

**APPENDIX A**

**SECTION 18 OF THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT**

# Attachment Section 18 of the Richard B. Russell National School Lunch Act

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RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Sec. 18

by a school in which at least 50 percent of the children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a supplement provided under this section to the child shall be—

(A) reimbursed at the rate at which free supplements are reimbursed under section 17(c)(3); and

(B) served without charge.

(2) OTHER SCHOOL CHILDREN.—In the case of an eligible child who is participating in a program authorized under this section at a site that is not described in paragraph (1), for the purposes of this section, the national average payment rate for supplements shall be equal to those established under section 17(c)(3) (as adjusted pursuant to section 11(a)(3)).

(d) CONTENTS OF SUPPLEMENTS.—The requirements that apply to the content of meal supplements served under child care food programs operated with assistance under this Act shall apply to the content of meal supplements served under programs operated with assistance under this section.

**[SEC. 17B.<sup>16</sup> [42 U.S.C. 1766b] HOMELESS CHILDREN NUTRITION PROGRAM.]**

## PILOT PROJECTS

**SEC. 18. [42 U.S.C. 1769][ (a) <sup>17</sup> ]**

(b)(1) Upon request to the Secretary, any school district that on January 1, 1987, was receiving all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program shall receive all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program beginning July 1, 1987. The Secretary, directly or through contract, shall administer the project under this subsection.

(2) Any school district that elects under paragraph (1) to receive all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program shall receive bonus commodities in the same manner as if such school district was receiving all entitlement commodities for its school lunch program.

(c)(1) The Secretary may conduct pilot projects to test alternative counting and claiming procedures.

(2) Each pilot program carried out under this subsection shall be evaluated by the Secretary after it has been in operation for 3 years.

**[ (d) <sup>18</sup> ]**

**[ (e) <sup>19</sup> ]**

**[ (f) <sup>20</sup> ]**

**(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.—**

<sup>16</sup> Effective July 1, 1999, section 107(j)(2)(C)(i) of P.L. 105-336, 112 Stat. 3153, Oct. 31, 1998, repealed section 17B.

<sup>17</sup> Subsec. (a) struck by sec. 441(a)(9) of P.L. 111-296, 124 Stat. 3264, Dec. 13, 2010.

<sup>18</sup> Subsec. (d) struck by sec. 441(a)(11) of P.L. 111-296, 124 Stat. 3264, Dec. 13, 2010.

<sup>19</sup> Subsec. (e) struck by sec. 441(a)(12) of P.L. 111-296, 124 Stat. XXX, Dec. 13, 2010.

<sup>20</sup> Subsec. (f) struck by sec. 441(a)(13) of P.L. 111-296, 124 Stat. 3264, Dec. 13, 2010.

(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term “eligible school” means a school or institution that participates in a program under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(2) PROGRAM.—The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

(3) GRANTS.—

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

- (i) training;
- (ii) supporting operations;
- (iii) planning;
- (iv) purchasing equipment;
- (v) developing school gardens;
- (vi) developing partnerships; and
- (vii) implementing farm to school programs.

(B) REGIONAL BALANCE.—In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

- (i) geographical diversity; and
- (ii) equitable treatment of urban, rural, and tribal communities.

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

(4) FEDERAL SHARE.—

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

(B) FEDERAL MATCHING.—As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

(5) CRITERIA FOR SELECTION.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

- (A) make local food products available on the menu of the eligible school;
- (B) serve a high proportion of children who are eligible for free or reduced price lunches;
- (C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

(E) include adequate and participatory evaluation plans;

(F) demonstrate the potential for long-term program sustainability; and

(G) meet any other criteria that the Secretary determines appropriate.

(6) EVALUATION.—As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and non-profit entities—

(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

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

(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.

(8) FUNDING.—

(A) IN GENERAL.—On October 1, 2012, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$5,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (8), there are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

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

(1) IN GENERAL.—

(A) DEFINITIONS.—In this paragraph:

(i) ELIGIBLE PROGRAM.—The term “eligible program” means—

(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

(ii) **ELIGIBLE SCHOOL.**—The term “eligible school” means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

(B) **ESTABLISHMENT.**—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

(i) be planted, cared for, and harvested by students at the eligible schools; and

(ii) teach the students participating in the community gardens about agriculture production practices and diet.

(C) **PRIORITY STATES.**—Of the States in which grantees under this paragraph are located—

(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

(D) **USE OF PRODUCE.**—Produce from a community garden provided a grant under this paragraph may be—

(i) used to supplement food provided at the eligible school;

(ii) distributed to students to bring home to the families of the students; or

(iii) donated to a local food bank or senior center nutrition program.

(E) **NO COST-SHARING REQUIREMENT.**—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

(F) **EVALUATION.**—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation carried out by the Secretary.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2004 through 2015.

(i) **YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**—

(1) **IN GENERAL.**—A service institution that is described in section 13(a)(6) (excluding a public school), or a private nonprofit organization described in section 13(a)(7), and that is located in the State of California may be reimbursed—

(A) for up to 2 meals during each day of operation served—

(i) during the months of May through September;

(ii) in the case of a service institution that operates a food service program for children on school va-

cation, at anytime under a continuous school calendar; and

(iii) in the case of a service institution that provides meal service at a nonschool site to children who are not in school for a period during the school year due to a natural disaster, building repair, court order, or similar case, at anytime during such a period; and (B) for a snack served during each day of operation after school hours, weekends, and school holidays during the regular school calendar.

(2) PAYMENTS.—The service institution shall be reimbursed consistent with section 13(b)(1).

(3) ADMINISTRATION.—To receive reimbursement under this subsection, a service institution shall comply with section 13, other than subsections (b)(2) and (c)(1) of that section.

(4) EVALUATION.—Not later than September 30, 2007, the State agency shall submit to the Secretary a report on the effect of this subsection on participation in the summer food service program for children established under section 13.

(5) FUNDING.—The Secretary shall provide to the State of California such sums as are necessary to carry out this subsection for each of fiscal years 2011 through 2015.

(j) FREE LUNCH AND BREAKFAST ELIGIBILITY.—

(1) IN GENERAL.—Subject to the availability of funds under paragraph (4), the Secretary shall expand the service of free lunches and breakfasts provided at schools participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) in all or part of 5 States selected by the Secretary (of which at least 1 shall be a largely rural State with a significant Native American population).

(2) INCOME ELIGIBILITY.—The income guidelines for determining eligibility for free lunches or breakfasts under this subsection shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

(3) EVALUATION.—

(A) IN GENERAL.—Not later than 3 years after the implementation of this subsection, the Secretary shall conduct an evaluation to assess the impact of the changed income eligibility guidelines by comparing the school food authorities operating under this subsection to school food authorities not operating under this subsection.

(B) IMPACT ASSESSMENT.—

(i) CHILDREN.—The evaluation shall assess the impact of this subsection separately on—

(I) children in households with incomes less than 130 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B); and

(II) children in households with incomes greater than 130 percent and not greater than 185 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

(ii) FACTORS.—The evaluation shall assess the impact of this subsection on—

(I) certification and participation rates in the school lunch and breakfast programs;

(II) rates of lunch- and breakfast-skipping;

(III) academic achievement;

(IV) the allocation of funds authorized in title I of the Elementary and Secondary Education Act (20 U.S.C. 6301) to local educational agencies and public schools; and

(V) other factors determined by the Secretary.

(C) COST ASSESSMENT.—The evaluation shall assess the increased costs associated with providing additional free, reduced price, or paid meals in the school food authorities operating under this subsection.

(D) REPORT.—On completion of the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

(k) ORGANIC FOOD PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish an organic food pilot program (referred to in this subsection as the “pilot program”) under which the Secretary shall provide grants on a competitive basis to school food authorities selected under paragraph (3).

(2) USE OF FUNDS.—

(A) IN GENERAL.—The Secretary shall use funds provided under this section—

(i) to enter into competitively awarded contracts or cooperative agreements with school food authorities selected under paragraph (3); or

(ii) to make grants to school food authority applicants selected under paragraph (3).

(B) SCHOOL FOOD AUTHORITY USES OF FUNDS.—A school food authority that receives a grant under this section shall use the grant funds to establish a pilot program that increases the quantity of organic foods provided to schoolchildren under the school lunch program established under this Act.

(3) APPLICATION.—

(A) IN GENERAL.—A school food authority seeking a contract, grant, or cooperative agreement under this sub-

section shall submit to the Secretary an application in such form, containing such information, and at such time as the Secretary shall prescribe.

(B) CRITERIA.—In selecting contract, grant, or cooperative agreement recipients, the Secretary shall consider—

(i) the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section) applicable to a family of the size involved of the households in the district served by the school food authority, giving preference to school food authority applicants in which not less than 50 percent of the households in the district are at or below the Federal poverty line;

(ii) the commitment of each school food authority applicant—

(I) to improve the nutritional value of school meals;

(II) to carry out innovative programs that improve the health and wellness of schoolchildren; and

(III) to evaluate the outcome of the pilot program; and

(iii) any other criteria the Secretary determines to be appropriate.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for fiscal years 2011 through 2015.

**SEC. 19. [42 U.S.C. 1769a] FRESH FRUIT AND VEGETABLE PROGRAM.<sup>21</sup>**

(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the “program”).

(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

(c) FUNDING TO STATES.—

(1) MINIMUM GRANT.—Except as provided in subsection (i)(2), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal

<sup>21</sup>Sec. 4304(a)(2)(B) of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246; 122 Stat. 1892) provided that: “To facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (as amended by paragraph (1))—

(i) for the school year beginning July 1, 2008, the Secretary may permit any school selected for participation under section 18(f) of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act).”.