

**Child Nutrition Initiatives Act of 2003 (Introduced in Senate)**

S 995 IS

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.

**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.

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE- This Act may be cited as the 'Child Nutrition Initiatives Act of 2003'.

(b) TABLE OF CONTENTS- The table of contents of 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.

**TITLE I--SCHOOL LUNCH AND RELATED PROGRAMS**

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

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

`(q) INCENTIVES FOR HEALTHIER SCHOOLS-

`(1) IN GENERAL- To encourage healthier nutritional environments in schools and institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)), the Secretary shall establish a program under which any such school or institution may (in accordance with paragraph (3)) receive an increase in the reimbursement rate for meals otherwise payable under this Act and the Child Nutrition Act of 1966, if the school or institution implements a plan for improving the nutritional value of meals consumed in the school or institution by increasing the consumption of fluid milk, fruits, and vegetables, as approved by the Secretary in accordance with criteria established by the Secretary.

`(2) PLANS-

(A) IN GENERAL- For purposes of the program established under paragraph (1), the Secretary shall establish criteria for the approval of plans of schools and institutions for increasing consumption of fluid milk, fruits, and vegetables.

`(B) CRITERIA- An approved plan may--

`(i) establish targeted goals for increasing fluid milk, fruit, and vegetable consumption throughout the school or institution or at school or institution activities;

`(ii) improve the accessibility, presentation, positioning, or promotion of fluid milk, fruits, and vegetables throughout the school or institution or at school or institution activities;

(iii) improve the ability of a school or institution to tailor its food services to the customs and demographic characteristics of--

`(I) the population of the school or institution; and

`(II) the area where the school or institution is located; and

`(iv) provide--

`(I) increased standard serving sizes for fluid milk consumed in middle and high schools; and

`(II) packaging, flavor variety, merchandising, refrigeration, and handling requirements that promote the consumption of fluid milk, fruits, and vegetables.

`(C) ADMINISTRATION- In establishing criteria for approval of plans under this subsection, the Secretary shall--

`(i) take into account relevant research; and

`(ii) consult with school food service professionals, nutrition professionals, food processors, agricultural producers, and other groups, as appropriate.

`(3) REIMBURSEMENT RATES-

`(A) IN GENERAL- For purposes of administering the program established under paragraph (1), the Secretary shall increase reimbursement rates for meals under this Act and the Child Nutrition Act of 1966 in an amount equal to not less than 2 cents and not more than 10 cents per meal, to reflect the additional costs incurred by schools and institutions in increasing the consumption of fluid milk, fruits, and vegetables under the program.

`(B) CRITERIA- The Secretary may vary the increase in reimbursement rates for meals based on the degree to which the school or institution adopts the criteria established by the Secretary under paragraph (2).'

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

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

`(r) GRANTS TO SUPPORT FARM-TO-CAFETERIA PROJECTS-

`(1) IN GENERAL- To improve access to local foods in schools and institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1788)), the Secretary shall provide competitive grants to nonprofit entities and educational institutions to establish and carry out farm-to-cafeteria projects that may include the purchase of equipment, the procurement of foods, and the provision of training and education activities.

`(2) PREFERENCE FOR CERTAIN PROJECTS- In selecting farm-to-cafeteria projects to receive assistance under this subsection, the Secretary shall give preference to projects designed to--

- `(A) procure local foods from small- and medium-sized farms for the provision of foods for school meals;
- `(B) support nutrition education activities or curriculum planning that incorporates the participation of school children in farm and agriculture education projects; and
- `(C) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, agricultural producers, parents, and other community stakeholders.

`(3) TECHNICAL ASSISTANCE AND RELATED INFORMATION-

`(A) TECHNICAL ASSISTANCE- In carrying out this subsection, the Secretary may provide technical assistance regarding farm-to-cafeteria projects, processes, and development to an entity seeking the assistance.

`(B) SHARING OF INFORMATION- The Secretary may provide for the sharing of information concerning farm-to-cafeteria projects and issues among and between government, private for-profit and nonprofit groups, and the public through publications, conferences, and other appropriate means.

`(4) GRANTS-

`(A) IN GENERAL- From amounts made available to carry out this subsection, the Secretary shall make grants to assist private nonprofit entities and educational institutions to establish and carry out farm-to-cafeteria projects.

`(B) MAXIMUM AMOUNT- The maximum amount of a grant provided to an entity under this subsection shall be \$100,000.

`(C) MATCHING FUNDS REQUIREMENTS-

`(i) IN GENERAL- The Federal share of the cost of establishing or carrying out a farm-to-cafeteria project that receives assistance under this subsection may not exceed 75 percent of the cost of the project during the term of the grant, as determined by the Secretary.

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

`(iii) SOURCE- An entity may provide the non-Federal share through State government, local government, or private sources.

`(D) ADMINISTRATION-

(i) SINGLE GRANT- A farm-to-cafeteria project may be supported by only a single grant under this subsection.

`(ii) TERM- The term of a grant made under this subsection may not exceed 3 years.

`(5) EVALUATION- Not later than January 30, 2008, the Secretary shall--

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

`(B) 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 on the results of the evaluation.

`(6) FUNDING-

`(A) IN GENERAL- On October 1, 2002, and on each October 1 thereafter through October 1, 2007, 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 \$10,000,000, to remain available until expended.

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

## **TITLE II--SCHOOL BREAKFAST AND RELATED PROGRAMS**

### **SEC. 201. STATE ADMINISTRATIVE EXPENSES.**

(a) MINIMUM AMOUNT- Section 7(a)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(2)) is amended by striking the last sentence and inserting the following: `In no case shall the grant available to any State under this subsection be less than \$200,000, as adjusted in accordance with section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)).'.

(b) EXTENSION- Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)) is amended by striking `2003' and inserting `2008'.

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

(a) SENSE OF CONGRESS ON FULL FUNDING FOR WIC- It is the sense of Congress that the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) should be fully funded for fiscal year 2004 and each subsequent fiscal year so that all eligible participants for the program will be permitted to participate at the full level of participation for individuals in their category, in accordance with regulations promulgated by the Secretary of Agriculture.

(b) REAUTHORIZATION OF PROGRAM- Section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended in the first sentence by striking `2003' and inserting `2008'.

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

(1) in paragraph (2)(A), by striking `2003' and inserting `2008'; and

(2) in paragraph (10)(A), by striking `2003' and inserting `2008'.

(d) FARMERS' MARKET NUTRITION PROGRAM- Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended--

(1) in paragraph (1), by striking `(m)(1) Subject' and all that follows through `the Secretary' and inserting the following:

`(m) FARMERS' MARKET NUTRITION PROGRAM-

`(1) IN GENERAL- The Secretary';

(2) in paragraph (6)(B)--

(A) by striking `(B)(i) Subject to the availability of appropriations, if' and inserting the following:

`(B) MINIMUM AMOUNT- If'; and

(B) by striking clause (ii); and

3) in paragraph (9), by striking `(9)(A)' and all that follows through the end of subparagraph (A) and inserting the following:

`(9) 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, \$25,000,000;

`(ii) on October 1, 2004, \$29,000,000;

`(iii) on October 1, 2005, \$33,000,000;

`(iv) on October 1, 2006, \$37,000,000; and

`(v) on October 1, 2007, \$41,000,000.

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

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

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

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788 (i)) is amended by striking `(i) AUTHORIZATION OF APPROPRIATIONS- ' and all that follows through the end of paragraph (1) and inserting the following:

`(i) FUNDING-

`(1) PAYMENTS-

`(A) IN GENERAL- On October 1, 2003, and on each October 1 thereafter through October 1, 2007, 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 section \$27,000,000, to remain available until expended.

`(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.

`(2) GRANTS-

`(A) IN GENERAL- Grants to each State from the amounts made available under subparagraph (A) shall be based on a rate of 50 cents for each child enrolled in schools or institutions within the State.

`(B) MINIMUM AMOUNT- The minimum amount of a grant provided to a State for a fiscal year under this section shall be \$200,000, as adjusted in accordance with section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)).'

**TITLE III--EFFECTIVE DATE**

**SEC. 301. EFFECTIVE DATE.**

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