

108TH CONGRESS  
1ST SESSION

# H. R. 3416

To reauthorize and make improvements to child nutrition programs.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2003

Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. RYAN of Ohio, and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To reauthorize and make improvements to child nutrition programs.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Children  
5 Through Better Nutrition Act of 2003”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

## TITLE I—EXPANDING ACCESS TO CHILD NUTRITION

- Sec. 101. Sense of Congress.
- Sec. 102. Expanded eligibility for free meals.
- Sec. 103. Homeless children eligibility.
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## TITLE II—IMPROVING PROGRAM QUALITY IN CHILD NUTRITION

- Sec. 201. Verification.
- Sec. 202. Expansion of direct certification of eligibility.
- Sec. 203. Eligibility for recipients of other means-tested benefits.
- Sec. 204. Summer Food Program.
- Sec. 205. School Breakfast Programs.
- Sec. 206. Commodities for School Breakfast Programs.
- Sec. 207. Child and Adult Care Food Program.
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## TITLE III—YEAR ROUND COMMUNITY CHILD NUTRITION PROGRAM

- Sec. 301. Community Child Nutrition Program.

## TITLE IV—PROMOTING NUTRITION QUALITY AND PREVENTING CHILDHOOD OBESITY

- Sec. 401. Operational responsibility.
- Sec. 402. Regulation of competitive foods sold within food service areas.
- Sec. 403. Nutritional reviews.
- Sec. 404. School meals improvement grants.
- Sec. 405. Increased emphasis on fruits and vegetables in commodities program.
- Sec. 406. Fruit and Vegetable Pilot Program.
- Sec. 407. Nutrition education.
- Sec. 408. Fluid milk expansion.
- Sec. 409. Report on whole grains.
- Sec. 410. Time to eat.

## TITLE V—IMPROVEMENTS TO THE WOMEN, INFANTS, AND CHILDREN PROGRAM

- Sec. 501. Improving certification.
- Sec. 502. Required authorization.
- Sec. 503. Definition of nutrition education.
- Sec. 504. Limits on expenditures.
- Sec. 505. Decennial reviews.
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## TITLE VI—BUILDING PARTNERSHIPS

- Sec. 601. Grants to support Farm-to-Cafeteria projects.
- Sec. 602. Buy American procurement training.
- Sec. 603. State technology improvements.

## TITLE VII—FOOD SAFETY IMPROVEMENTS

- Sec. 701. Notice of irradiated food.

## TITLE VIII—GENERAL PROVISIONS

Sec. 801. Reauthorization of programs.

1 **TITLE I—EXPANDING ACCESS TO**  
2 **CHILD NUTRITION**

3 **SEC. 101. SENSE OF CONGRESS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Federal child nutrition programs have  
6 proven to be an effective tool in helping children suc-  
7 ceed in school.

8 (2) Ensuring access to Federal nutrition pro-  
9 grams by children, particularly those who are eco-  
10 nomically disadvantaged, is essential for their edu-  
11 cational, physical, and emotional development.

12 (3) The Food, Nutrition and Consumer Service  
13 of the Department of Agriculture has stated that it  
14 believes there are problems with the certification  
15 process but have no data that allow for an exact  
16 measure of the extent to which ineligible children are  
17 approved to receive free or reduced-price meals.

18 (4) Analysis of data from the Survey of Income  
19 and Program Participation (SIPP) demonstrates  
20 that, in fact, fewer children are approved to receive  
21 free or reduced price meals than are eligible.

22 (5) Recent research by the Department of Agri-  
23 culture clearly demonstrates that expanding the cur-  
24 rent verification requirements for the school meal

1 programs does not deter ineligible children from re-  
2 ceiving free or reduced price meals but does deny  
3 substantial numbers of low-income eligible children  
4 access to the meal programs.

5 (6) Direct certification of children approved to  
6 receive food stamps and other means-tested pro-  
7 grams is highly accurate, helps ensure program in-  
8 tegrity, and enhances access to the Federal nutrition  
9 programs.

10 (b) SENSE OF CONGRESS.—It is the sense of the  
11 Congress that—

12 (1) the use of direct certification for eligibility  
13 for child nutrition programs should be expanded and  
14 enhanced; and

15 (2) Congress should not enact any nationwide  
16 increase in income verification until a rigorous study  
17 of the extent of certification inaccuracy is conducted  
18 and until pilot programs are conducted and evalu-  
19 ated to identify the most effective ways to improve  
20 program integrity without harming eligible children.

21 **SEC. 102. EXPANDED ELIGIBILITY FOR FREE MEALS.**

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

24 (1) in paragraph (3), by striking the last sen-  
25 tence of such paragraph; and

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

3           “(8) DEFINITION OF REDUCED PRICE.—For  
4 purposes of this subsection, the term ‘reduced price’  
5 means free.”.

6 **SEC. 103. HOMELESS CHILDREN ELIGIBILITY.**

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

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

11           (2) in clause (iii), by striking the period and in-  
12 serting “; or”; and

13           (3) by inserting after clause (iii) the following  
14 new clause:

15                   “(iv) a homeless child or youth (as de-  
16 fined in section 725(2) of the McKinney-  
17 Vento Homeless Assistance Act (42 U.S.C.  
18 11434a)).”.

19 **SEC. 104. LOWERING AREA ELIGIBILITY THRESHOLD.**

20           (a) CHILD AND ADULT CARE FOOD PROGRAMS.—

21 Section 17(f)(3) of the Richard B. Russell National School  
22 Lunch Act (42 U.S.C. 1766(f)(3)) is amended—

23           (1) in subparagraph (A)(ii)(I), by striking “50  
24 percent” both places it appears and inserting “40  
25 percent”; and

1           (2) in subparagraph (E)(ii)(I), by striking “ $\frac{1}{2}$ ”  
2           and inserting “40 percent”.

3           (b) SUMMER FOOD SERVICE PROGRAM.—Section  
4 13(a)(1)(C) of the Richard B. Russell National School  
5 Lunch Act (42 U.S.C. 1761(a)(1)(C)) is amended by  
6 striking “50 percent” and inserting “40 percent”.

7       **TITLE II—IMPROVING PROGRAM**  
8       **QUALITY IN CHILD NUTRITION**

9       **SEC. 201. VERIFICATION.**

10           Section 9(b)(2)(C)(i) of the Richard B. Russell Na-  
11 tional School Lunch Act (42 U.S.C. 1758(b)(2)(C)(i)) is  
12 amended to read as follows:

13                   “(i) Except as provided in clause (ii),  
14                   each eligibility determination shall be made  
15                   on the basis of a complete application exe-  
16                   cuted in accordance with guidance issued  
17                   by the Secretary. The Secretary, State, or  
18                   school food authority may verify any data  
19                   contained in such application. In accord-  
20                   ance with guidance issued by the Sec-  
21                   retary, each school food authority shall  
22                   verify the information contained in a sam-  
23                   ple of approved free and reduced price ap-  
24                   plications and shall make appropriate  
25                   changes in the eligibility determination

1 with respect to such applications on the  
2 basis of such verification. The sample se-  
3 lected for verification shall consist of ei-  
4 ther:

5 “(I) The lesser of 3,000 or 3 per-  
6 cent of approved applications selected  
7 at random by the school food author-  
8 ity from all approved applications; or

9 “(II) The lesser of 1,000 or 1  
10 percent of all approved applications  
11 selected from applications that indi-  
12 cate monthly income that is within  
13 \$100, or annual income that is within  
14 \$1,200, of the income eligibility limi-  
15 tation for free or reduced price meals,  
16 plus the lesser of 500 or one half of  
17 1 percent of approved applications  
18 that provided a case number in lieu of  
19 income information in accordance with  
20 paragraph (6) of this subsection se-  
21 lected from those approved applica-  
22 tions that provided a case number in  
23 lieu of income information in accord-  
24 ance with paragraph (6) of this sub-  
25 section.”.

1 **SEC. 202. EXPANSION OF DIRECT CERTIFICATION OF ELIGI-**  
2 **BILITY.**

3 (a) DIRECT CERTIFICATION THROUGH FOOD  
4 STAMPS OR TEMPORARY ASSISTANCE FOR NEEDY FAMI-  
5 LIES.—Section 9(b)(2)(C)(ii) of the Richard B. Russell  
6 National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(ii))  
7 is amended to read as follows:

8 “(ii) DIRECT CERTIFICATION  
9 THROUGH FOOD STAMPS OR TEMPORARY  
10 ASSISTANCE FOR NEEDY FAMILIES.—

11 “(I) IN GENERAL.—Each State  
12 agency shall enter into an agreement  
13 with the State agency conducting eli-  
14 gibility determinations for the food  
15 stamp program established under the  
16 Food Stamp Act of 1977 (7 U.S.C.  
17 2011 et seq.) and eligibility deter-  
18 minations for the State program fund-  
19 ed under part A of title IV of the So-  
20 cial Security Act (42 U.S.C. 301 et  
21 seq.).

22 “(II) PROCEDURES.—Subject to  
23 clause (iv), the agreement shall estab-  
24 lish procedures under which a child  
25 who is a member of a household re-  
26 ceiving assistance under the programs

1 referred to in subclause (I) shall be  
2 certified as eligible for free or reduced  
3 price meals under this Act, without  
4 further application.

5 “(III) CERTIFICATION.—Subject  
6 to clause (iv), under the agreement,  
7 the local educational agency con-  
8 ducting eligibility determinations for a  
9 school meal program conducted under  
10 this Act shall certify a child who is a  
11 member of a household receiving as-  
12 sistance under the food stamp pro-  
13 gram established under the Food  
14 Stamp Act of 1977 (7 U.S.C. 2011 et  
15 seq.) or under the State program  
16 funded under part A of title IV of the  
17 Social Security Act (42 U.S.C. 301 et  
18 seq.) as eligible for free meals under  
19 this Act without further application.

20 “(IV) NOTICE.—The appropriate  
21 local educational agency shall provide  
22 to all students biannually who are  
23 members of a household receiving as-  
24 sistance under the programs referred  
25 to in subclause (I), notification that

1 any school-aged child in that house-  
2 hold is eligible for free lunches or  
3 breakfasts.”.

4 (b) DIRECT CERTIFICATION THROUGH OTHER  
5 MEANS-TESTED PROGRAMS.—Section 9(b)(2)(C) of the  
6 Richard B. Russell National School Lunch Act (42 U.S.C.  
7 1758(b)(2)(C)) is amended—

8 (1) by redesignating clauses (iii) through (vii)  
9 as clauses (iv) through (viii), respectively; and

10 (2) by inserting after clause (ii) the following  
11 new clause:

12 “(iii) DIRECT CERTIFICATION  
13 THROUGH OTHER MEANS-TESTED PRO-  
14 GRAMS.—(I) Any school food authority  
15 may certify any child as eligible for free  
16 lunches or breakfasts, without further ap-  
17 plication, by directly communicating with  
18 the appropriate Federal, State, or local  
19 agency and obtaining from that agency  
20 documentation of such child’s status as  
21 a—

22 “(aa) member of a household  
23 that receives medical assistance under  
24 title XIX of the Social Security Act  
25 (42 U.S.C. 1396 et seq.) in a State in

1 which the income eligibility limit de-  
2 scribed in section 2105(d)(1) of such  
3 Act is no higher than 185 percent of  
4 the income official poverty line as  
5 specified in section 1902(1)(2)(A) of  
6 such Act;

7 “(bb) member of a household  
8 that receives child health assistance  
9 under title XXI of the Social Security  
10 Act (42 U.S.C. 1397aa et seq.) in a  
11 State in which the income eligibility  
12 limit for school-age children under  
13 section 2102(b)(1) of such Act is no  
14 higher than 185 percent of the appli-  
15 cable family size income levels con-  
16 tained in the nonfarm income poverty  
17 guidelines prescribed by the Office of  
18 Management and Budget as applied  
19 by the State;

20 “(cc) member of a household that  
21 receives benefits through any means-  
22 tested public benefit program that  
23 meets criteria established by the Sec-  
24 retary, which criteria shall include  
25 that the program has an income eligi-

1 bility limit that is no higher than 185  
2 percent of the applicable family size  
3 income levels contained in the non-  
4 farm income poverty guidelines pre-  
5 scribed by the Office of Management  
6 and Budget;

7 “(dd) member of a household  
8 that receives benefits through any  
9 means-tested public benefit program  
10 that meets criteria established by the  
11 Secretary and that has the capacity to  
12 identify which recipients have income  
13 at or below 185 percent of the appli-  
14 cable family size income levels con-  
15 tained in the nonfarm income poverty  
16 guidelines prescribed by the Office of  
17 Management and Budget, if the  
18 household has been identified as hav-  
19 ing income at or below 185 percent of  
20 such income levels; or

21 “(ee) member of a household that  
22 receives benefits under title XVI of  
23 the Social Security Act (42 U.S.C.  
24 1381 et seq.).

1                   “(II) Any State educational agency or  
2                   school food authority may obtain docu-  
3                   mentation of a child’s status as described  
4                   in items (aa) through (ee) of subclause (I)  
5                   and shall use it in accordance with clause  
6                   (v) of this subparagraph.”.

7           (c) CONFORMING AMENDMENTS.—Section 9(b)(2)(C)  
8 of the Richard B. Russell National School Lunch Act (42  
9 U.S.C. 1758(b)(2)(C)) is amended—

10           (1) in clause (i), by striking “clause (ii),” and  
11           inserting “clauses (ii) and (iii),”;

12           (2) in clause (iv) (as redesignated in subsection  
13           (b)(1)), by striking “clause (ii)” and inserting  
14           “clauses (ii) and (iii)”;

15           (3) in clause (v) (as redesignated in subsection  
16           (b)(1)), by—

17                   (A) striking “clause (iii)(II)” and inserting  
18                   “clause (iv)(II)”;

19                   (B) striking “clause (ii),” and inserting  
20                   “clauses (ii) and (iii),”;

21           (4) in clause (vi) (as redesignated in subsection  
22           (b)(1)), by striking “clause (iii)” and inserting  
23           “clause (iv)”;

1 (5) in clause (vii) (as redesignated in subsection  
2 (b)(1)), by striking “clause (iii)” each place it ap-  
3 pears and inserting “clause (iv)”; and

4 (6) in clause (viii) (as redesignated in sub-  
5 section (b)(1)), by striking “clause (iii)(IV)” each  
6 place it appears and inserting “clause (iv)(IV)”.

7 **SEC. 203. ELIGIBILITY FOR RECIPIENTS OF OTHER MEANS-**  
8 **TESTED BENEFITS.**

9 (a) CATEGORICAL ELIGIBILITY FOR RECIPIENTS OF  
10 OTHER MEANS-TESTED PUBLIC BENEFITS.—Section  
11 9(b)(6)(A) of the Richard B. Russell National School  
12 Lunch Act (42 U.S.C. 1758(b)(6)(A)) is amended—

13 (1) by striking “or” at the end of clause (ii);

14 (2) by striking the period at the end of clause  
15 (iii) and inserting “; or”; and

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

18 “(iv) described in items (aa) through  
19 (ee) of paragraph (2)(C)(iii)(I) or in items  
20 (aa) through (cc) of paragraph  
21 (2)(C)(iv)(II).”.

22 (b) VERIFICATION OF RECEIPT OF OTHER MEANS-  
23 TESTED PUBLIC BENEFITS.—Section 9(b)(6)(B) of the  
24 Richard B. Russell National School Lunch Act (42 U.S.C.  
25 1758(b)(6)(B)) is amended—

1 (1) by striking “food stamps or assistance” and  
2 inserting “food stamps or receipt of assistance”;

3 (2) by striking “or of” after “June 1, 1995,”;  
4 and

5 (3) by inserting “or the child’s status as de-  
6 scribed in items (aa) through (cc) or in item (ee) of  
7 paragraph (2)(C)(iii)(I) or in items (aa) through  
8 (cc) of paragraph (2)(C)(iv)(II)” after “subpara-  
9 graph (A)(iii),”.

10 (c) DOCUMENTATION OF RECEIPT OF OTHER  
11 MEANS-TESTED PUBLIC BENEFITS.—

12 (1) IN GENERAL.—Section 9(d)(2) of the Rich-  
13 ard B. Russell National School Lunch Act (42  
14 U.S.C. 1758(d)(2)) is amended—

15 (A) by striking “or” at the end of subpara-  
16 graph (B);

17 (B) by striking the period at the end of  
18 subparagraph (C) and inserting “; or”; and

19 (C) by inserting after subparagraph (C)  
20 the following new subparagraph:

21 “(D) documentation has been provided to  
22 the appropriate local school food authority  
23 showing the child’s status as described in items  
24 (aa) through (ee) of subsection (b)(2)(C)(iii)(I)

1 or as described in items (aa) through (dd) of  
2 subsection (b)(2)(C)(iv)(II).”.

3 (2) CONFORMING AMENDMENT.—Section  
4 9(b)(5) of the Richard B. Russell National School  
5 Lunch Act (42 U.S.C. 1758(b)(5)) is amended by  
6 adding at the end the following sentence: “Such  
7 public announcements by local school authorities  
8 shall contain only the maximum allowable family size  
9 income levels for special assistance consistent with  
10 section 11.”.

11 **SEC. 204. SUMMER FOOD PROGRAM.**

12 (a) MAKING PERMANENT THE SUMMER FOOD PILOT  
13 PROGRAM.—

14 (1) ELIMINATION OF PROGRAM AS PILOT PRO-  
15 GRAM.—Section 18 of the Richard B. Russell Na-  
16 tional School Lunch Act (42 U.S.C. 1766b) is  
17 amended by striking subsection (f).

18 (2) MODIFICATION OF SUMMER FOOD SERVICE  
19 PROGRAM.—Section 13(b) of the Richard B. Russell  
20 National School Lunch Act (42 U.S.C. 1761(b)) is  
21 amended—

22 (A) in paragraph (1)—

23 (i) by amending subparagraph (A) to  
24 read as follows:

1           “(A) IN GENERAL.—Payment to service in-  
2           stitutions shall be equal to the maximum  
3           amount for food service under subparagraphs  
4           (B) and (C).”; and

5                   (ii) in subparagraph (C), by striking  
6           “1997” and inserting “2006”; and

7           (B) by amending paragraph (3) to read as  
8           follows:

9           “(3) Payments to a service institution for ad-  
10          ministrative costs shall be equal to the maximum al-  
11          lowable level determined by the Secretary under the  
12          study required by paragraph (4).”.

13          (b) STARTUP AND EXPANSION GRANTS FOR SUMMER  
14          FOOD SERVICE PROGRAM.—Section 13 of the Richard B.  
15          Russell National School Lunch Act (42 U.S.C. 1761) is  
16          further amended by inserting after subsection (h) the fol-  
17          lowing new subsection:

18               “(i) STARTUP GRANTS FOR SUMMER FOOD SERVICE  
19          PROGRAM.—

20                   “(1) DEFINITION OF ELIGIBLE SERVICE INSTI-  
21          TUTION.—In this subsection, the term ‘eligible serv-  
22          ice institution’ means a service institution that  
23          agrees to operate the summer food service program  
24          established with the assistance provided under this  
25          subsection.

1           “(2) GRANTS.—The Secretary shall make  
2 grants, on a competitive basis, to 10 States, in a  
3 total amount of not more than \$5,000,000 for each  
4 fiscal year from funds made available to the Sec-  
5 retary, to assist eligible service institutions in initi-  
6 ating or expanding summer food service program  
7 sites.

8           “(3) USES.—A State shall use a grant made  
9 available under this subsection to assist eligible serv-  
10 ice institutions with expenses incurred in initiating  
11 or expanding summer food service programs during  
12 the first year of the sites.

13           “(4) SUPPLEMENTARY FUNDS.—A grant under  
14 this subsection shall supplement any payment to  
15 which a State is entitled under this section.

16           “(5) PLAN.—To be eligible to receive a grant  
17 under this subsection, a State shall submit to the  
18 Secretary a plan to initiate or expand summer food  
19 service program sites conducted in the State, includ-  
20 ing a description of the manner in which the State  
21 shall provide technical assistance and funding to eli-  
22 gible service institutions in the State to initiate or  
23 expand the sites.

24           “(6) STATE PREFERENCES.—In making a grant  
25 under this subsection for a fiscal year to initiate or

1 expand summer food service programs sites, the Sec-  
2 retary shall give preference to a State in which not  
3 more than 10 lunches under summer food service  
4 programs are served on an average day in June and  
5 July for each 100 free and reduced price lunches  
6 served on an average day from September through  
7 May of the previous school year, as determined by  
8 the Secretary.

9 “(7) REALLOCATION.—The Secretary shall act  
10 in a timely manner to recover and reallocate to other  
11 States any amount made available to a State under  
12 this subsection that is not used by the agency or  
13 State within a reasonable period (as determined by  
14 the Secretary).

15 “(8) APPLICATION.—The Secretary shall allow  
16 application by States on an annual basis for grants  
17 under this subsection.

18 “(9) PREFERENCES BY STATES.—In allocating  
19 funds within the State, each State shall give pref-  
20 erence for assistance under this subsection to an eli-  
21 gible service institution that demonstrates the great-  
22 est need for assistance for a summer food service  
23 program, as determined by the State.

24 “(10) MAINTENANCE OF EFFORT.—The ex-  
25 penditure of funds from State and local sources for

1 the maintenance of the summer food service pro-  
2 gram shall not be diminished as a result of grants  
3 made available under this subsection.”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 13(q) of the Richard B. Russell National School Lunch  
6 Act (42 U.S.C. 1761(q)) is amended by striking “2003”  
7 and inserting “2009”.

8 **SEC. 205. SCHOOL BREAKFAST PROGRAMS.**

9 (a) STARTUP AND EXPANSION GRANTS FOR SCHOOL  
10 BREAKFAST PROGRAMS.—Section 4 of the Child Nutri-  
11 tion Act of 1966 (42 U.S.C. 1773) is amended by adding  
12 at the end the following:

13 “(f) STARTUP AND EXPANSION GRANTS FOR SCHOOL  
14 BREAKFAST PROGRAMS.—

15 “(1) DEFINITION OF ELIGIBLE SCHOOL.—In  
16 this subsection, the term ‘eligible school’ means—

17 “(A) in the case of a startup grant, a  
18 school that agrees to operate the school break-  
19 fast program established with the assistance  
20 provided under this subsection for a period of  
21 not less than 3 years; and

22 “(B) in the case of an expansion grant, a  
23 school that has operated a school breakfast pro-  
24 gram established for a period of not less than  
25 3 consecutive years.

1           “(2) GRANTS.—The Secretary shall make  
2 grants, on a competitive basis, to State educational  
3 agencies, in a total amount of not more than  
4 \$10,000,000 for each fiscal year from funds made  
5 available to the Secretary, to assist eligible schools  
6 in initiating and expanding school breakfast pro-  
7 grams, of which not less than \$7,000,000 for each  
8 fiscal year shall be used for expansion grants.

9           “(3) USES.—A State educational agency shall  
10 use grants made available under this subsection to  
11 make subgrants to eligible schools, during the first  
12 school year eligible schools initiate or expand school  
13 breakfast programs, with expenses incurred in initi-  
14 ating or expanding school breakfast programs, in-  
15 cluding outreach and informational activities.

16           “(4) SUPPLEMENTARY FUNDS.—A grant under  
17 this subsection shall supplement any payment to  
18 which a State educational agency is entitled under  
19 subsection (b).

20           “(5) PLANS.—To be eligible to receive a grant  
21 under this subsection, a State educational agency  
22 shall submit to the Secretary a plan to initiate or ex-  
23 pand school breakfast programs conducted in the  
24 State, including a description of the manner in  
25 which the State educational agency shall provide

1 technical assistance and funding to eligible schools  
2 in the State to initiate or expand the programs.

3 “(6) STATE EDUCATIONAL AGENCY PREF-  
4 ERENCES FOR STARTUP GRANTS.—In making a  
5 grant under this subsection for a fiscal year to ini-  
6 tiate a school breakfast program, the Secretary shall  
7 give preference to a State educational agency that—

8 “(A) has not more than 60 percent of  
9 schools in the State that are participating in  
10 the school lunch program also participating in  
11 the school breakfast program; or

12 “(B) has not more than 35 percent of the  
13 students in the State receiving free or reduced  
14 price lunch also receiving free or reduced price  
15 breakfasts.

16 “(7) REALLOCATIONS.—The Secretary shall act  
17 in a timely manner to recover and reallocate to other  
18 State educational agencies or States any amount  
19 made available to a State educational agency or  
20 State under this subsection that is not used by the  
21 agency or State within a reasonable period (as deter-  
22 mined by the Secretary).

23 “(8) APPLICATION.—The Secretary shall allow  
24 application by State educational agencies on an an-  
25 nual basis for grants under this subsection.

1           “(9) PREFERENCES BY STATE EDUCATIONAL  
2 AGENCIES AND STATES.—In allocating funds within  
3 the State, each State educational agency shall give  
4 preference for assistance under this subsection to an  
5 eligible school that demonstrates the greatest need  
6 for assistance to initiate or expand a school break-  
7 fast program, as determined by the State edu-  
8 cational agency.

9           “(10) MAINTENANCE OF EFFORT.—The ex-  
10 penditure of funds from State and local sources for  
11 the maintenance of the school breakfast program  
12 shall not be diminished as a result of grants made  
13 available under this subsection.”.

14       (b) UNIVERSAL SECONDARY SCHOOL BREAKFAST  
15 PILOT PROJECTS.—Section 18 of the Richard B. Russell  
16 National School Lunch Act (42 U.S.C. 1769) is amended  
17 by added at the end the following:

18       “(h) UNIVERSAL SECONDARY SCHOOL BREAKFAST  
19 PILOT PROJECTS.—

20           “(1) IN GENERAL.—The Secretary shall make  
21 grants to State agencies to conduct pilot projects in  
22 secondary schools under the jurisdiction of not more  
23 than 6 school food authorities approved by the Sec-  
24 retary to provide free breakfasts to secondary school  
25 students, without regard to family income.

1           “(2) NOMINATIONS.—A State agency that seeks  
2 a grant under this subsection shall submit to the  
3 Secretary nominations of school food authorities to  
4 participate in a pilot project under this subsection.

5           “(3) APPROVAL.—The Secretary shall approve  
6 for participation in pilot projects under this sub-  
7 section secondary schools under the jurisdiction of  
8 not more than 6 nominated school food authorities  
9 selected so as to—

10           “(A) target the pilot projects toward school  
11 food authorities that have—

12           “(i) the highest percentage of stu-  
13 dents eligible for free or reduced price  
14 meals under the school lunch or breakfast  
15 program; and

16           “(ii) the lowest percentage of students  
17 that receive free or reduced price meals  
18 under the school lunch or breakfast pro-  
19 gram; and

20           “(B) provide for an equitable distribution  
21 of pilot projects among urban and rural sec-  
22 ondary schools.

23           “(4) GRANTS TO SCHOOL FOOD AUTHORI-  
24 TIES.—A State agency receiving a grant under para-  
25 graph (1) shall make grants to school food authori-

1 ties to conduct the pilot projects described in para-  
2 graph (1).

3 “(5) DURATION OF PILOT PROJECTS.—Subject  
4 to the availability of funds made available to carry  
5 out this subsection, a school food authority receiving  
6 amounts under a grant to conduct a pilot project de-  
7 scribed in paragraph (1) shall conduct the project  
8 during a period of 3 successive school years.

9 “(6) WAIVER AUTHORITY.—

10 “(A) IN GENERAL.—Except as provided in  
11 subparagraph (B), the Secretary may waive the  
12 requirements of this Act and the Child Nutri-  
13 tion Act of 1966 (42 U.S.C. 1771 et seq.) relat-  
14 ing to counting of meals, applications for eligi-  
15 bility, and related requirements that would pre-  
16 clude the Secretary from making a grant to  
17 conduct a pilot project under paragraph (1).

18 “(B) NONWAIVABLE REQUIREMENTS.—  
19 The Secretary may not waive a requirement  
20 under subparagraph (A) if the waiver would  
21 prevent a program participant, a potential pro-  
22 gram participant, or a school from receiving all  
23 of the benefits and protections of this Act, the  
24 Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
25 seq.), or a Federal law (including a regulation)

1           that protects an individual constitutional right  
2           or a statutory civil right.

3           “(7) REQUIREMENTS FOR PARTICIPATION.—To  
4           be eligible to participate in a pilot project under this  
5           subsection—

6                   “(A) a State agency—

7                           “(i) shall submit an application to the  
8                           Secretary at such time and in such manner  
9                           as the Secretary shall establish to meet cri-  
10                          teria the Secretary has established to en-  
11                          able a valid evaluation to be conducted;  
12                          and

13                           “(ii) shall provide such information  
14                           relating to the operation and results of the  
15                           pilot project as the Secretary may reason-  
16                           ably require; and

17                   “(B) a school food authority—

18                           “(i) shall agree to serve all breakfasts  
19                           at no charge to all secondary school stu-  
20                           dents enrolled in participating secondary  
21                           schools;

22                           “(ii) shall not have a history of viola-  
23                           tions of this Act or the Child Nutrition Act  
24                           of 1966 (42 U.S.C. 1771 et seq.);

1           “(iii) shall agree to use innovative  
2           methods for making breakfasts available to  
3           eligible students, such as making break-  
4           fasts available to students after the begin-  
5           ning of the academic day or using alter-  
6           native breakfast delivery and marketing  
7           methods; and

8           “(iv) shall meet all other requirements  
9           that the Secretary may reasonably require.

10          “(8) REPORTS.—The Secretary, acting through  
11          the Administrator of the Food and Nutrition Serv-  
12          ice, shall submit to Congress an interim and final re-  
13          port on the status of the pilot projects.

14          “(9) REIMBURSEMENT.—

15                 “(A) IN GENERAL.—Except as provided in  
16                 subparagraph (B), a school conducting a pilot  
17                 project under this subsection shall receive a  
18                 total Federal reimbursement under the school  
19                 breakfast program in an amount that is equal  
20                 to the total Federal reimbursement for the  
21                 school for the prior year under the program  
22                 (adjusted to reflect changes in the series for  
23                 food away from home of the Consumer Price  
24                 Index for All Urban Consumers published by  
25                 the Bureau of Labor Statistics of the Depart-

1           ment of Labor and adjusted for fluctuations in  
2           enrollment).

3           “(B) EXCESS NEEDS.—Funds required for  
4           the pilot project in excess of the level of reim-  
5           bursement received by the school for the prior  
6           year (adjusted to reflect changes described in  
7           subparagraph (A) and adjusted for fluctuations  
8           in enrollment) may be taken from any non-Fed-  
9           eral source or from amounts provided under  
10          this subsection.

11          “(10) FUNDING.—

12           “(A) IN GENERAL.—On October 1, 2004,  
13           and on each October 1 thereafter through Octo-  
14           ber 1, 2006, out of any funds in the Treasury  
15           not otherwise appropriated, the Secretary of the  
16           Treasury shall transfer to the Secretary of Ag-  
17           riculture funds to carry out this subsection.

18           “(B) RECEIPT AND ACCEPTANCE.—The  
19           Secretary shall be entitled to receive, shall ac-  
20           cept, and shall use to carry out this subsection  
21           the funds transferred under subparagraph (A),  
22           without further appropriation.

23          “(11) DEFINITION.—As used in this subsection,  
24          the term ‘secondary school’ has the meaning given  
25          such term in section 9101(38) of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.  
2 7801(38)).”.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
4 7(g) of the Child Nutrition Act of 1966 (42 U.S.C.  
5 1776(g)) is amended by striking “2003” and inserting  
6 “2009”.

7 **SEC. 206. COMMODITIES FOR SCHOOL BREAKFAST PRO-**  
8 **GRAMS.**

9 Section 6 of the Richard B. Russell National School  
10 Lunch Act (42 U.S.C. 1755) is amended—

11 (1) by striking subsection (b) and inserting the  
12 following:

13 “(b) COMMODITY ASSISTANCE FOR SCHOOL LUNCH  
14 AND BREAKFAST PROGRAMS.—Not later than September  
15 30 of the following school year, the Secretary shall deliver  
16 to each State participating in—

17 “(1) the school lunch program established  
18 under this Act, commodities valued at the total level  
19 of assistance authorized under subsection (c) for  
20 each school year for the school lunch program in the  
21 State; and

22 “(2) the school breakfast program established  
23 under the Child Nutrition Act of 1966 (42 U.S.C.  
24 1771 et seq.), commodities valued at the total level  
25 of assistance authorized under subsection (d) for

1 each school year for the school breakfast program in  
2 the State.”; and

3 (2) by striking subsection (d) and inserting the  
4 following:

5 “(d) VALUE OF DONATED FOODS FOR SCHOOL  
6 BREAKFAST PROGRAM.—

7 “(1) IN GENERAL.—Subject to paragraph (2),  
8 in the case of the school breakfast program estab-  
9 lished under the Child Nutrition Act of 1966 (42  
10 U.S.C. 1771 et seq.), the value of donated foods  
11 shall be 5 cents.

12 “(2) ADJUSTMENT.—

13 “(A) IN GENERAL.—The value of donated  
14 foods under paragraph (1) shall be adjusted on  
15 July 1, 2004, and each July 1 thereafter, to re-  
16 flect changes in the Price Index for Food Used  
17 in Schools and Institutions.

18 “(B) FOOD COMPONENTS.—

19 “(i) IN GENERAL.—The Index shall be  
20 computed using 5 major food components  
21 of the Producer Price Index of the Bureau  
22 of Labor Statistics (cereal and bakery  
23 products, meats, poultry and fish, dairy  
24 products, processed fruits and vegetables,  
25 and fats and oils).

1                   “(ii) WEIGHTING.—Each component  
2                   shall be weighed using the same relative  
3                   weight as determined by the Bureau of  
4                   Labor Statistics.

5                   “(C) TIME PERIOD.—The value of food as-  
6                   sistance for each meal shall be adjusted each  
7                   July 1 by the annual percentage change in a 3-  
8                   month average value of the Price Index for  
9                   Foods Used in Schools and Institutions for  
10                  March, April, and May each year.

11                  “(D) ROUNDING.—The adjustment shall  
12                  be computed to the nearest  $\frac{1}{4}$  cent.

13                  “(3) CALCULATION.—

14                  “(A) IN GENERAL.—Subject to subpara-  
15                  graph (B), for each school year, the total  
16                  amount of commodity assistance, or cash in lieu  
17                  of commodity assistance, available to a State  
18                  for the school breakfast program shall be the  
19                  product obtained by multiplying—

20                         “(i) the number of breakfasts served  
21                         in the preceding school year; by

22                         “(ii) the rate established under para-  
23                         graphs (1) and (2).

24                  “(B) RECONCILIATION.—After the end of  
25                  each school year, the Secretary shall—

1                   “(i) reconcile the number of break-  
2                   fasts served by schools in each State with  
3                   the number of breakfasts served by schools  
4                   in each State during the preceding school  
5                   year; and

6                   “(ii) increase or reduce subsequent  
7                   commodity assistance, or cash in lieu of  
8                   commodity assistance, provided to each  
9                   State based on the reconciliation.”.

10 **SEC. 207. CHILD AND ADULT CARE FOOD PROGRAM.**

11           (a) **EXPANDING SUPPER PILOT PROGRAMS.**—Section  
12 17(r)(5) of the Richard B. Russell National School Lunch  
13 Act (42 U.S.C. 1766(r)) is amended—

14                   (1) by striking “seven States of which five” and  
15                   inserting “17 States of which 7”;

16                   (2) by striking “and Michigan” and inserting  
17                   “Michigan, New York, and Oregon”; and

18                   (3) by striking “two States” and inserting “10  
19                   States”.

20           (b) **ELIGIBILITY OF PRIVATE CHILD CARE CEN-**  
21 **TERS.**—Section 17(a)(2)(B)(i) is amended by striking  
22 “during the period” and all that follows through “Sep-

23 **tember 30, 2002”.**  
24           (c) **HOMELESS AND DOMESTIC VIOLENCE SHEL-**  
25 **TERS.**—Section 17(t)(5)(A)(i)(I) of the Richard B. Rus-

1 sell National School Lunch Act (42 U.S.C.  
2 1766(t)(5)(A)(i) is amended—

3 (1) in subclause (I), by striking “12” and in-  
4 serting “18”; and

5 (2) in subclause (II), by striking “15” and in-  
6 serting “18”.

7 (d) NUTRITION EDUCATION.—Section 17(f)(3)(B) of  
8 the Richard B. Russell National School Lunch Act (42  
9 U.S.C. 1766(f)(3)(B)) is amended by inserting “increased  
10 by \$2 per family or group day care home and shall be”  
11 after “Such levels shall be”.

12 (e) PAPERWORK REDUCTION.—Section 17 of the  
13 Richard B. Russell National School Lunch Act (42 U.S.C.  
14 1766) is further amended by adding at the end the fol-  
15 lowing:

16 “(u) PAPERWORK REDUCTION.—The Secretary, in  
17 conjunction with States and participating institutions,  
18 shall examine the feasibility of reducing paperwork result-  
19 ing from regulations and record keeping requirements for  
20 family child care homes, child care centers, and sponsoring  
21 organizations participating in the child and adult care  
22 food program.”.

23 (f) DURATION OF DETERMINATION AS TIER 1 FAM-  
24 ILY OR GROUP DAY CARE HOME.—Section  
25 17(f)(3)(E)(iii) of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1766(f)(3)(E)(iii)) is amended by  
2 striking “3 years” and inserting “5 years”.

3 (g) MANAGEMENT IMPROVEMENT INITIATIVE.—Sec-  
4 tion 17(q)(3) of the Richard B. Russell National School  
5 Lunch Act (42 U.S.C. 1766(q)(3)) is amended by striking  
6 “1999 through 2003” and inserting “2004 through 2008”.

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

10 “(i) AUDITS.—

11 “(1) IN GENERAL.—Subject to subparagraph  
12 (B), in conducting management evaluations, reviews,  
13 or audits under their section, the Secretary or a  
14 State agency may disregard overpayments by an in-  
15 stitution of not more than \$600 for any fiscal year.

16 “(2) CRIMINAL OR FRAUD VIOLATIONS.—In  
17 carrying out this paragraph, the Secretary and a  
18 State agency shall not disregard any overpayment  
19 for which there is evidence of a violation of a crimi-  
20 nal law or civil fraud law.”.

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

24 “(j) AGREEMENTS.—

1           “(1) IN GENERAL.—The Secretary shall issue  
2 regulations directing States to develop and provide  
3 for the use of a standard form of agreement between  
4 each family or group day care sponsoring organiza-  
5 tion and the family or group day care homes partici-  
6 pating in the program under such organization, for  
7 the purpose of specifying the rights and responsibil-  
8 ities of each party.

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

12       (j) PILOT PROJECTS.—Section 18 of the Richard B.  
13 Russell National School Lunch Act (42 U.S.C. 1769) is  
14 amended by adding at the end the following new sub-  
15 section:

16       “(h) NUTRITION EDUCATION PILOT PROGRAMS.—

17           “(1) IN GENERAL.—The Secretary shall author-  
18 ize 2 or more States to conduct pilot projects ap-  
19 proved by the Secretary that focus on monitoring  
20 visits and nutrition education to family or group day  
21 care homes that have successfully participated in the  
22 Child and Adult Care Food Program established  
23 under section 17 for a period of 3 years and are cur-  
24 rently in good standing with the program.

1           “(2) REPORT.—Not later than October 31,  
2           2008, the Secretary shall report to Congress on such  
3           pilot programs.”.

4 **SEC. 208. MEALS AND SUPPLEMENTS FOR CHILDREN IN**  
5 **AFTERSCHOOL CARE.**

6           Section 17A of the Richard B. Russell National  
7 School Lunch Act (42 U.S.C. 1766a) is amended—

8           (1) in the section heading, by striking “**MEAL**  
9 **SUPPLEMENTS**” and inserting “**MEALS**  
10 **AND SUPPLEMENTS**”;

11           (2) in subsection (a)(1), by striking “meal sup-  
12 plements” and inserting “meals and meal supple-  
13 ments”;

14           (3) in subsection (b), by inserting “meals and”  
15 after “only for”;

16           (4) in subsection (c)(1), by striking “a supple-  
17 ment” and inserting “a meal or a supplement”;

18           (5) in subsection (c)(1)(A) by inserting “at the  
19 rate at which free meals are reimbursed under sec-  
20 tion 17(c)(1) or” after “reimbursed”;

21           (6) in subsection (c)(2)—

22                   (A) by inserting “meals and” after “pay-  
23 ment rate for”; and

24                   (B) by striking “section 17(c)(3)” and in-  
25 serting “section 17(c)”; and

1 (7) in subsection (d)—

2 (A) in the subsection heading, by inserting

3 “MEALS AND” after “CONTENTS OF”; and

4 (B) by striking “meal” both places it ap-  
5 pears and inserting “meals and”.

6 **TITLE III—YEAR ROUND COMMU-**  
7 **NITY CHILD NUTRITION PRO-**  
8 **GRAM**

9 **SEC. 301. COMMUNITY CHILD NUTRITION PROGRAM.**

10 The Richard B. Russell National School Lunch Act  
11 (42 U.S.C. 1751 et seq.) is amended by inserting after  
12 section 13 the following new section:

13 **“SEC. 13A. COMMUNITY CHILD NUTRITION PROGRAM.**

14 “(a) IN GENERAL.—The Secretary shall establish a  
15 program to be carried out by States to assist and maintain  
16 local government and community-based food service pro-  
17 grams for children year-round.

18 “(b) DEFINITIONS.—As used in this section—

19 “(1) the term ‘community-based service institu-  
20 tions’ means public or private non-profit organiza-  
21 tions, local, municipal, or county government, public  
22 or private non-profit higher education institutions  
23 participating in the National Youth Sports Pro-  
24 grams, residential public or private non-profit sum-  
25 mer camps that operate vacation programs providing

1 food service similar to that made available to chil-  
2 dren during the school day under the school lunch  
3 program, and emergency shelters, as defined in sec-  
4 tion 321(2) of the Stewart B. McKinney Homeless-  
5 ness Assistance Act (42 U.S.C. 11351(2));

6 “(2) the term ‘needy area’ means an area—

7 “(A) in which at least 40 percent of the  
8 children are eligible for free and reduced price  
9 meals under this Act or the Child Nutrition Act  
10 of 1966 as determined by information provided  
11 from the departments of welfare, zoning com-  
12 missions, or census tracts; or

13 “(B) served by a school in which at least  
14 40 percent of the children enrolled are eligible  
15 to receive free or reduced price meals under this  
16 Act or the Child Nutrition Act of 1966; and

17 “(3) the term ‘children’ has the meaning given  
18 that term in section 13(a)(1)(D).

19 “(c) ELIGIBILITY OF COMMUNITY BASED SERVICE  
20 INSTITUTIONS.—

21 “(1) IN GENERAL.—Subject to regulations  
22 issued by the Secretary for section 13(a)(3), any  
23 community-based service institution located in needy  
24 areas is eligible to participate in the program au-  
25 thorized by this section.

1           “(2) AUTOMATIC ELIGIBILITY.—The following  
2           community-based service institutions are eligible to  
3           participate in the program regardless of the location  
4           of such institutions:

5                   “(A) emergency shelters;

6                   “(B) private non-profit organizations or  
7           local governments currently receiving commod-  
8           ities from the Secretary;

9                   “(C) organizations and camps that pri-  
10          marily serve migrant children; and

11                  “(D) all non-school recipients of funds  
12          through the 21st Century Community Learning  
13          Center program as authorized under part B of  
14          title IV of the Elementary and Secondary Edu-  
15          cation Act (42 U.S.C. 7171 et seq.).

16           “(3) NON-NEEDY AREAS.—Community-based  
17          service institutions operating in areas other than  
18          needy areas are eligible to participate in the pro-  
19          gram authorized by this section to the extent that at  
20          least 40 percent of children enrolled at a particular  
21          site are children who are eligible for free and re-  
22          duced price meals under section 9(b).

23          “(d) ADMINISTRATION.—

24                  “(1) APPLICATION.—

1           “(A) INTERNET-BASED APPLICATION.—

2           The Secretary shall develop a prototype for an  
3           Internet-based application for the program au-  
4           thorized by this section and shall encourage  
5           States to minimize application paperwork, pro-  
6           cedures, and ongoing reporting requirements,  
7           except as specifically required to ensure the in-  
8           tegrity of the program. The Secretary shall pro-  
9           vide technical support to assist State agencies  
10          in developing an Internet-based application and  
11          claiming system to ensure that all State agency  
12          applications and claiming procedures are avail-  
13          able via the Internet by October 1, 2006.

14          “(B) STATE AGENCY REQUIREMENT.—

15          Each State agency shall submit a plan to the  
16          Secretary by February 15 that outlines its  
17          plans to maximize participation in the program  
18          among needy children, especially during sum-  
19          mer months.

20          “(2) MONITORING.—Not less than 3 times per  
21          year community-based service institutions shall mon-  
22          itor the compliance of their sites with the require-  
23          ments of this section and with regulations issued to  
24          implement this section.

1           “(3) MEAL COUNTS.—Community-based service  
2 institutions in needy areas shall be reimbursed based  
3 on daily meal counts on consolidated forms.

4           “(4) MEAL SERVICE AREAS.—State agencies  
5 shall establish policies for meal service areas that  
6 allow for the limited expansion of designated meal  
7 service areas to include supervised locations through-  
8 out the premises of the institutions when warranted  
9 by special circumstances.

10           “(5) MEAL PATTERNS.—Meals served by insti-  
11 tutions participating in this program under this sec-  
12 tion shall consist of a combination of foods that  
13 meet minimum nutritional requirements prescribed  
14 by the Secretary on the basis of tested nutrition re-  
15 search.

16           “(6) LICENSING.—Institutions eligible under  
17 this section shall be licensed consistent with section  
18 17(a)(5).

19           “(e) REIMBURSEMENT.—

20           “(1) IN GENERAL.—In carrying out the com-  
21 munity child nutrition program under this section,  
22 the Secretary shall reimburse the community-based  
23 institution for up to 3 meals and 2 supplements for  
24 any day for which services are being offered at such  
25 institution.

1           “(2) **NEEDY AREAS.**—Community-based institu-  
2           tions in needy areas shall be reimbursed for costs  
3           consistent with section 13(b).

4           “(3) **MAXIMUM REIMBURSEMENT.**—No reim-  
5           bursement may be made to any institution under  
6           this section for more than 3 meals and 2 supple-  
7           ments per child per day.

8           “(4) **LIMITATION.**—Institutions reimbursed  
9           under this section shall not be eligible for reimburse-  
10          ment under sections 13, 17, or 17A.

11          “(f) **AUTHORIZATION OF APPROPRIATIONS.**—There  
12          are authorized to be appropriated such sums as may be  
13          necessary for fiscal years 2004 through 2009 to carry out  
14          this section.”.

15          **TITLE IV—PROMOTING NUTRI-**  
16          **TION QUALITY AND PRE-**  
17          **VENTING CHILDHOOD OBE-**  
18          **SITY**

19          **SEC. 401. OPERATIONAL RESPONSIBILITY.**

20          Not later than the first day of the school year begin-  
21          ning after July 31, 2005, local educational agencies par-  
22          ticipating in the programs authorized by this Act shall es-  
23          tablish a school nutrition policy for such local agency that  
24          at a minimum ensures that operational responsibility for  
25          school food services includes approval of all foods sold on

1 campus, excluding occasional sales. The local educational  
2 agency shall involve parents, students, and the public in  
3 the development of the school nutrition policy.

4 **SEC. 402. REGULATION OF COMPETITIVE FOODS SOLD**  
5 **WITHIN FOOD SERVICE AREAS.**

6 (a) PROHIBITIONS AND RESTRICTIONS ON COMPETI-  
7 TIVE FOODS.—Section 10(b) of the Child Nutrition Act  
8 of 1966 (42 U.S.C. 1779(b)) is amended to read as fol-  
9 lows:

10 “(b) The regulations—

11 “(1) shall prohibit or restrict the sale and serv-  
12 ice of foods in food service facilities or areas for the  
13 duration of the school day that are in competition  
14 with the programs authorized under this Act or the  
15 Richard B. Russell National School Lunch Act (re-  
16 ferred to in this section as ‘competitive foods’), but  
17 shall not prohibit the sale of competitive foods ap-  
18 proved by the Secretary outside of food service facili-  
19 ties or areas;

20 “(2) shall require that the proceeds from the  
21 sale of competitive foods in school food service areas  
22 be used for the benefit of the school food service au-  
23 thority, if such sales are permitted by the regula-  
24 tions;

1           “(3) shall not supersede or otherwise affect  
2           State and local regulations on competitive foods that  
3           the Secretary determines to conform to the nutrition  
4           goals of the regulations promulgated by the Sec-  
5           retary; and

6           “(4) shall take into account the differing needs  
7           of elementary and secondary schools.”.

8           (b) NUTRITIONAL STANDARDS FOR COMPETITIVE  
9           FOODS.—Section 10 of the Child Nutrition Act of 1966  
10          (42 U.S.C. 1779) is amended by adding at the end the  
11          following:

12          “(d) The Secretary shall offer to enter into an agree-  
13          ment with the Institute of Medicine of the National Acad-  
14          emies of Sciences to conduct a study, based on sound nu-  
15          tritional science, to determine appropriate nutritional  
16          standards for competitive foods. The Institute of Medicine  
17          shall transmit a report with recommendations to the Sec-  
18          retary within 6 months after the date of enactment of this  
19          subsection. The recommendations shall distinguish be-  
20          tween the nutritional standards for competitive foods sold  
21          within food service facilities or areas and competitive foods  
22          sold outside of food service areas. The Secretary shall  
23          make such recommendations available to schools via the  
24          Internet. Not later than 1 year after the date of enactment  
25          of this subsection, the Secretary shall, based on such rec-

1 ommendations, promulgate regulations to carry out sec-  
2 tion 10(b), and provide technical assistance to schools,  
3 upon request, on how to implement such recommenda-  
4 tions, for competitive foods sold within and outside of food  
5 service areas.”.

6 **SEC. 403. NUTRITIONAL REVIEWS.**

7 Section 7(a) of the Child Nutrition Act of 1966 (42  
8 U.S.C. 1776) is amended—

9 (1) in paragraph (1), by striking “1½ percent”  
10 and inserting “2 percent”;

11 (2) by amending paragraph (6) to read as fol-  
12 lows:

13 “(6) USE OF ADMINISTRATIVE FUNDS.—

14 “(A) IN GENERAL.—Except as provided in  
15 subparagraph (B), funds available to a State  
16 under this subsection and under section  
17 13(k)(1) of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1761(k)(1)) may  
19 be used by the State for the costs of adminis-  
20 tration of the programs authorized under this  
21 Act (except for the programs authorized under  
22 sections 17 and 21) and the Richard B. Russell  
23 National School Lunch Act (42 U.S.C. 1751 et  
24 seq.) without regard to the basis on which the  
25 funds were earned and allocated.

1                   “(B) USE OF FUNDS FOR NUTRITIONAL  
2                   REVIEWS.—

3                   “(i) IN GENERAL.—Not less than 25  
4                   percent of the amounts made available to  
5                   a State under this subsection shall be used  
6                   by the State to perform nutritional reviews  
7                   and compliance reviews, at least 2 times  
8                   during each school year, to ensure that  
9                   meals served by school participating in the  
10                  programs authorized under this Act and  
11                  under the Richard B. Russell National  
12                  School Lunch Act (42 U.S.C. 1751 et seq.)  
13                  meet the requirements of section 9(f)(1) of  
14                  the Richard B. Russell National School  
15                  Lunch Act (42 U.S.C. 1758(f)(1)), and to  
16                  assist schools, by providing grants to  
17                  schools, to improve nutritional quality of  
18                  meals and the school nutritional environ-  
19                  ment in order to meet such requirements.

20                  “(ii) NUTRITIONAL REVIEW STAND-  
21                  ARDS.—The Secretary, in consultation with  
22                  State agencies, shall establish standards  
23                  for the nutritional reviews required by this  
24                  subparagraph.

1                   “(iii) DISCLOSURE.—The results of  
2                   each nutritional review shall be made avail-  
3                   able to the public and provided to parents  
4                   of students in schools participating in such  
5                   programs in a clear, understandable for-  
6                   mat.”.

7 **SEC. 404. SCHOOL MEALS IMPROVEMENT GRANTS.**

8           (a) IN GENERAL.—The Secretary is authorized to  
9           make grants to State educational agencies for school meal  
10           quality improvement.

11           (b) USE OF GRANTS.—States shall use grants pro-  
12           vided under this section for—

13                   (1) implementing the recommendation of the  
14                   School Meals Initiative for Healthy Children of the  
15                   Department of Agriculture;

16                   (2) increasing the availability and consumption  
17                   of fruits, vegetables, low-fat dairy products, and  
18                   whole grains;

19                   (3) reducing saturated fat and sodium in school  
20                   meals;

21                   (4) improving school nutritional environments;  
22                   and

23                   (5) other activities that assist schools in car-  
24                   rying out the requirements of the School Meals Ini-  
25                   tiative.

1 (c) APPLICATIONS.—State educational agencies shall  
2 submit applications for grants under this section in such  
3 manner and at such time as the Secretary shall determine.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to the Secretary  
6 \$2,000,000 for fiscal year 2005, and such sums as may  
7 be necessary for fiscal years 2006 through 2010 to carry  
8 out this section.

9 **SEC. 405. INCREASED EMPHASIS ON FRUITS AND VEGETA-**  
10 **BLES IN COMMODITIES PROGRAM.**

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 “fruits and vegetables” before the  
14 period.

15 **SEC. 406. FRUIT AND VEGETABLE PILOT PROGRAM.**

16 Section 18 of the Richard B. Russell National School  
17 Lunch Act (42 U.S.C. 1769) is amended by striking sub-  
18 section (g) and inserting after subsection (e) the following:

19 “(f) FRUIT AND VEGETABLE PILOT PROGRAM.—

20 “(1) IN GENERAL.—For each of the school  
21 years beginning July 2005, July 2006, July 2007,  
22 July 2008, and July 2009 the Secretary shall carry  
23 out a pilot program to make free fresh and dried  
24 fruits and free fresh vegetables available, throughout

1 the school day in 1 or more areas designated by the  
2 school, to—

3 “(A) students in the 25 elementary or sec-  
4 ondary schools in each of the 4 States, and in  
5 the elementary or secondary schools on the res-  
6 ervation, authorized to participate in the pro-  
7 gram under this subsection (as in effect on the  
8 day before the date of enactment of this sub-  
9 paragraph);

10 “(B) to the maximum extent practicable,  
11 an additional 10,000 students in each State au-  
12 thorized to participate in the program under  
13 this subsection (as in effect on the day before  
14 the enactment of this subparagraph);

15 “(C) to the maximum extent practicable,  
16 20,000 students enrolled in schools in each of  
17 the States not participating in the program  
18 under this subsection on the day before the date  
19 of enactment of this subparagraph, as selected  
20 by the Secretary; and

21 “(D) to the maximum extent practicable,  
22 20,000 students enrolled in schools operated by  
23 tribal organizations.

24 “(2) SELECTION OF SCHOOLS.—

1           “(A) IN GENERAL.—In selecting schools to  
2 participate in the pilot program, the Secretary  
3 shall—

4           “(i) to the maximum extent prac-  
5 ticable, ensure that not less than 75 per-  
6 cent of students selected are from schools  
7 in which not less than 50 percent of stu-  
8 dents are eligible for free or reduced price  
9 meals under this Act; ‘(ii) solicit applica-  
10 tions from interested schools that in-  
11 clude—

12           “(I) information pertaining to  
13 the percentage of students enrolled in  
14 the school submitting the application  
15 who are eligible for free or reduced  
16 price school lunches under this Act;

17           “(II) a certification of support  
18 for participation in the pilot program  
19 signed by the school food manager,  
20 the school principal, and the district  
21 superintendent (or their equivalent  
22 positions, as determined by the  
23 school); and

1                   “(III) such other information as  
2                   may be requested by the Secretary;  
3                   and

4                   “(ii) for each application received, de-  
5                   termine whether the application is from a  
6                   school in which not less than 50 percent of  
7                   students are eligible for free or reduced  
8                   price meals under this Act.

9                   “(B) LOTTERY.—

10                   “(i) SCHOOLS WITH SUBSTANTIAL  
11                   FREE OR REDUCED PRICE MEAL ELIGI-  
12                   BILITY.—Subject to clauses (iii) and (iv),  
13                   the Secretary shall randomly select, from  
14                   among the schools in a participating State  
15                   determined under subparagraph (A)(iii) to  
16                   have at least 50 percent of students eligi-  
17                   ble for free or reduced price meals under  
18                   this Act, schools to participate in the pro-  
19                   gram under this subsection so as to en-  
20                   sure, to the maximum extent practicable,  
21                   that the aggregate number of students rep-  
22                   resented by those schools in the State  
23                   meets the requirements of this subsection.

24                   “(ii) OTHER SCHOOLS.—Subject to  
25                   clauses (iii) and (iv), the Secretary shall

1 randomly select, from among the schools in  
2 a participating State determined under  
3 subparagraph (A)(iii) to have less than 50  
4 percent of students eligible for free or re-  
5 duced price meals under this Act, schools  
6 to participate in the program under this  
7 subsection so as to ensure that the aggre-  
8 gate number of students represented by  
9 those schools, plus the aggregate number  
10 of students from schools selected under  
11 clause (i), in the State meets the require-  
12 ments of this subsection.

13 “(iii) INSUFFICIENT APPLICATIONS.—  
14 If, for any State, the Secretary determines  
15 that the number of schools described in  
16 subparagraph (A)(i) is insufficient to meet  
17 the requirements of this subsection, the  
18 Secretary may randomly select such addi-  
19 tional applications from schools submitting  
20 applications under this subsection as are  
21 necessary to meet the requirements.

22 “(iv) APPLICABILITY TO EXISTING  
23 PARTICIPANTS.—

24 “(I) IN GENERAL.—Except as  
25 provided in subclause (II), the schools,

1 States, and reservation authorized to  
2 participate in the pilot program under  
3 this subsection (as in effect on the  
4 date before the date of enactment of  
5 this subparagraph) shall not be sub-  
6 ject to this subparagraph.

7 “(II) NEW STUDENTS.—Sub-  
8 clause (I) shall not apply to students  
9 authorized to participate in the pro-  
10 gram under paragraph (1)(B).

11 “(3) NOTICE OF AVAILABILITY.—To participate  
12 in the program under this subsection, a school shall  
13 widely publicize within the school the availability of  
14 free fresh and dried fruits and free fresh vegetables  
15 under the pilot program.

16 “(4) REPORTS.—

17 “(A) INTERIM REPORTS.—Not later than  
18 September 30 of each of fiscal years 2005,  
19 2006, 2007, and 2008 the Secretary, acting  
20 through the Administrator of the Food and Nu-  
21 trition Service, shall submit to the Committee  
22 on Education and the Workforce of the House  
23 of Representatives and the Committee on Agri-  
24 culture, Nutrition, and Forestry of the Senate  
25 an interim report that describes the activities

1 carried out under this subsection during the fis-  
2 cal year covered by the report.

3 “(B) FINAL REPORT.—Not later than De-  
4 cember 31, 2007, the Secretary, acting through  
5 the Administrator of the Food and Nutrition  
6 Service, shall submit to the Committee on Edu-  
7 cation and the Workforce of the House of Rep-  
8 resentatives and the Committee on Agriculture,  
9 Nutrition, and Forestry of the Senate a report  
10 that describes the results of the pilot program  
11 under this subsection.

12 “(5) PER STUDENT GRANT.—

13 “(A) IN GENERAL.—For each school year  
14 during which a school participates in the pro-  
15 gram under this subsection, the Secretary shall  
16 provide to the school \$75 for each student, as  
17 adjusted under subparagraph (B).

18 “(B) ADJUSTMENT.—The amount of the  
19 grant for each student under subparagraph (A)  
20 shall be adjusted on July 1, 2005, and each  
21 July 1 thereafter, to reflect changes in the Con-  
22 sumer Price Index of the Bureau of Labor Sta-  
23 tistics for fresh fruits and vegetables, with the  
24 adjustment—

1                   “(i) rounded down to the nearest dol-  
2                   lar increment; and

3                   “(ii) based on the unrounded amounts  
4                   for the preceding 12-month period.

5                   “(6) FUNDING.—

6                   “(A) EXISTING FUNDS.—The Secretary  
7                   shall use to carry out this subsection any funds  
8                   that remain under this subsection (in effect on  
9                   the day before the date of enactment of this  
10                  subparagraph).

11                  “(B) NEW FUNDS.—The Secretary shall  
12                  use such funds made available under section 32  
13                  of the Act of August 24, 1935 (7 U.S.C. 612c)  
14                  as are necessary to carry out this subsection  
15                  (other than paragraph 4).

16                  “(C) RECEIPT AND ACCEPTANCE.—The  
17                  Secretary shall be entitled to receive, shall ac-  
18                  cept, and shall use to carry out this subsection  
19                  the funds made available under this paragraph,  
20                  without further appropriation.

21                  “(D) AVAILABILITY OF FUNDS.—Funds  
22                  made available under this paragraph shall re-  
23                  main available until expended.

24                  “(E) REALLOCATION.—The Secretary may  
25                  reallocate any amounts made available to carry

1 out this subsection that are not obligated or ex-  
2 pended, as determined by the Secretary.”.

3 **SEC. 407. NUTRITION EDUCATION.**

4 Section 19 of the Child Nutrition Act of 1966 (42  
5 U.S.C. 1788) is amended to read as follows:

6 **“SEC. 19. TEAM NUTRITION NETWORK GRANTS.**

7 “(a) PURPOSE.—The purpose of Team Nutrition  
8 Network is to—

9 “(1) promote the nutritional health of the Na-  
10 tion’s school children through nutrition education  
11 and other activities that support healthy lifestyles  
12 for children;

13 “(2) provide grants to States for the develop-  
14 ment of State-wide, comprehensive, and integrated  
15 nutrition education programs; and

16 “(3) provide training and technical assistance  
17 to States, school and community nutrition programs,  
18 and child nutrition food service professionals.

19 “(b) STATE COORDINATORS.—

20 “(1) IN GENERAL.—The Secretary shall reserve  
21 10 percent of funds appropriated to make grants on  
22 an equitable basis based on the number of meals  
23 served by the State to the States for State Team  
24 Nutrition Network Coordinators.

1           “(2) ROLE OF STATE COORDINATORS.—The  
2 State Team 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 (including  
9 school-based children’s health programs).

10          “(3) MINIMUM STATE GRANT.—No State re-  
11 ceiving a grant under this subsection shall receive  
12 less than \$100,000.

13          “(c) TEAM NUTRITION NETWORK GRANTS.—The  
14 Secretary is authorized to make Team Nutrition Network  
15 grants to the States consistent with the purposes of this  
16 section. The Secretary shall allocate the funds appro-  
17 priated after reservations on an equitable basis based on  
18 the number of meals served by the State to State edu-  
19 cation agencies or other entity within the State authorized  
20 to carry out school-based nutrition programs for State-  
21 wide activities consistent with subsection (d). No State re-  
22 ceiving a grant under this subsection shall receive less  
23 than \$500,000.

24          “(d) USE OF GRANT.—Grants authorized under sub-  
25 section (c) may be used for—

1           “(1) providing assistance to schools in the  
2           adoption and implementation of school policies that  
3           promote healthy eating;

4           “(2) fostering community environments that  
5           support healthy eating and physical activities;

6           “(3) providing training and technical assistance  
7           to teachers and school food service professionals con-  
8           sistent with the purpose of this section;

9           “(4) evaluating local and State nutrition edu-  
10          cation programs;

11          “(5) statewide dissemination of educational ma-  
12          terials through the use of the Internet, mailings,  
13          conferences and other communication channels; and

14          “(6) providing subgrants to school and school  
15          food authorities for carrying out nutrition education  
16          activities at the local level.

17          “(e) NATIONAL ACTIVITIES.—The Secretary shall re-  
18          serve 20 percent of the funds appropriated in subsection  
19          (g) for national activities as follows:

20                 “(1) EVALUATION AND CLEARINGHOUSE.—50  
21                 percent of the funds reserved under this subsection  
22                 shall be used for an evaluation of activities funded  
23                 under this section and the development of a clearing-  
24                 house for collecting information on best practices for

1 promoting healthy eating in school and community  
2 child nutrition programs.

3 “(2) ACTIVITIES.—50 percent of the funds re-  
4 served under this subsection shall be used for Team  
5 Nutrition activities carried out by the Secretary  
6 through the Undersecretary of Food and Nutrition  
7 Services.

8 “(f) STATE PLANS.—To be eligible to receive a grant  
9 under this section, a State shall submit a State plan to  
10 the secretary for approval, in such manner and at such  
11 a time as the Secretary determines, that includes informa-  
12 tion regarding how the grant will be used to comply with  
13 the purposes of this section.

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—Out of  
15 any money in the Treasury of the United States not other-  
16 wise appropriated, there are appropriated to the Secretary  
17 \$110,000,000 for each of fiscal years 2005 through 2010  
18 for carrying out this section.”.

19 **SEC. 408. FLUID MILK EXPANSION.**

20 Section 9(a) of the Richard B. Russell National  
21 School Lunch Act (42 U.S.C. 1758(a)(2)) is amended—

22 (1) by striking paragraph (2) and redesignating  
23 paragraph (3) as paragraph (4); and

24 (2) by inserting after paragraph (1) the fol-  
25 lowing:

1           “(2) Lunches served by schools participating in  
2           the school lunch program under this Act shall offer  
3           students a variety of fluid milk, including low-fat  
4           milk.

5           “(3) Soy milk may be included as a fluid milk  
6           option if it is determined by the Secretary to be nu-  
7           tritionally equivalent and meet nutritional standards  
8           as established by the Secretary.”.

9   **SEC. 409. REPORT ON WHOLE GRAINS.**

10          Not later than 18 months after the date of enactment  
11          of this Act, the Secretary shall report to the Committee  
12          on Education and the Workforce of the House of Rep-  
13          resentatives, and the Committee on Agriculture, Nutrition,  
14          and Forestry of the Senate, on the most effective ways  
15          to increase the servings of whole grains offered in school  
16          nutrition programs, based on nutrition research, children’s  
17          food habits, and other relevant factors. The report shall  
18          include recommended changes in the program’s nutrition  
19          requirements.

20   **SEC. 410. TIME TO EAT.**

21          The Secretary shall, in consultation with the Sec-  
22          retary of Education, issue guidance to States on the se-  
23          quencing of meal and classroom instruction to ensure that  
24          students have adequate time to obtain and eat school  
25          meals.

1 **TITLE V—IMPROVEMENTS TO**  
2 **THE WOMEN, INFANTS, AND**  
3 **CHILDREN PROGRAM**

4 **SEC. 501. IMPROVING CERTIFICATION.**

5 (a) CERTIFICATION OF WOMEN WHO ARE BREAST-  
6 FEEDING.—Section 17(d)(3)(A) of the Child Nutrition Act  
7 of 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding  
8 at the end the following: “A State may have the option  
9 to certify for up to one year children and breast-feeding  
10 women, or until women stop breast-feeding, whichever is  
11 earlier.”

12 (b) PHYSICAL PRESENCE REQUIREMENT.—Section  
13 17(d)(3)(C)(ii) of the Child Nutrition Act of 1966 (42  
14 U.S.C. 1786(d)(3)(C)(ii)) is amended—

15 (1) in subclause (I)(aa) and subclause (II)(aa),  
16 respectively, by striking “at the initial certification  
17 visit” each place it appears and inserting “at some  
18 time during the certification period”;

19 (2) in subclause (I)(bb)—

20 (A) by striking “other than the local agen-  
21 cy”; and

22 (B) by striking “or”;

23 (3) in subclause (II)(cc), by striking the period  
24 and inserting a semicolon; and

1           (4) by inserting after subclause (II) the fol-  
2           lowing new subclause:

3                           “(III) an infant or child who—  
4                                   “(aa) was present at some  
5                                   time during the certification pe-  
6                                   riod; and  
7                                   “(bb) is unable to be present  
8                                   due to distance, transportation,  
9                                   weather, other local conditions or  
10                                  special needs.”.

11 **SEC. 502. REQUIRED AUTHORIZATION.**

12           Section 17(c)(2) of the Child Nutrition Act of 1966  
13 (42 U.S.C. 1786(c)(2)) is amended—

14                   (1) in subparagraph (A), by striking “and”;  
15                   (2) in subparagraph (B), by striking the period  
16                   and inserting “; and”; and  
17                   (3) by inserting after subparagraph (B) the fol-  
18                   lowing new subparagraph:

19                           “(C) the Secretary shall not authorize any  
20                           State agency or approved eligible local agency  
21                           to expend funds provided for activities that are  
22                           not fully reimbursed by other Federal depart-  
23                           ments or agencies unless otherwise authorized  
24                           under this section.”

1 **SEC. 503. DEFINITION OF NUTRITION EDUCATION.**

2 Section 17(b)(7) of the Child Nutrition Act of 1966  
3 (42 U.S.C. 1786(b)(7)) is amended by inserting “and re-  
4 lated habits, such as, physical activity, parenting, and  
5 child development” after “dietary habits”.

6 **SEC. 504. LIMITS ON EXPENDITURES.**

7 Section 17(i)(3)(A)(ii)(I) of the Child Nutrition Act  
8 of 1966 (42 U.S.C. 1786(i)(3)(A)(ii)(I) is amended by  
9 striking “1 percent” and inserting “1.5 percent”.

10 **SEC. 505. DECENNIAL REVIEWS.**

11 Section 17(f)(12) of the Child Nutrition Act of 1966  
12 (42 U.S.C. 1786(f)(12)) is amended by adding at the end  
13 the following: “The Secretary shall engage the National  
14 Academy of Sciences Institute of Medicine every 10 years  
15 beginning 10 years after the date of enactment of this Act  
16 to reevaluate the supplemental foods available in the pro-  
17 gram and recommend changes to reflect current public  
18 health concerns, national nutrition science, and the diverse  
19 cultures the program serves.”.

20 **SEC. 506. EVALUATION OF INCLUSION OF FRUITS AND**  
21 **VEGETABLES.**

22 Section 17(h)(10)(B) of the Child Nutrition Act of  
23 1966 (42 U.S.C. 1786(h)(10)(B)) is amended by adding  
24 after clause (iii) the following:

25 “(iv) special demonstration projects in  
26 up to 10 local sites, determined to be eth-

1 nically and geographically representative of  
2 local States and Indian agencies, to evalu-  
3 ate the inclusion of fresh, frozen, or  
4 canned fruits and vegetables (to be made  
5 available through private funds) as an ad-  
6 dition to the supplemental food provided  
7 under this section.”.

8 **SEC. 507. AUTHORIZATION OF APPROPRIATION.**

9 (a) REAUTHORIZATION OF PROGRAM.—Section  
10 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C.  
11 1786(g)(1)) is amended in the first sentence by striking  
12 “1995 through 2003” and inserting “2004 through  
13 2009”.

14 (b) NUTRITION SERVICES AND ADMINISTRATION  
15 FUNDS.—Section 17(h) of the Child Nutrition Act of  
16 1966 (42 U.S.C. 1786(h)) is amended—

17 (1) in paragraph (2)(A), by striking “1995  
18 through 2003” and inserting “2004 through 2009”;  
19 and

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

22 (c) FARMERS’ MARKET NUTRITION PROGRAM.—Sec-  
23 tion 17(m)(9)(A)(i) of the Child Nutrition Act of 1966  
24 (42 U.S.C. 1786(m)(9)(A)(i)) is amended by striking

1 “1996 through 2003” and inserting “2004 through  
2 2009”.

3 **TITLE VI—BUILDING**  
4 **PARTNERSHIPS**

5 **SEC. 601. GRANTS TO SUPPORT FARM-TO-CAFETERIA**  
6 **PROJECTS.**

7 Section 12 of the Richard B. Russell National School  
8 Lunch Act (42 U.S.C. 1760) is amended by adding at the  
9 end the following:

10 “(q) GRANTS TO SUPPORT FARM-TO-CAFETERIA  
11 PROJECTS.—

12 “(1) IN GENERAL.—To improve access to local  
13 foods in schools and institutions receiving funds  
14 under this Act and the Child Nutrition Act of 1966  
15 (42 U.S.C. 1771 et seq.) (other than section 17 of  
16 that Act (42 U.S.C. 1768)), the Secretary shall pro-  
17 vide competitive grants to nonprofit entities and  
18 educational institutions to establish and carry out  
19 farm-to-cafeteria projects that may include the pur-  
20 chase of equipment, the procurement of foods, and  
21 the provision of training and education activities.

22 “(2) PREFERENCE FOR CERTAIN PROJECTS.—  
23 In selecting farm-to-cafeteria projects to receive as-  
24 sistance under this subsection, the Secretary shall  
25 give preference to projects designed to—

1           “(A) procure local foods from small- and  
2 medium-sized farms for the provision of foods  
3 for school meals;

4           “(B) support nutrition education activities  
5 or curriculum planning that incorporates the  
6 participation of school children in farm and ag-  
7 riculture education projects; and

8           “(C) develop a sustained commitment to  
9 farm-to-cafeteria projects in the community by  
10 linking schools, agricultural producers, parents,  
11 and other community stakeholders.

12           “(3) TECHNICAL ASSISTANCE AND RELATED IN-  
13 FORMATION.—

14           “(A) TECHNICAL ASSISTANCE.—In car-  
15 rying out this subsection, the Secretary may  
16 provide technical assistance regarding farm-to-  
17 cafeteria projects, processes, and development  
18 to an entity seeking the assistance.

19           “(B) SHARING OF INFORMATION.—The  
20 Secretary may provide for the sharing of infor-  
21 mation concerning farm-to-cafeteria projects  
22 and issues among and between government, pri-  
23 vate for-profit and nonprofit groups, and the  
24 public through publications, conferences, and  
25 other appropriate means.

1           “(4) GRANTS.—

2                   “(A) IN GENERAL.—From amounts made  
3 available to carry out this subsection, the Sec-  
4 retary shall make grants to assist private non-  
5 profit entities and educational institutions to es-  
6 tablish and carry out farm-to-cafeteria projects.

7                   “(B) MAXIMUM AMOUNT.—The maximum  
8 amount of a grant provided to an entity under  
9 this subsection shall be \$100,000.

10                  “(C) MATCHING FUND REQUIREMENTS.—

11                           “(i) IN GENERAL.—The Federal share  
12 of the cost of establishing or carrying out  
13 a farm-to-cafeteria project that receives as-  
14 sistance under this subsection may not ex-  
15 ceed 75 percent of the cost of the project  
16 during the term of the grant, as deter-  
17 mined by the Secretary.

18                           “(ii) FORM.—In providing the non-  
19 Federal share of the cost of carrying out a  
20 farm-to-cafeteria project, the grantee shall  
21 provide the share through a payment in  
22 cash or in kind, fairly evaluated, including  
23 facilities, equipment, or services.

24                           “(iii) SOURCE.—An entity may pro-  
25 vide the non-Federal share through State

1 government, local government, or private  
2 sources.

3 “(D) ADMINISTRATION.—

4 “(i) SINGLE GRANT.—A farm-to-cafe-  
5 teria project may be supported by only a  
6 single grant under this subsection.

7 “(ii) TERM.—The term of a grant  
8 made under this subsection may not exceed  
9 3 years.

10 “(5) EVALUATION.—Not later than January  
11 30, 2008, the Secretary shall—

12 “(A) provide for the evaluation of the  
13 projects funded under this subsection; and

14 “(B) submit to the Committee on Edu-  
15 cation and the Workforce of the House of Rep-  
16 resentatives and the Committee on Agriculture,  
17 Nutrition, and Forestry of the Senate a report  
18 on the results of the evaluation.

19 “(6) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated  
21 \$10,000,000 for fiscal year 2005 and such sums as  
22 may be necessary for fiscal years 2006 through 2010  
23 to carry out this subsection.”.

1 **SEC. 602. BUY AMERICAN PROCUREMENT TRAINING.**

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

5 “(r) PROCUREMENT TRAINING.—

6 “(1) IN GENERAL.—Subject to the availability  
7 of appropriations to carry out this subsection, the  
8 Secretary shall provide technical assistance and  
9 training to States, State agencies, schools, and  
10 school food authorities in the procurement of goods  
11 and services for programs under this Act or the  
12 Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
13 seq.) (other than section 17 of that Act (42 U.S.C.  
14 1786)).

15 “(2) BUY AMERICAN TRAINING.—All activities  
16 carried out pursuant to paragraph (1) shall include  
17 technical assistance and training to ensure compli-  
18 ance with section 12(n) of this Act (42 U.S.C.  
19 1760(n)).

20 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
21 There is authorized to be appropriated to carry out  
22 this subsection \$1,000,000 for each of the fiscal  
23 years 2005 through 2009, to remain available until  
24 expended.”.

25 **SEC. 603. STATE TECHNOLOGY IMPROVEMENTS.**

26 (a) IN GENERAL.—

1           (1) TECHNOLOGY INFRASTRUCTURE IMPROVE-  
2           MENT.—Section 7 of the Child Nutrition Act of  
3           1966 (42 U.S.C. 1776) is amended by adding the  
4           following new subsection:

5           “(h) Not later than October 1, 2005, each State shall  
6           submit to the Secretary for approval an amendment to the  
7           plan required by subsection (e) that describes how funds  
8           provided under this section will be used for technology and  
9           information management systems. At a minimum, such  
10          amendment shall describe how the State will improve pro-  
11          gram integrity by—

12           “(1) monitoring the nutrient content of meals  
13          served;

14           “(2) training schools and school food authori-  
15          ties how to utilize technology and information man-  
16          agement systems for activities such as menu plan-  
17          ning, collecting point of sale data, and processing  
18          applications for free and reduced price meals; and

19           “(3) using electronic data to establish bench-  
20          marks to compare and monitor program integrity,  
21          program participation, and financial data across  
22          schools and school food authorities.”.

23           (2) PRIORITY FOR REALLOCATED FUNDS.—Sec-  
24          tion 7(a)(5)(B)(ii) of the Child Nutrition Act of  
25          1966 (42 U.S.C. 1776(a)(5)(B)(ii)) is amended by

1 inserting the following new sentence at the end:  
2 “The Secretary shall give priority consideration to  
3 States that will use the funds for improvements in  
4 technology and information management systems de-  
5 scribed in the amendment required under subsection  
6 (h).”.

7 (3) CONFORMING AMENDMENT.—Section 7(b)  
8 of the Child Nutrition Act of 1966 (42 U.S.C.  
9 1776(b)) is amended by striking “and for staff de-  
10 velopment.” and inserting “; for staff development;  
11 and technology and information management sys-  
12 tems.”.

13 (b) START-UP AND EXPANSION ASSISTANCE FOR  
14 SCHOOLS.—Section 12 of the Richard B. Russell National  
15 School Lunch Act (42 U.S.C. 1760) is amended by adding  
16 at the end the following:

17 “(q) TECHNOLOGY INFRASTRUCTURE GRANTS.—

18 “(1) IN GENERAL.—Subject to the availability  
19 of appropriations to carry out this subsection, the  
20 Secretary shall, on a competitive basis, provide funds  
21 to State educational agencies for purposes of award-  
22 ing grants to schools and school food authorities to  
23 defray the cost of purchasing or upgrading tech-  
24 nology and information management systems for use  
25 in programs authorized by this Act or the Child Nu-

1 trition Act of 1966 (42 U.S.C. 1771 et seq.) (other  
2 than section 17 of that Act (42 U.S.C. 1786)).

3 “(2) INFRASTRUCTURE DEVELOPMENT PLAN.—

4 To be eligible to receive a grant under this sub-  
5 section, a school or school food authority shall sub-  
6 mit to the State educational agency a plan to pur-  
7 chase or upgrade technology and information man-  
8 agement systems. Such plan shall address potential  
9 cost savings and methods to improve program integ-  
10 rity, including—

11 “(A) processing and verification of applica-  
12 tions for free and reduced price meals;

13 “(B) integration of menu planning, pro-  
14 duction, and serving data to monitor compliance  
15 with section 9(f)(1) of this Act; and

16 “(C) compatibility with statewide reporting  
17 systems.

18 “(3) AUTHORIZATION OF APPROPRIATIONS.—

19 There are authorized to be appropriated to carry out  
20 this subsection \$10,000,000 for each of the fiscal  
21 years 2005 through 2009, to remain available until  
22 expended.”.

# **TITLE VII—FOOD SAFETY IMPROVEMENTS**

## **3 SEC. 701. NOTICE OF IRRADIATED FOOD.**

4       The Secretary shall develop policy and establish pro-  
5 cedures for the distribution of irradiated food products in  
6 Federal school meals programs. The policies and proce-  
7 dures shall ensure at a minimum that—

8           (1) irradiated food products are made available  
9       only at the request of States and school food au-  
10      thorities;

11          (2) reimbursements to schools for irradiated  
12      food products are equal to reimbursements to  
13      schools for non-irradiated products;

14          (3) States and school food service authorities  
15      are provided balanced information on the science  
16      and evidence regarding irradiation technology;

17          (4) States and school food service authorities  
18      are provided model procedures for providing bal-  
19      anced information to school food service authorities,  
20      parents, and students regarding irradiation tech-  
21      nology, including notice of the availability of irradi-  
22      ated food products in school meals programs  
23      through the use of menus and signage that are pre-  
24      sented in a clear and understandable format, includ-  
25      ing translations in other languages;

1           (5) irradiated food products used in the Federal  
2 school meals program are labeled with “radura” and  
3 that written notice that the product was treated with  
4 irradiation is prominently displayed in a clear and  
5 understandable format on the container including a  
6 disclaimer that irradiation is not a substitute for  
7 safe food handling techniques and any such other in-  
8 formation necessary to promote food safety in school  
9 meal programs.

10           (6) irradiated products are not commingled  
11 with non-irradiated products in containers; and

12           (7) schools provide alternatives to irradiated  
13 food products as part of the meal plan used by  
14 schools.

## 15                   **TITLE VIII—GENERAL** 16                   **PROVISIONS**

### 17 **SEC. 801. REAUTHORIZATION OF PROGRAMS.**

18           (a) STATE ADMINISTRATIVE EXPENSES.—Section  
19 7(g) of the Child Nutrition Act of 1966 (42 U.S.C.  
20 1776(g)) is amended by striking “2003” and inserting  
21 “2009”.

22           (b) COMMODITY DISTRIBUTION PROGRAM.—

23           (1) Section 14(a) of the Richard B. Russell Na-  
24 tional School Lunch Act (42 U.S.C. 1762a(a)) is  
25 amended by striking “2003” and inserting “2009”.

1           (2) Section 15(e) of the Commodity Distribu-  
2           tion Reform Act and WIC Amendments of 1987 (7  
3           U.S.C. 612c note; Public Law 100–237) is amended  
4           by striking “2003” and inserting “2009”.

5           (c) TRAINING, TECHNICAL ASSISTANCE, AND FOOD  
6           SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(1) of  
7           the Richard B. Russell National School Lunch Act (42  
8           U.S.C. 1769b–1(e)(1)) is amended by striking “for each  
9           of fiscal years 1992 through 2003” and inserting “for fis-  
10          cal year 2004, and such sums as may be necessary for  
11          fiscal years 2005 through 2009”.

12          (d) NUTRITIONAL AND OTHER PROGRAM REQUIRE-  
13          MENTS.—

14               (1) EXCLUSION OF CERTAIN MILITARY HOUS-  
15               ING ALLOWANCES.—Section 9(b)(7) of the Richard  
16               B. Russell National School Lunch Act (42 U.S.C.  
17               1758(b)(7)) is amended by striking “and 2003” and  
18               inserting “through 2009”.

19               (2) WAIVER OF REQUIREMENT FOR WEIGHTED  
20               AVERAGES FOR NUTRIENT ANALYSIS.—Section  
21               9(f)(5) of the Richard B. Russell National School  
22               Lunch Act (42 U.S.C. 1758(f)(5)) is amended by  
23               striking “2003” and inserting “2009”.

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

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

3 (f) SPECIAL DIETARY NEEDS.—Section 27(e) of the  
4 Richard B. Russell National School Lunch Act (42 U.S.C.  
5 1769h(c)) is amended by striking “2003” and inserting  
6 “2009”.

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