

108TH CONGRESS  
1ST SESSION

# H. R. 3250

To amend the Richard B. Russell National School Lunch Act to establish programs to promote increased consumption of milk in schools and to improve the nutrition and health of children.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2003

Mr. THOMPSON of Mississippi (for himself, Mr. PETRI, Mr. GUTKNECHT, and Mr. KIND) 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 establish programs to promote increased consumption of milk in schools and to improve the nutrition and health of children.

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.**

4       This Act may be cited as the “Child Nutrition Im-  
5       provement Act of 2003”.

6       **SEC. 2. CONSUMPTION OF MILK IN SCHOOLS.**

7       (a) FLUID MILK.—

1           (1) IN GENERAL.—Section 9(a) of the Richard  
2       B. Russell National School Lunch Act (42 U.S.C.  
3       1758(a)) is amended by striking paragraph (2) and  
4       inserting the following:

5           “(2) FLUID MILK.—

6               “(A) IN GENERAL.—Lunches served by  
7       schools participating in the school lunch pro-  
8       gram under this Act—

9               “(i) shall offer students fluid milk;  
10              and

11              “(ii) shall offer students a variety of  
12              flavored and unflavored milk, as deter-  
13              mined by the school.

14           “(B) FLUID MILK PRODUCTS.—A school or  
15       institution that participates in the school lunch  
16       program under this Act—

17              “(i) may offer a la carte fluid milk  
18              products to be sold in addition to and, at  
19              the option of the school, adjacent to fluid  
20              milk offered as part of a reimbursable  
21              meal; and

22              “(ii) shall not directly or indirectly re-  
23              strict the sale or marketing of fluid milk  
24              products by the school (or by a person ap-

1                   proved by the school) at any time or any  
2                   place—

3                   “(I) on the school premises; or

4                   “(II) at any school-sponsored  
5                   event.”.

6                   (2) APPLICATION.—The amendment made by  
7                   paragraph (1) applies to an agreement or contract  
8                   entered into on or after the date of enactment of  
9                   this Act.

10           (b) INCREASED CONSUMPTION OF MILK IN  
11 SCHOOLS.—Section 12 of the Richard B. Russell National  
12 School Lunch Act (42 U.S.C. 1760) is amended by adding  
13 at the end the following:

14           “(q) INCREASED CONSUMPTION OF MILK IN  
15 SCHOOLS.—

16                   “(1) IN GENERAL.—To encourage healthier nu-  
17                   tritional environments in schools and institutions re-  
18                   ceiving funds under this Act and the Child Nutrition  
19                   Act of 1966 (42 U.S.C. 1771 et seq.) (other than  
20                   section 17 of that Act (42 U.S.C. 1786)), the Sec-  
21                   retary shall establish a program under which any  
22                   such school or institution may (in accordance with  
23                   paragraph (3)) receive an increase in the reimburse-  
24                   ment rate for free and reduced price meals otherwise  
25                   payable under this Act and the Child Nutrition Act

1 of 1966, if the school or institution implements a  
2 plan for improving the nutritional value of meals  
3 consumed in the school or institution by increasing  
4 the consumption of fluid milk in the school, as ap-  
5 proved by the Secretary in accordance with criteria  
6 established by the Secretary.

7 “(2) PLANS.—

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

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

14 “(i) establish targeted goals for in-  
15 creasing fluid milk consumption through-  
16 out the school or institution or at school or  
17 institution activities;

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

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

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

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

5 “(iv) provide—

6 “(I) packaging, flavor variety,  
7 merchandising, refrigeration, and han-  
8 dling requirements that promote the  
9 consumption of fluid milk; and

10 “(II) increased standard serving  
11 sizes for fluid milk consumed in mid-  
12 dle and high schools.

13 “(C) ADMINISTRATION.—In establishing  
14 criteria for plans under this subsection, the Sec-  
15 retary shall—

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

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

22 “(3) REIMBURSEMENT RATES AND INCEN-  
23 TIVES.—

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

paragraph (1), the Secretary shall annually provide reimbursement rates and incentives for free and reduced price meals otherwise payable under this Act and the Child Nutrition Act of 1966 of 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 under the program.

“(B) CRITERIA.—The Secretary may vary the increase in reimbursement rates and incentives for free and reduced price meals based on the degree to which the school or institution adopts the criteria established by the Secretary under paragraph (2).”.

**SEC. 3. IMPROVED NUTRITION AND PHYSICAL ACTIVITY  
LEVEL OF CHILDREN.**

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 2(b)) is amended by adding at the end the following:

“(r) IMPROVED NUTRITION AND PHYSICAL ACTIVITY  
LEVEL OF CHILDREN.—

“(1) DEFINITION OF HEALTHY SCHOOL ENVIRONMENT PROGRAM.—In this subsection, the term

1       ‘healthy school environment program’ means a pro-  
2       gram that—

3               “(A) is designed to improve the environ-  
4               ment of a school with respect to the nutrition  
5               and physical activity level of children enrolled in  
6               the school; and

7               “(B) includes steps to improve and make  
8               available healthy food choices (including fruits,  
9               vegetables, and dairy products).

10              “(2) PROGRAM.—The Secretary shall carry out  
11       a program to provide grants to schools that imple-  
12       ment healthy school environment programs.

13              “(3) ADMINISTRATION.—In carrying out the  
14       program, the Secretary may enter into cooperative  
15       agreements with—

16               “(A) nonprofit organizations;

17               “(B) educational and scientific institutions;

18               “(C) Federal, State, and local agencies;

19               and

20               “(D) other entities that contribute funds  
21       or in-kind services for the program.

22              “(4) ACCEPTANCE OF FUNDS.—Notwith-  
23       standing any other provision of law, the Secretary  
24       may accept funds from an entity referred to in para-

- 1 graph (3) solely for use in carrying out the program
- 2 under this subsection.”.

○