

[COMMITTEE PRINT]

MARCH 4, 2004

(SHOWING THE TEXT OF H.R. 3873 AS REPORTED BY THE
SUBCOMMITTEE ON EDUCATION REFORM)

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “The Child Nutrition
3 Improvement and Integrity Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of Contents.

TITLE I—ENSURING ACCESS TO CHILD NUTRITION PROGRAMS

- Sec. 101. Exclusion of military housing allowances.
- Sec. 102. Homeless children and runaway youth eligibility.
- Sec. 103. Eligibility for special payments.
- Sec. 104. Reauthorization of Summer food programs.
- Sec. 105. Child and adult care food program.
- Sec. 106. Review of best practices in the breakfast program.

TITLE II—IMPROVING PROGRAM QUALITY AND INTEGRITY

- Sec. 201. Eligibility and Certification for Free and Reduced Price Lunches.
- Sec. 202. Duration of eligibility for free and reduced price lunches.
- Sec. 203. Certification by local educational agencies.
- Sec. 204. Compliance and accountability.
- Sec. 205. Technology Improvement.
- Sec. 206. Minimum State Administrative Expense Grants.
- Sec. 207. District-wide eligibility for special assistance.
- Sec. 208. Administrative error reduction.

TITLE III—PROMOTING NUTRITION QUALITY AND PREVENTING
CHILDHOOD OBESITY

- Sec. 301. Local school wellness policy.
- Sec. 302. Supporting Nutrition Education, Improving Meal Quality, and Access
to Local Foods.
- Sec. 303. Fruits and vegetable commodities.
- Sec. 304. Fruit and vegetable pilot program.
- Sec. 305. Fluid milk.
- Sec. 306. Waiver of requirements for weighted averages for nutrient analysis.



- Sec. 307. Whole grains.
- Sec. 308. Study on Healthy School Environments.

TITLE IV—IMPROVING THE WOMEN, INFANTS, AND CHILDREN PROGRAM

- Sec. 401. Definition of nutrition education.
- Sec. 402. Definition of supplemental foods.
- Sec. 403. Improving certification.
- Sec. 404. Reviews of available supplemental foods.
- Sec. 405. Notification of violations and infant formula benefits.
- Sec. 406. Competitive bidding.
- Sec. 407. Fruit and vegetable projects.
- Sec. 408. Management information systems.
- Sec. 409. Infant formula fraud prevention.
- Sec. 410. State alliances.
- Sec. 411. Limits on expenditures.
- Sec. 412. Migrant and community health centers initiative.
- Sec. 413. Demonstration projects.
- Sec. 414. Authorization of appropriations.

TITLE V—REAUTHORIZATION, MISCELLANEOUS PROVISIONS, AND EFFECTIVE DATE

- Sec. 501. Training, Technical, and Other Assistance.
- Sec. 502. Notice of irradiated food.
- Sec. 503. Reauthorization of programs.
- Sec. 504. Effective date.

1 **TITLE I—ENSURING ACCESS TO**
 2 **CHILD NUTRITION PROGRAMS**

3 **SEC. 101. EXCLUSION OF MILITARY HOUSING ALLOW-**
 4 **ANCES.**

5 Section 9(b)(7) of the Richard B. Russell National
 6 School Lunch Act (42 U.S.C. 1758(b)) is amended by
 7 striking “For each of fiscal years 2002” and all that fol-
 8 lows through “the amount” and inserting “The amount”.

9 **SEC. 102. HOMELESS CHILDREN AND RUNAWAY YOUTH ELI-**
 10 **GIBILITY.**

11 Section 9(b)(6)(A) of the Richard B. Russell Na-
 12 tional School Lunch Act (42 U.S.C. 1758(b)(6)(A)) is
 13 amended—



1 (1) in clause (ii), by striking “or”;

2 (2) in clause (iii), by striking the period and in-
3 serting a semicolon; and

4 (3) by inserting after clause (iii) the following:

5 “(iv) a homeless child or youth (as de-
6 fined in section 725(2) of the McKinney-
7 Vento Homeless Assistance Act (42 U.S.C.
8 11434a)); or

9 “(v) a youth served by programs
10 under the Runaway and Homeless Youth
11 Act (42 U.S.C. 5701 et seq.)”.

12 **SEC. 103. ELIGIBILITY FOR SPECIAL PAYMENTS.**

13 Section 4(d)(1)(B) of the Child Nutrition Act of 1966
14 (42 U.S.C. 1773(d)(1)(B)) is amended by inserting “(or
15 those new schools drawing their attendance from schools
16 receiving severe need assistance)” after “reduced price”.

17 **SEC. 104. REAUTHORIZATION OF SUMMER FOOD PRO-**
18 **GRAMS.**

19 (a) SUMMER FOOD PILOT PROJECTS.—Section 18(f)
20 of the Richard B. Russell National School Lunch Act (42
21 U.S.C. 1769(f)(2)) is amended—

22 (1) in paragraph (2), by striking “March 31,
23 2004” and inserting “September 30, 2008”; and



1 (2) in paragraph (3), by striking “(other than
2 a service institution described in section 13(a)(7))”
3 both places it appears.

4 (b) SUMMER FOOD SERVICE PROGRAM FOR CHIL-
5 DREN.—Section 13(q) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1761(q)) is amended by
7 striking “March 31, 2004” and inserting “September 30,
8 2008”.

9 **SEC. 105. CHILD AND ADULT CARE FOOD PROGRAM.**

10 (a) ELIGIBILITY OF PRIVATE CHILD CARE CEN-
11 TERS.—Section 17(a)(2)(B)(i) of the Richard B. Russell
12 National School Lunch Act (42 U.S.C. 42 U.S.C.
13 1766(a)(2)(B)(i)) is amended by striking “during the pe-
14 riod” and all that follows through “March 31, 2004”.

15 (b) DURATION OF DETERMINATION AS TIER 1 FAM-
16 ILY OR GROUP DAY CARE HOME.—Section
17 17(f)(3)(E)(iii) of the Richard B. Russell National School
18 Lunch Act (42 U.S.C. 1766(f)(3)(E)(iii)) is amended by
19 striking “3 years” and inserting “5 years”.

20 (c) DURATION OF AGREEMENTS.—Section 17(j) of
21 the Richard B. Russell National School Lunch Act (42
22 U.S.C. 1766(j)) is amended to read as follows:

23 “(j) AGREEMENTS.—

24 “(1) IN GENERAL.—The Secretary shall issue
25 regulations directing States to develop and provide



1 for the use of a standard form of agreement between
2 each family or group day care sponsoring organiza-
3 tion and the family or group day care homes partici-
4 pating in the program under such organization, for
5 the purpose of specifying the rights and responsibil-
6 ities of each party.

7 “(2) DURATION.—An agreement under para-
8 graph (1) shall remain in effect until terminated by
9 either party to the agreement.”.

10 (d) MANAGEMENT IMPROVEMENT INITIATIVE.—Sec-
11 tion 17(q)(3) of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1766(q)(3)) is amended by striking
13 “1999 through 2003” and inserting “2004 through
14 2006”.

15 (e) AUDITS.—Section 17(i) of the Richard B. Russell
16 National School Lunch Act (42 U.S.C. 1766(i)) is amend-
17 ed to read as follows:

18 “(i) AUDITS.—

19 “(1) FUNDS FOR AUDITS.—The Secretary shall
20 make available for each fiscal year to a State admin-
21 istering the child and adult care food program, for
22 the purpose of conducting audits of participating in-
23 stitutions, an amount up to 1.5 percent (except in
24 the case of fiscal years 2005 through 2007, 1 per-
25 cent) of the funds used by each State in the pro-



1 gram under this section during the second preceding
2 fiscal year.

3 “(2) AUDIT PROCEDURES.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), in conducting management evalua-
6 tions, reviews, or audits of the program under
7 their section, the Secretary or a State agency
8 may disregard any overpayment to an institu-
9 tion if the total overpayment for any fiscal year
10 does not exceed an amount, consistent with the
11 disregards allowed in other programs under this
12 Act, which recognizes the cost of collecting
13 small claims.

14 “(B) CRIMINAL OR FRAUD VIOLATIONS.—
15 In carrying out this subsection, the Secretary
16 and a State agency shall not disregard any
17 overpayment for which there is evidence of a
18 violation of a criminal law or civil fraud law.”.

19 (f) HOMELESS AND DOMESTIC VIOLENCE SHEL-
20 TERS.—Section 17(t)(5)(A)(i)() of the Richard B. Russell
21 National School Lunch Act (42 U.S.C. 1766(t)(5)(A)(i)
22 is amended—

23 (1) in subclause (I)—

24 (A) by striking “12” and inserting “18”;

25 and



1 (B) by inserting “or” after the semicolon;
2 and
3 (2) by striking subclause (II) and redesignating
4 subclause (III) as subclause (II).

5 (g) PAPERWORK REDUCTION.—The Secretary of Ag-
6 riculture, in conjunction with States and participating in-
7 stitutions, shall examine the feasibility of reducing paper-
8 work resulting from regulations and record-keeping re-
9 quirements for family child care homes, child care centers,
10 and sponsoring organizations participating in the child
11 and adult care food program established under section 17
12 of the Richard B. Russell National School Lunch Act (42
13 U.S.C. 1766).

14 **SEC. 106. REVIEW OF BEST PRACTICES IN THE BREAKFAST**
15 **PROGRAM.**

16 (a) REVIEW.—The Secretary of Agriculture shall
17 enter into an agreement with a research organization to
18 collect and disseminate a review of best practices to assist
19 schools in addressing existing impediments at the State
20 and local level that hinder the growth of the school break-
21 fast program under section 4 of the Child Nutrition Act
22 of 1966 (42 U.S.C. 1773). The review shall describe model
23 breakfast programs and offer recommendations for schools
24 to overcome the following obstacles:

25 (1) the length of the school day;



1 (2) bus schedules; and

2 (3) potential increases in costs at the State and
3 local level.

4 (b) DISSEMINATION.—Not later than 12 months
5 after the date of enactment of this Act, the Secretary shall
6 make the review required under subsection (a) available
7 to local educational agencies via the Internet, including
8 recommendations to improve participation in the school
9 breakfast program. Not later than 12 months after the
10 date of enactment of this Act, the review shall also be
11 transmitted to the Committee on Education of the House
12 of Representatives and the Committee on Agriculture of
13 the senate.

14 **TITLE II—IMPROVING PROGRAM**
15 **QUALITY AND INTEGRITY**

16 **SEC. 201. ELIGIBILITY AND CERTIFICATION FOR FREE AND**
17 **REDUCED PRICE LUNCHES.**

18 Section 9(b) of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1758) is amended—

20 (1) by amending the subsection heading to read
21 as follows:

22 “(b) ELIGIBILITY FOR FREE AND REDUCED PRICE
23 LUNCHES.—”; and

24 (2) by amending paragraphs (1) and (2) to
25 read as follows:



1 “(1) INCOME GUIDELINES.—

2 “(A) IN GENERAL.—Not later than June 1
3 of each fiscal year, the Secretary shall prescribe
4 income guidelines for determining eligibility for
5 free and reduced price lunches during the 12-
6 month period beginning July 1 of such fiscal
7 year and ending June 30 of the following fiscal
8 year. The income guidelines for determining eli-
9 gibility for free lunches shall be 130 percent of
10 the applicable family size income levels con-
11 tained in the nonfarm income poverty guidelines
12 issued by the Secretary of Health and Human
13 Services, as adjusted annually in accordance
14 with subparagraph (B). The income guidelines
15 for determining eligibility for reduced price
16 lunches for any school year shall be 185 percent
17 of the applicable family size income levels con-
18 tained in the nonfarm income poverty guidelines
19 issued by the Secretary of Health and Human
20 Services, as adjusted annually in accordance
21 with subparagraph (B). Such guidelines shall be
22 revised at annual intervals, or at any shorter in-
23 terval deemed feasible and desirable.



1 “(B) FORMULA FOR REVISION.—The revi-
2 sion required by subparagraph (A) of this para-
3 graph shall be made by multiplying—

4 “(i) the official poverty line (as de-
5 fined by the Secretary of Health and
6 Human Services); by

7 “(ii) the percentage change in the
8 Consumer Price Index during the annual
9 or other interval immediately preceding the
10 time at which the adjustment is made.

11 Revisions under this subparagraph shall be
12 made not more than 30 days after the date on
13 which the Consumer Price Index data required
14 to compute the adjustment becomes available.

15 “(2) CERTIFICATION OF ELIGIBILITY.—

16 “(A) ANNOUNCEMENT BY STATE EDU-
17 CATIONAL AGENCY.—Following the determina-
18 tion by the Secretary under paragraph (1) of
19 this subsection of the income eligibility guide-
20 lines for each school year, each State edu-
21 cational agency shall announce the income eligi-
22 bility guidelines, by family size, to be used by
23 schools in the State in making determinations
24 of eligibility for free and reduced price lunches.
25 Local educational agencies shall, each year,



1 publicly announce the income eligibility guide-
2 lines for free and reduced price lunches on or
3 before the opening of school.

4 “(B) APPLICATIONS.—

5 “(i) IN GENERAL.—Applications for
6 free and reduced price lunches, in such
7 form as the Secretary may prescribe or ap-
8 prove, and any descriptive material, in an
9 understandable and uniform format, and
10 to the extent practicable, in a language
11 that parents can understand, shall be dis-
12 tributed at least annually to the parents or
13 guardians of children in attendance at the
14 school.

15 “(ii) INCOME LEVELS.—Applications
16 and descriptive material shall contain only
17 the family size income levels for reduced
18 price meal eligibility, with the explanation
19 that households with incomes less than or
20 equal to these values would be eligible for
21 free or reduced price lunches. Such forms
22 and descriptive material may not contain
23 the income eligibility guidelines for free
24 lunches, and may be made available elec-
25 tronically via the Internet.



1 “(iii) NOTIFICATION.—Descriptive
2 materials shall contain a notification that
3 participants in the Special Supplemental
4 Nutrition Program for Women, Infants,
5 and Children authorized under Section 17
6 of the Child Nutrition Act of 1966 (42
7 U.S.C. 1771 et seq.) or the State program
8 funded under part A of title IV of the So-
9 cial Security Act are eligible for free or re-
10 duced price lunches.

11 “(iv) ELECTRONIC AVAILABILITY.—
12 Applications and descriptive material may
13 be made available electronically via the
14 Internet.

15 “(C) ELIGIBILITY.—

16 “(i) HOUSEHOLD APPLICATIONS.—

17 “(I) IN GENERAL.—If an eligi-
18 bility determination for a child is not
19 made under clause (ii) or (iii), an eli-
20 gibility determination shall be made
21 on the basis of a complete household
22 application executed by an adult mem-
23 ber of the household.

24 “(II) ELIGIBILITY DETER-
25 MINANTS.—Eligibility may be deter-



1 mined by the local educational agency
2 on the basis of a complete application
3 (including an electronic signature
4 when the application is submitted
5 electronically) executed by an adult
6 member of the household if the appli-
7 cation filing system meets confiden-
8 tiality standards established by the
9 Secretary.

10 “(III) CHILDREN IN HOUSE-
11 HOLD.—

12 “(aa) IN GENERAL.—The
13 application shall identify the
14 names of each child in the house-
15 hold for whom meal benefits are
16 requested.

17 “(bb) SEPARATE APPLICA-
18 TIONS.—A State educational
19 agency or local educational agen-
20 cy may not request a separate
21 application for each child in the
22 household.

23 “(IV) VERIFICATION.—The Sec-
24 retary, State, or local educational
25 agency may verify any data contained



1 in such application. In accordance
2 with guidance issued by the Secretary,
3 each local educational agency shall
4 verify the information contained in a
5 sample of approved free and reduced
6 price applications and shall make ap-
7 propriate changes in the eligibility de-
8 termination with respect to such ap-
9 plications on the basis of such ver-
10 ification. The sample selected for ver-
11 ification shall be as follows:

12 “(aa) For local educational
13 agencies able to obtain verifica-
14 tion information for at least 75
15 percent of all applications se-
16 lected for verification in the prior
17 year, or local educational agen-
18 cies receiving more than 20,000
19 applications and that in the prior
20 year had a verification non-re-
21 sponse rate that was 10 percent
22 below the the verification non-re-
23 sponse rate of the second prior
24 year, the sample selected shall be
25 either—



1 “(AA) the lesser of
2 3,000 or 3 percent of ap-
3 proved applications selected
4 at random by the local edu-
5 cational agencies from all
6 approved applications; or

7 “(BB) the lesser of
8 1,000 or 1 and 1/2 percent of
9 all approved applications se-
10 lected from applications that
11 indicate monthly income
12 that is within \$100, or an-
13 nual income that is within
14 \$1,200, of the income eligi-
15 bility limitation for free or
16 reduced price meals, plus
17 the lesser of 500 or 1/2 of 1
18 percent of approved applica-
19 tions that provided a case
20 number in lieu of income in-
21 formation in accordance
22 with paragraph (6) of this
23 subsection selected from
24 those approved applications
25 that provided a case number



1 in lieu of income information
2 in accordance with para-
3 graph (6) of this subsection.

4 “(bb) For all other local
5 educational agencies, the sample
6 selected shall be the lesser of
7 3,000 or 3 percent of all ap-
8 proved applications selected from
9 applications that indicate month-
10 ly income that is within \$100, or
11 annual income that is within
12 \$1,200, of the income eligibility
13 limitation for free or reduced
14 price meals. If, for any local edu-
15 cational agency, the total number
16 of such applications is less than
17 3,000 or 3 percent of all ap-
18 proved applications, the local
19 educational agency shall select
20 additional applications at random
21 from all approved applications in
22 order to obtain a total sample for
23 verification of 3,000 or 3 percent
24 of all approved applications.



1 “(V) PLAIN, UNDERSTANDABLE
2 LANGUAGE.—Any and all communica-
3 tions to parents regarding verification
4 under subclause (IV) shall be in an
5 understandable and uniform format,
6 and, to the extent practicable, in a
7 language that parents can under-
8 stand.

9 “(ii) DIRECT CERTIFICATION FOR
10 CHILDREN IN FOOD STAMP HOUSE-
11 HOLDS.—

12 “(I) IN GENERAL.—Each State
13 agency shall, to the extent practicable,
14 enter into an agreement with the
15 State agency conducting eligibility de-
16 terminations for the food stamp pro-
17 gram established under the Food
18 Stamp Act of 1977 (7 U.S.C. 2011 et
19 seq.).

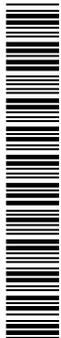
20 “(II) PROCEDURES.—Subject to
21 clause (iv), the agreement shall estab-
22 lish procedures under which a child
23 who is a member of a household re-
24 ceiving assistance under the program
25 referred to in subclause (I) shall be



1 certified as eligible for free meals
2 under this Act, without further appli-
3 cation.

4 “(III) DIRECT CERTIFICATION.—
5 Subject to clause (iv), under the
6 agreement, the local educational agen-
7 cy conducting eligibility determina-
8 tions for a school meal program con-
9 ducted under this Act shall certify a
10 child who is a member of a household
11 receiving assistance under the food
12 stamp program established under the
13 program referred to in subclause (I)
14 as eligible for free meals under this
15 Act without further application.

16 “(IV) NOTICE.—The appropriate
17 local educational agency shall provide
18 annually to the parents or guardians
19 of all students who are members of a
20 household receiving assistance under
21 the program referred to in subclause
22 (I), notification, in an understandable
23 and uniform format, and, to the ex-
24 tent practicable, in a language that
25 parents can understand, that any



1 school-aged child in that household is
2 eligible for free lunches or breakfasts.

3 “(iii) CERTIFICATION OF CHILDREN
4 IN HOUSEHOLDS RECEIVING TEMPORARY
5 ASSISTANCE FOR NEEDY FAMILIES.—Sub-
6 ject to clause (iv), any local educational
7 agency may certify any child as eligible for
8 free lunches or breakfasts, without further
9 application, by directly communicating
10 with the appropriate State or local agency
11 to obtain documentation of such child’s
12 status as a member of a family that is re-
13 ceiving assistance under the State program
14 funded under part A of title IV of the So-
15 cial Security Act that the Secretary deter-
16 mines complies with standards established
17 by the Secretary that ensure that the
18 standards under the State program are
19 comparable to or more restrictive than
20 those in effect on June 1, 1995.

21 “(iv) DISCLOSURE OF INFORMA-
22 TION.—The use or disclosure of any infor-
23 mation obtained from an application for
24 free or reduced price meals, or from a



1 State or local agency referred to in clauses
2 (ii) and (iii), shall be limited to—

3 “(I) a person directly connected
4 with the administration or enforce-
5 ment of this Act or the Child Nutri-
6 tion Act of 1966 (42 U.S.C. 1771 et
7 seq.), or a regulation issued pursuant
8 to either Act;

9 “(II) a person directly connected
10 with the administration or enforce-
11 ment of—

12 “(aa) a Federal education
13 program;

14 “(bb) a State health or edu-
15 cation program administered by
16 the State or local educational
17 agency (other than a program
18 carried out under title XIX of
19 the Social Security Act (42
20 U.S.C. 1396 et seq.)); or

21 “(cc) a Federal, State, or
22 local means-tested nutrition pro-
23 gram with eligibility standards
24 comparable to the program under
25 this section;



1 “(III)(aa) the Comptroller Gen-
2 eral of the United States for audit
3 and examination authorized by any
4 other provision of law; and

5 “(bb) notwithstanding any other
6 provision of law, a Federal, State, or
7 local law enforcement official for the
8 purpose of investigating an alleged
9 violation of any program requirements
10 under paragraph (1) or this para-
11 graph; and

12 “(IV) a person directly connected
13 with the administration of the State
14 Medicaid program under title XIX of
15 the Social Security Act (42 U.S.C.
16 1396 et seq.) or the State children’s
17 health insurance program under title
18 XXI of that Act (42 U.S.C. 1397aa et
19 seq.) solely for the purpose of identi-
20 fying children eligible for benefits
21 under, and enrolling children in, such
22 programs, except that this subclause
23 shall apply only to the extent that the
24 State and the local educational agency
25 so elect.



1 “(v) LIMITATION.—Information pro-
2 vided under clause (iv)(II) shall be limited
3 to the income eligibility status of the child
4 for whom application for free or reduced
5 price meal benefits was made or for whom
6 eligibility information was provided under
7 clause (ii) or (iii), unless the consent of the
8 parent or guardian of the child for whom
9 application for benefits was made is ob-
10 tained.

11 “(vi) PENALTY FOR UNAUTHORIZED
12 DISCLOSURE.—A person described in
13 clause (iv) who publishes, divulges, dis-
14 closes, or makes known in any manner, or
15 to any extent not authorized by Federal
16 law (including a regulation), any informa-
17 tion obtained under this subsection shall be
18 fined not more than \$1,000 or imprisoned
19 not more than 1 year, or both.

20 “(vii) REQUIREMENTS FOR WAIVER
21 OF CONFIDENTIALITY.—A State that elects
22 to exercise the option described in clause
23 (iv)(IV) shall ensure that any local edu-
24 cational agency acting in accordance with
25 that option—



1 “(I) has a written agreement
2 with the State or local agency or
3 agencies administering health insur-
4 ance programs for children under ti-
5 tles XIX and XXI of the Social Secu-
6 rity Act (42 U.S.C. 1396 et seq. and
7 1397aa et seq.) that requires the
8 health agencies to use the information
9 obtained under clause (iv) to seek to
10 enroll children in those health insur-
11 ance programs; and

12 “(II)(aa) notifies each household,
13 the information of which shall be dis-
14 closed under clause (iv), that the in-
15 formation disclosed will be used only
16 to enroll children in health programs
17 referred to in clause (iv)(IV); and

18 “(bb) provides each parent or
19 guardian of a child in the household
20 with an opportunity to elect not to
21 have the information disclosed.

22 “(viii) USE OF DISCLOSED INFORMA-
23 TION.—A person to which information is
24 disclosed under clause (iv)(IV) shall use or
25 disclose the information only as necessary



1 for the purpose of enrolling children in
2 health programs referred to in clause
3 (iv)(IV).

4 “(D) FREE AND REDUCED PRICE POLICY
5 STATEMENT.—After the initial submission, a
6 local educational agency shall not be required to
7 submit a free and reduced price policy state-
8 ment to a State educational agency under this
9 Act unless there is a substantive change in the
10 free and reduced price policy of the local edu-
11 cational agency. A routine change in the policy
12 of a local educational agency, such as an annual
13 adjustment of the income eligibility guidelines
14 for free and reduced price meals, shall not be
15 sufficient cause for requiring the local edu-
16 cational agency to submit a policy statement.”.

17 **SEC. 202. DURATION OF ELIGIBILITY FOR FREE AND RE-**
18 **DUCEED PRICE LUNCHES.**

19 Section 9(b)(3) of the Richard B. Russell National
20 School Lunch Act (42 U.S.C. 1758(b)(3)) is amended to
21 read as follows:

22 “(3) ELIGIBILITY FOR FREE AND REDUCED
23 PRICE LUNCHES.—

24 “(A) FREE LUNCHES.—Any child who is a
25 member of a household whose income, at the



1 time the application is submitted, is at an an-
2 nual rate which does not exceed the applicable
3 family size income level of the income eligibility
4 guidelines for free lunches, as determined under
5 paragraph (1), shall be served a free lunch.

6 “(B) REDUCED PRICE LUNCHESES.—

7 “(i) IN GENERAL.—Any child who is a
8 member of a household whose income, at
9 the time the application is submitted, is at
10 an annual rate greater than the applicable
11 family size income level of the income eligi-
12 bility guidelines for free lunches, as deter-
13 mined under paragraph (1), but less than
14 or equal to the applicable family size in-
15 come level of the income eligibility guide-
16 lines for reduced price lunches, as deter-
17 mined under paragraph (1), shall be served
18 a reduced price lunch.

19 “(ii) MAXIMUM PRICE.—The price
20 charged for a reduced price lunch shall not
21 exceed 40 cents.

22 “(C) DURATION.—Except as otherwise
23 specified in section 11(a), eligibility for free or
24 reduced price meals for any school year shall
25 remain in effect—



1 “(i) beginning on the date of eligi-
2 bility approval for the current school year;
3 and

4 “(ii) ending on the date of the begin-
5 ning of school in the subsequent school
6 year or as otherwise specified by the Sec-
7 retary.”.

8 **SEC. 203. CERTIFICATION BY LOCAL EDUCATIONAL AGEN-**
9 **CIES.**

10 (a) CERTIFICATION BY LOCAL EDUCATIONAL AGEN-
11 CY.—Section 9 of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1758) is further amended—

13 (1) in subsection (b)(5), by striking “Local
14 school authorities” and inserting “Local educational
15 agencies”; and

16 (2) in subsection (d)(2)—

17 (A) by striking “local school food author-
18 ity” each place it appears and inserting “local
19 educational agency”; and

20 (B) in subparagraph (A), by striking “such
21 authority” and inserting “the local educational
22 agency”.

23 (b) DEFINITION OF LOCAL EDUCATIONAL AGEN-
24 CY.—Section 12(d) of the Richard B. Russell National
25 School Lunch Act (42 U.S.C. 1760(d)) is amended



1 (1) by redesignating paragraphs (3) through
2 (7) as paragraphs (5) through (9), respectively, and
3 moving the paragraphs to the end of the subsection;

4 (2) by redesignating the first paragraph (3) (as
5 so redesignated) the following:

6 “(4) LOCAL EDUCATIONAL AGENCY.—

7 “(A) IN GENERAL.—The term ‘local edu-
8 cational agency’ has the meaning given the
9 term in section 9101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C.
11 7801).

12 “(B) INCLUSION.—The term ‘local edu-
13 cational agency’ includes, in the case of a pri-
14 vate nonprofit school food authority, an appro-
15 priate entity determined by the Secretary.”.

16 (c) SCHOOL BREAKFAST PROGRAM.—Section
17 4(b)(1)(E)) of the Child Nutrition Act of 1966 (42 U.S.C.
18 1773(b)(1)(E)) is amended by striking “school food au-
19 thority” each place it appears and inserting “local edu-
20 cational agency”.

21 **SEC. 204. COMPLIANCE AND ACCOUNTABILITY.**

22 Section 22 of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1769c) is amended by inserting
24 “and local educational agencies” after “food service au-
25 thorities” each place it appears.



1 **SEC. 205. TECHNOLOGY IMPROVEMENT.**

2 (a) PRIORITY FOR REALLOCATED FUNDS.—Section
3 7(a)(5)(B)(ii) of the Child Nutrition Act of 1966 (42
4 U.S.C. 1776(a)(5)(B)(ii)) is amended by inserting the fol-
5 lowing new sentence at the end: “The Secretary shall give
6 priority consideration to States that will use the funds for
7 improvements in technology and information management
8 systems described in subsection (e)(2).”

9 (b) TECHNOLOGY INFRASTRUCTURE IMPROVE-
10 MENT.—Section 7(e) of the Child Nutrition Act of 1966
11 (42 U.S.C. 1776) is amended—

12 (1) by striking “Each State” and inserting “(1)
13 Each State”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) Each State shall at a minimum include a de-
17 scription of how technology and information management
18 systems will be used to improve program integrity by—

19 “(A) monitoring the nutrient content of meals served;

20 “(B) training schools and school food authorities how
21 to utilize technology and information management systems
22 for activities such as menu planning, collecting point of
23 sale data, and processing applications for free and reduced
24 price meals; and

25 “(C) using electronic data to establish benchmarks
26 to compare and monitor program integrity, program par-



1 ticipation, and financial data across schools and school
2 food authorities.”.

3 (c) CONFORMING AMENDMENT.—Section 7(b) of the
4 Child Nutrition Act of 1966 (42 U.S.C. 1776(b)) is
5 amended by striking “and for staff development.” and in-
6 serting “; for staff development; and technology and infor-
7 mation management systems.”.

8 **SEC. 206. MINIMUM STATE ADMINISTRATIVE EXPENSE**
9 **GRANTS.**

10 Section 7 of the Child Nutrition Act (42 U.S.C.
11 1776(a)(1)) is amended—

12 (1) by amending the section heading to read as
13 follows:

14 **“SEC. 7. STATE ADMINISTRATIVE EXPENSES.”**; and

15 (2) in subsection (a)—

16 (A) by amending the subsection heading to
17 read as follows:

18 **“(a) AMOUNT AND ALLOCATION OF FUNDS.—”**.

19 (B) by amending paragraph (1) to read as
20 follows:

21 **“(1) AMOUNT AVAILABLE.—**

22 **“(A) IN GENERAL.—**Except as provided in
23 subparagraph (B), each fiscal year the Sec-
24 retary shall make available to the States for
25 their Administrative costs an amount equal to



1 not less than 1½ percent of the Federal funds
2 expended under sections 4, 11, 17, and 17A of
3 the Richard B. Russell National School Lunch
4 Act (42 U.S.C. 1753, 1759a, 1766, and
5 1766a)) and sections 3 and 4 of this Act during
6 the second preceding fiscal year.

7 “(B) MINIMUM AMOUNT.—In the case of
8 each of fiscal years 2005 through 2007, the
9 Secretary shall make available to each State for
10 their administrative costs not less than the ini-
11 tial allocation made to the State under this sub-
12 section for fiscal year 2004.

13 “(C) ALLOCATION.—The Secretary shall
14 allocate the funds so provided in accordance
15 with paragraphs (2), (3), and (4) of this sub-
16 section.

17 “(D) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There is authorized to be appropriated
19 such sums as may be necessary to carry out the
20 purposes of this section.”; and

21 (C) in paragraph (2), by striking
22 “\$100,000” and inserting “\$200,000”.



1 **SEC. 207. DISTRICT-WIDE ELIGIBILITY FOR SPECIAL AS-**
2 **SISTANCE.**

3 Section 11(a)(1) of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

5 (1) in subparagraph (C)—

6 (A) in clause (i)—

7 (i) by inserting “or school district”
8 after “in the case of any school”;

9 (ii) by inserting “or school district”
10 after “in the school” both times it appears;

11 (iii) by inserting “or school district”
12 after “in the case of a school”; and

13 (iv) by inserting “or school district”
14 after “with respect to the school”;

15 (B) in clause (ii)—

16 (i) by inserting “or school district”
17 after “served by a school”; and

18 (ii) by inserting “or school district”
19 after “served by the school”; and

20 (C) in clause (iii) by inserting “or school
21 district” after “a school”;

22 (2) in subparagraph (D)—

23 (A) in clause (i)—

24 (i) by inserting “or school district”
25 after “any school”; and



- 1 (ii) by inserting “or school district”
2 after “the school”;
3 (B) in clause (ii)—
4 (i) by inserting “or school district”
5 after “A school”; and
6 (ii) by inserting “or school district”
7 after “the school”;
8 (C) in clause (iii)—
9 (i) by inserting “or school district”
10 after “a school”; and
11 (ii) by inserting “or school district”
12 after “the school”; and
13 (D) in clause (iv) by inserting “or school
14 district” after “levels, a school”; and
15 (3) in subparagraph (E)—
16 (A) in clause (i)—
17 (i) by inserting “or school district”
18 after “In the case of any school”;
19 (ii) by inserting “or school district”
20 after “in the school” both times it appears;
21 (iii) by inserting “or school district”
22 after “in the case of a school”;
23 (iv) by inserting “or school district”
24 after “with respect to the school”;



- 1 (v) by inserting “or school district”
2 after “received by the school”; and
3 (vi) by inserting “or school district”
4 after “for which the school”; and
5 (B) in clause (ii)—
6 (i) by inserting “or school district”
7 after “A school”;
8 (ii) by inserting “or school district”
9 after “for which the school” both times it
10 appears; and
11 (iii) by inserting “or school district”
12 after “population of the school” both times
13 it appears.

14 **SEC. 208. ADMINISTRATIVE ERROR REDUCTION.**

15 (a) FEDERAL SUPPORT FOR TRAINING AND TECH-
16 NICAL ASSISTANCE.—Section 21 of the Richard B. Russell
17 National School Lunch Act (42 U.S.C. 1769b-1) is
18 amended—

19 (1) by redesignating subsection (e) as sub-
20 section (g); and

21 (2) by inserting after subsection (d) the fol-
22 lowing:

23 “(e) ADMINISTRATIVE TRAINING AND TECHNICAL
24 ASSISTANCE MATERIALS.—In collaboration with State
25 educational agencies, school food authorities, and local



1 educational agencies of varying sizes, the Secretary shall
2 develop and distribute training and technical assistance
3 materials relating to the administration of school meal
4 programs that are—

5 “(1) prepared by the Secretary (based on re-
6 search or other sources), a State educational agency,
7 a school food authority, or a local educational agen-
8 cy; and

9 “(2) representative of the best management and
10 administrative practices of State agencies, school
11 food authorities, and local educational agencies as
12 determined by the Secretary.

13 “(f) FEDERAL ADMINISTRATIVE SUPPORT.—

14 “(1) FUNDING.—

15 “(A) IN GENERAL.—Out of any funds in
16 the Treasury not otherwise appropriated, the
17 Secretary of the Treasury shall transfer to the
18 Secretary of Agriculture to carry out this
19 subsection—

20 “(i) on October 1, 2004 and October
21 1, 2005, \$3,000,000; and

22 “(ii) on October 1, 2006, and October
23 1, 2007, \$2,000,000.

24 “(B) RECEIPT AND ACCEPTANCE.—The
25 Secretary shall be entitled to receive, shall ac-



1 cept, and shall use to carry out this subsection
2 the funds transferred under subparagraph (A),
3 without further appropriation.

4 “(C) AVAILABILITY OF FUNDS.—Funds
5 transferred under subparagraph (A) shall re-
6 main available until expended.

7 “(2) USE OF FUNDS.—The Secretary may use
8 funds provided under this subsection—

9 “(A) to provide training and technical as-
10 sistance related to administrative practices de-
11 signed to improve program integrity and admin-
12 istrative accuracy in school meals programs (in-
13 cluding administrative requirements established
14 by the The Child Nutrition Improvement and
15 Integrity Act and amendments made by that
16 Act) to State educational agencies and, to the
17 extent determined by the Secretary, to school
18 food authorities and local educational agencies;

19 “(B) to assist State educational agencies
20 in reviewing the administrative practices of
21 school food authorities, to the extent deter-
22 mined by the Secretary; and

23 “(C) to carry out subsection (e).”

24 (b) SELECTED ADMINISTRATIVE REVIEWS.—Section
25 22(b) of the Richard B. Russell National School Lunch



1 Act (42 U.S.C. 1769c(b)) is amended by adding at the
2 end the following:

3 “(3) ADDITIONAL REVIEW REQUIREMENT FOR
4 SELECTED SCHOOL FOOD AUTHORITIES AND LOCAL
5 EDUCATIONAL AGENCIES.—

6 “(A) DEFINITION OF SELECTED SCHOOL
7 FOOD AUTHORITY OR LOCAL EDUCATIONAL
8 AGENCY.—In this paragraph, the terms ‘se-
9 lected school food authority’ and ‘selected local
10 educational agency’ mean a school food author-
11 ity or local educational agency that has a dem-
12 onstrated high level of, or a high risk for, ad-
13 ministrative error, as determined by the Sec-
14 retary.

15 “(B) ADDITIONAL ADMINISTRATIVE RE-
16 VIEW.—In addition to any review required by
17 subsection (a) or paragraph (1), each State
18 educational agency shall conduct an administra-
19 tive review of each selected school food author-
20 ity and local educational agency during the re-
21 view cycle established under subsection (a).

22 “(C) SCOPE OF REVIEW.—In carrying out
23 a review under subparagraph (B), a State edu-
24 cational agency shall only review the adminis-
25 trative processes of a selected school food au-



1 thority or local educational agency, including
2 application, certification, verification, meal
3 counting, and meal claiming procedures.

4 “(D) RESULTS OF REVIEW.—If the State
5 educational agency determines (on the basis of
6 a review conducted under subparagraph (B))
7 that a selected school food authority or local
8 educational agency fails to meet performance
9 criteria established by the Secretary, the State
10 educational agency shall—

11 “(i) require the selected school food
12 authority or local educational agency to de-
13 velop and carry out an approved plan of
14 corrective action;

15 “(ii) except to the extent technical as-
16 sistance is provided directly by the Sec-
17 retary, provide technical assistance to as-
18 sist the selected school food authority or
19 local educational agency in carrying out
20 the corrective action plan; and

21 “(iii) conduct a follow-up review of
22 the selected school food authority or local
23 educational agency under standards estab-
24 lished by the Secretary.



1 “(4) RECOVERING FUNDS AFTER ADMINISTRA-
2 TIVE REVIEWS.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graphs (B) and (C), if the school food authority
5 or local educational agency fails to meet admin-
6 istrative performance criteria established by the
7 Secretary in both an initial review and a follow-
8 up review under paragraph (1) or (3) or sub-
9 section (a), the Secretary may require the State
10 educational agency to recover funds that would
11 otherwise be paid to the school food authority
12 or local educational agency for school meals
13 programs under procedures prescribed by the
14 Secretary.

15 “(B) AMOUNT.—The amount of funds re-
16 covered under subparagraph (A) shall equal the
17 value of the error during the time period de-
18 scribed in subparagraph (C).

19 “(C) TIME PERIOD.—The period for deter-
20 mining the value of the error under subpara-
21 graph (B) shall be the period—

22 “(i) beginning on the date the error
23 was made; and

24 “(ii) ending on the earlier of the date
25 the error is corrected or—



1 “(I) in the case of the first re-
2 view conducted by the State edu-
3 cational agency of the school food au-
4 thority or local educational agency
5 under this section after July 1, 2005,
6 the date that is 60 days after the be-
7 ginning of the period under clause (i);
8 or

9 “(II) in the case of any subse-
10 quent review conducted by the State
11 educational agency of the school food
12 authority or local educational agency
13 under this section, the date that is 90
14 days after the beginning of the period
15 under clause (i).

16 “(5) USE OF RECOVERED FUNDS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), funds recovered under paragraph
19 (4) shall—

20 “(i) be returned to the Secretary
21 under procedures established by the Sec-
22 retary, and may be used—

23 “(I) to provide training and tech-
24 nical assistance related to administra-
25 tive practices designed to improve pro-



1 gram integrity and administrative ac-
2 curacy in school meals programs (in-
3 cluding administrative requirements
4 established by the The Child Nutrition
5 Improvement and Integrity Act and
6 amendments made by that Act) to
7 State educational agencies and, to the
8 extent determined by the Secretary, to
9 school food authorities and local edu-
10 cational agencies;

11 “(II) to assist State educational
12 agencies in reviewing the administra-
13 tive practices of school food authori-
14 ties, to the extent determined by the
15 Secretary; and

16 “(III) to carry out section 21(e);
17 or

18 “(ii) be credited to the child nutrition
19 programs appropriation account.

20 “(B) STATE SHARE.—Subject to subpara-
21 graph (C), a State educational agency may re-
22 tain not more than 25 percent of an amount re-
23 covered under paragraph (4), to carry out
24 school meals program integrity initiatives to as-
25 sist school food authorities and local edu-



1 cational agencies that have repeatedly failed (as
2 determined by the Secretary) to meet adminis-
3 trative performance criteria.

4 “(C) REQUIREMENT.—To be eligible to re-
5 tain funds under subparagraph (B), a State
6 educational agency shall—

7 “(i) submit to the Secretary a plan
8 describing how the State educational agen-
9 cy will use the funds to improve school
10 meals program integrity, including meas-
11 ures to give priority to school food authori-
12 ties and local educational agencies from
13 which funds were retained under para-
14 graph (4); and

15 “(ii) obtain the approval of the Sec-
16 retary for the plan.”.

17 (e) TRAINING AND TECHNICAL ASSISTANCE.—Sec-
18 tion 7 of the Child Nutrition Act of 1966 (42 U.S.C.
19 1776) is amended—

20 (1) in subsection (e)—

21 (A) by striking “(e) Each” and inserting
22 the following:

23 “(e) PLANS.—

24 “(1) IN GENERAL.—Each”;



1 (B) by striking “After” and inserting the
2 following:

3 “(2) UPDATES.—After”; and

4 (C) by adding at the end the following:

5 “(3) TRAINING AND TECHNICAL ASSISTANCE.—
6 Effective beginning July 1, 2005, each State shall
7 submit to the Secretary for approval a plan describ-
8 ing the manner in which the State intends to imple-
9 ment subsection (g) and section 22(b)(3) of the
10 Richard B. Russell National School Lunch Act (as
11 added by section 208 of the The Child Nutrition Im-
12 provement and Integrity Act).”;

13 (2) by redesignating subsection (g) as sub-
14 section (i); and

15 (3) by inserting after subsection (f) the fol-
16 lowing:

17 “(g) STATE TRAINING.—

18 “(1) IN GENERAL.—At least annually, each
19 State shall provide training in administrative prac-
20 tices (including training in application, certification,
21 verification, meal counting, and meal claiming proce-
22 dures) to school food authority administrative per-
23 sonnel and other appropriate personnel, with empha-
24 sis on the requirements established by the The Child



1 Nutrition Improvement and Integrity Act and the
2 amendments made by that Act.

3 “(2) FEDERAL ROLE.—The Secretary shall—

4 “(A) provide training and technical assist-
5 ance (including training materials and informa-
6 tion developed under subsections (e) and (f) of
7 section 21 of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1769b-1)) to a
9 State to assist the State in carrying out para-
10 graph (1); or

11 “(B) at the option of the Secretary, di-
12 rectly provide training and technical assistance
13 described in paragraph (1).

14 “(3) THIRD-PARTY CONTRACTING.—In carrying
15 out this subsection, the Secretary or a State may
16 contract with a third party under procedures estab-
17 lished by the Secretary.

18 “(4) REQUIRED PARTICIPATION.—Under proce-
19 dures established by the Secretary that consider the
20 various needs and circumstances of school food au-
21 thorities, each school food authority or local edu-
22 cational agency shall ensure that an individual con-
23 ducting or overseeing administrative procedures de-
24 scribed in paragraph (1) receives training at least



1 annually, unless determined otherwise by the Sec-
2 retary.

3 “(h) FUNDING FOR TRAINING AND ADMINISTRATIVE
4 REVIEWS.—

5 “(1) FUNDING.—

6 “(A) IN GENERAL.—On October 1, 2004,
7 and on each October 1 thereafter, out of any
8 funds in the Treasury not otherwise appro-
9 priated, the Secretary of the Treasury shall
10 transfer to the Secretary of Agriculture to carry
11 out this subsection \$4,000,000, to remain avail-
12 able until expended.

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 “(2) USE OF FUNDS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), the Secretary shall use
21 funds provided under this subsection to assist
22 States in carrying out subsection (g) and ad-
23 ministrative reviews of selected school food au-
24 thorities and local educational agencies under
25 section 22(b)(3) of the Richard B. Russell Na-



1 tional School Lunch Act (42 U.S.C.
2 1769c(b)(3)).

3 “(B) EXCEPTION.—The Secretary may re-
4 tain a portion of the amount provided to cover
5 costs of activities carried out by the Secretary
6 in lieu of the State.

7 “(3) ALLOCATION.—The Secretary shall allo-
8 cate funds provided in this subsection to States
9 based on the number of schools with excessive error
10 rates, as determined by the Secretary, taking into
11 account the requirements established by the The
12 Child Nutrition Improvement and Integrity Act and
13 the amendments made by that Act.

14 “(4) REALLOCATION.—The Secretary may re-
15 allocate, to carry out this section, an amounts made
16 available to carry out this subsection that are not
17 obligated or expended, as determined by the Sec-
18 retary.”.

19 **TITLE III—PROMOTING NUTRI-**
20 **TION QUALITY AND PRE-**
21 **VENTING CHILDHOOD OBE-**
22 **SITY**

23 **SEC. 301. LOCAL SCHOOL WELLNESS POLICY.**

24 Not later than the first day of the school year begin-
25 ning after June 30, 2006, local educational agencies par-



1 participating in the programs authorized by the Richard B.
2 Russell National School Lunch Act (42 U.S.C. 1751 et
3 seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771
4 et seq.) shall establish a local school wellness policy for
5 such local agency that at a minimum—

6 (1) includes goals for nutrition education, phys-
7 ical activity and other school-based activities de-
8 signed to promote student wellness that the local
9 educational agency determines are appropriate;

10 (2) includes nutrition guidelines selected by the
11 local educational agencies for all foods sold on school
12 campus during the school day with the objective of
13 promoting student health and reducing childhood
14 obesity;

15 (3) establishes a plan for ensuring implementa-
16 tion of the local wellness policy, including designa-
17 tion of a person or persons within the local edu-
18 cational agency, or at each school as appropriate,
19 charged with operational responsibility for ensuring
20 that such school meets the local wellness policy; and

21 (4) involves parents, students, representatives
22 of the school food authority, the school board, school
23 administrators, and public in the development of the
24 school wellness policy.



1 **SEC. 302. SUPPORTING NUTRITION EDUCATION, IMPROV-**
2 **ING MEAL QUALITY, AND ACCESS TO LOCAL**
3 **FOODS.**

4 Section 19 of the Child Nutrition Act of 1966 (42
5 U.S.C. 1788) is amended—

6 (1) by amending subsection (b) to read as fol-
7 lows:

8 “(b) PURPOSE.—It is the purpose of this section to
9 support effective nutrition education through assistance to
10 State agencies, schools, and nonprofit entities for Team
11 Nutrition and other nutrition education projects that im-
12 prove student understanding of healthful eating patterns,
13 including an awareness and understanding of the Dietary
14 Guidelines for Americans, and the quality of school meals
15 and access to local foods in schools and institutions oper-
16 ating programs under the Richard B. Russell National
17 School Lunch Act (42 U.S.C. 1751 et seq.) and section
18 4 of this Act.”;

19 (2) by striking subsections (c) through (i) and
20 inserting after subsection (b) the following:

21 “(c) TEAM NUTRITION NETWORK.—

22 “(1) PURPOSE.—The purpose of the Team Nu-
23 trition Network is to—

24 “(A) promote the nutritional health of the
25 Nation’s school children through nutrition edu-
26 cation, physical fitness and other activities that



1 support healthy lifestyles for children based on
2 the Dietary Guidelines for Americans and the
3 physical fitness guidelines issued by the Sec-
4 retary of Health and Human Services;

5 “(B) provide assistance to States for the
6 development of State-wide, comprehensive, and
7 integrated nutrition education and physical fit-
8 ness programs; and

9 “(C) provide training and technical assist-
10 ance to States, school and community nutrition
11 programs, and child nutrition food service pro-
12 fessionals.

13 “(2) STATE COORDINATOR.—The State Team
14 Nutrition Network Coordinator shall—

15 “(A) administer and coordinate a com-
16 prehensive integrated statewide nutrition edu-
17 cation program; and

18 “(B) coordinate efforts with the Food and
19 Nutrition Service and State agencies respon-
20 sible for children’s health programs.

21 “(3) TEAM NUTRITION NETWORK.—The Sec-
22 retary, in consultation with the Secretary of Edu-
23 cation, shall, on a competitive basis, provide assist-
24 ance to States for the purpose of creating model nu-
25 trition education and physical fitness programs, con-



1 sistent with current dietary and fitness guidelines,
2 for students in elementary schools and secondary
3 schools.

4 “(4) REQUIREMENTS FOR STATE PARTICIPA-
5 TION.—To be eligible to receive assistance under this
6 subsection, a State Coordinator shall submit an ap-
7 plication to the Secretary at such time, and in such
8 manner, and containing such information as the Sec-
9 retary may require, including—

10 “(A) a description of how the proposed nu-
11 trition and physical activity program will pro-
12 mote healthy eating and physical fitness and
13 address the health and social consequences of
14 children who are overweight or obese;

15 “(B) information describing how nutrition
16 activities are to be coordinated at the State
17 level with other health activities conducted by
18 education, health and agriculture agencies;

19 “(C) information describing how physical
20 fitness activities are to be coordinated at the
21 State level with other fitness activities con-
22 ducted by education, health, and parks and
23 recreation agencies;

24 “(D) a description of the consultative proc-
25 ess that the State Coordinator employed in the



1 development of the model nutrition and physical
2 fitness program, including consultations with
3 individuals and organizations with expertise in
4 promoting public health, nutrition, or physical
5 activity, and organizations representing the ag-
6 riculture, food and beverage, and fitness indus-
7 tries;

8 “(E) a description of how the State Coor-
9 dinator will evaluate the effectiveness of its pro-
10 gram; and

11 “(F) a description of how any and all com-
12 munications to parents and guardians of all
13 students who are members of a household re-
14 ceiving or applying for assistance under the
15 program shall be in an understandable and uni-
16 form format, and, to the extent practicable, in
17 a language that parents can understand.

18 “(5) DURATION.—Subject to the availability of
19 funds made available to carry out this subsection, a
20 State Coordinator shall conduct the project for a pe-
21 riod of 3 successive school years.

22 “(6) AUTHORIZED ACTIVITIES.—An eligible ap-
23 plicant that receives assistance under this subsection
24 may use funds to carry out one or more of the fol-
25 lowing activities:



1 “(7) USE OF FUNDS.—Funds authorized under
2 paragraph (3) may be used for—

3 “(A) collecting, analyzing, and dissemi-
4 nating data regarding the extent to which chil-
5 dren and youth in the State are overweight or
6 physically inactive and the programs and serv-
7 ices available to meet those needs;

8 “(B) developing and implementing model
9 elementary and secondary education curricula
10 to create a comprehensive, coordinated nutrition
11 and physical fitness awareness and obesity pre-
12 vention program;

13 “(C) developing and implementing pilot
14 programs in schools to increase physical fitness
15 and to enhance the nutritional status of stu-
16 dents, including through the increased con-
17 sumption of fruits and vegetables, whole grains,
18 and lowfat dairy products;

19 “(D) developing and implementing State
20 guidelines in health, which include nutrition
21 education, and physical education and empha-
22 size regular physical activity during school
23 hours;

24 “(E) collaborating with community based
25 organizations, volunteer organizations, State



1 medical associations, and public health groups
2 to develop and implement nutrition and physical
3 education programs targeting lower income chil-
4 dren, ethnic minorities, and youth at a greater
5 risk for obesity;

6 “(F) collaborating with public or private
7 organizations that have as a mission the raising
8 of public awareness of the importance of a bal-
9 anced diet and an active lifestyles; and

10 “(G) providing training and technical as-
11 sistance to teachers and school food service pro-
12 fessionals consistent with the purpose of this
13 section.

14 “(8) LIMITATION.—Materials prepared under
15 this subsection regarding agricultural commodities,
16 food, or beverages must be factual and without bias.

17 “(9) REPORT.—Within 18 months of comple-
18 tion of the projects and the evaluations, the Sec-
19 retary shall submit to the Committee on Education
20 and the Workforce of the House of Representatives
21 and the Committee on Health, Education, Labor,
22 and Pensions of the Senate and the Committee on
23 Agriculture, Nutrition and Forestry of the Senate a
24 report describing the results of the evaluation of the
25 demonstration programs and shall make such re-



1 ports available to the public, including through the
2 Internet.

3 “(d) LOCAL NUTRITION AND PHYSICAL FITNESS
4 PROJECT.—

5 “(1) IN GENERAL.—Subject to the availability
6 of funds made available, the Secretary, in consulta-
7 tion with the Secretary of Education, shall provide
8 assistance to not more than 100 local educational
9 agencies, at least one per State, for the establish-
10 ment of pilot projects for purposes of promoting
11 healthy eating habits and increasing physical fitness,
12 consistent with the Dietary Guidelines for Americans
13 established by the Department of Agriculture,
14 among elementary and secondary education stu-
15 dents.

16 “(2) REQUIREMENT FOR PARTICIPATION IN
17 PILOT PROJECT.—To be eligible to receive assistance
18 under this subsection, a local educational agency
19 shall, in consultation with individuals who possess
20 education or experience appropriate for representing
21 the general field of public health, including nutrition
22 and fitness professionals, submit to the Secretary an
23 application that shall include—



1 “(A) a description of the local educational
2 agency’s need for nutrition and fitness pro-
3 grams;

4 “(B) a description of how the proposed
5 project will improve health and nutrition
6 through education and increased access to phys-
7 ical activity;

8 “(C) a description of how funds under this
9 subsection will be coordinated with other pro-
10 grams under this Act, the Richard B. Russell
11 National School Lunch Act, or other Acts, as
12 appropriate, to improve student health and nu-
13 trition;

14 “(D) a statement of the local educational
15 agency’s measurable goals for nutrition and fit-
16 ness education and promotion;

17 “(E) a description of how the proposed
18 project will be aligned with the local wellness
19 policy required under the Act;

20 “(F) a description of the procedures the
21 agency will use for assessing and publicly re-
22 porting progress toward meeting those goals;
23 and

24 “(G) a description of how communications
25 to parents and guardians of participating stu-



1 dents regarding the activity under this sub-
2 section shall be in an understandable and uni-
3 form format, and, to the extent practicable, in
4 a language that parents can understand.

5 “(3) DURATION.—Subject to the availability of
6 funds made available to carry out this subsection, a
7 local educational agency receiving assistance under
8 this subsection shall conduct the project during a pe-
9 riod of 3 successive school years.

10 “(4) AUTHORIZED ACTIVITIES.—An eligible ap-
11 plicant that receives assistance under this
12 subsection—

13 “(A) shall use funds provided to—

14 “(i) promote healthy eating through
15 the development and implementation of nu-
16 trition education programs and curricula
17 based on the Dietary Guidelines for Ameri-
18 cans; and

19 “(ii) increase opportunities for phys-
20 ical activity through after school programs,
21 athletics, intramural activities, and recess;
22 and

23 “(B) may use funds provided to—

24 “(i) educate parents and students
25 about the relationship of a poor diet and



1 inactivity to obesity and other health prob-
2 lems;

3 “(ii) develop and implement physical
4 education programs that promote fitness
5 and lifelong activity;

6 “(iii) provide training and technical
7 assistance to food service professionals to
8 develop nutritious, more appealing menus
9 and recipes;

10 “(iv) incorporate nutrition education
11 into physical education, health education,
12 and after school programs, including ath-
13 letics;

14 “(v) involve parents, food service
15 staff, educators, community leaders, and
16 other interested parties in assessing the
17 food options in the school environment and
18 developing and implementing an action
19 plan to promote a balanced and healthy
20 diet;

21 “(vi) provide nutrient content or nu-
22 trition information on meals served
23 through the school lunch or school break-
24 fast programs and items sold a la carte
25 during meal times;



1 “(vii) encourage the increased con-
2 sumption of a variety of healthy foods
3 through new initiatives such as salad bars
4 and fruit bars; and

5 “(viii) provide nutrition education, in-
6 cluding sports nutrition education, for
7 teachers, coaches, food service staff, ath-
8 letic trainers, and school nurses.

9 “(5) LIMITATION.—Materials prepared under
10 this subsection regarding agricultural commodities,
11 food, or beverages must be factual and without bias.

12 “(6) REPORT.—Within 18 months of comple-
13 tion of the projects and evaluations, the Secretary
14 shall transmit to the Committee on Education and
15 the Workforce of the House of Representatives and
16 the Committee on Health, Education, Labor, and
17 Pensions and the Committee on Agriculture, Nutri-
18 tion and Forestry of the Senate a report describing
19 the results of the evaluation of the pilot projects and
20 shall make such reports available to the public, in-
21 cluding through the Internet.

22 “(e) NUTRITION EDUCATION SUPPORT.—

23 “(1) IN GENERAL.—In carrying out the purpose
24 of this section to support nutrition education, the
25 Secretary may provide for technical assistance and



1 grants to improve the quality of school meals and
2 access to local foods in schools and institutions.

3 “(2) MEAL QUALITY IMPROVEMENT.—The Sec-
4 retary may provide assistance to enable State edu-
5 cational agencies to—

6 “(A) implement the recommendations of
7 the Secretary’s School Meals Initiative for
8 Healthy Children;

9 “(B) increase the consumption of fruits,
10 vegetables, low-fat dairy products, and whole
11 grains;

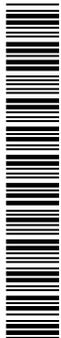
12 “(C) reduce saturated fat and sodium in
13 school meals;

14 “(D) improve school nutritional environ-
15 ments; and

16 “(E) conduct other activities that aid
17 schools in carrying out the Secretary’s School
18 Meals Initiative for Healthy Children.

19 “(3) ACCESS TO LOCAL FOODS.—The Secretary
20 may provide assistance, through competitive match-
21 ing grants and technical assistance, to schools and
22 nonprofit entities for projects that—

23 “(A) improve access to local foods in
24 schools and institutions participating in pro-
25 grams under the Richard B. Russell National



1 School Lunch Act (42 U.S.C. 1751 et seq.) and
2 Section 4 of this Act through farm-to-cafeteria
3 activities that may include the acquisition of
4 food and appropriate equipment and the provi-
5 sion of training and education;

6 “(B) are, at a minimum, designed to pro-
7 cure local foods from small- and medium-sized
8 farms for school meals;

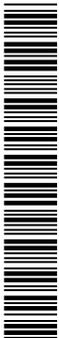
9 “(C) support nutrition education activities
10 or curriculum planning that incorporates the
11 participation of schoolchildren in farm and agri-
12 culture education activities;

13 “(D) develop a sustained commitment to
14 farm-to-cafeteria projects in the community by
15 linking schools, agricultural producers, parents,
16 and other community stakeholders;

17 “(E) require \$100,000 or less in Federal
18 contributions;

19 “(F) require a Federal share of costs not
20 to exceed 75 percent;

21 “(G) provide matching support in the form
22 of cash or in kind contributions (including fa-
23 cilities, equipment, or services provided by State
24 and local governments and private sources); and



1 “(H) cooperate in an evaluation to be car-
2 ried out by the Secretary.”; and

3 (3) by redesignating subsection (i) as subsection
4 (f), and amending paragraph (1) of such subsection
5 to read as follows:

6 “(1) IN GENERAL.—There is authorized to be
7 appropriated such sums as may be necessary for car-
8 rying out this section for fiscal years 1997 through
9 2008.”; and

10 **SEC. 303. FRUITS AND VEGETABLE COMMODITIES.**

11 Section 6(c)(1)(D) of the Richard B. Russell Na-
12 tional School Lunch Act (42 U.S.C. 1755(c)(1)(D)) is
13 amended by inserting “, and fruits and vegetables” before
14 the period.

15 **SEC. 304. FRUIT AND VEGETABLE PILOT PROGRAM.**

16 Section 18(g) of the Richard B. Russell National
17 School Lunch Act (42 U.S.C. 1769) is amended—

18 (1) in paragraph (1), by striking “In the school
19 year beginning” and inserting “Beginning”;

20 (2) by striking paragraph (3) and redesignating
21 paragraphs (2) and (4) as paragraphs (4) and (5),
22 respectively, and inserting after paragraph (1) the
23 following:

24 “(2) ADDITIONAL STATES.—In addition to the
25 States participating under subsection (1), the Sec-



1 retary shall make available free fresh and dried
2 fruits and fresh vegetables to students in 25 elemen-
3 tary or secondary schools in each of 4 additional
4 States, and 1 Indian reservation.

5 “(3) SELECTION OF SCHOOLS.—In selecting ad-
6 ditional schools to participate in the pilot program
7 authorized by this subsection, the Secretary shall—

8 “(A) to the maximum extent practicable,
9 ensure that the majority of schools selected are
10 those in which not less than 50 percent of stu-
11 dents are eligible for free or reduced price
12 meals under this Act;

13 “(B) solicit applications from interested
14 schools that include—

15 “(i) information pertaining to the per-
16 centage of students enrolled in the school
17 submitting the application who are eligible
18 for free or reduced price school lunches
19 under this Act;

20 “(ii) a certification of support for par-
21 ticipation in the pilot program signed by
22 the school food manager, the school prin-
23 cipal, and the district superintendent (or
24 their equivalent positions, as determined by
25 the school); and



1 “(iii) a plan for implementation of the
2 pilot program that includes a partnership
3 with an entity or entities of the fruit and
4 vegetable industry, which shall contribute
5 not less than 15 percent, in cash or in
6 kind, for the acquisition, handling, and dis-
7 tribution of fresh and dried fruits and
8 fresh vegetables provided under this pro-
9 gram; and

10 “(iv) such other information as may
11 be requested by the Secretary; and

12 “(C) for each application received, deter-
13 mine whether the application is from a school
14 in which not less than 50 percent of students
15 are eligible for free or reduced price meals
16 under this Act.”; and

17 (4) by amending paragraph (5) (as redesign-
18 nated by this section) to read as follows:

19 “(5) FUNDING.—The Secretary shall use
20 \$50,000,000 of the funds made available under sec-
21 tion 10603 of the Farm Security and Rural Invest-
22 ment Act of 2002 (Public Law 107–171) for fiscal
23 years 2004 through 2008, to carry out this sub-
24 section.”.



1 **SEC. 305. FLUID MILK.**

2 Section 9(a)(2) of the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1758(a)(2)) is amended to
4 read as follows:

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 in
10 a variety of fat contents;

11 “(ii) may offer students flavored and
12 unflavored fluid milk and lactose-free fluid
13 milk; and

14 “(iii) shall provide a substitute for
15 fluid milk for students whose disability re-
16 stricts their diet, upon receipt of a written
17 statement from a licensed physician that
18 identifies the disability that restricts the
19 student’s diet and that specifies the sub-
20 stitute for fluid milk.

21 “(B) SUBSTITUTES.—

22 “(i) STANDARDS FOR SUBSTI-
23 TUTION.—Schools may substitute for the
24 fluid milk provided under subparagraph
25 (A), a non-dairy beverage that is nutrition-
26 ally equivalent to fluid milk and meets nu-



1 tritional standards as established by the
2 Secretary (which shall, among other re-
3 quirements to be determined by the Sec-
4 retary, include fortification of calcium, pro-
5 tein, vitamin A, and vitamin D to levels
6 found in cow's milk) for students who can-
7 not consume fluid milk because of a med-
8 ical or other special dietary need other
9 than a disability described in subparagraph
10 (A)(iii).

11 “(ii) NOTICE.—Such substitutions
12 may be made if the school notifies the
13 State agency that it is implementing a var-
14 iation allowed under this subparagraph,
15 and if such substitution is requested by
16 written statement of a medical authority or
17 by a student's parent or legal guardian
18 that identifies the medical or other special
19 dietary need that restricts the student's
20 diet, provided that the school shall not be
21 required to provide beverages other than
22 those it has identified as acceptable sub-
23 stitutes.

24 “(iii) EXCESS EXPENSES BORNE BY
25 THE SCHOOL DISTRICT.—Expenses in-



1 curred in providing substitutions pursuant
2 to this subparagraph that are in excess of
3 those covered by reimbursements under
4 this Act shall be paid by the school dis-
5 trict.”.

6 **SEC. 306. WAIVER OF REQUIREMENTS FOR WEIGHTED**
7 **AVERAGES FOR NUTRIENT ANALYSIS.**

8 Section 9(f)(5) of the Richard B. Russell National
9 School Lunch Act (42 U.S.C 1758(f)(5)) is amended to
10 read as follows:

11 “(5) WAIVER OF REQUIREMENTS FOR WEIGHT-
12 ED AVERAGES FOR NUTRIENT ANALYSIS.—State
13 educational agencies may grant waivers to school
14 food authorities to the requirement for weighted
15 averages for nutrient analysis of menu items and
16 foods offered or served as part of a meal offered or
17 served under the school lunch program under this
18 Act or the school breakfast program under section 4
19 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)
20 if—

21 “(A) the school food authority has an
22 equivalent system for conducting a nutrient
23 analysis, subject to State agency approval; and

24 “(B) the equivalent system adequately doc-
25 uments the extent to which the school food au-



1 thority is meeting the Dietary Guidelines for
2 Americans and other nutrition standards.

3 In addition, the Secretary may waive, on a case by
4 case basis, the requirement for a State agency to use
5 weighted averages when conducting a nutrient anal-
6 ysis as part of a review (of compliance with the Die-
7 tary Guidelines and other nutrition standards) of a
8 school food authority not using nutrient standard
9 menu planning, when, in the Secretary's determina-
10 tion, an alternative analysis would yield results that
11 would adequately measure a school food authority's
12 compliance with current nutrition standards for
13 school meals.".

14 **SEC. 307. WHOLE GRAINS.**

15 Not later than 12 months after the date of enactment
16 of this Act, the Secretary shall promulgate rules, based
17 on Federal nutrition guidelines, to increase the presence
18 of whole grains in foods offered in school nutrition pro-
19 grams under the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutri-
21 tion Act of 1966 (42 U.S.C. 1771 et seq.).

22 **SEC. 308. STUDY ON HEALTHY SCHOOL ENVIRONMENTS.**

23 Section 10 of the Child Nutrition Act of 1966 (42
24 U.S.C. 1779) is amended by adding at the end the fol-
25 lowing:



1 “(d) STUDY ON HEALTHY SCHOOL ENVIRON-
2 MENTS.—

3 “(1) IN GENERAL.—The Secretary shall enter
4 into an agreement with a science-based organization
5 to conduct a 12 month study, based on sound nutri-
6 tional science, to determine appropriate nutritional
7 standards for foods available to students in school.
8 The study shall take into consideration the role of
9 all foods available to students in school as they re-
10 late to the total daily dietary intake of students par-
11 ticipating in the school foods program. The organi-
12 zation conducting the study shall transmit a report
13 of the study, including recommendations to the Sec-
14 retary within 12 months after the date of enactment
15 of this subsection.

16 “(2) DISSEMINATION.—Upon receipt of rec-
17 ommendations, the Secretary shall disseminate such
18 recommendations to States and local educational
19 agencies via the Internet and other methods of dis-
20 semination.

21 “(3) TECHNICAL ASSISTANCE.—Not less than
22 120 days after receipt of recommendations, the Sec-
23 retary shall provide technical assistance to schools,
24 upon their request, on how to implement such rec-
25 ommendations.”.



1 **TITLE IV—IMPROVING THE**
2 **WOMEN, INFANTS, AND CHIL-**
3 **DREN PROGRAM**

4 **SEC. 401. DEFINITION OF NUTRITION EDUCATION.**

5 Section 17(b)(7) of the Child Nutrition Act of 1966
6 (42 U.S.C. 1786(b)(7)) is amended—

7 (1) by inserting “and physical activity,” after
8 “dietary habits”; and

9 (2) by striking “nutrition and health” and in-
10 serting “nutrition, health, and child development”.

11 **SEC. 402. DEFINITION OF SUPPLEMENTAL FOODS.**

12 Section 17(b)(14) of the Child Nutrition Act of 1966
13 (42 U.S.C. 1786(b)(14)) is amended by inserting after
14 “children” the following: “and foods that promote health
15 as indicated in the most recent Dietary Guidelines for
16 Americans published under section 301 of the National
17 Nutrition Monitoring and Related Research Act of 1990
18 (7 U.S.C. 5341)”.

19 **SEC. 403. IMPROVING CERTIFICATION.**

20 (a) CERTIFICATION OF WOMEN WHO ARE
21 BREASTFEEDING.—Section 17(d)(3)(A) of the Child Nu-
22 trition Act of 1966 (42 U.S.C. 1786(d)(3)(A)) is amended
23 by adding at the end the following: “A State may certify
24 breast-feeding women for up to 1 year, or until women
25 stop breast-feeding, whichever is earlier.”



1 (b) PHYSICAL PRESENCE REQUIREMENT.—Section
2 17(d)(3)(C)(ii) of the Child Nutrition Act of 1966 (42
3 U.S.C. 1786(d)(3)(C)(ii)) is amended—

4 (1) in subclause (I)(bb), by striking “from a
5 provider other than the local agency; or” and insert-
6 ing a semicolon;

7 (2) in subclause (II)(cc), by striking the period
8 at the end and inserting “; and”; and

9 (3) by inserting after subclause (II) the fol-
10 lowing:

11 “(III) an infant under 8 weeks of
12 age—

13 “(aa) who cannot be present
14 at certification for a reason de-
15 termined appropriate by the local
16 agency; and

17 “(bb) for whom all necessary
18 certification information is pro-
19 vided.”.

20 (c) RESCHEDULING POLICIES.—Section 17(f)(19) of
21 the Child Nutrition Act of 1966 is amended—

22 (1) in subparagraph (A), by striking “; and”
23 and inserting a semicolon;

24 (2) in subparagraph (B), by striking the period
25 and inserting “; and”; and



1 (3) by adding at the end the following:

2 “(C) require local agencies to permit an appli-
3 cant or participant to reschedule an appointment to
4 apply or be recertified for the program.”.

5 **SEC. 404. REVIEWS OF AVAILABLE SUPPLEMENTAL FOODS.**

6 (a) **SCIENTIFIC REVIEW.**—Section 17(f)(11) of the
7 Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)) is
8 amended to read as follows:

9 “(11)(A) The Secretary shall prescribe by regulations
10 the supplemental foods to be made available in the pro-
11 gram under this section. To the degree possible the Sec-
12 retary shall ensure that the fat, sugar, and salt content
13 of the prescribed foods is appropriate.

14 “(B) Beginning in 2013 and every 10 years there-
15 after, or more frequently if determined by the Secretary
16 to be necessary to reflect current scientific knowledge, the
17 Secretary shall conduct a scientific review of the supple-
18 mental foods available in the program and recommend, as
19 necessary, changes to reflect nutrition science, current
20 public health concerns, and cultural eating patterns.”.

21 (b) **RULEMAKING.**—The Secretary shall promulgate
22 a rule updating the prescribed supplemental foods avail-
23 able through the program authorized under section 17 of
24 the Child Nutrition Act of 1966 (42 U.S.C. 1786) within
25 6 months of receiving the review of the food package for



1 such program undertaken by the National Academy of
2 Sciences, Institute of Medicine in September 2003.

3 **SEC. 405. NOTIFICATION OF VIOLATIONS AND INFANT FOR-**
4 **MULA BENEFITS.**

5 Section 17(f) of the Child Nutrition Act of 1966 (42
6 U.S.C. 1786(f)) is amended by adding at the end the fol-
7 lowing:

8 “(25) NOTIFICATION OF VIOLATIONS.—If a
9 State agency finds that a vendor has committed a
10 violation that requires a pattern of occurrences in
11 order to impose a sanction, the State agency shall
12 notify the vendor of the initial violation in writing
13 prior to documentation of another violation, unless
14 the State agency determines that notifying the ven-
15 dor would compromise its investigation.

16 “(26) INFANT FORMULA BENEFITS.—

17 “(A) IN GENERAL.—The State agency may
18 round up to the next whole can of infant for-
19 mula to ensure that all infants receive the full-
20 authorized nutritional benefit specified by regu-
21 lation.

22 “(B) LIMITATION.—Subparagraph (A) ap-
23 plies only to infant formula contracts awarded
24 under bid solicitations made on or after October
25 1, 2004.”.



1 **SEC. 406. COMPETITIVE BIDDING.**

2 Section 17(h)(8)(A) of the Child Nutrition Act of
3 1966 is amended by adding at the end the following:

4 “(iv) **REBATE INVOICES.**—Each State
5 agency shall have a system to ensure that
6 infant formula rebate invoices, under com-
7 petitive bidding, provide a reasonable esti-
8 mate or an actual count of the number of
9 units sold to participants in the program
10 under this section.

11 “(v) **CENT-FOR-CENT ADJUST-**
12 **MENTS.**—A bid solicitation for infant for-
13 mula under the program made on or after
14 October 1, 2004 shall require the manufac-
15 turer to adjust the price changes subse-
16 quent to the opening of the bidding process
17 in a manner that requires—

18 “(I) a cent-for-cent increase in
19 the rebate amounts if there is an in-
20 crease in the lowest national wholesale
21 price for a full truckload of the par-
22 ticular infant formula; or

23 “(II) a cent-for-cent decrease in
24 the rebate amounts if there is a de-
25 crease in the lowest national wholesale



1 price for a full truckload of the par-
2 ticular infant formula.”.

3 **SEC. 407. FRUIT AND VEGETABLE PROJECTS.**

4 Section 17(h)(10)(B)(ii) is amended by inserting
5 after “under this section” the following: “, which may in-
6 clude demonstration projects in up to 10 local sites, deter-
7 mined to be geographically and culturally representative
8 of local States and Indian agencies, to evaluate the inclu-
9 sion of fresh, frozen, or canned fruits and vegetables (to
10 be made available through private funds) as an addition
11 to the supplemental food provided under this section”.

12 **SEC. 408. MANAGEMENT INFORMATION SYSTEMS.**

13 Section 17(h)(12) of the Child Nutrition Act of 1996
14 (42 U.S.C. 1786(h)(12)) is amended—

15 (1) by amending subparagraph (B) to read as
16 follows:

17 “(B) ELECTRONIC BENEFIT TRANSFER
18 SYSTEMS.—

19 “(i) IN GENERAL.—All States that re-
20 ceive Federal funds for design or imple-
21 mentation of electronic benefit transfer
22 (EBT) systems for the program under this
23 section shall use technical specifications or
24 standards, as applicable, as determined by



1 the Secretary, except as provided in clause
2 (ii).

3 “(ii) EXISTING SYSTEMS.—EBT sys-
4 tems for the program under this section
5 that are in development or are issuing ben-
6 efits as of the date of enactment shall be
7 required to submit within 6 months after
8 the date of enactment of this subparagraph
9 a plan for compliance.

10 “(iii) WAIVER.—The Secretary may
11 waive compliance with this subparagraph
12 for State EBT systems for the program
13 under this section that are issuing benefits
14 as of the date of enactment of this sub-
15 paragraph until such time that compliance
16 is feasible.”; and

17 (2) by amended subparagraph (C) to read as
18 follows:

19 “(C) UNIVERSAL PRODUCT CODES DATA-
20 BASE.—The Secretary shall implement a national
21 Universal Product Code Database for use by all
22 State agencies in carrying out the program and shall
23 make available from appropriated funds such sums
24 as may be required for hosting, hardware, and soft-
25 ware configuration, and support.”.



1 **SEC. 409. INFANT FORMULA FRAUD PREVENTION.**

2 Section 17(h) of the Child Nutrition Act of 1966 (42
3 U.S.C. 1786(h)) is further amended by adding at the end
4 the following:

5 “(13) APPROVED PROVIDERS OF INFANT FOR-
6 MULA.—

7 “(A) IN GENERAL.—The State agency shall
8 maintain a list of infant formula manufacturers,
9 wholesalers, distributors, and retailers approved to
10 provide infant formula to vendors.

11 “(B) LIST.—The list required under paragraph
12 (A) shall include food manufacturers, wholesalers,
13 distributors, and retailers licensed in the State in ac-
14 cordance with State law and regulations to dis-
15 tribute infant formula and food manufacturers reg-
16 istered with the U.S. Food and Drug Administration
17 that provide infant formula.

18 “(C) PURCHASE REQUIREMENT.—Vendors au-
19 thorized to participate in the program under this
20 section shall purchase infant formula from the list
21 required under paragraph (A).”.

22 **SEC. 410. STATE ALLIANCES.**

23 Section 17 of the Child Nutrition Act of 1966 (42
24 U.S.C. 1786) is further amended—

25 (1) in subsection (b) by adding at the end the
26 following:



1 “(22) ‘State alliance’ means 2 or more State
2 agencies that join together for the purpose of pro-
3 curing infant formula by soliciting competitive
4 bids.”; and

5 (2) in subsection (h)(8)(A) by adding at the
6 end the following:

7 “(iv) SIZE OF STATE ALLIANCES.—No
8 State alliance may form among States
9 whose infant participation exceeds 200,000
10 based on program participation as of Octo-
11 ber 2003, except that—

12 “(I) an alliance among States
13 with a combined 200,000 infant par-
14 ticipants as of October 2003 may con-
15 tinue, and may expand to include
16 more than 200,000 infants, but may
17 not expand to include any additional
18 State agencies that were not included
19 in the alliance as of October 1, 2003,
20 other than as provided in subclause
21 (II); and

22 “(II) any State agency serving
23 fewer than 5,000 infant participants
24 as of October 2003, or any Indian



1 Tribal Organization, may request to
2 join any State alliance.”.

3 **SEC. 411. LIMITS ON EXPENDITURES.**

4 Section 17(i)(3)(A)(ii)(I) of the Child Nutrition Act
5 of 1966 (42 U.S.C. 1786(i)(3)(A)(ii)(I)) is amended by
6 striking “1 percent” and inserting “3 percent”.

7 **SEC. 412. MIGRANT AND COMMUNITY HEALTH CENTERS**
8 **INITIATIVE.**

9 Section 17(j) of the Child Nutrition Act of 1966 (42
10 U.S.C. 1786(j)) is amended by striking paragraph (4) and
11 redesignating paragraph (5) as paragraph (4).

12 **SEC. 413. DEMONSTRATION PROJECTS.**

13 (a) CHILD NUTRITION ACT OF 1966.—Section 17 of
14 the Child Nutrition Act of 1966 (42 U.S.C. 1786) is
15 amended by striking subsection (r).

16 (b) NATIONAL SCHOOL LUNCH ACT.—Section 12 of
17 the Richard B. Russell National School Lunch Act (42
18 U.S.C. 1760) is amended by striking subsection (p).

19 **SEC. 414. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) REAUTHORIZATION OF PROGRAM.—Section 17(g)
21 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g))
22 is amended by striking “(g)(1) There are authorized” and
23 all that follows through “through 2003.” in paragraph (1)
24 and inserting the following:

25 “(g) AUTHORIZATION OF APPROPRIATIONS.—



1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section such sums as
3 are necessary for each of fiscal years 2004 through
4 2008.”.

5 (b) NUTRITION SERVICES AND ADMINISTRATION
6 FUNDS.—Section 17(h) of the Child Nutrition Act of
7 1966 (42 U.S.C. 1786(h)) is amended—

8 (1) in paragraph (2)(A), by striking “1995
9 through 2003” and inserting “2004 through 2008”;
10 and

11 (2) in paragraph (10)(A), by striking “1995
12 through 2003” and inserting “2004 through 2008”.

13 (c) FARMERS’ MARKET NUTRITION PROGRAM.—Sec-
14 tion 17(m)(9)(A)(i) of the Child Nutrition Act of 1966
15 (42 U.S.C. 1786(m)(9)) is amended to read as follows:

16 “(i) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There is authorized to be appro-
18 priated to carry out this subsection such
19 sums as are necessary for each of fiscal
20 years 2004 through 2008.”.



1 **TITLE V—REAUTHORIZATION,**
2 **MISCELLANEOUS PROVI-**
3 **SIONS, AND EFFECTIVE DATE.**

4 **SEC. 501. TRAINING, TECHNICAL, AND OTHER ASSISTANCE.**

5 Section 21(a)(1) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1769b–1(a)(1)) is amended
7 to read as follows:

8 “(1) subject to the availability of and from
9 amounts appropriated pursuant to subsection (e)(1),
10 shall provide—

11 “(A) training and technical assistance to
12 improve the skills of individuals employed in
13 food service programs carried out under this
14 Act, section 4 of the Child Nutrition Act of
15 1966 (42 U.S.C. 1773), and, as appropriate,
16 other federally assisted feeding programs;

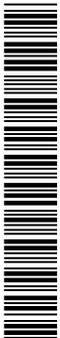
17 “(B) training and technical assistance to
18 States, State agencies, schools, and school food
19 authorities in the procurement of goods and
20 services for programs under this Act and the
21 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
22 seq.), including training and technical assist-
23 ance to ensure compliance with section 12(n) of
24 this Act (42 U.S.C. 1760(n));



1 “(C) assistance, on a competitive basis, to
2 State agencies for the purpose of aiding schools
3 and school food authorities with at least 50 per-
4 cent of enrolled children certified to receive free
5 or reduced price meals, in meeting the cost of
6 acquiring or upgrading technology and informa-
7 tion management systems for use in food serv-
8 ice programs carried out under this Act and
9 section 4 of the Child Nutrition Act of 1966
10 (42 U.S.C. 1773) if the school or school food
11 authority submits to the State agency an infra-
12 structure development plan that addresses the
13 cost savings and improvements in program in-
14 tegrity and operations that would result from
15 the use of new or upgraded technology in—

16 “(i) methods to ensure that there
17 shall not be any overt identification of any
18 such child by special tokens or tickets, an-
19 nounced or published list of names, or by
20 any other means;

21 “(ii) processing and verifying applica-
22 tions for free and reduced price school
23 meals;



1 “(iii) integrating menu planning, pro-
2 duction, and serving data to monitor com-
3 pliance with section 9(f)(1); and

4 “(iv) establishing compatibility with
5 statewide reporting systems;

6 “(D) assistance, on a competitive basis, to
7 State agencies with low proportions of schools
8 or students that participate in the school break-
9 fast program under section 4 of the Child Nu-
10 trition Act of 1966 (42 U.S.C. 1773) and that
11 demonstrate the greatest need, for the purpose
12 of aiding schools in meeting costs associated
13 with initiating or expanding a school breakfast
14 program under section 4 of the Child Nutrition
15 Act of 1966 (42 U.S.C. 1773), including out-
16 reach and informational activities; and”.

17 **SEC. 502. NOTICE OF IRRADIATED FOOD.**

18 Section 14 of the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1762a) is amended by adding at
20 the end the following:

21 “(h) NOTICE OF IRRADIATED FOOD.—The Secretary
22 shall develop policy and establish procedures for the pur-
23 chase and distribution of irradiated food products in Fed-
24 eral school meals programs. The policies and procedures
25 shall ensure at a minimum that—



1 “(1) irradiated food products are made avail-
2 able only at the request of States and school food
3 authorities;

4 “(2) reimbursements to schools for irradiated
5 food products are equal to reimbursements to
6 schools for non-irradiated products;

7 “(3) States and school food service authorities
8 are provided factual information on the science and
9 evidence regarding irradiation technology, including
10 notice that irradiation is not a substitute for safe
11 food handling techniques and any such other infor-
12 mation necessary to promote food safety in school
13 meal programs;

14 “(4) States and school food service authorities
15 are provided model procedures for providing factual
16 information on the science and evidence regarding
17 irradiation technology and any such other informa-
18 tion necessary to promote food safety in school
19 meals to school food service authorities, parents, and
20 students regarding irradiation technology;

21 “(5) irradiated food products distributed to the
22 Federal school meals program are labeled with a
23 symbol or other printed notice indicating that the
24 product was treated with irradiation and is promi-



1 nently displayed in a clear and understandable for-
2 mat on the container;

3 “(6) irradiated products are not commingled
4 with non-irradiated products in containers; and

5 “(7) encourages schools that offer irradiated
6 foods to offer alternatives to irradiated food prod-
7 ucts as part of the meal plan used by schools.”.

8 **SEC. 503. REAUTHORIZATION OF PROGRAMS.**

9 (a) STATE ADMINISTRATIVE EXPENSES.—Section
10 7(g) of the Child Nutrition Act of 1966 (42 U.S.C.
11 1776(g)) is amended by striking “2003” and inserting
12 “2008”.

13 (b) COMMODITY DISTRIBUTION PROGRAM.—

14 (1) Section 14(a) of the Richard B. Russell Na-
15 tional School Lunch Act (42 U.S.C. 1762a(a)) is
16 amended by striking “March 31, 2004” and insert-
17 ing “September 30, 2008”.

18 (2) Section 15(e) of the Commodity Distribu-
19 tion Reform Act and WIC Amendments of 1987 (7
20 U.S.C. 612c note; Public Law 100–237) is amended
21 by striking “April 1, 2004” and inserting “October
22 1, 2008”.

23 (c) PURCHASES OF LOCALLY PRODUCED FOODS.—
24 Section 9(j)(2)(A) of the Richard B. Russell National



1 School Lunch Act (42 U.S.C. 758(j)(2)(A)) is amended
2 by striking “2007” and inserting “2008”.

3 (d) TRAINING, TECHNICAL ASSISTANCE, AND FOOD
4 SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(1) of
5 the Richard B. Russell National School Lunch Act (42
6 U.S.C. 1769b-1(e)(1)) is amended by striking “for each
7 of fiscal years 1992 through 2003” and inserting “for fis-
8 cal year 2004, and such sums as may be necessary for
9 fiscal years 2005 through 2008”.

10 (e) COMPLIANCE AND ACCOUNTABILITY.—Section
11 22(d) of the Richard B. Russell National School Lunch
12 Act (42 U.S.C. 1769c(d)) is amended by striking “2003”
13 and inserting “2008”.

14 **SEC. 504. EFFECTIVE DATES.**

15 The amendments made by sections 101, 104, 105(a),
16 201, 301, 304, 308, 408, 414, and 503 shall take effect
17 on the date of enactment of this Act. The amendment
18 made by section 202 shall take effect on July 1, 2005.
19 All other amendments made by this Act shall take effect
20 October 1, 2004.

