

117TH CONGRESS
1ST SESSION

S. 1328

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

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

Mr. LEAHY (for himself, Mr. TILLIS, Mr. BROWN, and Ms. COLLINS) 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 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

shall seek to improve local food procurement and distribution options for agricultural producers and eligible institutions.

“(ii) AGGREGATION, PROCESSING, TRANSPORTATION, AND DISTRIBUTION.—

In advancing local food procurement options and other farm to school program objectives, the Secretary may provide funding for projects that include innovative approaches to aggregation, processing, transportation, and distribution.

“(D) AWARDS.—

“(i) MAXIMUM AMOUNT.—The total amount provided to a grant recipient under this subsection shall not exceed \$500,000.

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

“(iii) PURPOSE AND SCOPE.—In making awards under this subsection, the Secretary shall seek to make awards of diverse amounts and duration in order to best match the award to the purpose and scope of the project to be funded.

“(E) LIMITATION.—The Secretary may 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 redesign-
6 nated) and inserting the following:

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

11 “(II) serve a high proportion of chil-
12 dren from socially disadvantaged back-
13 grounds;”;

14 (F) in clause (iv) (as so redesignated), by
15 striking “eligible schools” and all that follows
16 through “partners” and inserting “eligible insti-
17 tutions, State and local agencies, Tribal organi-
18 zations and agencies, agricultural producers or
19 groups of agricultural producers, land-grant col-
20 leges 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 re-
24 designated) 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

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

(C) in subparagraph (A) (as so designated)—

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

(ii) in clause (iii) (as so redesignated), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iv) to increase awareness of, and participation in, farm to school programs among agricultural and aquaculture producers or agricultural producer groups, including beginning farmers and ranchers, veteran farmers and ranchers, and socially disadvantaged farmers and ranchers (as those terms are defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a))).”;

(D) by adding at the end the following:

“(B) REVIEW.—

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

14 “(ii) REQUIREMENTS.—In preparing
15 the report, the Secretary shall examine—

16 “(I) the direct and indirect regu-
17 latory compliance costs affecting the
18 production and marketing of locally or
19 regionally produced agricultural food
20 products to school and early childhood
21 food programs;

22 “(II) barriers to local and re-
23 gional market access for small-scale
24 production;

1 “(III) barriers to funding
2 projects that meet the criteria de-
3 scribed in paragraph (5)(A);

4 “(IV) barriers to local and re-
5 gional market access for Tribal farm-
6 ers and ranchers; and

7 “(V) barriers to funding Tribal
8 projects under farm to school pro-
9 grams.”;

10 (7) in paragraph (8)—

11 (A) in subparagraph (A), by striking
12 “\$5,000,000” and inserting “\$15,000,000”;
13 and

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

15 “(C) ADMINISTRATION.—Of the funds pro-
16 vided to the Secretary under subparagraph (A),
17 not more than 5 percent may be used to pay
18 administrative costs incurred by the Secretary
19 in carrying out this subsection.”; and

20 (8) in paragraph (9), by striking “2011
21 through 2015” and inserting “2022 through 2027”.

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