

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.

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

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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