

108TH CONGRESS
2D SESSION

H. R. 3873

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2004

Mr. CASTLE (for himself, Mr. BOEHNER, Mr. McKEON, Mr. UPTON, Mr. EHLERS, Mr. KELLER, Mr. WILSON of South Carolina, Mr. PORTER, Mr. CARTER, Mr. CASE, Mr. PEARCE, Mr. SIMMONS, Ms. WATSON, Mr. PETERSON of Minnesota, and Ms. KILPATRICK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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.

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 insert “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—

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

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

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

18 “(iv) a homeless child or youth (as de-
 19 fined in section 725(2) of the McKinney-

1 Vento Homeless Assistance Act (42 U.S.C.
2 11434a)); or

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

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

7 Section 4(d)(1)(B) of the Child Nutrition Act of 1966
8 (42 U.S.C. 1773(d)(1)(B)) is amended by inserting “(or
9 those new schools drawing their attendance from schools
10 receiving severe need assistance)” after “reduced price”.

11 **SEC. 104. REAUTHORIZATION OF SUMMER FOOD PRO-**
12 **GRAMS.**

13 (a) SUMMER FOOD PILOT PROJECTS.—Section
14 18(f)(2) of the Richard B. Russell National School Lunch
15 Act (42 U.S.C. 1769(f)(2)) is amended by striking
16 “March 31, 2004” and inserting “September 30, 2009”.

17 (b) SUMMER FOOD SERVICE PROGRAM FOR CHIL-
18 DREN.—Section 13(q) of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1761(q)) is amended by
20 striking “March 31, 2004” and inserting “September 30,
21 2009”.

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

23 (a) ELIGIBILITY OF PRIVATE CHILD CARE CEN-
24 TERS.—Section 17(a)(2)(B)(i) of the Richard B. Russell
25 National School Lunch Act (42 U.S.C. 42 U.S.C.

1 1766(a)(2)(B)(i) is amended by striking “during the pe-
2 riod” and all that follows through “March 31, 2004”.

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

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

11 “(j) AGREEMENTS.—

12 “(1) IN GENERAL.—The Secretary shall issue
13 regulations directing States to develop and provide
14 for the use of a standard form of agreement between
15 each family or group day care sponsoring organiza-
16 tion and the family or group day care homes partici-
17 pating in the program under such organization, for
18 the purpose of specifying the rights and responsibil-
19 ities of each party.

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

23 (d) MANAGEMENT IMPROVEMENT INITIATIVE.—Sec-
24 tion 17(q)(3) of the Richard B. Russell National School
25 Lunch Act (42 U.S.C. 1766(q)(3)) is amended by striking

1 “1999 through 2003” and inserting “2004 through
2 2006”.

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

6 “(i) AUDITS.—

7 “(1) FUNDS FOR AUDITS.—The Secretary shall
8 make available for each fiscal year to State admin-
9 istering the child care food program, for the purpose
10 of conducting audits of participating institutions, an
11 amount up to 1.5 percent (except in the case of fis-
12 cal years 2005 through 2007, 1 percent) of the
13 funds used by each State in the program under this
14 section during the second preceding fiscal year.

15 “(2) AUDIT PROCEDURES.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), in conducting management evalua-
18 tions, reviews, or audits of the program under
19 their section, the Secretary or a State agency
20 may disregard any overpayment to an institu-
21 tion if the total overpayment for any fiscal year
22 does not exceed an amount, consistent with the
23 disregards allowed in other programs under this
24 Act, which recognizes the cost of collecting
25 small claims.

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

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

10 (1) in subclause (I)—

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

12 and

13 (B) by inserting “or” after the semicolon;

14 and

15 (2) by striking subclause (II) and redesignating
16 subclause (III) as subclause (II).

17 (g) PAPERWORK REDUCTION.—The Secretary of Ag-
18 riculture, in conjunction with States and participating in-
19 stitutions, shall examine the feasibility of reducing paper-
20 work resulting from regulations and record-keeping re-
21 quirements for family child care homes, child care centers,
22 and sponsoring organizations participating in the child
23 and adult care food program established under section 17
24 of the Richard B. Russell National School Lunch Act (42
25 U.S.C. 1766).

1 **TITLE II—IMPROVING PROGRAM**
2 **QUALITY AND INTEGRITY**

3 **SEC. 201. ELIGIBILITY AND CERTIFICATION FOR FREE AND**
4 **REDUCED PRICE LUNCHESES.**

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

7 (1) by amending the subsection heading to read
8 as follows:

9 “(b) ELIGIBILITY FOR FREE AND REDUCED PRICE
10 LUNCHESES.—”; and

11 (2) by amending paragraphs (1) and (2) to
12 read as follows:

13 “(1) INCOME GUIDELINES.—

14 “(A) IN GENERAL.—Not later than June 1
15 of each fiscal year, the Secretary shall prescribe
16 income guidelines for determining eligibility for
17 free and reduced price lunches during the 12-
18 month period beginning July 1 of such fiscal
19 year and ending June 30 of the following fiscal
20 year. The income guidelines for determining eli-
21 gibility for free lunches shall be 130 percent of
22 the applicable family size income levels con-
23 tained in the nonfarm income poverty guidelines
24 issued by the Secretary of Health and Human
25 Services, as adjusted annually in accordance

1 with subparagraph (B). The income guidelines
2 for determining eligibility for reduced price
3 lunches for any school year shall be 185 percent
4 of the applicable family size income levels con-
5 tained in the nonfarm income poverty guidelines
6 issued by the Secretary of Health and Human
7 Services, as adjusted annually in accordance
8 with subparagraph (B). Such guidelines shall be
9 revised at annual intervals, or at any shorter in-
10 terval deemed feasible and desirable.

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

14 “(i) the official poverty line (as de-
15 fined by the Secretary of Health and
16 Human Services); by

17 “(ii) the percentage change in the
18 Consumer Price Index during the annual
19 or other interval immediately preceding the
20 time at which the adjustment is made.

21 Revisions under this subparagraph shall be
22 made not more than 30 days after the date on
23 which the Consumer Price Index data required
24 to compute the adjustment becomes available.

25 “(2) CERTIFICATION OF ELIGIBILITY.—

1 “(A) ANNOUNCEMENT BY STATE EDU-
2 CATIONAL AGENCY.—Following the determina-
3 tion by the Secretary under paragraph (1) of
4 this subsection of the income eligibility guide-
5 lines for each school year, each State edu-
6 cational agency shall announce the income eligi-
7 bility guidelines, by family size, to be used by
8 schools in the State in making determinations
9 of eligibility for free and reduced price lunches.
10 Local educational agencies shall, each year,
11 publicly announce the income eligibility guide-
12 lines for free and reduced price lunches on or
13 before the opening of school.

14 “(B) APPLICATIONS.—

15 “(i) IN GENERAL.—Applications for
16 free and reduced price lunches, in such
17 form as the Secretary may prescribe or ap-
18 prove, and any descriptive material, shall
19 be distributed at least annually to the par-
20 ents or guardians of children in attendance
21 at the school.

22 “(ii) INCOME LEVELS.—Applications
23 and descriptive material shall contain only
24 the family size income levels for reduced
25 price meal eligibility, with the explanation

1 that households with incomes less than or
2 equal to these values would be eligible for
3 free or reduced price lunches. Such forms
4 and descriptive material may not contain
5 the income eligibility guidelines for free
6 lunches, and may be made available elec-
7 tronically via the Internet.

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

18 “(iv) ELECTRONIC AVAILABILITY.—
19 Applications and descriptive material may
20 be made available electronically via the
21 Internet.

22 “(C) ELIGIBILITY.—

23 “(i) HOUSEHOLD APPLICATIONS.—

24 “(I) IN GENERAL.—If an eligi-
25 bility determination for a child is not

1 made under clause (ii) or (iii), an eli-
2 gibility determination shall be made
3 on the basis of a complete household
4 application executed by an adult mem-
5 ber of the household.

6 “(II) ELIGIBILITY DETER-
7 MINANTS.—Eligibility may be deter-
8 mined by the local educational agency
9 on the basis of a complete application
10 (including an electronic signature
11 when the application is submitted
12 electronically) executed by an adult
13 member of the household if the appli-
14 cation filing system meets confiden-
15 tiality standards established by the
16 Secretary.

17 “(III) CHILDREN IN HOUSE-
18 HOLD.—

19 “(aa) IN GENERAL.—The
20 application shall identify the
21 names of each child in the house-
22 hold for whom meal benefits are
23 requested.

24 “(bb) SEPARATE APPLICA-
25 TIONS.—A State educational

1 agency or local educational agen-
2 cy may not request a separate
3 application for each child in the
4 household.

5 “(IV) VERIFICATION.—The Sec-
6 retary, State, or local educational
7 agency may verify any data contained
8 in such application. In accordance
9 with guidance issued by the Secretary,
10 each local educational agency shall
11 verify the information contained in a
12 sample of approved free and reduced
13 price applications and shall make ap-
14 propriate changes in the eligibility de-
15 termination with respect to such ap-
16 plications on the basis of such
17 verification. The sample selected for
18 verification shall be as follows:

19 “(aa) For local educational
20 agencies able to obtain
21 verification information for at
22 least 75 percent of all applica-
23 tions selected for verification in
24 the prior year, or local edu-
25 cational agencies receiving more

1 than 20,000 applications and
2 that in the prior year had a
3 verification non-response rate
4 that was 10 percent below the
5 the verification non-response rate
6 of the second prior year, the
7 sample selected shall be either—

8 “(AA) the lesser of
9 3,000 or 3 percent of ap-
10 proved applications selected
11 at random by the local edu-
12 cational agencies from all
13 approved applications; or

14 “(BB) the lesser of
15 1,000 or 1 and ½ percent of
16 all approved applications se-
17 lected from applications that
18 indicate monthly income
19 that is within \$100, or an-
20 nual income that is within
21 \$1,200, of the income eligi-
22 bility limitation for free or
23 reduced price meals, plus
24 the lesser of 500 or ½ of 1
25 percent of approved applica-

1 tions that provided a case
2 number in lieu of income in-
3 formation in accordance
4 with paragraph (6) of this
5 subsection selected from
6 those approved applications
7 that provided a case number
8 in lieu of income information
9 in accordance with para-
10 graph (6) of this subsection.

11 “(bb) For all other local
12 educational agencies, the sample
13 selected shall be the lesser of
14 3,000 or 3 percent of all ap-
15 proved applications selected from
16 applications that indicate month-
17 ly income that is within \$100, or
18 annual income that is within
19 \$1,200, of the income eligibility
20 limitation for free or reduced
21 price meals. If, for any local edu-
22 cational agency, the total number
23 of such applications is less than
24 3,000 or 3 percent of all ap-
25 proved applications, the local

1 educational agency shall select
2 additional applications at random
3 from all approved applications in
4 order to obtain a total sample for
5 verification of 3,000 or 3 percent
6 of all approved applications.

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

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

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

1 under this Act, without further appli-
2 cation.

3 “(III) DIRECT CERTIFICATION.—

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

15 “(IV) NOTICE.—The appropriate

16 local educational agency shall provide
17 annually to the parents or guardians
18 of all students who are members of a
19 household receiving assistance under
20 the program referred to in subclause
21 (I), notification, in an understandable
22 and uniform format, that any school-
23 aged child in that household is eligible
24 for free lunches or breakfasts.

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

19 “(iv) DISCLOSURE OF INFORMA-
20 TION.—The use or disclosure of any infor-
21 mation obtained from an application for
22 free or reduced price meals, or from a
23 State or local agency referred to in clauses
24 (ii) and (iii), shall be limited to—

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

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

10 “(aa) a Federal education
11 program;

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

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

24 “(III)(aa) the Comptroller Gen-
25 eral of the United States for audit

1 and examination authorized by any
2 other provision of law; and

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

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

24 “(v) LIMITATION.—Information pro-
25 vided under clause (iv)(II) shall be limited

1 to the income eligibility status of the child
2 for whom application for free or reduced
3 price meal benefits was made or for whom
4 eligibility information was provided under
5 clause (ii) or (iii), unless the consent of the
6 parent or guardian of the child for whom
7 application for benefits was made is ob-
8 tained.

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

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

24 “(I) has a written agreement
25 with the State or local agency or

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

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

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

20 “(viii) USE OF DISCLOSED INFORMA-
21 TION.—A person to which information is
22 disclosed under clause (iv)(IV) shall use or
23 disclose the information only as necessary
24 for the purpose of enrolling children in

1 health programs referred to in clause
2 (iv)(IV).

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

16 **SEC. 202. DURATION OF ELIGIBILITY FOR FREE AND RE-**
17 **DUCE PRICE LUNCHES.**

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

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

23 “(A) FREE LUNCHES.—Any child who is a
24 member of a household whose income, at the
25 time the application is submitted, is at an an-

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

5 “(B) REDUCED PRICE LUNCHES.—

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

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

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

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

16 (2) by amending paragraph (1) to read as fol-
17 lows:

18 **“(1) AMOUNT AVAILABLE.—**

19 **“(A) IN GENERAL.—**Except as provided in
20 subparagraph (B), each fiscal year the Sec-
21 retary shall make available to the States for
22 their Administrative costs an amount equal to
23 not less than 1½ percent of the Federal funds
24 expended under sections 4, 11, 17, and 17A of
25 the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1753, 1759a, 1766, and
2 1766a)) and sections 3 and 4 of this Act during
3 the second preceding fiscal year.

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

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

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

18 (3) in paragraph (2), by striking “\$100,000”
19 and inserting “\$200,000”.

20 **SEC. 207. DISTRICT-WIDE ELIGIBILITY FOR SPECIAL AS-**
21 **SISTANCE.**

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

24 (1) in subparagraph (C)—

25 (A) in clause (i)—

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

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

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

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

9 (B) in clause (ii)—

10 (i) by inserting “or school district”
11 after “served by a school”; and

12 (ii) by inserting “or school district”
13 after “served by the school”; and

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

16 (2) in subparagraph (D)—

17 (A) in clause (i)—

18 (i) by inserting “or school district”
19 after “any school”; and

20 (ii) by inserting “or school district”
21 after “the school”;

22 (B) in clause (ii)—

23 (i) by inserting “or school district”
24 after “A school”; and

1 (ii) by inserting “or school district”
2 after “the school”;

3 (C) in clause (iii)—

4 (i) by inserting “or school district”
5 after “a school”; and

6 (ii) by inserting “or school district”
7 after “the school”; and

8 (D) in clause (iv) by inserting “or school
9 district” after “levels, a school”;

10 (3) in subparagraph (E)—

11 (A) in clause (i)—

12 (i) by inserting “or school district”
13 after “In the case of any school”;

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

16 (iii) by inserting “or school district”
17 after “in the case of a school”;

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

20 (v) by inserting “or school district”
21 after “received by the school”; and

22 (vi) by inserting “or school district”
23 after “for which the school”; and

24 (B) in clause (ii)—

1 (i) by inserting “or school district”
2 after “A school”;

3 (ii) by inserting “or school district”
4 after “for which the school” both times it
5 appears; and

6 (iii) by inserting “or school district”
7 after “population of the school” both times
8 it appears.

9 **SEC. 208. ADMINISTRATIVE ERROR REDUCTION.**

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

14 (1) by redesignating subsection (e) as sub-
15 section (g); and

16 (2) by inserting after subsection (d) the fol-
17 lowing:

18 “(e) ADMINISTRATIVE TRAINING AND TECHNICAL
19 ASSISTANCE MATERIALS.—In collaboration with State
20 educational agencies, school food authorities, and local
21 educational agencies of varying sizes, the Secretary shall
22 develop and distribute training and technical assistance
23 materials relating to the administration of school meal
24 programs that are—

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

5 “(2) representative of the best management and
6 administrative practices of State agencies, school
7 food authorities, and local educational agencies as
8 determined by the Secretary.

9 “(f) USE OF FUNDS.—The Secretary may—

10 “(1) provide training and technical assistance
11 related to administrative practices designed to im-
12 prove program integrity and administrative accuracy
13 in school meals programs (including administrative
14 requirements established by the The Child Nutrition
15 Improvement and Integrity Act and amendments
16 made by that Act) to State educational agencies
17 and, to the extent determined by the Secretary, to
18 school food authorities and local educational agen-
19 cies; and

20 “(2) assist State educational agencies in review-
21 ing the administrative practices of school food au-
22 thorities, to the extent determined by the Sec-
23 retary.”.

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 ‘select 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 “(IV) be credited to the child nu-
19 trition programs appropriation ac-
20 count.

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

1 sist school food authorities and local edu-
 2 cational agencies that have repeatedly failed (as
 3 determined by the Secretary) to meet adminis-
 4 trative performance criteria.

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

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

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

18 (e) TRAINING AND TECHNICAL ASSISTANCE.—Sec-
 19 tion 7 of the Child Nutrition Act of 1966 (42 U.S.C.
 20 1776) is amended—

21 (1) in subsection (e)—

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

24 “(e) PLANS.—

25 “(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 124(b) of the The Child Nutrition
12 Improvement and Integrity Act).”;

13 (2) by redesignating subsection (g) as sub-
14 section (j); 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) TRAINING AND ADMINISTRATIVE REVIEWS.—
4 The Secretary may assist States in carrying out subsection
5 (g) and administrative reviews of selected school food au-
6 thorities and local educational agencies under section
7 22(b)(3) of the Richard B. Russell National School Lunch
8 Act (42 U.S.C. 1769c(b)(3)).”.

9 **TITLE III—PROMOTING NUTRI-**
10 **TION QUALITY AND PRE-**
11 **VENTING CHILDHOOD OBE-**
12 **SITY**

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

14 (a) IN GENERAL.—Not later than the first day of the
15 school year beginning after June 30, 2006, local edu-
16 cational agencies participating in the programs authorized
17 by the Richard B. Russell National School Lunch Act (42
18 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966
19 (42 U.S.C. 1771 et seq.) shall establish a local school
20 wellness policy for such local agency that at a minimum—

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

1 (2) includes nutrition guidelines selected by the
2 local educational agencies for all foods sold on school
3 campus during the school day with the objective of
4 promoting student health and reducing childhood
5 obesity;

6 (3) establishes a plan for ensuring implementa-
7 tion of the local wellness policy, including designa-
8 tion of a person or persons within the local edu-
9 cational agency, or at each school as appropriate,
10 charged with operational responsibility for ensuring
11 that such school meets the local wellness policy; and

12 (4) involves parents, students, representatives
13 of the school food authority, the school board, school
14 administrators, and public in the development of the
15 school wellness policy.

16 **SEC. 302. SUPPORTING NUTRITION EDUCATION, IMPROV-**
17 **ING MEAL QUALITY, AND ACCESS TO LOCAL**
18 **FOODS.**

19 (a) IN GENERAL.—Section 19 of the Child Nutrition
20 Act of 1966 (42 U.S.C. 1788) is amended—

21 (1) by amending subsection (b) to read as fol-
22 lows:

23 “(b) PURPOSE.—It is the purpose of this section to
24 establish a system of grants to State educational agencies
25 to support effective nutrition education through assistance

1 to State agencies, schools, and nonprofit entities for Team
2 Nutrition and other nutrition education projects that im-
3 prove student understanding of healthful eating patterns,
4 the quality of school meals and access to local foods in
5 schools and institutions operating programs under the
6 Richard B. Russell National School Lunch Act (42 U.S.C.
7 1751 et seq.) and section 4 of this Act.”;

8 (2) by striking subsections (e) through (h) and
9 inserting after subsection (b) the following:

10 “(c) TEAM NUTRITION NETWORK.—

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

13 “(A) promote the nutritional health of the
14 Nation’s school children through nutrition edu-
15 cation, physical fitness and other activities that
16 support healthy lifestyles for children;

17 “(B) provide grants to States for the de-
18 velopment of State-wide, comprehensive, and in-
19 tegrated nutrition education and physical fit-
20 ness programs; and

21 “(C) provide training and technical assist-
22 ance to States, school and community nutrition
23 programs, and child nutrition food service pro-
24 fessionals.

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

3 “(A) administer and coordinate a com-
4 prehensive integrated statewide nutrition edu-
5 cation program; and

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

9 “(3) TEAM NUTRITION NETWORK.—The Sec-
10 retary, in consultation with the Secretary of Edu-
11 cation, shall, on a competitive basis, provide assist-
12 ance to States for the purpose of creating model nu-
13 trition education and physical fitness programs, con-
14 sistent with current dietary and fitness guidelines,
15 for students in elementary schools and secondary
16 schools.

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

23 “(A) a description of how the proposed nu-
24 trition and physical activity program will pro-
25 mote healthy eating and physical fitness and

1 address the health and social consequences of
2 children who are overweight or obese;

3 “(B) information describing how nutrition
4 activities are to be coordinated at the State
5 level with other health activities conducted by
6 education, health and agriculture agencies;

7 “(C) information describing how physical
8 fitness activities are to be coordinated at the
9 State level with other fitness activities con-
10 ducted by education, health, and parks and
11 recreation agencies;

12 “(D) a description of the consultative proc-
13 ess that the State Coordinator employed in the
14 development of the model nutrition and physical
15 fitness program, including consultations with
16 individuals and organizations with expertise in
17 promoting public health, nutrition, or physical
18 activity, and organizations representing the ag-
19 riculture, food and beverage, and fitness indus-
20 tries; and

21 “(E) a description of how the State Coor-
22 dinator will evaluate the effectiveness of its pro-
23 gram.

24 “(5) DURATION.—Subject to the availability of
25 funds made available to carry out this subsection, a

1 State Coordinator shall conduct the project for a pe-
2 riod of 3 successive school years.

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

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

9 “(A) collecting, analyzing, and dissemi-
10 nating data regarding the extent to which chil-
11 dren and youth in the State are overweight or
12 physically inactive and the programs and serv-
13 ices available to meet those needs;

14 “(B) developing and implementing model
15 elementary and secondary education curricula
16 to create a comprehensive, coordinated nutrition
17 and physical fitness awareness and obesity pre-
18 vention program;

19 “(C) developing and implementing pilot
20 programs in schools to increase physical fitness
21 and to enhance the nutritional status of stu-
22 dents, including through the increased con-
23 sumption of fruits and vegetables, whole grains,
24 and lowfat dairy products;

1 “(D) developing and implementing State
2 guidelines in health, which include nutrition
3 education, and physical education and empha-
4 size regular physical activity during school
5 hours;

6 “(E) collaborating with community based
7 organizations, volunteer organizations, State
8 medical associations, and public health groups
9 to develop and implement nutrition and physical
10 education programs targeting lower income chil-
11 dren, ethnic minorities, and youth at a greater
12 risk for obesity;

13 “(F) collaborating with public or private
14 organizations that have as a mission the raising
15 of public awareness of the importance of a bal-
16 anced diet and an active lifestyles; and

17 “(G) providing training and technical as-
18 sistance to teachers and school food service pro-
19 fessionals consistent with the purpose of this
20 section.

21 “(8) LIMITATION.—Materials prepared under
22 this subsection regarding agricultural commodity,
23 food, or beverages must be factual and without bias.

24 “(9) REPORT.—Within 18 months of comple-
25 tion of the projects and the evaluations, the Sec-

1 retary shall submit to the Committee on Education
2 and the Workforce of the House of Representatives
3 and the Committee on Health, Education, Labor,
4 and Pensions of the Senate and the Committee on
5 Agriculture, Nutrition and Forestry of the Senate a
6 report describing the results of the evaluation of the
7 demonstration programs and shall make such re-
8 ports available to the public, including through the
9 Internet.

10 “(d) LOCAL NUTRITION AND PHYSICAL FITNESS
11 PROJECT.—

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

23 “(2) REQUIREMENT FOR PARTICIPATION IN
24 PILOT PROJECT.—To be eligible to receive assistance
25 under this subsection, a local educational agency

1 shall, in consultation with individuals who possess
2 education or experience appropriate for representing
3 the general field of public health, including nutrition
4 and fitness professionals, submit to the Secretary an
5 application that shall include—

6 “(A) a description of the local educational
7 agency’s need for nutrition and fitness pro-
8 grams;

9 “(B) a description of how the proposed
10 project will improve health and nutrition
11 through education and increased access to phys-
12 ical activity;

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

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

22 “(E) a description of how the proposed
23 project will be aligned with the local wellness
24 policy required under the Act; and

1 “(F) a description of the procedures the
2 agency will use for assessing and publicly re-
3 porting progress toward meeting those goals.

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

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

12 “(A) shall use funds provided to—

13 “(i) promote healthy eating through
14 the development and implementation of nu-
15 trition education programs and curricula;

16 “(ii) increase opportunities for phys-
17 ical activity through after school programs,
18 athletics, intramural activities, and recess;
19 and

20 “(B) may use funds provided to—

21 “(i) educate parents and students
22 about the relationship of a poor diet and
23 inactivity to obesity and other health prob-
24 lems;

1 “(ii) develop and implementing phys-
2 ical education programs that promote fit-
3 ness and lifelong activity;

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

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

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

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

24 “(vii) encourage the increased con-
25 sumption of a variety of healthy foods

1 through new initiatives such as salad bars
2 and fresh fruit bars; and

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

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

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

20 “(e) NUTRITION EDUCATION SUPPORT.—

21 “(1) IN GENERAL.—In carrying out the purpose
22 of this section to support nutrition education, the
23 Secretary may provide for technical assistance and
24 grants to improve the quality of school meals and
25 access to local foods in schools and institutions.

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

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

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

10 “(C) reduce saturated fat and sodium in
11 school meals;

12 “(D) improve school nutritional environ-
13 ments; and

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

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

21 “(A) improve access to local foods in
22 schools and institutions participating in pro-
23 grams under the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1751 et seq.) and
25 Section 4 of this Act through farm-to-cafeteria

1 activities that may include the acquisition of
2 food and appropriate equipment and the provi-
3 sion of training and education;

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

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

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

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

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

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

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

25 (3) in subsection (i)—

1 (A) in paragraph (1), by striking subpara-
2 graph (B);

3 (B) by striking paragraph (3).

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

7 (1) in subsection (d)(4), by striking “the provi-
8 sions of this subsection” and inserting “the pro-
9 gram”;

10 (2) in subsection (d)(5), by striking “the provi-
11 sions of this subsection” and inserting “the pro-
12 gram”;

13 (3) in subsection (f)(1), by inserting “,other
14 than funds made available for activities under sub-
15 section (i),” after “under this section”;

16 (4) in subsection (g), by inserting “schools, and
17 nonprofit entities” after “State educational agen-
18 cies” both times it appears;

19 (5) in subsection (h)(1), by inserting “, other
20 than assistance provided under subsection (i)” after
21 “under this section”;

22 (6) in subsection (h)(2), by inserting “,other
23 than funds authorized under subsection (i)” after
24 “by this section”; and

1 (7) in subsection (j), as redesignated by sub-
2 section (a) of this section—

3 (A) in paragraph (1)(A), by striking
4 “2003” and inserting “2009”;

5 (B) in paragraph (1)(B)(i) by inserting
6 “for activities and programs conducted under
7 subsections (d) through (h)” after “Grants”;

8 (C) in paragraph (2) by inserting “for ac-
9 tivities and programs conducted under sub-
10 sections (d) through (h)” after “made avail-
11 able”; and

12 (D) in paragraph (3) by striking “this sub-
13 section” and inserting “paragraph (1)(B)”.

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

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

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

20 Section 18(f) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1769) (as redesignated by
22 this Act) is amended—

23 (1) in paragraph (1), by striking “In the school
24 year beginning” and inserting “Beginning”

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

5 “(2) ADDITIONAL STATES.—In addition to the
6 States participating under subsection (1), the Sec-
7 retary shall make available free fresh and dried
8 fruits and fresh vegetables to students in 25 elemen-
9 tary or secondary schools in each of 4 additional
10 States, and 1 Indian reservation.

11 “(3) SELECTION OF SCHOOLS.—

12 “(A) IN GENERAL.—In selecting additional
13 schools to participate in the pilot program au-
14 thorized by this subsection, the Secretary
15 shall—

16 “(i) to the maximum extent prac-
17 ticable, ensure that the majority of schools
18 selected are those in which not less than
19 50 percent of students are eligible for free
20 or reduced price meals under this Act;

21 “(ii) solicit applications from inter-
22 ested schools that include—

23 “(I) information pertaining to
24 the percentage of students enrolled in
25 the school submitting the application

1 who are eligible for free or reduced
2 price school lunches under this Act;

3 “(II) a certification of support
4 for participation in the pilot program
5 signed by the school food manager,
6 the school principal, and the district
7 superintendent (or their equivalent
8 positions, as determined by the
9 school); and

10 “(III) a plan for implementation
11 of the pilot program that includes a
12 local partnership with an entity or en-
13 tities of the fruit and vegetable indus-
14 try, which shall contribute not less
15 than 15 percent, in cash or in kind,
16 for the acquisition, handling, and dis-
17 tribution of fresh and dried fruits and
18 fresh vegetables provided under this
19 program; and

20 “(IV) such other information as
21 may be requested by the Secretary;
22 and

23 “(iii) for each application received, de-
24 termine whether the application is from a
25 school in which not less than 50 percent of

1 students are eligible for free or reduced
2 price meals under this Act.”; and

3 (4) by amending paragraph (5) (as redesignig-
4 nated by this section) to read as follows:

5 “(5) FUNDING.—The Secretary shall use
6 \$50,000,000 of the funds made available under sec-
7 tion 32 of the Act of August 24, 1935 (7 U.S.C.
8 612c) for fiscal years 2004 through 2009, to carry
9 out this subsection.”.

10 **SEC. 305. FLUID MILK.**

11 (a) IN GENERAL.—Section 9(a)(2) of the Richard B.
12 Russell National School Lunch Act (42 U.S.C.
13 1758(a)(2)) is amended to read as follows:

14 “(2) FLUID MILK.—

15 “(A) IN GENERAL.—Lunches served by
16 schools participating in the school lunch pro-
17 gram under this Act—

18 “(i) shall offer students fluid milk in
19 a variety of fat contents;

20 “(ii) may offer students flavored and
21 unflavored fluid milk and lactose-free fluid
22 milk; and

23 “(iii) shall provide a substitute for
24 fluid milk for students whose disability re-
25 stricts their diet, upon receipt of a written

1 statement from a licensed physician that
2 identifies the disability that restricts the
3 student's diet and that specifies the sub-
4 stitute for fluid milk;

5 “(B) SUBSTITUTES.—

6 “(i) STANDARDS FOR SUBSTI-
7 TUTION.—Schools may substitute for the
8 fluid milk provided under subparagraph
9 (A), a non-dairy beverage that is nutrition-
10 ally equivalent to fluid milk and meets nu-
11 tritional standards as established by the
12 Secretary (which shall, among other re-
13 quirements to be determined by the Sec-
14 retary, include fortification of calcium, pro-
15 tein, vitamin A, and vitamin D to levels
16 found in cow's milk) for students who can-
17 not consume fluid milk because of a med-
18 ical or other special dietary need other
19 than a disability described in subparagraph
20 (A)(iii).

21 “(ii) NOTICE.—Such substitutions
22 may be made if the school notifies the
23 State agency that it is implementing a var-
24 iation allowed under this subparagraph,
25 and if such substitution is requested by

1 written statement of a medical authority or
2 by a student's parent or legal guardian
3 that identifies the medical or other special
4 dietary need that restricts the student's
5 diet, provided that the school shall not be
6 required to provide beverages other than
7 those it has identified as acceptable sub-
8 stitutes.

9 “(iii) EXCESS EXPENSES BORNE BY
10 THE SCHOOL DISTRICT.—Expenses in-
11 curred in providing substitutions pursuant
12 to this subparagraph that are in excess of
13 those covered by reimbursements under
14 this Act shall be paid by the school dis-
15 trict.”.

16 **SEC. 306. WAIVER OF REQUIREMENTS FOR WEIGHTED**
17 **AVERAGES FOR NUTRIENT ANALYSIS.**

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

21 “(5) WAIVER OF REQUIREMENTS FOR WEIGHT-
22 ED AVERAGES FOR NUTRIENT ANALYSIS.—State
23 educational agencies may grant waivers to school
24 food authorities to the requirement for weighted
25 averages for nutrient analysis of menu items and

1 foods offered or served as part of a meal offered or
2 served under the school lunch program under this
3 Act or the school breakfast program under section 4
4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)
5 if—

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

9 “(B) the equivalent system adequately doc-
10 uments the extent to which the school food au-
11 thority is meeting the Dietary Guidelines for
12 Americans and other nutrition standards. ”.

13 **SEC. 307. WHOLE GRAINS.**

14 Not later than 12 months after the date of enactment
15 of this Act, the Secretary shall issue guidance, based on
16 Federal nutrition guidelines, to inform school food au-
17 thorities and other sponsors of strategies to increase the
18 presence of whole grains in foods offered in school nutri-
19 tion programs under the Richard B. Russell National
20 School Lunch Act (42 U.S.C. 1751 et seq.) and the Child
21 Nutrition 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.—

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

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

20 “(3) TECHNICAL ASSISTANCE.—Not less than
21 120 days after receipt of recommendations, the Sec-
22 retary shall provide technical assistance to schools,
23 upon their request, on how to implement such rec-
24 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.—The State
17 agency may round up to the next whole can of infant
18 formula to ensure that all infants receive the full-au-
19 thorized nutritional benefit specified by regulation.”.

20 **SEC. 406. COMPETITIVE BIDDING.**

21 Section 17(h)(8)(A) of the Child Nutrition Act of
22 1966 is amended by adding at the end the following:

23 “(iv) REBATE INVOICES.—Each State
24 agency shall have a system to ensure that
25 infant formula rebate invoices, under com-

1 petitive bidding, provide a reasonable esti-
2 mate or an actual count of the number of
3 units sold to participants in the program
4 under this section.

5 “(v) CENT-FOR-CENT ADJUST-
6 MENTS.—A bid solicitation for infant for-
7 mula under the program made on or after
8 October 1, 2004 shall require the manufac-
9 turer to adjust the price changes subse-
10 quent to the opening of the bidding process
11 in a manner that requires—

12 “(I) a cent-for-cent increase in
13 the rebate amounts if there is an in-
14 crease in the lowest national wholesale
15 price for a full truckload of the par-
16 ticular infant formula; or

17 “(II) a cent-for-cent decrease in
18 the rebate amounts if there is a de-
19 crease in the lowest national wholesale
20 price for a full truckload of the par-
21 ticular infant formula.”.

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

23 Section 17(h)(10)(B)(ii) is amended by inserting
24 after “under this section” the following: “, which may in-
25 clude demonstration projects in up to 10 local sites, deter-

1 mined to be geographically and culturally representative
2 of local States and Indian agencies, to evaluate the inclu-
3 sion of fresh, frozen, or canned fruits and vegetables (to
4 be made available through private funds) as an addition
5 to the supplemental food provided under this section”.

6 **SEC. 408. MANAGEMENT INFORMATION SYSTEMS.**

7 Section 17(h)(12) of the Child Nutrition Act of 1996
8 (42 U.S.C. 1786(h)(12)) is amended—

9 (1) by amending subparagraph (B) to read as
10 follows:

11 “(B) EBT SYSTEMS.—

12 “(i) IN GENERAL.—All States that re-
13 ceive Federal funds for design or imple-
14 mentation of electronic benefit transfer
15 (EBT) systems for the program under this
16 section shall use technical specifications or
17 standards, as applicable, as determined by
18 the Secretary, except as provided in clause
19 (ii).

20 “(ii) EXISTING SYSTEMS.—EBT sys-
21 tems for the program under this section
22 that are in development or are issuing ben-
23 efits as of the date of enactment shall be
24 required to submit within 6 months after

1 the date of enactment of this subparagraph
2 a plan for compliance.

3 “(iii) WAIVER.—The Secretary may
4 waive compliance with this subparagraph
5 for State EBT systems for the program
6 under this section that are issuing benefits
7 as of the date of enactment of this sub-
8 paragraph until such time that compliance
9 is feasible.”.

10 (2) by amended subparagraph (C) to read as
11 follows:

12 “(C) UNIVERSAL PRODUCT CODES DATA-
13 BASE.—The Secretary shall implement a national
14 Universal Product Code Database for use by all
15 State agencies in carrying out the program and shall
16 make available from appropriated funds such sums
17 as may be required for hosting, hardware, and soft-
18 ware configuration, and support.”.

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

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

23 “(13) APPROVED PROVIDERS OF INFANT FOR-
24 MULA.—

1 “(A) IN GENERAL.—The State agency shall
2 maintain a list of infant formula manufacturers,
3 wholesalers, distributors, and retailers approved to
4 provide infant formula to vendors.

5 “(B) LIST.—The list required under paragraph
6 (A) shall include food manufacturers, wholesalers,
7 distributors, and retailers licensed in the State in ac-
8 cordance with State law and regulations to dis-
9 tribute infant formula and food manufacturers reg-
10 istered with the U.S. Food and Drug Administration
11 that provide infant formula.

12 “(C) PURCHASE REQUIREMENT.—Vendors au-
13 thorized to participate in the program under this
14 section shall purchase infant formula from the list
15 required under paragraph (A).”.

16 **SEC. 410. STATE ALLIANCES.**

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

19 (1) in subsection (b) by adding at the end the
20 following:

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

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

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

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

18 “(II) any State agency serving
19 fewer than 5,000 infant participants
20 as of October 2003, or any Indian
21 Tribal Organization, may request to
22 join any State alliance.”.

1 **SEC. 411. LIMITS ON EXPENDITURES.**

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

5 **SEC. 412. MIGRANT AND COMMUNITY HEALTH CENTERS**
6 **INITIATIVE.**

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

10 **SEC. 413. DEMONSTRATION PROJECTS.**

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

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

17 **SEC. 414. AUTHORIZATION OF APPROPRIATIONS.**

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

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—There is authorized to be
25 appropriated to carry out this section such sums as

1 are necessary for each of fiscal years 2004 through
2 2009.”.

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

6 (1) in paragraph (2)(A), by striking “1995
7 through 2003” and inserting “2004 through 2009”;
8 and

9 (2) in paragraph (10)(A), by striking “1995
10 through 2003” and inserting “2004 through 2009”.

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

14 “(i) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There is authorized to be appro-
16 priated to carry out this subsection such
17 sums as are necessary for each of fiscal
18 years 2004 through 2009.”.

19 **TITLE V—REAUTHORIZATION,**
20 **MISCELLANEOUS PROVI-**
21 **SIONS, AND EFFECTIVE DATE.**

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

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

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

4 “(A) training and technical assistance to
5 improve the skills of individuals employed in
6 food service programs carried out under this
7 Act, section 4 of the Child Nutrition Act of
8 1966 (42 U.S.C. 1773), and, as appropriate,
9 other federally assisted feeding programs;

10 “(B) training and technical assistance to
11 States, State agencies, schools, and school food
12 authorities in the procurement of goods and
13 services for programs under this Act and the
14 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
15 seq.), including training and technical assist-
16 ance to ensure compliance with section 12(n) of
17 this Act (42 U.S.C. 1760(n)).

18 “(C) assistance, on a competitive basis, to
19 State agencies for the purpose of aiding schools
20 and school food authorities with at least 50 per-
21 cent of enrolled children certified to receive free
22 or reduced price meals, in meeting the cost of
23 acquiring or upgrading technology and informa-
24 tion management systems for use in food serv-
25 ice programs carried out under this Act and

1 section 4 of the Child Nutrition Act of 1966
2 (42 U.S.C. 1773) if the school or school food
3 authority submits to the State agency an infra-
4 structure development plan that addresses the
5 cost savings and improvements in program in-
6 tegrity and operations that would result from
7 the use of new or upgraded technology in—

8 “(i) methods to ensure that there
9 shall not be any overt identification of any
10 such child by special tokens or tickets, an-
11 nounced or published list of names, or by
12 any other means; (ii)

13 “(ii) processing and verifying applica-
14 tions for free and reduced price school
15 meals;

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

19 “(iv) establishing compatibility with
20 statewide reporting systems.

21 “(D) assistance, on a competitive basis, to
22 State agencies with low proportions of schools
23 or students that participate in the school break-
24 fast program under section 4 of the Child Nu-
25 trition Act of 1966 (42 U.S.C. 1773) and that

1 demonstrate the greatest need, for the purpose
2 of aiding schools in meeting costs associated
3 with initiating or expanding a school breakfast
4 program under section 4 of the Child Nutrition
5 Act of 1966 (42 U.S.C. 1773), including out-
6 reach and informational activities; and”.

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

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

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

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

19 “(2) reimbursements to schools for irradiated
20 food products are equal to reimbursements to
21 schools for non-irradiated products;

22 “(3) States and school food service authorities
23 are provided factual information on the science and
24 evidence regarding irradiation technology, including
25 notice that irradiation is not a substitute for safe

1 food handling techniques and any such other infor-
2 mation necessary to promote food safety in school
3 meal programs;

4 “(4) States and school food service authorities
5 are provided model procedures for providing factual
6 information on the science and evidence regarding
7 irradiation technology and any such other informa-
8 tion necessary to promote food safety in school
9 meals to school food service authorities, parents, and
10 students regarding irradiation technology;

11 “(5) irradiated food products distributed to the
12 Federal school meals program are labeled with a
13 symbol or other printed notice indicating that the
14 product was treated with irradiation and is promi-
15 nently displayed in a clear and understandable for-
16 mat on the container;

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

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

22 **SEC. 503. REAUTHORIZATION OF PROGRAMS.**

23 (a) STATE ADMINISTRATIVE EXPENSES.—Section
24 7(g) of the Child Nutrition Act of 1966 (42 U.S.C.

1 1776(g)) is amended by striking “2003” and inserting
2 “2009”.

3 (b) COMMODITY DISTRIBUTION PROGRAM.—

4 (1) Section 14(a) of the Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C. 1762a(a)) is
6 amended by striking “March 31, 2004” and insert-
7 ing “September 30, 2009”.

8 (2) Section 15(e) of the Commodity Distribu-
9 tion Reform Act and WIC Amendments of 1987 (7
10 U.S.C. 612c note; Public Law 100–237) is amended
11 by striking “April 1, 2004” and inserting “October
12 1, 2009”.

13 (c) PURCHASES OF LOCALLY PRODUCED FOODS.—
14 Section 9(j)(2)(A) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 758(j)(2)(A)) is amended
16 by striking “2007” and inserting “2009”.

17 (d) TRAINING, TECHNICAL ASSISTANCE, AND FOOD
18 SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(1) of
19 the Richard B. Russell National School Lunch Act (42
20 U.S.C. 1769b-1(e)(1)) is amended by striking “for each
21 of fiscal years 1992 through 2003” and inserting “for fis-
22 cal year 2004, and such sums as may be necessary for
23 fiscal years 2005 through 2009”.

24 (e) COMPLIANCE AND ACCOUNTABILITY.—Section
25 22(d) of the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1769c(d)) is amended by striking “2003”
2 and inserting “2009”.

3 **SEC. 504. EFFECTIVE DATE.**

4 The amendments made by sections 101, 104, 105(a),
5 201, 301, 304, 308, 408, 414, and 503 shall take effect
6 on the date of enactment of this Act. The amendment
7 made by section 202 shall take effect on July 1, 2005.
8 All other amendments made by this Act shall take effect
9 October 1, 2004.

○