

117TH CONGRESS
1ST SESSION

H. R. 5249

To amend the Richard B. Russell National School Lunch Act to establish a pilot program to provide selected States with an increased reimbursement for school lunches that are comprised of locally grown foods, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2021

Mr. DELGADO (for himself and Mr. HUIZENGA) 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 establish a pilot program to provide selected States with an increased reimbursement for school lunches that are comprised of locally grown foods, 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 “Small Farm to School
5 Act of 2021”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Across the United States, school food serv-
2 ice directors of school lunch programs face very tight
3 budgets, and many find it challenging to shift their
4 procurement practices without additional support.

5 (2) One way to encourage school food service
6 directors to procure more locally produced foods is
7 to offer reimbursements to provide financial incen-
8 tives for purchases and ease the process of shifting
9 existing procurement practices.

10 (3) Research suggests that providing financial
11 incentives to school food service directors for pur-
12 chasing of locally produced foods, can result in an
13 overall positive economic effect for farmers and local
14 economies.

15 (4) In one such study, Cornell University re-
16 searchers found that providing an additional \$0.05-
17 per-lunch subsidy incentive to school food service di-
18 rectors in New York State that use local fruits or
19 vegetables one day per week would have an overall
20 positive economic effect for farmers and local econo-
21 mies.

22 (5) In a report on Michigan’s “10 Cents a Meal
23 for School Kids and Farms” State pilot program, re-
24 searchers found that providing schools with up to
25 \$0.10-per-meal in incentive match funding to pur-

1 chase and serve Michigan-grown fruits, vegetables,
2 and dry beans resulted in an overall positive eco-
3 nomic effect for the State’s economy, doubling the
4 investment of such State in the program.

5 (b) PURPOSE.—The purpose of this Act is to provide
6 incentives for school food service directors of school lunch
7 programs to increase purchases of locally produced, proc-
8 essed, and unprocessed foods from small farmers, thereby
9 providing healthier lunches for children and creating a
10 positive economic effect for small farmers and local econo-
11 mies.

12 **SEC. 3. LOCALLY PRODUCED FOODS PILOT PROGRAM.**

13 Section 18 of the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1769) is amended by inserting be-
15 fore subsection (b) the following:

16 “(a) LOCALLY PRODUCED FOODS PILOT PRO-
17 GRAM.—

18 “(1) IN GENERAL.—The Secretary shall carry
19 out a grant program to make 3-year grants to 8
20 States or Indian tribal organizations to provide
21 school food authorities with an increased reimburse-
22 ment for free and reduced price lunches that are
23 qualified lunches (as defined in paragraph (10)).

24 “(2) APPLICATION.—To be eligible to receive a
25 grant under this subsection, a State or Indian tribal

1 organization shall submit an application to the Sec-
2 retary at such time, in such manner, and containing
3 such information as the Secretary may require.

4 “(3) SELECTION OF STATES.—

5 “(A) REGIONAL REQUIREMENT.—In
6 awarding grants to States or Indian tribal orga-
7 nizations under this subsection, the Secretary
8 shall select at least one State or Indian tribal
9 organization located in each of the following re-
10 gions designated by the Administrator of the
11 Food and Nutrition Service:

12 “(i) The Mid-Atlantic Region.

13 “(ii) The Midwest Region.

14 “(iii) The Mountain Plains Region.

15 “(iv) The Northeast Region.

16 “(v) The Southern Region.

17 “(vi) The Southwest Region.

18 “(vii) The Western Region.

19 “(B) PRIORITY.—

20 “(i) HIGHEST PRIORITY.—To the
21 maximum extent practicable, in awarding
22 grants under this subsection, the Secretary
23 shall give the highest priority to a State or
24 Indian tribal organization that proposes in
25 an application under paragraph (2) to

1 carry out a project that, as determined by
2 the Secretary—

3 “(I) makes local food products
4 available on the menu of the eligible
5 institution;

6 “(II) serves a high proportion of
7 children who are eligible for free or
8 reduced price meals;

9 “(III) incorporates experiential,
10 and traditional and culturally appro-
11 priate nutrition, food, or agricultural
12 education activities in curriculum
13 planning;

14 “(IV) serves a high proportion of
15 children from socially disadvantaged
16 backgrounds;

17 “(V) demonstrates collaboration
18 between State and local agencies,
19 Tribal organizations and agencies, ag-
20 ricultural producers or groups of agri-
21 cultural producers, land-grant colleges
22 and universities, and nonprofit enti-
23 ties;

1 “(VI) includes adequate and
2 participatory evaluation plans, as de-
3 termined by the Secretary;

4 “(VII) demonstrates the potential
5 for long-term sustainability;

6 “(VIII) increases the availability
7 of locally produced foods to children;
8 and

9 “(IX) meets any other criteria
10 that the Secretary determines appro-
11 priate.

12 “(ii) ADDITIONAL PRIORITY.—In
13 awarding grants to States or Indian tribal
14 organizations under this subsection, the
15 Secretary shall, in addition to the priority
16 described in clause (i), give priority to—

17 “(I) a State or Indian tribal or-
18 ganization with a high quantity and
19 variety of growers of local fruits and
20 vegetables on a per capita basis; and

21 “(II) a State or Indian tribal or-
22 ganization with a demonstrated com-
23 mitment to farm-to-school activities.

24 “(4) USE OF FUNDS.—

1 “(A) IN GENERAL.—A State or Indian
2 tribal organization that receives a grant under
3 this subsection shall use the grant funds to pro-
4 vide to an additional 2.5 cents reimbursement
5 to each school food authority located in such
6 State for each qualified lunch served by such
7 school food authority.

8 “(B) MATCHING FUNDS REQUIREMENT.—
9 A State or Indian tribal organization that re-
10 ceives a grant under this subsection shall pro-
11 vide, toward the cost of the activities assisted
12 under the grant, from non-Federal sources, an
13 amount equal to 100 percent of the amount of
14 the grant.

15 “(5) REPORTS.—

16 “(A) STATE REPORT.—Not later than 1
17 year after the date of the enactment of this
18 subsection, a State or Indian tribal organization
19 awarded a grant under this subsection shall
20 submit a report to the Secretary that in-
21 cludes—

22 “(i) the quantity of locally grown
23 foods annually purchased and served prior
24 to a grant under this subsection;

1 “(ii) the locally grown foods pur-
2 chased and served pursuant to a grant
3 under this subsection;

4 “(iii) the source, quantity, and cost of
5 each such food described in clauses (i) and
6 (ii); and

7 “(iv) an assessment of the activities
8 carried out by such State pursuant to such
9 grant.

10 “(B) DEPARTMENT REPORT.—Not later
11 than 1 year after the date of the enactment of
12 this subsection, the Secretary shall submit a re-
13 port to Congress that includes—

14 “(i) an analysis of the pilot project
15 under this subsection;

16 “(ii) the data reported to the Sec-
17 retary by participating States and Indian
18 tribal organizations under subparagraph
19 (A); and

20 “(iii) a benefit-cost ratio analysis tak-
21 ing into account the increased economic ac-
22 tivity on farms, input suppliers, and others
23 employed in the food distribution sector.

24 “(6) SUPPLEMENT, NOT SUPPLANT.—Grant
25 funds provided under this subsection shall be used to

1 supplement, not supplant, other Federal or State
2 funds available to carry out activities described in
3 this subsection.

4 “(7) ALLOCATION OF FUNDS.—

5 “(A) IN GENERAL.—Of the funds made
6 available to carry out this subsection in a fiscal
7 year, the Secretary shall make an allocation to
8 the 8 States or Indian tribal organizations
9 awarded a grant under this subsection. Such al-
10 location shall be made on a pro rata basis de-
11 termined by the total number of reimbursable
12 meals served during the previous school year.

13 “(B) ADMINISTRATIVE.—Of the funds
14 made available to a State or Indian tribal orga-
15 nization under this subsection, not more than 3
16 percent may be used for administrative ex-
17 penses.

18 “(8) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated to carry out
20 this subsection \$20,000,000 for fiscal year 2021 and
21 each succeeding fiscal year, to remain available until
22 expended.

23 “(9) DEFINITIONS.—In this subsection:

1 “(A) FARM-TO-SCHOOL ACTIVITIES.—The
2 term ‘farm-to-school activities’ includes the fol-
3 lowing activities:

4 “(i) Planting and maintenance of
5 farms or gardens.

6 “(ii) Procurement from local agricul-
7 tural producers.

8 “(iii) Educational activities relating to
9 agriculture, nutrition, or food.

10 “(B) LOCALLY PRODUCED.—The term ‘lo-
11 cally produced’ means food that is—

12 “(i) raised, produced, and distributed
13 in a locality that is less than 400 miles
14 from the point of sale of such food, or

15 “(ii) raised, produced, distributed, and
16 sold within the same State, territory, or
17 Tribal land.

18 “(C) MAJORITY-CONTROLLED PRODUCER-
19 BASED BUSINESS VENTURE.—The term ‘major-
20 ity-controlled producer-based venture’ has the
21 meaning given the term in section 210A for the
22 Agricultural Marketing Act of 1946 (7 U.S.C.
23 1627(c)).

24 “(D) QUALIFIED LUNCH.—The term
25 ‘qualified lunch’ means a lunch served by a

1 school food authority under this Act of which at
2 least one component of such lunch is comprised
3 entirely of locally produced and unprocessed
4 foods procured directly from—

5 “(i) an independent producer;

6 “(ii) an agricultural producer group,
7 farmer, or rancher cooperative or majority-
8 controlled producer-based venture—

9 “(I) that is privately held and in-
10 corporated within a 400-mile radius of
11 the school food authority procuring
12 such locally produced and unprocessed
13 foods; and

14 “(II) of which the majority of the
15 owners are located within a 400-mile
16 radius of such school food authority;
17 or

18 “(iii) an intermediary—

19 “(I) that is privately held and in-
20 corporated within a 400-mile radius of
21 the school food authority procuring
22 such locally produced and unprocessed
23 foods; and

1 “(II) of which the majority of the
2 owners are located within a 400-mile
3 radius of such school food authority.

4 “(E) UNPROCESSED.—The term ‘unproc-
5 essed’ means only those agricultural products
6 that retain their inherent character. The effects
7 of the following food handling and preservation
8 techniques shall not be considered as changing
9 an agricultural product into a product of a dif-
10 ferent kind or character: cooling; refrigerating;
11 freezing; size adjustment made by peeling, slic-
12 ing, dicing, cutting, chopping, shucking, and
13 grinding; forming ground products into patties
14 without any additives or fillers; drying/dehydra-
15 tion; washing; packaging (such as placing eggs
16 in cartons), vacuum packing and bagging (such
17 as placing vegetables in bags or combining 2 or
18 more types of vegetables or fruits in a single
19 package); the addition of ascorbic acid or other
20 preservatives to prevent oxidation of produce;
21 butchering livestock and poultry; cleaning fish;
22 and the pasteurization of milk.

23 “(F) STATE.—The term ‘State’ means any
24 of the several States, the District of Columbia,

1 the Commonwealth of Puerto Rico, or any other
2 territory or possession of the United States.”.

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