

111TH CONGRESS  
1ST SESSION

# H. R. 4333

To amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. FARR (for himself, Mr. PUTNAM, Ms. RICHARDSON, Mr. BLUMENAUER, Mr. KAGEN, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. MATSUI, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Mr. COSTA, Mr. SERRANO, Mr. COURTNEY, Ms. HIRONO, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, 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 “Children’s Fruit and  
5 Vegetable Act of 2009”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

3 (1) Children eat less than half of the daily  
4 fruits and vegetables recommended for good health  
5 by the 2005 Dietary Guidelines for Americans. To  
6 meet those guidelines designed to promote the health  
7 of children and to lower their risks of chronic dis-  
8 ease and obesity, children need to double their fruit  
9 and vegetable intake. According to the background  
10 and purpose of those guidelines many specific dis-  
11 ease and conditions are linked to poor diet and that  
12 nutrient supplements cannot replace a healthful diet.  
13 The report notes that “an array of evidence points  
14 to beneficial health effects” from the increased in-  
15 take of fruits and vegetables.

16 (2) Published analysis of the 2005 Dietary  
17 Guidelines for Americans notes that increased in-  
18 takes of fruit, vegetables, are likely to have impor-  
19 tant health benefits for most Americans. For this  
20 reason, the Secretary of Agriculture should engage  
21 in effective marketing, communications, and training  
22 focused on sharing best practices that result in  
23 school children eating more fruits and vegetables.

24 (3) Schools participating in the national school  
25 lunch program established under the Richard B.  
26 Russell National School Lunch Act (42 U.S.C. 1751

1 et seq.) or the school breakfast program established  
2 under the Child Nutrition Act of 1966 (42 U.S.C.  
3 1771, et seq.) are required to serve meals that are  
4 consistent with the most recent Dietary Guidelines  
5 for Americans published under section 301 of the  
6 National Nutrition Monitoring and Related Research  
7 Act of 1990 (7 U.S.C. 5341). However, Nutrition  
8 Standards and Meal Requirements for the National  
9 School Lunch Program and the School Breakfast  
10 Program, have not been updated since 1995.

11 (4) Most schools participating in school meal  
12 programs currently serve meals that contain fewer  
13 fruits and vegetables than recommended by the Die-  
14 tary Guidelines for Americans published in 2005  
15 under section 301 of the National Nutrition Moni-  
16 toring and Related Research Act of 1990 (7 U.S.C.  
17 5341).

18 (5) The Institute of Medicine's publication enti-  
19 tled School Meals: Building Blocks for Healthy Chil-  
20 dren Report (October 20, 2009), recommends that  
21 (1) the amount of fruit served in school breakfast be  
22 doubled to one cup, and (2) the amount of fruits  
23 and vegetables in school lunch be doubled to one cup  
24 of fruit and one cup of vegetables every day, and  
25 that the variety of vegetables served be increased,

1 emphasizing dark green and orange vegetables. The  
2 Institute of Medicine’s recommendations will align  
3 the National School Breakfast and Lunch Programs  
4 with the Dietary Guidelines for Americans published  
5 in 2005 under section 301 of the National Nutrition  
6 Monitoring and Related Research Act of 1990 (7  
7 U.S.C. 5341) and promote children’s health. The In-  
8 stitute of Medicine’s report also recognizes that im-  
9 proving the quality of school meals, such as adding  
10 more fruits and vegetables, will require additional  
11 cafeteria equipment, such as refrigeration, salad bar,  
12 and fruit and vegetable bars.

13 (6) An important goal of the Federal school  
14 lunch and breakfast programs should include im-  
15 proving the eating habits of children so they can  
16 meet recommendations set forth in the most recent  
17 version of the Dietary Guidelines for Americans.

18 (7) According to a University of California-Los  
19 Angeles School of Public Health study published in  
20 2007 (Public Health Nutrition 10:1490–1496) by  
21 Dr. Wendelin Slusser, M.D., et al. and later con-  
22 firmed by additional research presented by Dr.  
23 Havinder Sareen, PhD, MPH to the Centers for  
24 Disease Control and Prevention in February 2009,  
25 children who have access to salad bars or fruit and

1 vegetable bars in their school cafeteria eat more  
2 fruits and vegetables.

3 (8) According to the U.S. Department of Agri-  
4 culture only approximately 3 percent of fruits and  
5 vegetables purchased for the school lunch program  
6 through the Agricultural Marketing Services com-  
7 modity purchase program are fresh. The Secretary  
8 of Agriculture is piloting a fresh-cut sliced apple  
9 program to test the feasibility of purchasing, under  
10 authority of section 32 of Public Law 74–320, as  
11 amended (7 U.S.C. 612c), a wide variety of fresh-  
12 cut fruits and vegetables for school meal programs.  
13 According to the Agricultural Marketing Service  
14 press release from September 17, 2009, the fresh-  
15 cut sliced apple pilot program is a tremendous  
16 achievement and is extraordinarily popular with  
17 schools. The Secretary plans to expand the fresh-cut  
18 apple program and pilot test a baby carrot program  
19 during the Fall of 2009.

20 (9) The American Recovery and Reinvestment  
21 Act of 2009 (ARRA) (Public Law 111–5) provided  
22 a one time investment of \$100 million for equipment  
23 assistance to school food authorities participating in  
24 the National School Lunch Program. This is the  
25 first Federal infrastructure investment for cafeteria

1 equipment in 25 years. Total requests from schools  
2 for cafeteria equipment through the ARRA exceeded  
3 \$650 million indicating a strong unmet need for  
4 Federal support to help schools for equipment that  
5 lends itself to improving the quality of school food  
6 service meals that meet the Dietary Guidelines.

7 (10) The Fresh Fruit and Vegetable Program  
8 established under Section 19 of the Richard B. Rus-  
9 sell National School Lunch Act (42 U.S.C. 1769a, et  
10 seq.) has demonstrated successfully that children  
11 like fresh fruits and vegetables and will increase  
12 their consumption when a variety of high quality  
13 fresh fruits and vegetables are available to them in  
14 school.

15 (11) Policy initiatives, such as the Fresh Fruits  
16 and Vegetable Program, which are designed to im-  
17 prove the school food environment and children's  
18 eating habits, should be reinforced with training and  
19 technical assistance for schools to improve program  
20 effectiveness.

21 (b) PURPOSE.—The purpose of this Act is to estab-  
22 lish a national strategy to improve the nutritional quality  
23 of school meals served by schools participating in the  
24 school lunch program established under the Richard B.  
25 Russell National School Lunch Act (42 U.S.C. 1751 et

1 seq.) or the school breakfast program established under  
2 established under the Child Nutrition Act of 1966 (42  
3 U.S.C. 1771 et seq.) by increasing access to and consump-  
4 tion of fruits and vegetables by children enrolled in the  
5 schools through—

6 (1) the promotion of the use of salad bars, or  
7 fruit and vegetable bars, as a strategy to increase  
8 children’s fruit and vegetable consumption;

9 (2) the expansion of the amount of fruits and  
10 vegetables purchased by the Secretary of Agriculture  
11 for use in school meals, emphasizing fruits and vege-  
12 tables that are popular with students;

13 (3) effective training and technical assistance,  
14 emphasizing best practices, that will—

15 (A) improve the implementation of the  
16 Fresh Fruit and Vegetable Program under sec-  
17 tion 19 of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1769a); and

19 (B) increase the availability and consump-  
20 tion of fruits and vegetables in school meals;

21 (4) infrastructure investment for purchasing  
22 cafeteria equipment specifically targeted for increas-  
23 ing access to fruits and vegetables and improve the  
24 quality of school food service meals that meet the  
25 most recent Dietary Guidelines for Americans pub-

1 lished under section 301 of the National Nutrition  
2 Monitoring and Related Research Act of 1990 (7  
3 U.S.C. 5341); and

4 (5) improving the quality of school meals.

5 **SEC. 3. DEFINITION.**

6 In this Act, the term “Secretary” means the Sec-  
7 retary of Agriculture.

8 **SEC. 4. INCREASING ACCESS TO FRUITS AND VEGETABLES**  
9 **IN SCHOOL CAFETERIAS.**

10 Section 18 of the Richard B. Russell National School  
11 Lunch Act (42 U.S.C. 1769) is amended by adding at the  
12 end the following—

13 “(j) ESTABLISHING SALAD BARS AND FRUIT AND  
14 VEGETABLE BARS.—

15 “(1) MARKETING AND COMMUNICATIONS  
16 PLAN.—Not later than 90 days after the date of en-  
17 actment of the Children’s Fruit and Vegetable Act  
18 of 2009, the Secretary shall establish and implement  
19 a plan to promote the use of salad bars or fruit and  
20 vegetable bars in schools participating in the school  
21 lunch program established under this Act.

22 “(2) TRAINING AND TECHNICAL ASSISTANCE.—

23 “(A) IN GENERAL.—In carrying out the  
24 plan described in paragraph (1), the Secretary  
25 shall provide training and technical assistance

1 to State educational agencies and schools on  
2 how to offer salad bars or fruit and vegetable  
3 bars.

4 “(B) COMPREHENSIVE GUIDANCE.—In  
5 providing the training and technical assistance  
6 described in subparagraph (A), the Secretary  
7 may use relevant guidance provided in the pub-  
8 lication of the Secretary entitled Fruits and  
9 Vegetables Galore: Helping Kids Eat More  
10 (2004).

11 “(3) INFRASTRUCTURE INVESTMENT.—

12 “(A) IN GENERAL.—In carrying out the  
13 plan described in paragraph (1), the Secretary  
14 shall develop a program to provide grants to  
15 State educational agencies to encourage schools  
16 in such agencies to purchase equipment and  
17 modify facilities for the purpose of setting up  
18 and operating salad bars or fruit and vegetable  
19 bars.

20 “(B) ALLOCATION TO STATE EDU-  
21 CATIONAL AGENCIES.—The Secretary shall allo-  
22 cate funds to each State educational agency in  
23 accordance with a formula developed by the  
24 Secretary, which shall provide for reallocation

1 of unused funds after the end of each fiscal  
2 year.

3 “(C) APPLICATION.—To receive a grant  
4 under this subsection, a State educational agen-  
5 cy shall submit to the Secretary an application  
6 at such time, in such manner, and containing  
7 such information as the Secretary may require.

8 “(D) STATE EDUCATIONAL AGENCY RE-  
9 QUIRED USES OF FUNDS.—Each State edu-  
10 cational agency receiving a grant under this  
11 subsection shall use the grant funds to—

12 “(i) award schools in such State edu-  
13 cational agency a one-time payment equal  
14 to the anticipated cost of setting up and  
15 operating a salad bar or fruit and vege-  
16 table bar, or \$7,500, whichever is less; and

17 “(ii) shall impose appropriate audit  
18 and reporting requirements, and other pro-  
19 cedures to ensure that funds provided to  
20 schools by the agency under this subsection  
21 have been properly used and shall recover  
22 unused funds, as appropriate.

23 “(4) EVALUATION AND REPORT.—Not later  
24 than 18 months following the establishment and exe-  
25 cution of the plan described in paragraph (1), the

1 Secretary shall prepare and submit a report to the  
2 Committee on Education and Labor, the Committee  
3 on Agriculture, and the Committee on Appropria-  
4 tions, of the House of Representatives, and the  
5 Committee on Appropriations, the Committee on Ag-  
6 riculture, Nutrition, and Forestry, of the Senate,  
7 which describes—

8 “(A) how the plan has been executed; and

9 “(B) the number of schools that have new  
10 salad bars or fruit and vegetable bars as a re-  
11 sult of such plan.

12 “(5) MANDATORY SPENDING.—

13 “(A) IN GENERAL.—Out of the funds in  
14 the Treasury not otherwise appropriated, the  
15 Secretary of Treasury shall provide to the Sec-  
16 retary of Agriculture by October 15 of each of  
17 fiscal years 2011 through 2012 the amount of  
18 \$10,000,000 and the Secretary of Agriculture  
19 shall accept and use such funds to implement  
20 this subsection.

21 “(B) ADDITIONAL AUTHORIZATION OF AP-  
22 PROPRIATIONS.—There are authorized to be ap-  
23 propriated, in addition to the mandatory fund-  
24 ing under subparagraph (A) for each of the fis-  
25 cal years listed in such subparagraph, such

1           sums as are necessary to carry out this sub-  
2           section, to remain available until expended.”.

3 **SEC. 5. IDENTIFYING AND REMOVING BARRIERS TO THE**  
4                   **PURCHASE OF PERISHABLE FRUITS AND**  
5                   **VEGETABLES.**

6           (a) **IN GENERAL.**—Not later than 180 days after the  
7 date of the enactment of this Act, the Secretary shall es-  
8 tablish and implement a plan to identify and remove bar-  
9 riers to facilitate the equitable purchase of fruits and vege-  
10 tables within the procurement and distribution systems  
11 administered by Secretary, acting through the Agricul-  
12 tural Marketing Service of the Department of Agriculture.  
13 The plan shall seek to identify and remove barriers to the  
14 equitable purchase of fruits and vegetables at all levels of  
15 the procurement and distribution systems, including any  
16 barriers related to the initial surveys, bidding, transpor-  
17 tation, handling, storage, and delivery to schools.

18           (b) **EVALUATION AND REPORT.**—Not later than 1  
19 year after the date of the enactment of this Act, the Sec-  
20 retary shall evaluate and report to the appropriate com-  
21 mittees of Congress recommendations to reduce or elimi-  
22 nate the barriers identified pursuant to subsection (a).

1 **SEC. 6. BEST PRACTICES TO IMPROVE EFFECTIVENESS OF**  
2 **FRESH FRUIT AND VEGETABLE PROGRAM.**

3 Section 19(i)(6)(A) of the Richard B. Russell Na-  
4 tional School Lunch Act (42 U.S.C. 1769a) is amended  
5 to read as follows:

6 “(A) IN GENERAL.—Of funds made avail-  
7 able to carry out this section for a fiscal year,  
8 the Secretary may use not more than \$500,000  
9 for administrative costs of carrying out this  
10 program, including national and regional train-  
11 ing conferences emphasizing sharing best prac-  
12 tices, and providing technical assistance. Such  
13 training programs may also include strategies  
14 and best practices for increasing access to fresh  
15 fruits and vegetables in other school meals pro-  
16 grams.”.

17 **SEC. 7. IMPROVING THE QUALITY OF SCHOOL MEALS**  
18 **THROUGH RULEMAKING.**

19 Not later than 24 months after the date of receiving  
20 the review initiated by the National Academy of Sciences,  
21 Institute of Medicine in February 2008 of the National  
22 School Lunch and School Breakfast Program Meal Pat-  
23 terns and Nutrient Standards authorized under the Rich-  
24 ard B. Russell National School Lunch Act (42 U.S.C.  
25 1751), the Secretary shall promulgate a final rule updat-  
26 ing the nutrition standards and meal requirements for

1 school meal programs in a manner consistent with the  
2 findings of such review.

3 **SEC. 8. EQUIPMENT ASSISTANCE GRANTS.**

4 (a) PROGRAM AUTHORIZED.—From the amount ap-  
5 propriated under subsection (e), the Secretary shall pro-  
6 vide funds to States, according to the allocation formula  
7 described in subsection (b), for the purpose of awarding  
8 grants, on a competitive basis, to school food authorities  
9 to provide equipment assistance to schools participating  
10 in the school lunch program established under the Richard  
11 B. Russell National School Lunch Act (42 U.S.C. 1751  
12 et seq.).

13 (b) ALLOCATION FORMULA.—

14 (1) IN GENERAL.—From the amount appro-  
15 priated under subsection (e), the Secretary shall al-  
16 locate funds to States in a manner proportional with  
17 each State's administrative expense allocation under  
18 section 7(a)(2) of the Child Nutrition Act of 1966  
19 (42 U.S.C. 1776(a)(2)).

20 (2) REALLOCATION.—If a State does not re-  
21 ceive funds under this subsection, the Secretary shall  
22 reallocate such funds to other States in amounts the  
23 Secretary determines necessary.

24 (c) APPLICATIONS.—

1           (1) STATES.—To qualify to receive an alloca-  
2           tion of funds under this section, a State shall submit  
3           an application to the Secretary at such time, in such  
4           manner, and containing such information as the Sec-  
5           retary may require.

6           (2) SCHOOL FOOD AUTHORITIES.—To qualify  
7           to receive a grant under this section, a school food  
8           authority shall submit an application to the applica-  
9           ble State at such time, in such manner, and con-  
10          taining such information as the State may require.  
11          Such application shall demonstrate to the State that  
12          such school food authority serves schools that have  
13          a need for equipment assistance.

14          (d) PRIORITY.—In awarding grants under this sec-  
15          tion, a State shall give priority to school food authorities  
16          that have, under the jurisdiction of such authorities,  
17          schools in which not less than 50 percent of the students  
18          are eligible for free or reduced price lunches under the  
19          Richard B. Russell National School Lunch Act (42 U.S.C.  
20          1751 et seq.).

21          (e) AUTHORIZATION OF APPROPRIATIONS AND AP-  
22          PROPRIATION.—Out of any moneys in the Treasury not  
23          otherwise appropriated, the Secretary of the Treasury  
24          shall provide to the Secretary \$100,000,000 to carry out  
25          this section, to remain available until expended.

1 (f) DEFINITION.—In this section, the term “equip-  
2 ment” means any equipment needed to prepare, process,  
3 and store food for the school lunch program established  
4 under this Act.

5 **SEC. 9. FARM TO SCHOOL PROGRAM.**

6 (a) AMENDMENT.—The Richard B. Russell National  
7 School Lunch Act (42 U.S.C. 1751 et seq.) is amended  
8 by inserting after section 19, the following:

9 **“SEC. 19A. FARM-TO-SCHOOL PROGRAM.**

10 “(a) IN GENERAL.—From the amount appropriated  
11 under subsection (h), the Secretary shall carry out a pro-  
12 gram provide assistance, through competitive matching  
13 grants and technical assistance, to schools and nonprofit  
14 entities to carry out farm-to-school programs that improve  
15 access to local foods in schools and institutions partici-  
16 pating in programs under this Act and section 4 of the  
17 Child Nutrition Act of 1966 (42 U.S.C. 1773) through  
18 farm to school activities, including the purchase of local  
19 food, establishment of effective relationships between  
20 school and institutional food service providers, distribu-  
21 tors, and producers or groups of producers, school gar-  
22 dens, appropriate equipment, and the provision of training  
23 and education.

24 “(b) PURPOSES OF FARM-TO-SCHOOL PROGRAMS.—  
25 Farm-to-school programs are designed to—

1           “(1) improve the nutritional health and well  
2 being of children;

3           “(2) procure healthy local foods from small and  
4 medium-sized farms for meals at eligible schools and  
5 institutions;

6           “(3) support experiential nutrition education  
7 activities and curriculum planning that incorporates  
8 the participation of school children in farm and gar-  
9 den-based agricultural education activities;

10           “(4) develop a sustained commitment to farm  
11 to school projects in the community by linking  
12 schools and institutions, State and local agencies in-  
13 cluding Indian Tribal Organizations, institutions of  
14 higher education, agricultural producers, parents,  
15 community garden groups and other community  
16 stakeholders; and

17           “(5) increase farm income by facilitating farm-  
18 ers’ access to institutional markets including schools.

19           “(c) GRANTS.—

20           “(1) COMPETITIVE BASIS.—A grant under this  
21 section shall be awarded on a competitive basis.

22           “(2) TYPES OF GRANTS.—A grant under this  
23 section may be—

1           “(A) an implementation grant to support  
2           the cost of implementing a farm-to-school pro-  
3           gram;

4           “(B) a training and technical assistance  
5           grant to provide the training, operational sup-  
6           port, information, and access to resources nec-  
7           essary to implement a success farm-to-school  
8           program; or

9           “(C) a planning grant to support the cost  
10          of conducting research, identifying resources,  
11          and developing partnerships to design a suc-  
12          cessful and sustainable farm-to-school program.

13          “(3) AMOUNT.—The total amount provided  
14          under this section to a grant recipient shall not ex-  
15          ceed—

16                 “(A) in the case of an implementation or  
17                 training and technical assistance grant,  
18                 \$100,000; and

19                 “(B) in the case of a planning grant,  
20                 \$25,000.

21          “(4) TERM.—A grant under this section may  
22          not be awarded for a period of more than—

23                 “(A) in the case of an implementation or  
24                 training and technical assistance grant, 2 years;  
25                 and

1           “(B) in the case of a planning grant, 1  
2 year.

3           “(5) COST SHARE.—

4           “(A) IN GENERAL.—The amount of a  
5 grant made under this section shall not exceed  
6 75 percent of the cost of—

7           “(i) in the case of an implementation  
8 grant, implementing a farm-to-school pro-  
9 gram;

10           “(ii) in the case of a training and  
11 technical assistance grant, providing the  
12 training, operational support, information,  
13 and access to resources necessary to imple-  
14 ment a success farm-to-school program;  
15 and

16           “(iii) in the case of a planning grant,  
17 conducting research, identifying resources  
18 and developing partnerships to design a  
19 successful and sustainable farm-to-school  
20 program.

21           “(B) NON-FEDERAL SUPPORT.—A grant  
22 recipient under this section shall be required to  
23 provide not more than 25 percent of the cost of  
24 the applicable activities described in subpara-  
25 graph (A) in the form of cash or in-kind con-

1           tributions (including facilities, equipment, train-  
2           ing, or services provided by State and local gov-  
3           ernments and private sources).

4           “(d) EVALUATION.—An grant recipient under this  
5 section shall agree to cooperate in an evaluation carried  
6 out by the Secretary.

7           “(e) REGIONAL BALANCE.—In making awards and  
8 providing technical assistance under this section, the Sec-  
9 retary shall to the maximum extent practicable, ensure—

10           “(1) geographical diversity; and

11           “(2) equitable treatment of urban, rural, and  
12 tribal communities.

13           “(f) TECHNICAL ASSISTANCE.—

14           “(1) TECHNICAL ASSISTANCE BY SECRETARY.—

15           The Secretary shall provide grant recipients tech-  
16 nical assistance and information to further the pur-  
17 poses of this section.

18           “(2) TRAINING AND TECHNICAL ASSISTANCE  
19 GRANTS.—

20           “(A) IN GENERAL.—In the case of a re-  
21 cipient of a training and technical assistance  
22 grant under this section, the recipient shall use  
23 the funds available under the grant to provide  
24 training and technical assistance to an entity,  
25 including an institution of higher education,

1           that desires to implement a farm-to-school pro-  
2           gram.

3           “(B) TRAINING AND TECHNICAL ASSIST-  
4           ANCE ACTIVITIES.—The training and technical  
5           assistance shall—

6                   “(i) be provided under such terms as  
7                   the Secretary may require; and

8                   “(ii) include providing the training,  
9                   operational support, information, and ac-  
10                  cess to resources necessary to implement a  
11                  success farm-to-school program.

12          “(g) PROPOSALS.—

13                  “(1) REQUIREMENT FOR APPLICANTS.—An ap-  
14                  plicant that desires to receive a grant under this sec-  
15                  tion shall submit to the Secretary a proposal at such  
16                  time, in such manner, and containing such informa-  
17                  tion as the Secretary may require.

18                  “(2) PROPOSAL REVIEW CRITERIA.—In making  
19                  awards under this subsection, the Secretary shall  
20                  form review panels described in paragraph (3) to  
21                  evaluate proposals submitted pursuant to paragraph  
22                  (1) based on the extent to which the proposed pro-  
23                  gram—

24                          “(A) makes local food products available  
25                          on the menu of the school or institution;

1           “(B) benefits local small and medium-sized  
2 farms;

3           “(C) incorporates experiential nutrition  
4 education;

5           “(D) serves schools and eligible institutions  
6 with a high proportion of children who are eligi-  
7 ble for free and reduced price lunches;

8           “(E) demonstrates collaboration between  
9 schools or institutions, non-governmental and  
10 community-based organizations, farmer groups,  
11 and other community partners;

12           “(F) demonstrates the potential for long-  
13 term program sustainability;

14           “(G) includes adequate and participatory  
15 evaluation plans; and

16           “(H) meets such other related criteria as  
17 the Secretary may determine relevant.

18           “(3) COMPETITIVE AWARD SELECTION.—In  
19 forming review panels to evaluate proposals sub-  
20 mitted pursuant to paragraph (1), the Secretary  
21 shall include—

22           “(A) representatives of schools and eligible  
23 institutions;

24           “(B) registered dietitians;

1           “(C) operators of small and medium-sized  
2 farms;

3           “(D) public agencies;

4           “(E) non-governmental and community-  
5 based organizations with expertise in local food  
6 systems and farm to school programs; and

7           “(F) other appropriate parties as deter-  
8 mined by the Secretary.

9           “(h) FUNDING.—Beginning on October 1, 2010, out  
10 of any funds in the Treasury not otherwise appropriated,  
11 the Secretary of the Treasury shall transfer to the Sec-  
12 retary of Agriculture to carry out this subsection  
13 \$10,000,000 each fiscal year, to remain available until ex-  
14 pended.

15           “(i) DEFINITION.—For purposes of this section, the  
16 term ‘institution of higher education’ has the meaning  
17 given such term in section 101 of the Higher Education  
18 Act of 1965 (20 U.S.C. 1001).”.

19           (b) CONFORMING AMENDMENT.—Section 18 of the  
20 Richard B. National School Lunch Act (42 U.S.C. 1769)  
21 is amended by repealing subsection (g).

○