

118TH CONGRESS
1ST SESSION

S. 3129

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

OCTOBER 25, 2023

Mr. BROWN (for himself 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 2023”.

6 **SEC. 2. ACCESS TO LOCAL FOODS: PATRICK LEAHY FARM**
7 **TO SCHOOL PROGRAM.**

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 the subsection heading, by striking “PRO-
2 GRAM” and inserting “PROGRAM.”;

3 (2) in paragraph (1)—

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

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

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

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

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

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

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

20 “(ii) carries out—

21 “(I) planting and maintenance of
22 farms or gardens;

23 “(II) procurement from local ag-
24 ricultural producers; or

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

3 (3) in paragraph (2)—

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

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

8 (C) by striking “grants and technical as-
9 sistance” and inserting “grants, technical as-
10 sistance, research, and evaluation”;

11 (4) in paragraph (3)—

12 (A) in subparagraph (A)—

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

15 (ii) by redesignating clauses (vi) and
16 (vii) as clauses (vii) and (viii), respectively;
17 and

18 (iii) by inserting after clause (v) the
19 following:

20 “(vi) implementing educational activi-
21 ties relating to agriculture, nutrition, or
22 food;”; and

23 (B) by striking subparagraph (C) and in-
24 serting the following:

1 “(C) IMPROVED PROCUREMENT AND DIS-
2 TRIBUTION.—

3 “(i) IN GENERAL.—In awarding
4 grants under this subsection, the Secretary
5 shall seek to improve local food procure-
6 ment and distribution options for agricul-
7 tural producers and eligible institutions.

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

16 “(D) AWARDS.—

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

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

22 “(iii) PURPOSE AND SCOPE.—In mak-
23 ing awards under this subsection, the Sec-
24 retary shall seek to make awards of diverse
25 amounts and duration in order to best

1 match the award to the purpose and scope
2 of the project to be funded.

3 “(E) LIMITATION.—The Secretary may
4 not award a grant under this subsection if the
5 grant funds would be used solely for the pur-
6 pose of carrying out a conference.”;

7 (5) in paragraph (4)—

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

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

11 “(C) WAIVER OR MODIFICATION.—

12 “(i) IN GENERAL.—The Secretary
13 may waive or modify the matching require-
14 ment under this paragraph if the Secretary
15 determines that a waiver or modification is
16 necessary to reduce barriers to applications
17 for projects that meet 1 or more of the cri-
18 teria for receiving highest priority under
19 paragraph (5).

20 “(ii) PROCESS.—The Secretary shall
21 establish and make publicly available the
22 process by which an applicant may request
23 a waiver or modification under clause (i).

24 “(D) TRIBAL AGENCIES.—The Secretary
25 may allow a Tribal agency to use funds pro-

1 vided to the Indian Tribe of the Tribal agency
 2 through a Federal agency (including the Indian
 3 Health Service) or any other Federal benefit to
 4 satisfy all or part of the non-Federal share de-
 5 scribed in subparagraph (A) if that use is con-
 6 sistent with the purpose of the funds or other
 7 Federal benefit provided.”;

8 (6) in paragraph (5)—

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

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

16 “(A) IN GENERAL.—To the maximum ex-
 17 tent practicable”;

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

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

22 (E) by striking clause (iii) (as so redesi-
 23 gated) and inserting the following:

24 “(iii)(I) incorporate experiential and
 25 traditional and culturally appropriate food,

1 nutrition, or agricultural education activi-
2 ties in curriculum planning; and

3 “(II) serve a high proportion of chil-
4 dren from socially disadvantaged back-
5 grounds;”;

6 (F) in clause (iv) (as so redesignated), by
7 striking “eligible schools” and all that follows
8 through “partners” and inserting “eligible insti-
9 tutions, State and local agencies, Tribal organi-
10 zations and agencies, agricultural producers or
11 groups of agricultural producers, land-grant col-
12 leges and universities, and nonprofit entities”;

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

15 (H) by inserting after clause (vi) (as so re-
16 designated) the following:

17 “(vii) expand the selection of local
18 commodities for eligible institutions;

19 “(viii) identify and address chronic
20 diet-related health issues of the children
21 served by eligible institutions; and”;

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

23 “(B) TRIBAL COMMUNITY PROJECTS.—To
24 the maximum extent practicable, in providing
25 assistance under this subsection for projects

1 that serve Tribal communities, the Secretary
2 shall give the highest priority to projects that
3 incorporate products, including traditional
4 foods, from Tribal agricultural producers, as
5 determined by the Secretary.”;

6 (7) in paragraph (7)—

7 (A) by redesignating subparagraphs (A)
8 through (C) as clauses (i) through (iii), respec-
9 tively, and indenting appropriately;

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

13 “(7) TECHNICAL ASSISTANCE AND RE-
14 SEARCH.—

15 “(A) IN GENERAL.—The Secretary shall
16 provide technical assistance, research, and in-
17 formation to assist eligible institutions, State
18 and local agencies, Indian Tribal organizations,
19 agricultural producers or agricultural producer
20 groups, and nonprofit entities—”;

21 (C) in subparagraph (A) (as so des-
22 ignated)—

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

1 (ii) in clause (iii) (as so redesignated),
2 by striking the period at the end and in-
3 serting “; and”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(iv) to increase awareness of, and
7 participation in, farm to school programs
8 among agricultural and aquaculture pro-
9 ducers or agricultural producer groups, in-
10 cluding beginning farmers and ranchers,
11 veteran farmers and ranchers, and socially
12 disadvantaged farmers and ranchers (as
13 those terms are defined in section 2501(a)
14 of the Food, Agriculture, Conservation,
15 and Trade Act of 1990 (7 U.S.C.
16 2279(a)).”; and

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

18 “(B) REVIEW.—

19 “(i) IN GENERAL.—Not later than 1
20 year after the date of enactment of the
21 Farm to School Act of 2023 and every 3
22 years thereafter, the Secretary shall review
23 and submit to the Committees on Agri-
24 culture and Education and the Workforce
25 of the House of Representatives and the

1 Committee on Agriculture, Nutrition, and
2 Forestry of the Senate a report that de-
3 scribes the progress that has been made in
4 identifying and eliminating regulatory and
5 other barriers related to developing farm to
6 school programs.

7 “(ii) REQUIREMENTS.—In preparing
8 the report, the Secretary shall examine—

9 “(I) the direct and indirect regu-
10 latory compliance costs affecting the
11 production and marketing of locally or
12 regionally produced agricultural food
13 products to school and early childhood
14 food programs;

15 “(II) barriers to local and re-
16 gional market access for small-scale
17 production;

18 “(III) barriers to funding
19 projects that meet the criteria de-
20 scribed in paragraph (5)(A);

21 “(IV) barriers to local and re-
22 gional market access for Tribal farm-
23 ers and ranchers; and

1 “(V) barriers to funding Tribal
2 projects under farm to school pro-
3 grams.”;

4 (8) in paragraph (8)—

5 (A) in subparagraph (A), by striking
6 “\$5,000,000” and inserting “\$15,000,000”;
7 and

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

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

14 (9) in paragraph (9), by striking “2011
15 through 2015” and inserting “2023 through 2028”.

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