

111TH CONGRESS
2D SESSION

S. 3123

To amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2010

Mr. LEAHY (for himself, Mr. SPECTER, Mr. HARKIN, Mr. BENNET, Mrs. SHAHEEN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. UDALL of New Mexico, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Growing Farm to
3 School Programs Act of 2010”.

4 **SEC. 2. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PRO-**
5 **GRAM.**

6 Section 18 of the Richard B. Russell National School
7 Lunch Act (42 U.S.C. 1769) is amended—

8 (1) by redesignating subsections (h) and (i) as
9 subsections (i) and (j), respectively;

10 (2) in subsection (g), by striking “(g) ACCESS
11 TO LOCAL FOODS AND SCHOOL GARDENS.—” and
12 all that follows through “(3) PILOT PROGRAM FOR
13 HIGH-POVERTY SCHOOLS.—” and inserting the fol-
14 lowing:

15 “(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL
16 PROGRAM.—

17 “(1) DEFINITION OF ELIGIBLE SCHOOL.—In
18 this subsection, the term ‘eligible school’ means a
19 school or institution that participates in a program
20 under this Act or the school breakfast program es-
21 tablished under section 4 of the Child Nutrition Act
22 of 1966 (42 U.S.C. 1773).

23 “(2) PROGRAM.—The Secretary shall carry out
24 a program to assist eligible schools, State and local
25 agencies, Indian tribal organizations, agricultural
26 producers or groups of agricultural producers, and

1 nonprofit entities through grants and technical as-
2 sistance to implement farm to school programs that
3 improve access to local foods in eligible schools.

4 “(3) GRANTS.—

5 “(A) IN GENERAL.—The Secretary shall
6 award competitive grants under this subsection
7 to be used for—

8 “(i) training;

9 “(ii) supporting operations;

10 “(iii) planning;

11 “(iv) purchasing equipment;

12 “(v) developing school gardens;

13 “(vi) developing partnerships; and

14 “(vii) implementing farm to school
15 programs.

16 “(B) REGIONAL BALANCE.—In making
17 awards under this subsection, the Secretary
18 shall, to the maximum extent practicable, en-
19 sure—

20 “(i) geographical diversity; and

21 “(ii) equitable treatment of urban,
22 rural, and tribal communities.

23 “(C) MAXIMUM AMOUNT.—The total
24 amount provided to a grant recipient under this
25 subsection shall not exceed \$100,000.

1 “(4) FEDERAL SHARE.—

2 “(A) IN GENERAL.—The Federal share of
3 costs for a project funded through a grant
4 awarded under this subsection shall not exceed
5 75 percent of the total cost of the project.

6 “(B) FEDERAL MATCHING.—As a condi-
7 tion of receiving a grant under this subsection,
8 a grant recipient shall provide matching sup-
9 port in the form of cash or in-kind contribu-
10 tions, including facilities, equipment, or services
11 provided by State and local governments, non-
12 profit organizations, and private sources.

13 “(5) CRITERIA FOR SELECTION.—To the max-
14 imum extent practicable, in providing assistance
15 under this subsection, the Secretary shall give the
16 highest priority to funding projects that, as deter-
17 mined by the Secretary—

18 “(A) benefit local small- and medium-sized
19 farms;

20 “(B) make local food products available on
21 the menu of the eligible school;

22 “(C) serve a high proportion of children
23 who are eligible for free or reduced price
24 lunches;

1 “(D) incorporate experiential nutrition
2 education activities in curriculum planning that
3 encourage the participation of school children in
4 farm and garden-based agricultural education
5 activities;

6 “(E) demonstrate collaboration between el-
7 igible schools, nongovernmental and community-
8 based organizations, agricultural producer
9 groups, and other community partners;

10 “(F) include adequate and participatory
11 evaluation plans;

12 “(G) demonstrate the potential for long-
13 term program sustainability; and

14 “(H) meet any other criteria that the Sec-
15 retary determines appropriate.

16 “(6) EVALUATION.—As a condition of receiving
17 a grant under this subsection, each grant recipient
18 shall agree to cooperate in an evaluation by the Sec-
19 retary of the program carried out using grant funds.

20 “(7) TECHNICAL ASSISTANCE.—The Secretary
21 shall provide technical assistance and information to
22 assist eligible schools, State and local agencies, In-
23 dian tribal organizations, and nonprofit entities—

24 “(A) to facilitate the coordination and
25 sharing of information and resources in the De-

1 partment that may be applicable to the farm to
2 school program;

3 “(B) to collect and share information on
4 best practices; and

5 “(C) to disseminate research and data on
6 existing farm to school programs and the poten-
7 tial for programs in underserved areas.

8 “(8) FUNDING.—

9 “(A) IN GENERAL.—On October 1, 2010,
10 out of any funds in the Treasury not otherwise
11 appropriated, the Secretary of the Treasury
12 shall transfer to the Secretary to carry out this
13 subsection \$50,000,000, to remain available
14 until expended.

15 “(B) RECEIPT AND ACCEPTANCE.—The
16 Secretary shall be entitled to receive, shall ac-
17 cept, and shall use to carry out this subsection
18 the funds transferred under subparagraph (A),
19 without further appropriation.

20 “(h) PILOT PROGRAM FOR HIGH-POVERTY
21 SCHOOLS.—

22 “(1) IN GENERAL.—”; and

23 (3) in subsection (h) (as redesignated by para-
24 graph (2))—

1 (A) in subparagraph (F) of paragraph (1)
2 (as so redesignated), by striking “in accordance
3 with paragraph (1)(H)” and inserting “carried
4 out by the Secretary”; and

5 (B) by redesignating paragraph (4) as
6 paragraph (2).

7 **SEC. 3. BUDGETARY EFFECTS.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, submitted for printing in the Congressional Record
13 by the Chairman of the House Budget Committee, pro-
14 vided that such statement has been submitted prior to the
15 vote on passage.

○