

108TH CONGRESS  
1ST SESSION

# S. 995

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve certain child nutrition programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2003

Mr. LEAHY 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 and the Child Nutrition Act of 1966 to improve certain child nutrition programs, and for other purposes.

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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Child Nutrition Initiatives Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Incentives for healthier schools.

Sec. 102. Grants to support farm-to-cafeteria projects.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. State administrative expenses.

Sec. 202. Special supplemental program for women, infants and children.

Sec. 203. Nutrition education and training.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

1     **TITLE I—SCHOOL LUNCH AND**  
 2                   **RELATED PROGRAMS**

3     **SEC. 101. INCENTIVES FOR HEALTHIER SCHOOLS.**

4           Section 12 of the Richard B. Russell National School  
 5 Lunch Act (42 U.S.C. 1760) is amended by adding at the  
 6 end the following:

7           “(q) INCENTIVES FOR HEALTHIER SCHOOLS.—

8                   “(1) IN GENERAL.—To encourage healthier nu-  
 9           tritional environments in schools and institutions re-  
 10          ceiving funds under this Act and the Child Nutrition  
 11          Act of 1966 (42 U.S.C. 1771 et seq.) (other than  
 12          section 17 of that Act (42 U.S.C. 1786)), the Sec-  
 13          retary shall establish a program under which any  
 14          such school or institution may (in accordance with  
 15          paragraph (3)) receive an increase in the reimburse-  
 16          ment rate for meals otherwise payable under this  
 17          Act and the Child Nutrition Act of 1966, if the  
 18          school or institution implements a plan for improv-  
 19          ing the nutritional value of meals consumed in the  
 20          school or institution by increasing the consumption

1 of fluid milk, fruits, and vegetables, as approved by  
2 the Secretary in accordance with criteria established  
3 by the Secretary.

4 “(2) PLANS.—

5 “(A) IN GENERAL.—For purposes of the  
6 program established under paragraph (1), the  
7 Secretary shall establish criteria for the ap-  
8 proval of plans of schools and institutions for  
9 increasing consumption of fluid milk, fruits,  
10 and vegetables.

11 “(B) CRITERIA.—An approved plan may—

12 “(i) establish targeted goals for in-  
13 creasing fluid milk, fruit, and vegetable  
14 consumption throughout the school or in-  
15 stitution or at school or institution activi-  
16 ties;

17 “(ii) improve the accessibility, presen-  
18 tation, positioning, or promotion of fluid  
19 milk, fruits, and vegetables throughout the  
20 school or institution or at school or institu-  
21 tion activities;

22 “(iii) improve the ability of a school or  
23 institution to tailor its food services to the  
24 customs and demographic characteristics  
25 of—

1                   “(I) the population of the school  
2                   or institution; and

3                   “(II) the area where the school  
4                   or institution is located; and

5                   “(iv) provide—

6                   “(I) increased standard serving  
7                   sizes for fluid milk consumed in mid-  
8                   dle and high schools; and

9                   “(II) packaging, flavor variety,  
10                  merchandising, refrigeration, and han-  
11                  dling requirements that promote the  
12                  consumption of fluid milk, fruits, and  
13                  vegetables.

14                  “(C) ADMINISTRATION.—In establishing  
15                  criteria for approval of plans under this sub-  
16                  section, the Secretary shall—

17                  “(i) take into account relevant re-  
18                  search; and

19                  “(ii) consult with school food service  
20                  professionals, nutrition professionals, food  
21                  processors, agricultural producers, and  
22                  other groups, as appropriate.

23                  “(3) REIMBURSEMENT RATES.—

24                  “(A) IN GENERAL.—For purposes of ad-  
25                  ministering the program established under

1 paragraph (1), the Secretary shall increase re-  
2 imbursement rates for meals under this Act and  
3 the Child Nutrition Act of 1966 in an amount  
4 equal to not less than 2 cents and not more  
5 than 10 cents per meal, to reflect the additional  
6 costs incurred by schools and institutions in in-  
7 creasing the consumption of fluid milk, fruits,  
8 and vegetables under the program.

9 “(B) CRITERIA.—The Secretary may vary  
10 the increase in reimbursement rates for meals  
11 based on the degree to which the school or in-  
12 stitution adopts the criteria established by the  
13 Secretary under paragraph (2).”.

14 **SEC. 102. GRANTS TO SUPPORT FARM-TO-CAFETERIA**  
15 **PROJECTS.**

16 Section 12 of the Richard B. Russell National School  
17 Lunch Act (42 U.S.C. 1760) (as amended by section 101)  
18 is amended by adding at the end the following:

19 “(r) GRANTS TO SUPPORT FARM-TO-CAFETERIA  
20 PROJECTS.—

21 “(1) IN GENERAL.—To improve access to local  
22 foods in schools and institutions receiving funds  
23 under this Act and the Child Nutrition Act of 1966  
24 (42 U.S.C. 1771 et seq.) (other than section 17 of  
25 that Act (42 U.S.C. 1768)), the Secretary shall pro-

1       vide competitive grants to nonprofit entities and  
2       educational institutions to establish and carry out  
3       farm-to-cafeteria projects that may include the pur-  
4       chase of equipment, the procurement of foods, and  
5       the provision of training and education activities.

6               “(2) PREFERENCE FOR CERTAIN PROJECTS.—

7       In selecting farm-to-cafeteria projects to receive as-  
8       sistance under this subsection, the Secretary shall  
9       give preference to projects designed to—

10               “(A) procure local foods from small- and  
11               medium-sized farms for the provision of foods  
12               for school meals;

13               “(B) support nutrition education activities  
14               or curriculum planning that incorporates the  
15               participation of school children in farm and ag-  
16               riculture education projects; and

17               “(C) develop a sustained commitment to  
18               farm-to-cafeteria projects in the community by  
19               linking schools, agricultural producers, parents,  
20               and other community stakeholders.

21               “(3) TECHNICAL ASSISTANCE AND RELATED IN-  
22       FORMATION.—

23               “(A) TECHNICAL ASSISTANCE.—In car-  
24               rying out this subsection, the Secretary may  
25               provide technical assistance regarding farm-to-

1 cafeteria projects, processes, and development  
2 to an entity seeking the assistance.

3 “(B) SHARING OF INFORMATION.—The  
4 Secretary may provide for the sharing of infor-  
5 mation concerning farm-to-cafeteria projects  
6 and issues among and between government, pri-  
7 vate for-profit and nonprofit groups, and the  
8 public through publications, conferences, and  
9 other appropriate means.

10 “(4) GRANTS.—

11 “(A) IN GENERAL.—From amounts made  
12 available to carry out this subsection, the Sec-  
13 retary shall make grants to assist private non-  
14 profit entities and educational institutions to es-  
15 tablish and carry out farm-to-cafeteria projects.

16 “(B) MAXIMUM AMOUNT.—The maximum  
17 amount of a grant provided to an entity under  
18 this subsection shall be \$100,000.

19 “(C) MATCHING FUNDS REQUIREMENTS.—

20 “(i) IN GENERAL.—The Federal share  
21 of the cost of establishing or carrying out  
22 a farm-to-cafeteria project that receives as-  
23 sistance under this subsection may not ex-  
24 ceed 75 percent of the cost of the project

1 during the term of the grant, as deter-  
2 mined by the Secretary.

3 “(ii) FORM.—In providing the non-  
4 Federal share of the cost of carrying out a  
5 farm-to-cafeteria project, the grantee shall  
6 provide the share through a payment in  
7 cash or in kind, fairly evaluated, including  
8 facilities, equipment, or services.

9 “(iii) SOURCE.—An entity may pro-  
10 vide the non-Federal share through State  
11 government, local government, or private  
12 sources.

13 “(D) ADMINISTRATION.—

14 “(i) SINGLE GRANT.—A farm-to-cafe-  
15 teria project may be supported by only a  
16 single grant under this subsection.

17 “(ii) TERM.—The term of a grant  
18 made under this subsection may not exceed  
19 3 years.

20 “(5) EVALUATION.—Not later than January  
21 30, 2008, the Secretary shall—

22 “(A) provide for the evaluation of the  
23 projects funded under this subsection; and

24 “(B) submit to the Committee on Edu-  
25 cation and the Workforce of the House of Rep-

1           representatives and the Committee on Agriculture,  
2           Nutrition, and Forestry of the Senate a report  
3           on the results of the evaluation.

4           “(6) FUNDING.—

5                   “(A) IN GENERAL.—On October 1, 2002,  
6                   and on each October 1 thereafter through Octo-  
7                   ber 1, 2007, out of any funds in the Treasury  
8                   not otherwise appropriated, the Secretary of the  
9                   Treasury shall transfer to the Secretary of Ag-  
10                  riculture to carry out this subsection  
11                  \$10,000,000, to remain available until ex-  
12                  pended.

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

18           **TITLE II—SCHOOL BREAKFAST**  
19           **AND RELATED PROGRAMS**

20           **SEC. 201. STATE ADMINISTRATIVE EXPENSES.**

21           (a) MINIMUM AMOUNT.—Section 7(a)(2) of the Child  
22           Nutrition Act of 1966 (42 U.S.C. 1776(a)(2)) is amended  
23           by striking the last sentence and inserting the following:  
24           “In no case shall the grant available to any State under  
25           this subsection be less than \$200,000, as adjusted in ac-

1 cordance with section 11(a)(3)(B) of the Richard B. Rus-  
2 sell National School Lunch Act (42 U.S.C.  
3 1759a(a)(3)(B)).”.

4 (b) EXTENSION.—Section 7(g) of the Child Nutrition  
5 Act of 1966 (42 U.S.C. 1776(g) is amended by striking  
6 “2003” and inserting “2008”.

7 **SEC. 202. SPECIAL SUPPLEMENTAL PROGRAM FOR WOMEN,**  
8 **INFANTS AND CHILDREN.**

9 (a) SENSE OF CONGRESS ON FULL FUNDING FOR  
10 WIC.—It is the sense of Congress that the special supple-  
11 mental nutrition program for women, infants, and children  
12 established under section 17 of the Child Nutrition Act  
13 of 1966 (42 U.S.C. 1786) should be fully funded for fiscal  
14 year 2004 and each subsequent fiscal year so that all eligi-  
15 ble participants for the program will be permitted to par-  
16 ticipate at the full level of participation for individuals in  
17 their category, in accordance with regulations promulgated  
18 by the Secretary of Agriculture.

19 (b) REAUTHORIZATION OF PROGRAM.—Section  
20 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C.  
21 1786(g)(1)) is amended in the first sentence by striking  
22 “2003” and inserting “2008”.

23 (c) NUTRITION SERVICES AND ADMINISTRATION  
24 FUNDS.—Section 17(h) of the Child Nutrition Act of  
25 1966 (42 U.S.C. 1786(h)) is amended—

1 (1) in paragraph (2)(A), by striking “2003”  
2 and inserting “2008”; and

3 (2) in paragraph (10)(A), by striking “2003”  
4 and inserting “2008”.

5 (d) FARMERS’ MARKET NUTRITION PROGRAM.—Sec-  
6 tion 17(m) of the Child Nutrition Act of 1966 (42 U.S.C.  
7 1786(m)) is amended—

8 (1) in paragraph (1), by striking “(m)(1) Sub-  
9 ject” and all that follows through “the Secretary”  
10 and inserting the following:

11 “(m) FARMERS’ MARKET NUTRITION PROGRAM.—

12 “(1) IN GENERAL.—The Secretary”;

13 (2) in paragraph (6)(B)—

14 (A) by striking “(B)(i) Subject to the  
15 availability of appropriations, if” and inserting  
16 the following:

17 “(B) MINIMUM AMOUNT.—If”; and

18 (B) by striking clause (ii); and

19 (3) in paragraph (9), by striking “(9)(A)” and  
20 all that follows through the end of subparagraph (A)  
21 and inserting the following:

22 “(9) 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, \$25,000,000;

4 “(ii) on October 1, 2004,  
5 \$29,000,000;

6 “(iii) on October 1, 2005,  
7 \$33,000,000;

8 “(iv) on October 1, 2006,  
9 \$37,000,000; and

10 “(v) on October 1, 2007,  
11 \$41,000,000.

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

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

20 **SEC. 203. NUTRITION EDUCATION AND TRAINING.**

21 Section 19(i) of the Child Nutrition Act of 1966 (42  
22 U.S.C. 1788 (i)) is amended by striking “(i) AUTHORIZA-  
23 TION OF APPROPRIATIONS.—” and all that follows  
24 through the end of paragraph (1) and inserting the fol-  
25 lowing:

1 “(i) FUNDING.—

2 “(1) PAYMENTS.—

3 “(A) IN GENERAL.—On October 1, 2003,  
4 and on each October 1 thereafter through Octo-  
5 ber 1, 2007, out of any funds in the Treasury  
6 not otherwise appropriated, the Secretary of the  
7 Treasury shall transfer to the Secretary of Ag-  
8 riculture to carry out this section \$27,000,000,  
9 to remain available until expended.

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

15 “(2) GRANTS.—

16 “(A) IN GENERAL.—Grants to each State  
17 from the amounts made available under sub-  
18 paragraph (A) shall be based on a rate of 50  
19 cents for each child enrolled in schools or insti-  
20 tutions within the State.

21 “(B) MINIMUM AMOUNT.—The minimum  
22 amount of a grant provided to a State for a fis-  
23 cal year under this section shall be \$200,000,  
24 as adjusted in accordance with section  
25 11(a)(3)(B) of the Richard B. Russell National

1           School     Lunch     Act     (42     U.S.C.  
2           1759a(a)(3)(B)).”.

3           **TITLE III—EFFECTIVE DATE**

4   **SEC. 301. EFFECTIVE DATE.**

5           This Act and the amendments made by this Act take  
6 effect on October 1, 2003.

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