

117TH CONGRESS
1ST SESSION

H. R. 1768

To amend the Richard B. Russell National School Lunch Act to reauthorize the farm to school program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2021

Ms. PLASKETT (for herself, Mr. FORTENBERRY, and Ms. ADAMS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Richard B. Russell National School Lunch Act to reauthorize the farm to school program, 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 “Farm to School Act
5 of 2021”.

6 **SEC. 2. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PRO-**
7 **GRAM.**

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

1 (1) in paragraph (1)—

2 (A) by striking the paragraph designation
3 and heading and all that follows through
4 “means” and inserting the following:

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) AGRICULTURAL PRODUCER.—The
7 term ‘agricultural producer’ means a farmer,
8 rancher, or fisher (including of farm-raised
9 fish).

10 “(B) ELIGIBLE INSTITUTION.—The term
11 ‘eligible institution’ means”; and

12 (B) by adding at the end the following:

13 “(C) FARM TO SCHOOL PROGRAM.—The
14 term ‘farm to school program’ means a pro-
15 gram that—

16 “(i) benefits an eligible institution, as
17 determined by the Secretary; and

18 “(ii) carries out—

19 “(I) planting and maintenance of
20 farms or gardens;

21 “(II) procurement from local ag-
22 ricultural producers; or

23 “(III) educational activities relat-
24 ing to agriculture, nutrition, or food.”;

25 (2) in paragraph (2)—

1 (A) by striking “schools” each place it ap-
2 pears and inserting “institutions”;

3 (B) by inserting “land-grant colleges and
4 universities,” before “and nonprofit”; and

5 (C) by striking “grants and technical as-
6 sistance” and inserting “grants, technical as-
7 sistance, research, and evaluation”;

8 (3) in paragraph (3)—

9 (A) in subparagraph (A)—

10 (i) in clause (i), by inserting “and
11 technical assistance” after “training”;

12 (ii) by redesignating clauses (vi) and
13 (vii) as clauses (vii) and (viii), respectively;
14 and

15 (iii) by inserting after clause (v) the
16 following:

17 “(vi) implementing educational activi-
18 ties relating to agriculture, nutrition, or
19 food;”; and

20 (B) by striking subparagraph (C) and in-
21 serting the following:

22 “(C) IMPROVED PROCUREMENT AND DIS-
23 TRIBUTION.—

24 “(i) IN GENERAL.—In awarding
25 grants under this subsection, the Secretary

1 shall seek to improve local food procure-
2 ment and distribution options for agricul-
3 tural producers and eligible institutions.

4 “(ii) AGGREGATION, PROCESSING,
5 TRANSPORTATION, AND DISTRIBUTION.—
6 In advancing local food procurement op-
7 tions and other farm to school program ob-
8 jectives, the Secretary may provide funding
9 for projects that include innovative ap-
10 proaches to aggregation, processing, trans-
11 portation, and distribution.

12 “(D) AWARDS.—

13 “(i) MAXIMUM AMOUNT.—The total
14 amount provided to a grant recipient under
15 this subsection shall not exceed \$250,000.

16 “(ii) TERM.—The term of an award
17 shall not exceed 3 years.

18 “(iii) PURPOSE AND SCOPE.—In mak-
19 ing awards under this subsection, the Sec-
20 retary shall seek to make awards of diverse
21 amounts and duration in order to best
22 match the award to the purpose and scope
23 of the project to be funded.

24 “(E) LIMITATION.—The Secretary may
25 not award a grant under this subsection if the

grant funds would be used solely for the purpose of carrying out a conference.”;

(4) in paragraph (4)—

(A) in subparagraph (B), by inserting “, Tribal,” after “State”; and

(B) by adding at the end the following:

“(C) TRIBAL AGENCIES.—The Secretary may allow a Tribal agency to use funds provided to the Indian Tribe of the Tribal agency through a Federal agency (including the Indian Health Service) or any other Federal benefit to satisfy all or part of the non-Federal share described in subparagraph (A) if that use is consistent with the purpose of the funds or other Federal benefit provided.”;

(5) in paragraph (5)—

(A) by redesignating subparagraphs (A) through (F) and (G) as clauses (i) through (vi) and (ix), respectively, and indenting the clauses appropriately;

(B) in the matter preceding clause (i) (as so redesignated), by striking “To the maximum extent practicable” and inserting the following:

“(A) IN GENERAL.—To the maximum extent practicable”;

1 (C) in clause (i) (as so redesignated), by
2 striking “school” and inserting “institution”;

3 (D) in clause (ii) (as so redesignated), by
4 striking “lunches” and inserting “meals”;

5 (E) by striking clause (iii) (as so redesignated) and inserting the following:

7 “(iii)(I) incorporate experiential and
8 traditional and culturally appropriate food,
9 nutrition, or agricultural education activities in curriculum planning; and

11 “(II) serve a high proportion of children from socially disadvantaged backgrounds;”;

14 (F) in clause (iv) (as so redesignated), by
15 striking “eligible schools” and all that follows
16 through “partners” and inserting “eligible institutions, State and local agencies, Tribal organizations and agencies, agricultural producers or groups of agricultural producers, land-grant colleges and universities, and nonprofit entities”;

21 (G) in clause (vi) (as so redesignated), by
22 striking “and” at the end;

23 (H) by inserting after clause (vi) (as so redesignated) the following:

1 “(vii) expand the selection of local
2 commodities for eligible institutions;

3 “(viii) identify and address chronic
4 diet-related health issues of the children
5 served by eligible institutions; and”;

6 (I) by adding at the end the following:

7 “(B) TRIBAL COMMUNITY PROJECTS.—In
8 the case of projects serving Tribal communities,
9 the Secretary shall, to the maximum extent
10 practicable, give highest priority to projects
11 that best utilize products, including traditional
12 foods, from Tribal agricultural producers, as
13 determined by the Secretary.”;

14 (6) in paragraph (7)—

15 (A) by redesignating subparagraphs (A)
16 through (C) as clauses (i) through (iii), respec-
17 tively, and indenting appropriately;

18 (B) by striking the paragraph designation
19 and heading and all that follows through “non-
20 profit entities—” and inserting the following:

21 “(7) TECHNICAL ASSISTANCE AND RE-
22 SEARCH.—

23 “(A) IN GENERAL.—The Secretary shall
24 provide technical assistance, research, and in-
25 formation to assist eligible institutions, State

1 and local agencies, Indian Tribal organizations,
2 agricultural producers or agricultural producer
3 groups, and nonprofit entities—”;

4 (C) in subparagraph (A) (as so des-
5 ignated)—

6 (i) in clause (ii) (as so redesignated),
7 by striking “and” at the end;

8 (ii) in clause (iii) (as so redesignated),
9 by striking the period at the end and in-
10 sserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iv) to increase awareness of, and
14 participation in, farm to school programs
15 among agricultural and aquaculture pro-
16 ducers or agricultural producer groups, in-
17 cluding—

18 “(I) beginning farmers and
19 ranchers (as defined in section
20 2501(a) of the Food, Agriculture,
21 Conservation, and Trade Act of 1990
22 (7 U.S.C. 2279(a)));

23 “(II) veteran farmers and ranch-
24 ers (as defined in section 2501(a) of
25 the Food, Agriculture, Conservation,

1 and Trade Act of 1990 (7 U.S.C.
2 2279(a)); and

3 “(III) socially disadvantaged
4 farmers and ranchers (as defined in
5 section 355(e) of the Consolidated
6 Farm and Rural Development Act (7
7 U.S.C. 2003(e)).”; and

8 (D) by adding at the end the following:

9 “(B) REVIEW.—

10 “(i) IN GENERAL.—Not later than 1
11 year after the date of enactment of the
12 Farm to School Act of 2021 and every 3
13 years thereafter, the Secretary shall review
14 and submit to the Committees on Agri-
15 culture and Education and Labor of the
16 House of Representatives and the Com-
17 mittee on Agriculture, Nutrition, and For-
18 estry of the Senate a report that describes
19 the progress that has been made in identi-
20 fying and eliminating regulatory and other
21 barriers related to developing farm to
22 school programs.

23 “(ii) REQUIREMENTS.—In preparing
24 the report, the Secretary shall examine—

1 “(I) the direct and indirect regu-
 2 latory compliance costs affecting the
 3 production and marketing of locally or
 4 regionally produced agricultural food
 5 products to school and early childhood
 6 food programs;

7 “(II) barriers to local and re-
 8 gional market access for small-scale
 9 production;

10 “(III) barriers to funding
 11 projects that meet the criteria de-
 12 scribed in paragraph (5)(A);

13 “(IV) barriers to local and re-
 14 gional market access for Tribal farm-
 15 ers and ranchers; and

16 “(V) barriers to funding Tribal
 17 projects under farm to school pro-
 18 grams.”;

19 (7) in paragraph (8)—

20 (A) in subparagraph (A), by striking
 21 “\$5,000,000” and inserting “\$15,000,000”;
 22 and

23 (B) by adding at the end the following:

24 “(C) ADMINISTRATION.—Of the funds pro-
 25 vided to the Secretary under subparagraph (A),

1 not more than 5 percent may be used to pay
2 administrative costs incurred by the Secretary
3 in carrying out this subsection.”; and
4 (8) in paragraph (9), by striking “2011
5 through 2015” and inserting “2022 through 2027”.

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