



Society for Nutrition Education Public Policy Legislative & Regulatory Bulletin February 2003

This newsletter highlights key legislative and regulatory news about nutrition education issues in Washington, D.C. This report is prepared by SNE's Public Policy Consultant, Waterman & Associates.

Congress Approves Fiscal Year 2003 Spending Bill

On February 13, Congress passed a \$397 billion omnibus spending package (H.J. Res. 2) for fiscal year (FY) 2003. As adopted, the package combines the 11 annual domestic discretionary spending bills. The 3,000-page \$397.4 billion omnibus spending package for FY 2003 of domestic discretionary programs is the largest single spending bill in American history. The package covers 11 of the 13 annual appropriations measures that Congress did not complete last session, including funding for the Departments of Health and Human Services and Agriculture. Even as the President prepares to sign the legislation, the Administration is expected to send up a supplemental spending request for this year of at least \$20 billion.

A small provision in the enormous spending bill has major implications for the organic food business. It allows poultry, livestock and dairy producers to feed some non-organic grain to their animals and still market the products as organic. This provision was inserted at the last minute by House Republican leaders.

All programs in the legislation will be subject to an across-the-board cut of 0.65 percent, except for Head Start, the Women, Infant, and Children's (WIC) program, U.S. Department of Veterans' Affairs medical payments, and the additional funds for the National Aeronautics and Space Administration (NASA) investigation. The House rejected a Senate proposal to extend the Temporary Assistance for Needy Families (TANF) program through the end of the fiscal year. Under the agreement, the welfare program would be extended only until June 30.

The new Congress will confront a number of important issues to nutrition educators, including child nutrition reauthorization and welfare reauthorization.

Obesity Legislation Reintroduced in the House; Senate Outlook Still Undecided

On Wednesday, February 12, Rep. Mary Bono (R-CA-45) introduced a revised version of last year's *Improved Nutrition and Physical Activity (IMPACT) Act* (H.R. 716). The legislation calls to provide \$150 million to help schools develop nutritional programs and conduct campaigns to promote healthy habits among teens. The bill has 10 original bipartisan cosponsors.

The IMPACT Act includes 11 components: health professions training; community demonstration grants; school health program; National Academy of Sciences' Institute of Medicine study; Agency for Healthcare Research and Quality report; preventive services block grant; Medicare demonstration program; community health facility demonstration program; Department of Health and Human Services study; youth media campaign; and eating disorders. For a summary of these 11 components, please see the attachment at the end of this report.

Rep. Bono's new IMPACT bill can be found on the Internet at <http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00716>.

It is unclear at this time when and if the Senate counterpart will be introduced now that Sen. Bill Frist (R-TN), the original sponsor, is now Senate Majority Leader. Senate Democrats acted on January 7 when Senate Minority Leader Daschle introduced, the "*Right Start Act of 2003*" (S. 18), which contains the IMPACT legislation as part of a larger bill. The measure has 20 Democratic cosponsors.

Sen. Daschle's bill has the support of the Senate Democratic Caucus, as well as Sens. Jeff Bingaman (D-NM) and Patrick Leahy (D-VT), who were cosponsors of IMPACT during the previous Congress. There are no Republican sponsors at this time. Because S.18 includes Democratic provisions other than the IMPACT language, the issue could take a partisan turn of what was once a bi-partisan effort. However, Republican lawmakers and congressional staff who worked on the IMPACT legislation in the 107th Congress are examining several options. Right now, the future of IMPACT as a bipartisan stand-alone bill in the Senate is undecided. To review the text of Sen. Daschle's measure, go to <http://thomas.loc.gov/cgi-bin/query/C?c108:/temp/~c108wHye4w>.

FNS Seeks Comments on WIC Food Package

The U.S. Department of Agriculture's Food and Nutrition Services (FNS) has announced plans to issue a "Notice of Intent" on the WIC Food Package instead of a proposed rule. The notice will be issued between late March and mid-April in the *Federal Register*. The "Notice of Intent" will invite respondents to comment on questions offered by FNS and any additional comments in the "Notice" regarding the WIC Food Package. After the closing date, the collected responses and comments will be forwarded to the National Academy of Sciences' Institute for Medicine (IOM) to review and offer recommendations to FNS regarding the disposition of a proposed rule and its contents. It is hoped that a preliminary report will be available to FNS from the IOM in December 2003.

While some nutrition educators will not greet this news with enthusiasm, it is at least some movement in what has otherwise been a stalled process. Early last November, the National WIC Association (NWA) met with Secretary of Agriculture Veneman's personal staff to urge publication of the proposed rule. At the time, NWA suggested that given the stalemate in the rule's progress, the IOM would give FNS the needed credibility to move forward with publication of a proposed rule on the food package. For more information on FNS's WIC program, go to <http://www.fns.usda.gov/wic>.

Senators Write to President Bush on Child Nutrition Programs

At the end of January, Senator Tom Harkin (D-IA), the Ranking Member of the Senate Agriculture and Nutrition Committee and a member of the Senate Health and Education Committee, as well as 18 other Democratic Senators sent a letter to President Bush about the importance of the child nutrition programs and the fact they are up for reauthorization in fiscal year (FY) 2004.

The letter requests that the President include funding in his FY 2004 budget to address two important objectives: to ensure access to nutritious foods to all children through the child nutrition and food assistance programs; and to address, through the federally funded nutrition programs, the high rates of overweight and obese American youth.

The Society for Nutrition Education (SNE) and nearly 50 other nutrition and anti-hunger groups recently signed on to a coalition letter spearheaded by the Food Research Action Center (FRAC). The letter was sent to the entire Congress and the Bush Administration making a strong plea for including new funding in the child nutrition bill. The last time the child nutrition bill was reauthorized new initiatives were funded using offsets from within the child nutrition programs themselves. The Senators sending this

letter, along with the nutrition and anti-hunger community, make the case that money wisely spent now on America's children will save and improve lives and save healthcare dollars in the future.

A copy of the Senator's letter can be accessed on the Internet at <http://harkin.senate.gov/news.cfm?id=190006>. And the FRAC letter can be found at <http://www.frac.org/html/news/Budgetletter.pdf>.

Department of Health and Human Services Issues FY 04 Budget

The fiscal year (FY) 2004 budget for the Department of Health and Human Services (HHS) was issued at the beginning of February. HHS is the umbrella agency for the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC), among others. The FY 04 budget request for the FDA is \$1.7 billion, a net program level increase of \$59 million over the FY 03 President's Budget. The budget also requests \$6.5 billion for the CDC, an increase of \$61 million from 2003.

Specifically, the CDC budget calls for \$125 million, including \$100 million in new investments to pursue a prevention initiative to reduce the burden of diabetes, obesity and asthma-related complications in the population. The centerpiece of this initiative will be the Steps to a Healthier US program, which supports President Bush's HealthierUS program. The budget also includes \$5 million for the Youth Media Campaign.

FDA Proposes Two Regulations Related to Food Bioterrorism; Seeking Comments

The Food and Drug Administration (FDA) has proposed two regulations as part of the requirements of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (also called the Bioterrorism Act of 2002). The law gives the agency new authority in protecting the nation's food supply against terrorist acts and other threats. One proposal would require domestic and foreign food facilities to register with FDA by Dec. 12, 2003. The other proposal would require that prior notice be given to FDA before food is imported or offered for import into the United States. FDA is currently accepting comments on *Registration of Food Facilities* and *Prior Notice of Imports*. For more information on the Bioterrorism Act and how to submit comments on the proposals, go to <http://www.fda.gov/oc/bioterrorism/bioact.html>.

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