

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require school food authorities to establish local school wellness policies, with an offset.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.**

**S.** \_\_\_\_\_

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. HARKIN

Viz:

1 On page 94, line 13, strike “\$5,000,000” and insert  
2 “\$3,000,000”.

3 On page 94, line 15, strike “\$3,000,000” and insert  
4 “\$2,000,000”.

5 On page 109, after line 23 add the following:

1 **SEC. 134. SCHOOL WELLNESS POLICY.**

2 (a) SCHOOL NUTRITION POLICIES.—Not later than  
3 the first day of the school year beginning June 2006, each  
4 school food authority that participates in the programs au-  
5 thorized under the Richard B. Russell National School  
6 Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutri-  
7 tion Act of 1966 (42 U.S.C. 1771 et seq.) shall establish  
8 a local school wellness policy that, at a minimum—

9 (1) includes goals for nutrition education, phys-  
10 ical activity, and such other school-based activities  
11 designed to promote student wellness as the school  
12 food authority determines to be appropriate;

13 (2) includes nutrition guidelines that—

14 (A) are developed in consultation with rep-  
15 resentatives described in paragraph (5);

16 (B) are applicable to all foods available  
17 during the school day; and

18 (C) have as objectives—

19 (i) promotion of sound nutrition;

20 (ii) improvement of student health;

21 and

22 (iii) reduction in childhood obesity;

23 (3) provides assurances that guidelines for re-  
24 imburseable meals and supplements served in the  
25 school shall not be less restrictive than regulations  
26 promulgated and guidance issued by the Secretary of

1 Agriculture (referred to in this section as the “Sec-  
2 retary”) in accordance with the programs authorized  
3 under those Acts;

4 (4) establishes a plan for ensuring implementa-  
5 tion of the local wellness policy, including designa-  
6 tion of 1 or more individuals within the school food  
7 authority charged with operational responsibility for  
8 ensuring that the requirements of the school  
9 wellness plan are carried out;

10 (5) involves representatives of the school food  
11 authority, parents, students, the school board, school  
12 administrators, medical and nutrition professionals,  
13 and the public in the development of the school  
14 wellness policy; and

15 (6) does not approve the sale of competitive  
16 foods except as permitted under the nutritional  
17 guidelines included in the school wellness policy.

18 (b) INSTITUTE OF MEDICINE STUDY.—

19 (1) IN GENERAL.—The Secretary shall offer to  
20 enter into an agreement with the Institute of Medi-  
21 cine of the National Academy of Sciences under  
22 which the Institute of Medicine shall submit to the  
23 Secretary a report that, based on sound nutritional  
24 science—

1 (A) shall include recommendations regard-  
2 ing appropriate standards for the availability,  
3 sale, and consumption at school of foods of any  
4 kind throughout the day; and

5 (B) may include recommendations regard-  
6 ing age-appropriate standards for elementary,  
7 middle, and secondary schools.

8 (2) TRANSMISSION OF REPORT.—Not later than  
9 1 year after the date of receipt of final recommenda-  
10 tions from the Institute of Medicine under para-  
11 graph (1), the Secretary shall submit to the Com-  
12 mittee on Education and the Workforce of the  
13 House of Representatives and the Committee on Ag-  
14 riculture, Nutrition, and Forestry of the Senate a  
15 report that describes the actions taken or not taken,  
16 and the reasons for those actions or inactions, by  
17 the Secretary in response to the recommendations  
18 made by the Institute of Medicine.

19 (3) FUNDING.—On July 1, 2004, out of any  
20 funds in the Treasury not otherwise appropriated,  
21 the Secretary of the Treasury shall transfer to the  
22 Secretary to carry out this subsection \$1,000,000, to  
23 remain available until expended.

24 (c) TECHNICAL ASSISTANCE AND BEST PRACTICES  
25 TO SCHOOLS AND STATES.—

1           (1) IN GENERAL.—The Secretary shall make  
2 available to school food authorities and State school  
3 food authorities guidance and technical assistance  
4 for use in—

5                   (A) carrying out subsection (a); and

6                   (B) otherwise—

7                         (i) establishing healthy school food en-  
8 vironments;

9                         (ii) reducing childhood obesity; and

10                        (iii) preventing diet-related chronic  
11 diseases.

12           (2) CONTENT.—The guidance and technical as-  
13 sistance shall include, at a minimum—

14                   (A) recommended nutritional guidelines for  
15 the sale of all kinds of foods that are or may  
16 be sold in schools, as provided by the Institute  
17 of Medicine under subsection (b)(1);

18                   (B) case studies of schools and school dis-  
19 tricts that have taken steps to provide healthier  
20 options in competitive foods sold at school, par-  
21 ticularly schools and school districts that have  
22 done so without experiencing adverse effects on  
23 revenue from sales of competitive foods; and

24                   (C) such other technical assistance as is  
25 required to carry out the goals of promoting

1           sound nutrition and establishing healthy school  
2           food environments.

3           (3) FUNDING.—On July 1, 2005, out of any  
4           funds in the Treasury not otherwise appropriated,  
5           the Secretary of the Treasury shall transfer to the  
6           Secretary to carry out this subsection \$5,000,000, to  
7           remain available until expended.