

S 1392 IS

108th CONGRESS

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**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*

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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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NUTRITIONAL IMPROVEMENT FOR CHILDREN SERVED UNDER CHILD NUTRITION PROGRAMS.**

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

`(h) HEALTHY SCHOOL NUTRITION ENVIRONMENT INCENTIVE GRANTS-

`(1) IN GENERAL- The Secretary shall establish a program under which the Secretary shall make competitive grants to selected elementary and secondary schools--

`(A) to create healthy school nutrition environments; and

`(B) to assess the impact of the environments on the health and well-being of children enrolled in the schools.

`(2) SELECTION OF SCHOOLS- In selecting schools to receive incentive grants under this subsection, the Secretary shall--

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

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

`(C) ensure that, of the schools selected to participate in the program, there is appropriate representation of elementary, middle, and secondary schools, as determined by the Secretary;

`(D) ensure that schools selected to receive a grant under this subsection meet the requirements of paragraph (3);

`(E) give priority to schools that develop comprehensive plans that include the involvement of a broad range of community stakeholders in achieving healthy school nutrition environments;

`(F) give priority to schools that develop comprehensive plans that include a strategy for maintaining healthy school nutrition environments in the years following the fiscal years for which the schools receive grants under this subsection;

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

`(H) make grant awards effective not later than July 15, 2004.

`(3) REQUIREMENTS-

`(A) INPUT- Prior to the solicitation of proposals for grants under this subsection, the Secretary shall solicit input from appropriate nutrition, health, and education organizations (such as the American School Food Service Association, the American Dietetic Association, and the National School Boards Association) regarding the appropriate criteria for a healthy school environment.

`(B) CRITERIA FOR HEALTHY SCHOOL ENVIRONMENTS- The Secretary shall, taking into account input received under subparagraph (A), establish criteria for defining a healthy school environment, including criteria that--

`(i) provide program meals that meet nutritional standards for breakfasts and lunches established by the Secretary;

`(ii) ensure that all food served (including food served in participating schools and service institutions in competition with the programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)) on school grounds during regular school hours is consistent with the nutritional standards for breakfasts and lunches established by the Secretary;

`(iii) promote the consumption of fruits and vegetables;

`(iv) provide nutrition education to students and staff; and

`(v) meet other criteria established by the Secretary.

`(C) PLANS- To be eligible to receive a grant under this subsection, a school shall submit to the Secretary a healthy school nutrition environment plan that describes the actions the school will take to meet the criteria established under subparagraph (B).

`(4) GRANTS- For each of fiscal years 2005 through 2008, the Secretary shall make a grant to each school selected under paragraph (2).

`(5) EVALUATIONS-

`(A) IN GENERAL- The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of a representative sample of schools that receive grants under this subsection.

`(B) CONTENT- The evaluation shall measure, at a minimum, the effects of a healthy school nutrition environment on--

`(i) overweight children and obesity;

`(ii) dietary intake;

`(iii) nutrition education and behavior;

`(iv) the adequacy of time to eat;

`(v) physical activities;

`(vi) parental and student attitudes and participation; and

`(vii) related funding issues, including the cost of maintaining a healthy

school nutrition environment.

`(C) REPORTS- 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--

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

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

`(6) FUNDING-

`(A) IN GENERAL- Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection--

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

`(ii) on October 1, 2004, and each October 1 thereafter through October 1, 2006, \$35,000,000.

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

`(C) AVAILABILITY OF FUNDS- Funds transferred under subparagraph (A) shall remain available until expended.

`(D) EVALUATIONS- Of the funds made available under this paragraph, the Secretary shall use not more than \$5,000,000 to conduct evaluations under paragraph (5).'

(b) COMPETITIVE FOODS IN SCHOOLS-

(1) IN GENERAL- Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended--

(A) in subsection (a), by striking `, including' and all that follows through `Lunch Act'; and

(B) by striking subsection (b) and inserting the following:

`(b) COMPETITIVE FOODS IN SCHOOLS-

`(1) IN GENERAL- The regulations under subsection (a) may include provisions that regulate the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (referred to in this subsection as 'competitive foods').

`(2) REGULATIONS- The regulations promulgated under paragraph (1)--

`(A) shall apply to all school grounds during the duration of the school day;

`(B) shall not supersede or otherwise affect State and local regulations on competitive foods that, as determined by the Secretary, conform to the nutritional goals of the regulations promulgated by the Secretary;

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

`(D) shall take into account the differing needs of--

`(i) elementary schools;

`(ii) middle schools and junior high schools; and

`(iii) high schools; and

`(E) shall implement the recommendations of the Institute of Medicine made under paragraph (3).

`(3) INSTITUTE OF MEDICINE RECOMMENDATIONS-

`(A) IN GENERAL- The Secretary of Agriculture shall offer to enter into an agreement with the Institute of Medicine of the National Academy of Sciences under which the Institute of Medicine, based on sound nutritional science, shall make recommendations to the Secretary regarding the regulation of competitive foods (as defined in section 10(b)(1) of the Child Nutrition Act of 1966 (as amended by paragraph (1)(B))).

`(B) REGULATIONS- Not later than 1 year after the date of receipt of final recommendations from the Institute of Medicine, the Secretary shall promulgate regulations to carry out section 10(b) of the Child Nutrition Act of 1966 (as amended by paragraph (1)(B)) in accordance with the recommendations of the Institute of Medicine.

`(C) REPORT- Not later than 1 year after the date of receipt of final recommendations from the Institute of Medicine, 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 that describes the actions of the Secretary under subparagraph (B).'

*END*