

108TH CONGRESS  
1ST SESSION

# S. 1392

To amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs.

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2003

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs.

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. NUTRITIONAL IMPROVEMENT FOR CHILDREN**  
4 **SERVED UNDER CHILD NUTRITION PRO-**  
5 **GRAMS.**

6 (a) IN GENERAL.—Section 18 of the Richard B. Rus-  
7 sell National School Lunch Act (42 U.S.C. 1769) is  
8 amended by adding at the end the following:

9 “(h) HEALTHY SCHOOL NUTRITION ENVIRONMENT  
10 INCENTIVE GRANTS.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish a program under which the Secretary shall make  
3           competitive grants to selected elementary and sec-  
4           ondary schools—

5                   “(A) to create healthy school nutrition en-  
6                   vironments; and

7                   “(B) to assess the impact of the environ-  
8                   ments on the health and well-being of children  
9                   enrolled in the schools.

10           “(2) SELECTION OF SCHOOLS.—In selecting  
11           schools to receive incentive grants under this sub-  
12           section, the Secretary shall—

13                   “(A) ensure that not less than 75 percent  
14                   of schools selected to participate in the program  
15                   established under this subsection are schools in  
16                   which not less than 50 percent of the students  
17                   enrolled in each school are eligible for free or  
18                   reduced price meals under this Act;

19                   “(B) ensure that, of the schools selected to  
20                   participate in the program, there is appropriate  
21                   representation of rural, urban, and suburban  
22                   schools, as determined by the Secretary;

23                   “(C) ensure that, of the schools selected to  
24                   participate in the program, there is appropriate

1 representation of elementary, middle, and sec-  
2 ondary schools, as determined by the Secretary;

3 “(D) ensure that schools selected to receive  
4 a grant under this subsection meet the require-  
5 ments of paragraph (3);

6 “(E) give priority to schools that develop  
7 comprehensive plans that include the involve-  
8 ment of a broad range of community stake-  
9 holders in achieving healthy school nutrition en-  
10 vironments;

11 “(F) give priority to schools that develop  
12 comprehensive plans that include a strategy for  
13 maintaining healthy school nutrition environ-  
14 ments in the years following the fiscal years for  
15 which the schools receive grants under this sub-  
16 section;

17 “(G) select only schools that submit grant  
18 applications by May 1, 2004; and

19 “(H) make grant awards effective not later  
20 than July 15, 2004.

21 “(3) REQUIREMENTS.—

22 “(A) INPUT.—Prior to the solicitation of  
23 proposals for grants under this subsection, the  
24 Secretary shall solicit input from appropriate  
25 nutrition, health, and education organizations

1 (such as the American School Food Service As-  
2 sociation, the American Dietetic Association,  
3 and the National School Boards Association)  
4 regarding the appropriate criteria for a healthy  
5 school environment.

6 “(B) CRITERIA FOR HEALTHY SCHOOL EN-  
7 VIRONMENTS.—The Secretary shall, taking into  
8 account input received under subparagraph (A),  
9 establish criteria for defining a healthy school  
10 environment, including criteria that—

11 “(i) provide program meals that meet  
12 nutritional standards for breakfasts and  
13 lunches established by the Secretary;

14 “(ii) ensure that all food served (in-  
15 cluding food served in participating schools  
16 and service institutions in competition with  
17 the programs authorized under this Act  
18 and the Child Nutrition Act of 1966 (42  
19 U.S.C. 1771 et seq.)) on school grounds  
20 during regular school hours is consistent  
21 with the nutritional standards for break-  
22 fasts and lunches established by the Sec-  
23 retary;

24 “(iii) promote the consumption of  
25 fruits and vegetables;

1                   “(iv) provide nutrition education to  
2                   students and staff; and

3                   “(v) meet other criteria established by  
4                   the Secretary.

5                   “(C) PLANS.—To be eligible to receive a  
6                   grant under this subsection, a school shall sub-  
7                   mit to the Secretary a healthy school nutrition  
8                   environment plan that describes the actions the  
9                   school will take to meet the criteria established  
10                  under subparagraph (B).

11                  “(4) GRANTS.—For each of fiscal years 2005  
12                  through 2008, the Secretary shall make a grant to  
13                  each school selected under paragraph (2).

14                  “(5) EVALUATIONS.—

15                         “(A) IN GENERAL.—The Secretary, acting  
16                         through the Administrator of the Food and Nu-  
17                         trition Service, shall conduct an evaluation of a  
18                         representative sample of schools that receive  
19                         grants under this subsection.

20                         “(B) CONTENT.—The evaluation shall  
21                         measure, at a minimum, the effects of a healthy  
22                         school nutrition environment on—

23                                 “(i) overweight children and obesity;

24                                 “(ii) dietary intake;

1           “(iii) nutrition education and behav-  
2           ior;

3           “(iv) the adequacy of time to eat;

4           “(v) physical activities;

5           “(vi) parental and student attitudes  
6           and participation; and

7           “(vii) related funding issues, including  
8           the cost of maintaining a healthy school  
9           nutrition environment.

10           “(C) REPORTS.—The Secretary shall sub-  
11           mit to the Committee on Education and the  
12           Workforce of the House of Representatives and  
13           the Committee on Agriculture, Nutrition, and  
14           Forestry of the Senate—

15           “(i) not later than December 31,  
16           2005, an interim report on the activities of  
17           schools evaluated under this subsection;  
18           and

19           “(ii) not later than December 31,  
20           2007, a final report on the activities of  
21           schools evaluated under this subsection.

22           “(6) FUNDING.—

23           “(A) IN GENERAL.—Out of any funds in  
24           the Treasury not otherwise appropriated, the  
25           Secretary of the Treasury shall transfer to the

1 Secretary of Agriculture to carry out this sub-  
2 section—

3 “(i) on October 1, 2003, \$10,000,000

4 “(ii) on October 1, 2004, and each  
5 October 1 thereafter through October 1,  
6 2006, \$35,000,000.

7 “(B) RECEIPT AND ACCEPTANCE.—The  
8 Secretary shall be entitled to receive, shall ac-  
9 cept, and shall use to carry out this section the  
10 funds transferred under subparagraph (A),  
11 without further appropriation.

12 “(C) AVAILABILITY OF FUNDS.—Funds  
13 transferred under subparagraph (A) shall re-  
14 main available until expended.

15 “(D) EVALUATIONS.—Of the funds made  
16 available under this paragraph, the Secretary  
17 shall use not more than \$5,000,000 to conduct  
18 evaluations under paragraph (5).”.

19 (b) COMPETITIVE FOODS IN SCHOOLS.—

20 (1) IN GENERAL.—Section 10 of the Child Nu-  
21 trition Act of 1966 (42 U.S.C. 1779) is amended—

22 (A) in subsection (a), by striking “, includ-  
23 ing” and all that follows through “Lunch Act”;  
24 and

1 (B) by striking subsection (b) and insert-  
2 ing the following:

3 “(b) COMPETITIVE FOODS IN SCHOOLS.—

4 “(1) IN GENERAL.—The regulations under sub-  
5 section (a) may include provisions that regulate the  
6 service of food in participating schools and service  
7 institutions in competition with the programs au-  
8 thorized under this Act and the Richard B. Russell  
9 National School Lunch Act (42 U.S.C. 1751 et seq.)  
10 (referred to in this subsection as ‘competitive  
11 foods’).

12 “(2) REGULATIONS.—The regulations promul-  
13 gated under paragraph (1)—

14 “(A) shall apply to all school grounds dur-  
15 ing the duration of the school day;

16 “(B) shall not supersede or otherwise af-  
17 fect State and local regulations on competitive  
18 foods that, as determined by the Secretary, con-  
19 form to the nutritional goals of the regulations  
20 promulgated by the Secretary;

21 “(C) shall require that the proceeds from  
22 the sale of competitive foods in schools be used  
23 for the benefit of the schools or of organizations  
24 of students approved by the schools, if those  
25 sales are allowed by the regulations;



1           “(D) shall take into account the differing  
2 needs of—

3                   “(i) elementary schools;

4                   “(ii) middle schools and junior high  
5 schools; and

6                   “(iii) high schools; and

7           “(E) shall implement the recommendations  
8 of the Institute of Medicine made under para-  
9 graph (3).

10           “(3) INSTITUTE OF MEDICINE RECOMMENDA-  
11 TIONS.—

12                   “(A) IN GENERAL.—The Secretary of Ag-  
13 riculture shall offer to enter into an agreement  
14 with the Institute of Medicine of the National  
15 Academy of Sciences under which the Institute  
16 of Medicine, based on sound nutritional science,  
17 shall make recommendations to the Secretary  
18 regarding the regulation of competitive foods  
19 (as defined in section 10(b)(1) of the Child Nu-  
20 trition Act of 1966 (as amended by paragraph  
21 (1)(B))).

22                   “(B) REGULATIONS.—Not later than 1  
23 year after the date of receipt of final rec-  
24 ommendations from the Institute of Medicine,  
25 the Secretary shall promulgate regulations to

1 carry out section 10(b) of the Child Nutrition  
2 Act of 1966 (as amended by paragraph (1)(B))  
3 in accordance with the recommendations of the  
4 Institute of Medicine.

5 “(C) REPORT.—Not later than 1 year  
6 after the date of receipt of final recommenda-  
7 tions from the Institute of Medicine, the Sec-  
8 retary shall submit to the Committee on Edu-  
9 cation and the Workforce of the House of Rep-  
10 resentatives and the Committee on Agriculture,  
11 Nutrition, and Forestry of the Senate a report  
12 that describes the actions of the Secretary  
13 under subparagraph (B).”.

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