

108TH CONGRESS  
1ST SESSION

# S. 1021

To amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children.

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IN THE SENATE OF THE UNITED STATES

MAY 7, 2003

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children.

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 “Summer Food Service  
5       Program Improvement Act of 2003”.

6       **SEC. 2. DEFINITION OF AREAS IN WHICH POOR ECONOMIC**  
7       **CONDITIONS EXIST.**

8       (a) IN GENERAL.—Section 13(a)(1)(C) of the Rich-  
9       ard B. Russell National School Lunch Act (42 U.S.C.  
10       1761(a)(1)(C)) is amended by inserting “(or, in the case

1 of a rural area (as defined in section 343(a)(13)(A) of the  
 2 Consolidated Farm and Rural Development Act (7 U.S.C.  
 3 1991(a)(13)(A))), 40 percent)” after “50 percent”.

4 (b) PROSPECTIVE REPEAL.—

5 (1) IN GENERAL.—Section 13(a)(1)(C) of the  
 6 Richard B. Russell National School Lunch Act (42  
 7 U.S.C. 1761(a)(1)(C)) (as amended by subsection  
 8 (a)) is amended by striking “(or,” and all that fol-  
 9 lows through 40 percent)”.

10 (2) EFFECTIVE DATE.—The amendment made  
 11 by paragraph (1) takes effect on October 1, 2005.

12 **SEC. 3. PAYMENTS.**

13 (a) OPERATING EXPENSES.—Section 13(b)(1) of the  
 14 Richard B. Russell National School Lunch Act (42 U.S.C.  
 15 1761(b)(1)) is amended by striking subparagraph (A) and  
 16 inserting the following:

17 “(A) IN GENERAL.—A payment to a serv-  
 18 ice institution shall be equal to the maximum  
 19 amount for food service under subparagraphs  
 20 (B) and (C).”.

21 (b) ADMINISTRATIVE COSTS.—Section 13(b) of the  
 22 Richard B. Russell National School Lunch Act (42 U.S.C.  
 23 1761(b)) is amended by striking paragraph (3) and insert-  
 24 ing the following:

1           “(3) ADMINISTRATIVE COSTS.—Payment to a  
 2           service institution for administrative costs shall be  
 3           equal to the maximum allowable levels determined  
 4           by the Secretary under the study required under  
 5           paragraph (4).”.

6           (c) CONFORMING AMENDMENT.—Section 18 of the  
 7           Richard B. Russell National School Lunch Act (42 U.S.C.  
 8           1769) is amended by striking subsection (f).

9           **SEC. 4. STARTUP GRANTS FOR SUMMER FOOD SERVICE**  
 10           **PROGRAMS.**

11           Section 13 of the Richard B. Russell National School  
 12           Lunch Act (42 U.S.C. 1761) is amended by inserting after  
 13           subsection (h) the following:

14           “(i) STARTUP GRANTS FOR SUMMER FOOD SERVICE  
 15           PROGRAMS.—

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

22           “(2) GRANTS.—The Secretary shall make  
 23           grants, on a competitive basis, to 10 States, in a  
 24           total amount of not more than \$5,000,000 for each  
 25           fiscal year from funds made available to the Sec-

1       retary, to assist eligible service institutions in initi-  
2       ating summer food service program sites.

3           “(3) USES.—A State shall use a grant made  
4       available under this subsection to assist eligible serv-  
5       ice institutions with expenses incurred in initiating  
6       summer food service programs during the first year  
7       of the sites.

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

11          “(5) PLAN.—To be eligible to receive a grant  
12      under this subsection, a State shall submit to the  
13      Secretary a plan to initiate summer food service pro-  
14      gram sites conducted in the State, including a de-  
15      scription of the manner in which the State shall pro-  
16      vide technical assistance and funding to eligible serv-  
17      ice institutions in the State to initiate the sites.

18          “(6) STATE PREFERENCES.—In making a grant  
19      under this subsection for a fiscal year to initiate  
20      summer food service programs sites, the Secretary  
21      shall give preference to a State in which not more  
22      than 10 lunches under summer food service pro-  
23      grams are served on an average day in June and  
24      July for each 100 free and reduced price lunches  
25      served on an average day from September through

1 May of the previous school year, as determined by  
2 the Secretary.

3 “(7) REALLOCATION.—The Secretary shall act  
4 in a timely manner to recover and reallocate to other  
5 States any amount made available to a State under  
6 this subsection that is not used by the agency or  
7 State within a reasonable period (as determined by  
8 the Secretary).

9 “(8) APPLICATION.—The Secretary shall allow  
10 application by States on an annual basis for grants  
11 under this subsection.

12 “(9) PREFERENCES BY STATES.—In allocating  
13 funds within the State, each State shall give pref-  
14 erence for assistance under this subsection to an eli-  
15 gible service institution that demonstrates the great-  
16 est need for assistance for a summer food service  
17 program, as determined by the State.

18 “(10) MAINTENANCE OF EFFORT.—The ex-  
19 penditure of funds from State and local sources for  
20 the maintenance of the summer food service pro-  
21 gram shall not be diminished as a result of grants  
22 made available under this subsection.”.

1 **SEC. 5. EFFECTIVE DATE.**

2       Except as otherwise provided in this Act, this Act and  
3 the amendments made by this Act take effect on October  
4 1, 2003.

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