

111TH CONGRESS
2^D SESSION

H. R. 5456

To amend the Richard B. Russell National School Lunch Act to award competitive grants to assist eligible entities in implementing or expanding farm-to-school programs.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2010

Ms. MCCOLLUM (for herself, Mr. SCOTT of Virginia, Mr. LATHAM, Mr. ELLISON, Mr. LUJÁN, Mr. KAGEN, Mr. GRIJALVA, Mr. PUTNAM, Mr. MICHAUD, Mr. AL GREEN of Texas, Ms. KAPTUR, Mr. CARNAHAN, Mr. MOORE of Kansas, Ms. PINGREE of Maine, Mr. BLUMENAUER, Mr. SHULER, Mr. KIND, Mr. LOEBSACK, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. WALZ, Mr. HOLT, Mr. PERRIELLO, and Mr. MORAN of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Richard B. Russell National School Lunch Act to award competitive grants to assist eligible entities in implementing or expanding farm-to-school programs.

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 “National Farm-to-
5 School Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Farm-to-school programs facilitate the pur-
4 chase of local food for school meals and offer a spec-
5 trum of both immediate and long-term benefits to
6 child health, small- and medium-sized agricultural
7 producer income, and community economic develop-
8 ment.

9 (2) Farm-to-school programs of varying scale
10 are operational in over 8,900 schools in 42 States
11 around the country.

12 (3) Though successful models of farm-to-school
13 programs exist around the country, many schools
14 and small- and medium-sized agricultural producers
15 that would like to implement a farm-to-school pro-
16 gram or scale up their existing program face bar-
17 riers in the form of program planning, implementa-
18 tion, and technical capacity.

19 (4) One-third of children in the United States
20 are now obese or overweight. Over the past 3 dec-
21 ades, obesity rates have quadrupled in 6 to 11 year
22 olds and tripled in 12 to 19 year olds, according to
23 the most recent data from the Centers for Disease
24 Control's National Health and Nutrition Examina-
25 tion Survey.

1 (5) Childhood obesity rates are disproportion-
2 ately high among low-income and minority popu-
3 lations. Among Mexican-American children and ado-
4 lescents ages 2 to 19, 38 percent are obese or over-
5 weight. For African-American children, this rate is
6 close to 35 percent. A study of American Indian sec-
7 ond-graders in Arizona, New Mexico and South Da-
8 kota found that over 20 percent of the children were
9 overweight and 29 percent were obese.

10 (6) Communities with high levels of poverty
11 have less access to fresh fruits and vegetables than
12 higher-income communities. A study of nearly 700
13 neighborhoods in the United States found that low-
14 income areas have access to half as many super-
15 markets as the wealthiest areas.

16 (7) Increased consumption of fresh fruits and
17 vegetables is one of six major strategies to prevent
18 and control obesity, according to the Centers for
19 Disease Control.

20 (8) According to survey data from the Depart-
21 ment of Agriculture, only 2 percent of children na-
22 tionwide meet the daily food servings as rec-
23 ommended by the Food Guide Pyramid.

24 (9) The national school lunch program estab-
25 lished under the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1751 et seq.) has potential to
2 provide fresher and healthier foods to millions of
3 children in the United States. Approximately 60 per-
4 cent of students in the United States are eligible to
5 receive free or reduced-price school lunches. In fiscal
6 year 2008, 30.9 million children consumed free or
7 reduced-price school lunch on a daily basis.

8 (10) Farm-to-school programs can increase chil-
9 dren's daily intake of fresh fruits and vegetables.
10 Farm-to-school programs in Oregon and California
11 have demonstrated that children in schools with an
12 active farm-to-school program increased their aver-
13 age consumption of fresh fruits and vegetables by
14 one or more servings per day.

15 (11) Farm-to-school programs are popular
16 among children and can increase school lunch par-
17 ticipation. Studies of 9 farm-to-school programs
18 found that schools that participate in a farm-to-
19 school program have seen an increase in student
20 participation in the school meal program ranging
21 from 3 percent to 16 percent for all meals.

22 (12) Farm-to-school programs can benefit
23 small- and mid-sized agricultural producers by pro-
24 viding access to consistent markets and the planning

1 and organization skills to expand to other institu-
2 tional customers.

3 (13) Farm-to-school programs can benefit local
4 economies. A 2009 study of farm-to-school programs
5 in Oregon found that for every one dollar invested
6 in farm-to-school programs, the yield in economic ac-
7 tivity in the local community was \$1.87.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) FARM-TO-SCHOOL PROGRAM.—The term
11 “farm-to-school program” means a program that
12 connects schools and small- and medium-sized agri-
13 cultural producers for the purposes of—

14 (A) serving locally produced, healthy foods
15 (including fresh fruits and vegetables, dairy,
16 meat, fish, and poultry, and grains) in school
17 cafeterias;

18 (B) improving student nutrition;

19 (C) providing educational opportunities for
20 students in the areas of nutrition, health, and
21 local agricultural food production; and

22 (D) supporting local and regional agri-
23 culture and the growth of rural communities.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture unless otherwise speci-
3 fied.

4 **SEC. 4. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) farm-to-school programs should be recog-
7 nized as a proven effective strategy that can provide
8 immediate and long-term benefits to child health,
9 small- and medium-sized agricultural producer in-
10 come, and community economic development; and

11 (2) the Federal Government should partner in
12 assisting schools and local educational agencies with
13 planning, technical assistance, and implementation
14 of farm-to-school programs.

15 **SEC. 5. PURPOSES.**

16 The purposes of this Act are to—

17 (1) establish the Federal Government as a part-
18 ner in assisting communities with planning, tech-
19 nical assistance, and implementation of efficient,
20 cost-effective farm-to-school programs; and

21 (2) facilitate a sustained commitment to farm-
22 to-school procurement in communities by linking
23 local small- and medium-sized agricultural pro-
24 ducers, schools and institutions, State, local and
25 tribal government agencies, institutions of higher

1 education, parents, community and tribal organiza-
2 tions, and other community stakeholders

3 **TITLE I—COMPETITIVE GRANT**
4 **PROGRAM FOR FARM-TO-**
5 **SCHOOL PROGRAMS**

6 **SEC. 101. COMPETITIVE GRANT PROGRAM FOR FARM-TO-**
7 **SCHOOL PROGRAMS.**

8 (a) AMENDMENT.—The Richard B. Russell National
9 School Lunch Act (42 U.S.C. 1751 et seq.) is amended
10 by inserting after section 19, the following:

11 **“SEC. 19A. FARM-TO-SCHOOL PROGRAM.**

12 “(a) IN GENERAL.—From the amounts appropriated
13 under subsection (l), the Secretary shall provide assist-
14 ance, through competitive matching grants and technical
15 assistance, to eligible entities to implement or expand
16 farm-to-school programs, and for related activities.

17 “(b) ELIGIBLE ENTITY.—For purposes of this sec-
18 tion, the term ‘eligible entity’ means—

19 “(1) a school, including a charter school;

20 “(2) a local educational agency;

21 “(3) an institution of higher education;

22 “(4) a nongovernmental, community-based, or
23 tribal organization;

24 “(5) a State, regional, local, or tribal govern-
25 ment agency; or

1 “(6) a partnership consisting of 2 or more of
2 the entities described in paragraphs (1) through (5).

3 “(c) REGIONAL BALANCE.—In awarding grants
4 under this section, the Secretary, to the maximum extent
5 practicable, shall ensure—

6 “(1) geographical diversity; and

7 “(2) participation of urban, rural, and tribal
8 communities.

9 “(d) TYPES OF GRANTS.—A grant under this section
10 may be—

11 “(1) an implementation grant to support the
12 initial costs of implementing a new, or expanding an
13 existing, farm-to-school program;

14 “(2) a training and technical assistance grant
15 to support the training and access to resources and
16 information necessary to conduct a successful farm-
17 to-school program; or

18 “(3) a planning grant to support the cost of
19 conducting research, identifying resources, and de-
20 veloping partnerships to design a successful and sus-
21 tainable farm-to-school program.

22 “(e) GRANT AMOUNTS.—A grant awarded under this
23 section to an eligible entity shall not exceed—

24 “(1) in the case of an implementation or train-
25 ing and technical assistance grant, \$100,000; and

1 “(2) in the case of a planning grant, \$25,000.

2 “(f) GRANT DURATION.—A grant under this section
3 shall be awarded for a period—

4 “(1) in the case of an implementation or train-
5 ing and technical assistance grant, not to exceed 2
6 years; and

7 “(2) in the case of a planning grant, not to ex-
8 ceed 1 year.

9 “(g) COST SHARING.—

10 “(1) IN GENERAL.—The amount of a grant
11 awarded under this section shall not exceed 75 per-
12 cent of the cost of the activities carried out under
13 the grant.

14 “(2) NON-FEDERAL SUPPORT.—An eligible en-
15 tity receiving a grant under this section shall provide
16 support of at least 25 percent of the cost of the ac-
17 tivities carried out under the grant in cash or in-
18 kind (including, facilities, equipment, training, or
19 services provided by a State, local, and tribal govern-
20 ments, institutions of higher education, and private
21 sources).

22 “(h) USE OF FUNDS.—

23 “(1) IN GENERAL.—An eligible entity receiving
24 a grant under this section shall use such funds to
25 implement or expand, make plans to implement or

1 expand, or provide training and technical assistance
2 to an eligible entity in accordance with paragraph
3 (2) for the purposes of implementing or expanding,
4 a farm-to-school program, by—

5 “(A) establishing effective relationships
6 among—

7 “(i) schools and local educational
8 agencies;

9 “(ii) distributors; and

10 “(iii) small- and medium-sized agri-
11 cultural operations or groups of such oper-
12 ations;

13 “(B) facilitating the development of enter-
14 prises to minimally process, as defined by the
15 Secretary, distribute, aggregate, store, and de-
16 liver locally or regionally produced agricultural
17 food products to support community develop-
18 ment and the income of small- and medium-
19 sized agricultural operations;

20 “(C) acquiring appropriate equipment to
21 implement or expand a farm-to-school program;

22 “(D) developing school fruit and vegetable
23 gardens for educational and food production
24 purposes; and

1 “(E) supporting training and education ac-
2 tivities, including supporting the planning of ex-
3 periential nutrition education activities and cur-
4 riculum that—

5 “(i) promote healthy food education in
6 the school curriculum; and

7 “(ii) incorporate the participation of
8 school children in farm- and garden-based
9 agricultural education activities.

10 “(2) TECHNICAL ASSISTANCE GRANTS.—

11 “(A) IN GENERAL.—In the case of an eligi-
12 ble entity receiving a training and technical as-
13 sistance grant under this section, the entity
14 shall use the funds available under the grant to
15 provide training and technical assistance to an
16 eligible entity that desires to implement or ex-
17 pand a farm-to-school program.

18 “(B) TRAINING AND TECHNICAL ASSIST-
19 ANCE ACTIVITIES.—The training and technical
20 assistance shall—

21 “(i) be provided under such terms as
22 the Secretary may require; and

23 “(ii) include supporting the training
24 and access to resources and information

1 necessary for the implementation of a suc-
2 cessful farm-to-school program.

3 “(i) PROGRAM PROPOSALS.—

4 “(1) SUBMISSION.—An eligible entity desiring
5 to receive a grant under this section shall submit a
6 proposal at such time, in such manner, and con-
7 taining such information as the Secretary may re-
8 quire.

9 “(2) REVIEW PANELS.—The Secretary shall
10 form review panels to evaluate proposals submitted
11 pursuant to paragraph (1) based on the criteria de-
12 scribed in paragraph (3). Such review panels shall
13 include—

14 “(A) representatives of schools and eligible
15 institutions;

16 “(B) registered dietitians;

17 “(C) small- and medium-sized agricultural
18 operations, including socially disadvantaged
19 small- and medium-sized agricultural oper-
20 ations;

21 “(D) public agencies;

22 “(E) nongovernmental and community-
23 based organizations with expertise in local food
24 systems and farm-to-school programs; and

1 “(F) other appropriate parties as deter-
2 mined by the Secretary.

3 “(3) PROPOSAL REVIEW CRITERIA.—A proposal
4 shall be evaluated based on relevant criteria deter-
5 mined by the Secretary, and shall include—

6 “(A) service to schools and institutions
7 with a high proportion of children who are eligi-
8 ble for free and reduced price lunches;

9 “(B) benefit to local small- and medium-
10 sized agricultural operations, including socially
11 disadvantaged agricultural operations;

12 “(C) implementation or expansion of farm-
13 to-school programs that can be sustained with-
14 out Federal funds after the end of the grant pe-
15 riod;

16 “(D) incorporation of experiential nutrition
17 education;

18 “(E) demonstration of collaboration be-
19 tween schools or institutions, nongovernmental
20 and community-based organizations, agricul-
21 tural operations and groups of such operations,
22 and other community partners;

23 “(F) evaluation plans that incorporate
24 stakeholder representation; and

1 “(G) such other related criteria as the Sec-
2 retary may determine relevant.

3 “(j) EVALUATION.—Any eligible entity receiving a
4 grant under this section shall agree to cooperate in an
5 evaluation carried out by the Secretary.

6 “(k) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to authorize grants under this sec-
8 tion for religious worship, instruction, or proselytization,
9 or for construction of a facility for religious worship, in-
10 struction, or proselytization.

11 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as are nec-
13 essary to carry out this section for fiscal year 2011 and
14 each of the 4 succeeding fiscal years, to remain available
15 until expended.

16 “(m) DEFINITIONS.—For purposes of this section:

17 “(1) CHARTER SCHOOL.—The term ‘charter
18 school’ has the meaning give the term in section
19 5210 of the Elementary and Secondary Education of
20 1965 (20 U.S.C. 7221i).

21 “(2) ELEMENTARY SCHOOL; SECONDARY
22 SCHOOL; LOCAL EDUCATIONAL AGENCY.—The terms
23 ‘elementary school’, ‘secondary school’, and ‘local
24 educational agency’ have the meanings given such

1 terms in section 9101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801).

3 “(3) FARM-TO-SCHOOL PROGRAM.—The term
4 ‘farm-to-school program’ means a program that con-
5 nects schools and small- and medium-sized agricul-
6 tural operations for the purposes of—

7 “(A) serving locally produced, healthy
8 foods (including fresh fruits and vegetables,
9 dairy; meat, fish, and poultry, and grains) in
10 school cafeterias;

11 “(B) improving student nutrition;

12 “(C) providing agriculture, health, and nu-
13 trition education opportunities to students; and

14 “(D) supporting local and regional agri-
15 culture and the growth of rural communities.

16 “(4) INSTITUTION OF HIGHER EDUCATION.—
17 The term ‘institution of higher education’ has the
18 meaning given such term in section 101 of the High-
19 er Education Act of 1965 (20 U.S.C. 1001).

20 “(5) LOCAL FOOD.—The term ‘local food’ has
21 the meaning given the term ‘locally or regionally
22 produced agricultural food products’ in section
23 310B(g) of the Consolidated Farm and Rural Devel-
24 opment Act (7 U.S.C. 1932(g)).

1 “(6) SCHOOL.—The term ‘school’ means a pub-
2 lic elementary school or public secondary school.

3 “(7) TRIBAL ORGANIZATION.—The term ‘tribal
4 organization’ has the meaning given the term in sec-
5 tion 4 of the Indian Self-Determination and Edu-
6 cation Assistance Act.”.

7 (b) CONFORMING AMENDMENT.—Section 18 of the
8 Richard B. National School Lunch Act (42 U.S.C. 1769)
9 is amended by repealing subsection (g).

10 **TITLE II—PARTICIPATION OF**
11 **SMALL- AND MEDIUM-SIZED**
12 **AGRICULTURAL PRODUCERS**
13 **IN FARM-TO-SCHOOL PRO-**
14 **GRAMS**

15 **SEC. 201. IDENTIFICATION OF DEPARTMENT OF AGRICULTURE PROGRAMS AVAILABLE TO PROMOTE PARTICIPATION OF SMALL- AND MEDIUM-SIZED AGRICULTURAL PRODUCERS IN FARM-TO-SCHOOL PROGRAMS.**

20 (a) IDENTIFICATION OF AVAILABLE PROGRAMS.—
21 The Secretary shall prepare a list identifying all programs
22 of the Department of Agriculture that, without modifica-
23 tion or with only minor modification, can be used to facili-
24 tate the participation of small- and medium-sized agricul-
25 tural operations in farm-to-school programs.

1 (b) COVERED PROGRAMS.—Among the Department
2 of Agriculture programs to be considered for inclusion on
3 the list required by subsection (a), the Secretary shall spe-
4 cifically evaluate the following:

5 (1) The rural development programs of the De-
6 partment of Agriculture.

7 (2) The loan and loan guarantee programs car-
8 ried out under the Consolidated Farm and Rural
9 Development Act (7 U.S.C. 1921 et seq.).

10 (3) The Value-Added Agricultural Product Mar-
11 ket Development Grant Program carried out under
12 section 231 of the Agricultural Risk Protection Act
13 of 2000 (7 U.S.C. 1621 note; Public Law 106–224).

14 (4) The Farmers’ Market Promotion Program
15 carried out under section 6 of the Farmer-to-Con-
16 sumer Direct Marketing Act of 1976 (7 U.S.C.
17 3005).

18 (5) The Federal-State Marketing Improvement
19 Program carried out under section 204(b) of the Ag-
20 ricultural Marketing Act of 1946 (7 U.S.C.
21 1623(b)).

22 (6) The Specialty Crop Block Grant Program
23 carried out under section 101 of the Specialty Crops
24 Competitiveness Act of 2004 (7 U.S.C. 1621 note;
25 Public Law 108–465).

1 (7) The Community Food Projects Program
2 carried out under section 25 of the Food and Nutri-
3 tion Act of 2008 (7 U.S.C. 2034).

4 (c) ADDITIONAL DETERMINATION REGARDING
5 VALUE-ADDED AGRICULTURAL PRODUCT MARKET DE-
6 VELOPMENT GRANT PROGRAM.—The Value-Added Agri-
7 cultural Product Market Development Grant Program
8 may be accessed by small- and medium-sized agricultural
9 operations and associations of such operations to support
10 farm-to-school programs. The Secretary shall promptly
11 clarify the notification of solicitation of applications under
12 the program to reflect this determination.

13 (d) SUBMISSION OF RESULTS.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Agriculture shall submit to Congress the list pre-
16 pared under subsection (a).

17 **SEC. 202. ASSESSMENT OF ECONOMIC IMPACT OF FARM-TO-**
18 **SCHOOL PROGRAMS ON SMALL- AND ME-**
19 **DIUM-SIZED AGRICULTURAL PRODUCERS**
20 **AND RURAL COMMUNITIES.**

21 (a) ASSESSMENT REQUIRED.—The Secretary, acting
22 through the Economic Research Service of the Depart-
23 ment of Agriculture, shall conduct a nationwide assess-
24 ment of the economic impact of farm-to-school programs

1 on small- and medium-sized agricultural operations and
2 rural communities.

3 (b) CONTENT OF ASSESSMENT.—In conducting the
4 assessment, the Secretary shall—

5 (1) examine the role that farm-to-school pro-
6 grams can play in establishing profitable new mar-
7 kets for small- and medium-sized agricultural oper-
8 ations and facilitating their access to new institu-
9 tional or direct markets and value-added processing
10 opportunities;

11 (2) identify barriers that impede the establish-
12 ment of such profitable markets for small- and me-
13 dium-sized agricultural operations; and

14 (3) identify strategies for mitigating such bar-
15 riers.

16 (c) SUBMISSION OF RESULTS.—Not later than 1 year
17 after the date of the enactment of this Act, the Secretary
18 shall submit to Congress the results of the assessment re-
19 quired by this section.

20 **TITLE III—INTERAGENCY**
21 **COOPERATION**

22 **SEC. 301. INTERAGENCY FARM-TO-SCHOOL EXCHANGE.**

23 The Secretary of Agriculture, in collaboration with
24 the Secretary of Education and the Secretary of Health
25 and Human Services, shall establish an Internet-based

1 forum for the sharing and exchange of information on
2 farm-to-school programs nationwide. Information available
3 in this Exchange shall include—

4 (1) an inventory of all projects funded under
5 the competitive grant program in title II;

6 (2) an inventory of existing farm-to-school pro-
7 grams in the United States, which lists—

8 (A) the agricultural producers and schools
9 participating in each program;

10 (B) the number of students served by each
11 program;

12 (C) the annual operating cost of each pro-
13 gram; and

14 (D) the main contact for the program.

15 (3) information on best practices in farm-to-
16 school programs nationwide; and

17 (4) additional information as determined by the
18 Secretary of Agriculture, in collaboration with the
19 Secretary of Education and the Secretary of Health
20 and Human Services.

○