richard B. Russell National School Lunch Act
11 (42 U.S.C. 1769b–1);

12 (B) school education programs; or

13 (C) programs of service-learning (as de-
14 fined in section 101 of the National and Com-
15 munity Service Act of 1990 (42 U.S.C.
16 12511)).

17 (2) Providing job skills training, life skills train-
18 ing, and case management support to vulnerable
19 subpopulations.

20 (3) Integrating recovery and distribution of
21 food with a job training program.

22 (4) Maximizing the use of an established school,
23 community, or private food service facility or re-
24 source in meal preparation and culinary skills train-
25 ing.

1 (5) Providing job skills training, life skills train-
2 ing, and case management support to vulnerable
3 subpopulations.

4 (e) ELIGIBILITY FOR JOB TRAINING.—To be eligible
5 to receive job training assistance from an eligible entity
6 using a grant made available under this section, an indi-
7 vidual shall be a member of a vulnerable subpopulation.

8 (f) PERFORMANCE INDICATORS.—The Secretary
9 shall establish, for each year of the program, performance
10 indicators and expected levels of performance for meal and
11 food distribution and job training for eligible entities to
12 continue to receive and use grants under this section.

13 (g) TECHNICAL ASSISTANCE.—

14 (1) IN GENERAL.—The Secretary shall provide
15 technical assistance to eligible entities that receive
16 grants under this section to assist the eligible enti-
17 ties in carrying out programs under this section
18 using the grants.

19 (2) FORM.—Technical assistance for a program
20 provided under this subsection includes—

21 (A) maintenance of a website, newsletters,
22 email communications, and other tools to pro-
23 mote shared communications, expertise, and
24 best practices;

1 (B) hosting of an annual meeting or other
2 forums to provide education and outreach to all
3 programs participants;

4 (C) collection of data for each program to
5 ensure that the performance indicators and pur-
6 poses of the program are met or exceeded;

7 (D) intervention (if necessary) to assist an
8 eligible entity to carry out the program in a
9 manner that meets or exceeds the performance
10 indicators and purposes of the program;

11 (E) consultation and assistance to an eligi-
12 ble entity to assist the eligible entity in pro-
13 viding the best services practicable to the com-
14 munity served by the eligible entity, including
15 consultation and assistance related to—

- 16 (i) strategic plans;
17 (ii) board development;
18 (iii) fund development;
19 (iv) mission development; and
20 (v) other activities considered appro-
21 priate by the Secretary;

22 (F) assistance considered appropriate by
23 the Secretary regarding—

- 24 (i) the status of program participants;

1 (ii) the demographic characteristics of
2 program participants that affect program
3 services;

4 (iii) any new idea that could be inte-
5 grated into the program; and

6 (iv) the review of grant proposals; and

7 (G) any other forms of technical assistance
8 the Secretary considers appropriate.

9 (h) RELATIONSHIP TO OTHER LAW.—

10 (1) BILL EMERSON GOOD SAMARITAN FOOD DO-
11 NATION ACT.—An action taken by an eligible entity
12 using a grant provided under this section shall be
13 covered by the Bill Emerson Good Samaritan Food
14 Donation Act (42 U.S.C. 1791).

15 (2) FOOD HANDLING GUIDELINES.—In using a
16 grant provided under this section, an eligible entity
17 shall comply with any applicable food handling
18 guideline established by a State or local authority.

19 (3) INSPECTIONS.—An eligible entity using a
20 grant provided under this section shall be exempt
21 from inspection under sections 303.1(d)(2)(iii) and
22 381.10(d)(2)(iii) of volume 9, Code of Federal Regu-
23 lations (or a successor regulation), if the eligible en-
24 tity—

1 (A) has a hazard analysis and critical control
2 point (HACCP) plan;

3 (B) has a sanitation standard operating
4 procedure (SSOP); and

5 (C) otherwise complies with the Federal
6 Meat Inspection Act (21 U.S.C. 601 et seq.)
7 and the Poultry Products Inspection Act (21
8 U.S.C. 451 et seq.).

9 (i) MAXIMUM AMOUNT OF GRANT.—The amount of
10 a grant provided to an eligible entity for a fiscal year
11 under this section shall not exceed \$200,000.

12 (j) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to carry out this section \$20,000,000
15 for each of fiscal years 2006 through 2011.

16 (2) TECHNICAL ASSISTANCE.—Of the amount
17 of funds that are made available for a fiscal year
18 under paragraph (1), the Secretary shall use to provide
19 technical assistance under subsection (g) not
20 more than the greater of—

21 (A) 5 percent of the amount of funds that
22 are made available for the fiscal year under
23 paragraph (1); or

24 (B) \$1,000,000.

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