

108TH CONGRESS
1ST SESSION

H. R. 2987

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

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Ms. WOOLSEY introduced the following bill; which was referred to the Committee on Education and the Workforce

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 local educational agen-
4 cies—

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 local educational agencies to receive incentive grants
12 under this subsection, the Secretary shall—

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

20 “(B) ensure that, of the agencies selected
21 to participate in the program, there is appro-
22 priate representation of rural, urban, and sub-
23 urban schools, as determined by the Secretary;

24 “(C) ensure that, of the agencies selected
25 to participate in the program, there is appro-

1 appropriate representation of elementary, middle, and
2 secondary schools, as determined by the Sec-
3 retary;

4 “(D) ensure that agencies selected to re-
5 ceive a grant under this subsection meet the re-
6 quirements of paragraph (3);

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

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

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

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

22 “(3) REQUIREMENTS.—

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

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

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

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

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

1 “(iii) promote the consumption of
2 fruits and vegetables;

3 “(iv) provide nutrition education to
4 students and staff; and

5 “(v) meet other criteria established by
6 the Secretary.

7 “(C) PLANS.—To be eligible to receive a
8 grant under this subsection, a local educational
9 agency shall submit to the Secretary a healthy
10 school nutrition environment plan that describes
11 the actions the schools under the jurisdiction of
12 such agency will take to meet the criteria estab-
13 lished under subparagraph (B).

14 “(4) GRANTS.—For each of fiscal years 2005
15 through 2008, the Secretary shall make a grant to
16 each agency selected under paragraph (2).

17 “(5) EVALUATIONS.—

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

23 “(B) CONTENT.—The evaluation shall
24 measure, at a minimum, the effects of a healthy
25 school nutrition environment on—

- 1 “(i) overweight children and obesity;
2 “(ii) dietary intake;
3 “(iii) nutrition education and behav-
4 ior;
5 “(iv) the adequacy of time to eat;
6 “(v) physical activities;
7 “(vi) parental and student attitudes
8 and participation; and
9 “(vii) related funding issues, including
10 the cost of maintaining a healthy school
11 nutrition environment.

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

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

21 “(ii) not later than December 31,
22 2007, a final report on the activities of
23 schools evaluated under this subsection.

24 “(6) FUNDING.—

1 “(A) IN GENERAL.—Out of any funds in
2 the Treasury not otherwise appropriated, the
3 Secretary of the Treasury shall transfer to the
4 Secretary of Agriculture to carry out this sub-
5 section—

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

7 and

8 “(ii) on October 1, 2004, and each
9 October 1 thereafter through October 1,
10 2006, \$35,000,000.

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

16 “(C) AVAILABILITY OF FUNDS.—Funds
17 transferred under subparagraph (A) shall re-
18 main available until expended.

19 “(D) EVALUATIONS.—Of the funds made
20 available under this paragraph, the Secretary
21 shall use not more than \$5,000,000 to conduct
22 evaluations under paragraph (5).”.

23 (b) COMPETITIVE FOODS IN SCHOOLS.—

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

1 (A) in subsection (a), by striking “, includ-
2 ing” and all that follows through “Lunch Act”;
3 and

4 (B) by striking subsection (b) and insert-
5 ing the following:

6 “(b) COMPETITIVE FOODS IN SCHOOLS.—

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

15 “(2) REGULATIONS.—The regulations promul-
16 gated under paragraph (1)—

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

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

24 “(C) shall require that the proceeds from
25 the sale of competitive foods in schools be used

1 for the benefit of the schools or of organizations
2 of students approved by the schools, if those
3 sales are allowed by the regulations;

4 “(D) shall take into account the differing
5 needs of—

6 “(i) elementary schools;

7 “(ii) middle schools and junior high
8 schools; and

9 “(iii) high schools; and

10 “(E) shall implement the recommendations
11 of the Institute of Medicine made under para-
12 graph (3).

13 “(3) INSTITUTE OF MEDICINE RECOMMENDA-
14 TIONS.—

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

1 “(B) REGULATIONS.—Not later than 1
2 year after the date of receipt of final rec-
3 ommendations from the Institute of Medicine,
4 the Secretary shall promulgate regulations to
5 carry out section 10(b) of the Child Nutrition
6 Act of 1966 (as amended by paragraph (1)(B))
7 in accordance with the recommendations of the
8 Institute of Medicine.

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

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