

108TH CONGRESS
1ST SESSION

S. 1393

To amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

IN THE SENATE OF THE UNITED STATES

JULY 10, 2003

Mr. HARKIN (for himself, Mr. CRAPO, and Ms. STABENOW) 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 and expand the fruit and vegetable pilot program.

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. FRUIT AND VEGETABLE PILOT PROGRAM.**

4 Section 18 of the Richard B. Russell National School
5 Lunch Act (42 U.S.C. 1769) is amended by striking sub-
6 section (g) and inserting the following:

7 “(g) FRUIT AND VEGETABLE PILOT PROGRAM.—

8 “(1) IN GENERAL.—For each of the school
9 years beginning July 2003, July 2004, July 2005,

1 July 2006, and July 2007 the Secretary shall carry
2 out a pilot program to make free fresh and dried
3 fruits and free fresh vegetables available, throughout
4 the school day in 1 or more areas designated by the
5 school, to—

6 “(A) students in the 25 elementary or sec-
7 ondary schools in each of the 4 States, and in
8 the elementary or secondary schools on the res-
9 ervation, authorized to participate in the pro-
10 gram under this subsection (as in effect on the
11 day before the date of enactment of this sub-
12 paragraph);

13 “(B) to the maximum extent practicable,
14 an additional 10,000 students in each State au-
15 thorized to participate in the program under
16 this subsection (as in effect on the day before
17 the enactment of the this subparagraph);

18 “(C) to the maximum extent practicable,
19 20,000 students enrolled in schools in each of
20 the States not participating in the program
21 under this subsection on the day before the date
22 of enactment of this subparagraph, as selected
23 by the Secretary; and

1 “(D) to the maximum extent practicable,
2 20,000 students enrolled in schools operated by
3 tribal organizations.

4 “(2) SELECTION OF SCHOOLS.—

5 “(A) IN GENERAL.—In selecting schools to
6 participate in the pilot program, the Secretary
7 shall—

8 “(i) to the maximum extent prac-
9 ticable, ensure that not less than 75 per-
10 cent of students selected are from schools
11 in which not less than 50 percent of stu-
12 dents are eligible for free or reduced price
13 meals under this Act;

14 “(ii) solicit applications from inter-
15 ested schools that include—

16 “(I) information pertaining to
17 the percentage of students enrolled in
18 the school submitting the application
19 who are eligible for free or reduced
20 price school lunches under this Act;

21 “(II) a certification of support
22 for participation in the pilot program
23 signed by the school food manager,
24 the school principal, and the district
25 superintendent (or their equivalent

1 positions, as determined by the
2 school); and

3 “(III) such other information as
4 may be requested by the Secretary;
5 and

6 “(iii) for each application received, de-
7 termine whether the application is from a
8 school in which not less than 50 percent of
9 students are eligible for free or reduced
10 price meals under this Act.

11 “(B) LOTTERY.—

12 “(i) SCHOOLS WITH SUBSTANTIAL
13 FREE OR REDUCED PRICE MEAL ELIGI-
14 BILITY.—Subject to clauses (iii) and (iv),
15 the Secretary shall randomly select, from
16 among the schools in a participating State
17 determined under subparagraph (A)(iii) to
18 have at least 50 percent of students eligi-
19 ble for free or reduced price meals under
20 this Act, schools to participate in the pro-
21 gram under this subsection so as to en-
22 sure, to the maximum extent practicable,
23 that the aggregate number of students rep-
24 resented by those schools in the State
25 meets the requirements of this subsection.

1 “(ii) OTHER SCHOOLS.—Subject to
2 clauses (iii) and (iv), the Secretary shall
3 randomly select, from among the schools in
4 a participating State determined under
5 subparagraph (A)(iii) to have less than 50
6 percent of students eligible for free or re-
7 duced price meals under this Act, schools
8 to participate in the program under this
9 subsection so as to ensure that the aggre-
10 gate number of students represented by
11 those schools, plus the aggregate number
12 of students from schools selected under
13 clause (i), in the State meets the require-
14 ments of this subsection.

15 “(iii) INSUFFICIENT APPLICATIONS.—
16 If, for any State, the Secretary determines
17 that the number of schools described in
18 subparagraph (A)(i) is insufficient to meet
19 the requirements of this subsection, the
20 Secretary may randomly select such addi-
21 tional applications from schools submitting
22 applications under this subsection as are
23 necessary to meet the requirements.

24 “(iv) APPLICABILITY TO EXISTING
25 PARTICIPANTS.—

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II), the schools,
3 States, and reservation authorized to
4 participate in the pilot program under
5 this subsection (as in effect on the
6 date before the date of enactment of
7 this subparagraph) shall not be sub-
8 ject to this subparagraph.

9 “(II) NEW STUDENTS.—Sub-
10 clause (I) shall not apply to students
11 authorized to participate in the pro-
12 gram under paragraph (1)(B).

13 “(3) NOTICE OF AVAILABILITY.—To participate
14 in the program under this subsection, a school shall
15 widely publicize within the school the availability of
16 free fresh and dried fruits and free fresh vegetables
17 under the pilot program.

18 “(4) REPORTS.—

19 “(A) INTERIM REPORTS.—Not later than
20 September 30 of each of fiscal years 2004,
21 2005, 2006, and 2007, the Secretary, acting
22 through the Administrator of the Food and Nu-
23 trition Service, shall submit to the Committee
24 on Education and the Workforce of the House
25 of Representatives and the Committee on Agri-

1 culture, Nutrition, and Forestry of the Senate
2 an interim report that describes the activities
3 carried out under this subsection during the fis-
4 cal year covered by the report.

5 “(B) FINAL REPORT.—Not later than De-
6 cember 31, 2007, the Secretary, acting through
7 the Administrator of the Food and Nutrition
8 Service, 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 results of the pilot program
13 under this subsection.

14 “(5) PER STUDENT GRANT.—

15 “(A) IN GENERAL.—For each school year
16 during which a school participates in the pro-
17 gram under this subsection, the Secretary shall
18 provide to the school \$75 for each student, as
19 adjusted under subparagraph (B).

20 “(B) ADJUSTMENT.—The amount of the
21 grant for each student under subparagraph (A)
22 shall be adjusted on July 1, 2004, and each
23 July 1 thereafter, to reflect changes in the Con-
24 sumer Price Index of the Bureau of Labor Sta-

1 tistics for fresh fruits and vegetables, with the
2 adjustment—

3 “(i) rounded down to the nearest dol-
4 lar increment; and

5 “(ii) based on the unrounded amounts
6 for the preceding 12-month period.

7 “(6) FUNDING.—

8 “(A) EXISTING FUNDS.—The Secretary
9 shall use to carry out this subsection any funds
10 that remain under this subsection (in effect on
11 the day before the date of enactment of this
12 subparagraph).

13 “(B) NEW FUNDS.—The Secretary shall
14 use such funds made available under section 32
15 of the Act of August 24, 1935 (7 U.S.C. 612c)
16 as are necessary to carry out this subsection
17 (other than paragraph 4).

18 “(C) RECEIPT AND ACCEPTANCE.—The
19 Secretary shall be entitled to receive, shall ac-
20 cept, and shall use to carry out this subsection
21 the funds made available under this paragraph,
22 without further appropriation.

23 “(D) AVAILABILITY OF FUNDS.—Funds
24 made available under this paragraph shall re-
25 main available until expended.

1 “(E) REALLOCATION.—The Secretary may
2 reallocate any amounts made available to carry
3 out this subsection that are not obligated or ex-
4 pended, as determined by the Secretary.”.

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