

108TH CONGRESS
1ST SESSION

S. 18

To improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Right Start Act of 2003”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—INVESTING IN HEAD START.

Sec. 101. Authorization of appropriations.

TITLE II—IMPROVING THE AFFORDABILITY AND QUALITY OF
CHILD CARE FOR WORKING FAMILIES

Sec. 201. Increase in funding for child care.

Sec. 202. Clarification of authority of States to use TANF funds carried over
from prior years to provide TANF benefits and services.

TITLE III—FIGHTING CHILDHOOD HUNGER AND PROMOTING
HEALTHY EATING HABITS

Sec. 301. Short title.

Sec. 302. Findings.

Sec. 303. Definitions.

Subtitle A—Training Grants

Sec. 311. Grants to provide training for health profession students.

Sec. 312. Grants to provide training for health professionals.

Subtitle B—Local Grants

Sec. 321. Grants to increase physical activity and improve nutrition.

Subtitle C—School Health Program

Sec. 331. Establishment of a coordinated school health program.

Sec. 332. National Center for Health Statistics.

Subtitle D—Institute of Medicine Study

Sec. 341. Study of the food supplement and nutrition programs of the Depart-
ment of Agriculture.

Subtitle E—Agency for Healthcare Research and Quality Studies

Sec. 351. Evidence report on weight reduction programs.

Sec. 352. Health disparities report.

Subtitle F—Preventive Health and Health Services Block Grant

Sec. 361. Use of allotments.

Subtitle G—Medicare Nutrition Therapy Demonstration Project

Sec. 371. Demonstration project to reduce obesity and other chronic disease risks.

Subtitle H—Overweight and Obesity Treatment and Prevention Demonstration Projects

Sec. 381. Grants to local healthcare delivery systems.

Subtitle I—Research on Obesity

Sec. 391. Report on obesity research.

Subtitle J—Youth Media Campaign

Sec. 395. Grants and contracts for a national campaign to change children's health behaviors.

Subtitle K—Sense of the Senate

Sec. 399. Sense of the Senate concerning nutrition.

TITLE IV—SUPPORTING SERVICES TO LOW-INCOME FAMILIES THROUGH THE SOCIAL SERVICES BLOCK GRANT

Sec. 401. Increase in funding.

TITLE V—EXPANDING THE FAMILY AND MEDICAL LEAVE ACT

Sec. 501. Short title.

Sec. 502. Findings.

Subtitle A—Family Income to Respond to Significant Transitions

Sec. 511. Short title.

Sec. 512. Purposes.

Sec. 513. Definitions.

Sec. 514. Demonstration projects.

Sec. 515. Notification.

Sec. 516. Evaluations and reports.

Sec. 517. Authorization of appropriations.

Sec. 518. Technical and conforming amendments.

Subtitle B—Family Friendly Workplaces

Sec. 521. Short title.

Sec. 522. Coverage of employees.

Subtitle C—Employment Protection for Battered Women

Sec. 531. Entitlement to leave for addressing domestic violence for non-Federal employees.

Sec. 532. Entitlement to leave for addressing domestic violence for Federal employees.

Sec. 533. Existing leave usable for domestic violence.

Subtitle D—Federal Employees Paid Parental Leave

Sec. 541. Short title.

Sec. 542. Demonstration project.
 Sec. 543. Technical and conforming amendments.
 Sec. 544. Effective date.

Subtitle E—Time for Schools

Sec. 551. Short title.
 Sec. 552. General requirements for leave.
 Sec. 553. School involvement leave for civil service employees.
 Sec. 554. Effective date.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Learning is an active process that begins at
 4 birth, is dependent on the existence of strong and
 5 stable relationships, is influenced by a child's phys-
 6 ical, emotional, social, and cognitive capacities, and
 7 is shaped by a combination of biology and experi-
 8 ence.

9 (2) Before children reach the age of 2 years,
 10 measurable differentiation in their development and
 11 skills begins to appear. In the absence of interven-
 12 tion, that differentiation may increase over the pre-
 13 school years.

14 (3) Early childhood, which is the period in a
 15 child's life from birth through the age of 6 years, is
 16 a critical time for children to develop the physical,
 17 emotional, social, and cognitive skills they will need
 18 for the rest of their lives. Good nutrition and health
 19 care are essential to maximize the development proc-
 20 ess.

1 (4) Young children receive care in a wide vari-
2 ety of settings. While 38 percent of young children
3 receive care solely from their parents, the remaining
4 62 percent receive care through a variety of full-time
5 and part-time arrangements, including by relatives,
6 by nonrelatives (in a variety of home-based settings),
7 and through center-based programs.

8 (5) The cognitive, social, and emotional develop-
9 ment of young children can be enhanced through pa-
10 rental involvement and high-quality early care, and
11 developmentally appropriate early education activi-
12 ties.

13 (6) Research indicates that successful academic
14 achievement in education programs for children in
15 kindergarten and grades 1 through 12 is linked to
16 participation in high quality early care, including ac-
17 cess to health care and nutrition, and early edu-
18 cation activities.

19 (7) The United States will be stronger now and
20 in the future if the Nation invests in its children
21 today.

1 **TITLE I—INVESTING IN HEAD**
2 **START**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—Section 639(a) of the Head Start
5 Act (42 U.S.C. 9834(a)) is amended by striking “such
6 sums” and all that follows and inserting the following:
7 “\$7,500,000,000 for fiscal year 2004, \$8,290,000,000 for
8 fiscal year 2005, \$9,040,000,000 for fiscal year 2006,
9 \$9,890,000,000 for fiscal year 2007, and
10 \$10,890,000,000 for fiscal year 2008.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) RESERVATIONS.—Paragraphs (1) and (3) of
13 section 639(b) of the Head Start Act (42 U.S.C.
14 9834(b)) are amended by striking “2003” and in-
15 serting “2008”.

16 (2) DISTRIBUTION.—Paragraphs (3)(A)(i)(I)
17 and (6)(A) of section 640(a) of the Head Start Act
18 (42 U.S.C. 9835(a)) are amended by striking “fiscal
19 year 2003” and inserting “each of fiscal years 2004
20 through 2008”.

1 **TITLE II—IMPROVING THE AF-**
 2 **FORDABILITY AND QUALITY**
 3 **OF CHILD CARE FOR WORK-**
 4 **ING FAMILIES**

5 **SEC. 201. INCREASE IN FUNDING FOR CHILD CARE.**

6 (a) INCREASE IN FUNDING.—Section 418(a)(3) of
 7 the Social Security Act (42 U.S.C. 618(a)(3)) is amend-
 8 ed—

9 (1) by striking “and” at the end of subpara-
 10 graph (E);

11 (2) by striking the period at the end of sub-
 12 paragraph (F) and inserting a semicolon; and

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

14 “(G) \$3,717,000,000 for fiscal year 2004;

15 “(H) \$4,217,000,000 for fiscal year 2005;

16 “(I) \$4,917,000,000 for fiscal year 2006;

17 “(J) \$5,617,000,000 for fiscal year 2007;

18 and

19 “(K) \$6,367,000,000 for fiscal year

20 2008.”.

21 (b) INCREASE IN SET ASIDE FOR CHILD CARE QUAL-
 22 ITY.—Section 658G of the Child Care and Development
 23 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended
 24 by striking “4 percent” and inserting “10 percent”.

25 (c) INDIAN TRIBES AND PUERTO RICO.—

(1) IN GENERAL.—Section 418(a) of the Social Security Act (42 U.S.C. 618(a)) is amended by striking paragraph (4) and inserting the following:

“(4) AMOUNTS RESERVED.—

“(A) INDIAN TRIBES.—The Secretary shall reserve 2 percent of the aggregate amount appropriated to carry out this section under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

“(B) PUERTO RICO.—The Secretary shall reserve \$10,000,000 of the amount appropriated under paragraph (3) for each fiscal year for payments to the Commonwealth of Puerto Rico for each such fiscal year for the purpose of providing child care assistance.”.

(2) CONFORMING AMENDMENT.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking “or 413(f)” and inserting “413(f), or 418(a)(4)(B)”.

1 **SEC. 202. CLARIFICATION OF AUTHORITY OF STATES TO**
 2 **USE TANF FUNDS CARRIED OVER FROM**
 3 **PRIOR YEARS TO PROVIDE TANF BENEFITS**
 4 **AND SERVICES.**

5 Section 404(e) of the Social Security Act (42 U.S.C.
 6 604(e)) is amended—

7 (1) in the subsection heading, by striking “AS-
 8 SISTANCE” and inserting “BENEFITS OR SERVICES”;
 9 and

10 (2) after the heading, by striking “assistance”
 11 and inserting “any benefit or service that may be
 12 provided”.

13 **TITLE III—FIGHTING CHILD-**
 14 **HOOD HUNGER AND PRO-**
 15 **MOTING HEALTHY EATING**
 16 **HABITS**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “Improved Nutrition
 19 and Physical Activity Act” or the “IMPACT Act”.

20 **SEC. 302. FINDINGS.**

21 Congress makes the following findings:

22 (1) An estimated 61 percent of United States
 23 adults and 13 percent of children and adolescents
 24 are overweight or obese.

1 (2) The prevalence of obesity and being over-
2 weight is increasing among all age groups. There are
3 twice the number of overweight children and 3 times
4 the number of overweight adolescents as there were
5 29 years ago.

6 (3) An estimated 300,000 deaths a year are as-
7 sociated with being overweight or obese.

8 (4) Obesity and being overweight are associated
9 with increased risk for heart disease (the leading
10 cause of death), cancer (the second leading cause of
11 death), diabetes (the 6th leading cause of death),
12 and musculoskeletal disorders.

13 (5) Individuals who are obese have a 50 to 100
14 percent increased risk of premature death.

15 (6) The Healthy People 2010 goals identify
16 obesity and being overweight as one of the Nation's
17 leading health problems and include objectives of in-
18 creasing the proportion of adults who are at a
19 healthy weight, reducing the proportion of adults
20 who are obese, and reducing the proportion of chil-
21 dren and adolescents who are overweight or obese.

22 (7) Another goal of Healthy People 2010 is to
23 eliminate health disparities among different seg-
24 ments of the population. Obesity is a health problem

1 that disproportionately impacts medically underserved
2 populations.

3 (8) The United States Surgeon General’s report
4 “A Call To Action” lists the treatment and preven-
5 tion of obesity as a top national priority.

6 (9) The estimated direct and indirect annual
7 cost of obesity in the United States is
8 \$117,000,000,000, which exceeds the cost of to-
9 bacco-related illnesses and appears to be rising dra-
10 matically.

11 (10) Weight control programs should promote a
12 healthy lifestyle including regular physical activity
13 and healthy eating, as consistently discussed and
14 identified in a variety of public and private con-
15 sensus documents, including “A Call to Action” and
16 other documents prepared by the Department of
17 Health and Human Services and other agencies.

18 **SEC. 303. DEFINITIONS.**

19 In this title:

20 (1) **OBESE.**—The term “obese” means an adult
21 with a Body Mass Index (BMI) of 30 kg/m² or
22 greater.

23 (2) **OVERWEIGHT.**—The term “overweight”
24 means an adult with a Body Mass Index (BMI) of
25 25 to 29.9 kg/m² and a child or adolescent with a

1 BMI at or above the 95th percentile on the revised
 2 Centers for Disease Control and Prevention growth
 3 charts.

4 (3) SECRETARY.—Unless otherwise indicated,
 5 term “Secretary” means the Secretary of Health
 6 and Human Services.

7 **Subtitle A—Training Grants**

8 **SEC. 311. GRANTS TO PROVIDE TRAINING FOR HEALTH** 9 **PROFESSION STUDENTS.**

10 Section 747(c)(3) of title VII of the Public Health
 11 Service Act (42 U.S.C. 293k(c)(3)) is amended by striking
 12 “and victims of domestic violence” and inserting “victims
 13 of domestic violence, and individuals (including children)
 14 who are overweight or obese (as such terms are defined
 15 in section 303 of the Improved Nutrition and Physical Ac-
 16 tivity Act) and at risk for related, serious and chronic
 17 medical conditions”.

18 **SEC. 312. GRANTS TO PROVIDE TRAINING FOR HEALTH** 19 **PROFESSIONALS.**

20 Section 399Z of the Public Health Service Act (42
 21 U.S.C. 280h–3) is amended by striking subsection (b) and
 22 inserting the following:

23 “(b) GRANTS.—

24 “(1) IN GENERAL.—The Secretary may award
 25 grants to qualified entities to train primary care

1 physicians and other licensed or certified health pro-
2 fessionals on how to identify, treat, and prevent obe-
3 sity and aid individuals who are overweight (as such
4 term is defined in section 303 of the Improved Nu-
5 trition and Physical Activity Act).

6 “(2) APPLICATION.—An entity that desires a
7 grant under this subsection shall submit an applica-
8 tion at such time, in such form, and containing such
9 information as the Secretary may require, including
10 a plan for the use of funds that may be awarded and
11 an evaluation of the training that will be provided.

12 “(3) USE OF FUNDS.—An entity that receives
13 a grant under this subsection shall use the funds
14 made available through such grant to—

15 “(A) conduct educational conferences, in-
16 cluding Internet-based courses and telecon-
17 ferences, on—

18 “(i) how to treat and prevent obesity
19 and being overweight using nutritional
20 counseling, methods to increase physical
21 activity, pharmacological therapies, motiva-
22 tional counseling to promote positive
23 changes in health behaviors and to assist
24 patients in identifying potential barriers to

adhering to medical recommendations, and
other proven interventions;

“(ii) how to discuss varied strategies
to promote positive behavior change and
healthy lifestyles to avoid obesity, being
overweight, and other eating disorders;

“(iii) how to identify overweight and
obese patients and those who are at risk
for obesity and being overweight and there-
fore at risk for related serious and chronic
medical conditions;

“(iv) how to conduct a comprehensive
assessment of individual and familial
health risk factors, such as poor nutri-
tional status, physical inactivity, and per-
sonal and family history of obesity and re-
lated serious and chronic medical condi-
tions; and

“(v) how to educate patients and their
families about effective strategies to im-
prove dietary habits and establish appro-
priate levels of physical activity;

“(B) conduct training to enhance cultural
and linguistic competency and communication
skills needed to effectively interact with patients

1 from diverse populations regarding weight,
2 health, and nutritional status, including raising
3 awareness of issues regarding stigma and preju-
4 dice about obesity or being overweight;

5 “(C) evaluate the effectiveness of the train-
6 ing provided by such entity in increasing knowl-
7 edge and changing attitudes and behaviors of
8 trainees;

9 “(D) develop training materials and course
10 content using evidence-based findings or rec-
11 ommendations that pertain to obesity and over-
12 weight treatment and prevention ; and

13 “(E) collaborate with other training pro-
14 grams related to overweight and obesity preven-
15 tion and treatment.

16 “(4) EVALUATION.—

17 “(A) IN GENERAL.—An entity that re-
18 ceives a grant under this subsection shall sub-
19 mit to the Secretary an evaluation that de-
20 scribes the activities carried out by such entity
21 with funds received under this section.

22 “(B) CONTENTS.—Such evaluation shall
23 include an assessment of the effectiveness of the
24 activities in increasing physical activity, improv-
25 ing nutrition, and preventing individuals from

1 becoming overweight or obese, treating individ-
 2 uals who are overweight or obese, and any other
 3 information that the Secretary may require.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 5 is authorized to be appropriated to carry out this section,
 6 \$10,000,000 for fiscal year 2004, and such sums as may
 7 be necessary for each of the fiscal years 2005 through
 8 2008.”.

9 **Subtitle B—Local Grants**

10 **SEC. 321. GRANTS TO INCREASE PHYSICAL ACTIVITY AND** 11 **IMPROVE NUTRITION.**

12 Title III of the Public Health Service Act (42 U.S.C.
 13 241 et seq.) is amended by adding at the end the fol-
 14 lowing:

15 **“SEC. 399AA. GRANTS TO INCREASE PHYSICAL ACTIVITY** 16 **AND IMPROVE NUTRITION.**

17 “(a) IN GENERAL.—The Secretary, acting through
 18 the Director of the Centers for Disease Control and Pre-
 19 vention and in consultation with Administrator of the
 20 Health Resources and Services Administration, the Direc-
 21 tor of the Indian Health Service, and the heads of other
 22 appropriate agencies, shall award competitive grants to
 23 cities, counties, tribes, and States to plan, implement, and
 24 evaluate culturally and linguistically appropriate and com-
 25 petent community-based programs and promote good nu-

1 trition and physical activity to prevent overweight, obesity
 2 (as such terms are defined in section 303 of the Improved
 3 Nutrition and Physical Activity Act), and related serious
 4 and chronic medical conditions that may result from being
 5 overweight or obese (as such terms are defined in section
 6 303 of the Improved Nutrition and Physical Activity Act).

7 “(b) AWARD OF GRANTS.—A city, county, tribe, or
 8 State desiring a grant under this section shall submit an
 9 application to the Secretary at such time, in such form,
 10 and containing such information as the Secretary may re-
 11 quire, including a plan describing how funds received
 12 through a grant under this section will be used and an
 13 evaluation of the programs that will be provided. In
 14 awarding grants under this section, the Secretary shall en-
 15 sure that the proposed programs are coordinated in sub-
 16 stance and format with programs currently funded
 17 through other Federal agencies and operating within the
 18 community.

19 “(c) USE OF FUNDS.—A city, county, tribe, or State
 20 that receives a grant under this section shall use the funds
 21 made available through the grant to carry out 3 or more
 22 of the following activities:

23 “(1) Planning for and promotion of bike paths,
 24 walking paths, or other similar or related environ-
 25 mental changes that promote physical activity.

1 “(2) Forming partnerships and activities with
2 businesses and other entities to increase activity lev-
3 els at the workplace and while traveling to and from
4 the workplace, develop wellness programs that relate
5 to overweight and obesity, and to enhance nutri-
6 tional status by improving food options.

7 “(3) Establishing tax and other incentives for
8 businesses to increase the activity levels and improve
9 the nutrition of their employees by encouraging such
10 employees to—

11 “(A) walk or bike to work;

12 “(B) engage in other physical activity dur-
13 ing working hours; and

14 “(C) improve available food options.

15 “(4) Forming partnerships with public and pri-
16 vate entities including schools, faith-based entities,
17 and other facilities providing recreational services to
18 establish programs that use their facilities for after-
19 school and weekend activities for the community.

20 “(5) Establishing tax or other incentives for re-
21 tail food stores, grocery stores, and other retail food
22 outlets that offer nutritious foods, to encourage such
23 stores and outlets to locate in economically de-
24 pressed areas to improve the nutritional status of
25 the community.

1 “(6) Forming partnerships with senior centers
 2 and nursing homes to establish programs for older
 3 people to foster physical activity and improved nutri-
 4 tion, including strength, flexibility, and aerobic class-
 5 es.

6 “(7) Providing educational activities targeting
 7 healthier eating, such as cooking and shopping dem-
 8 onstrations, onsite consultation by nutrition profes-
 9 sionals at restaurants, and community educational
 10 outreach using evidence-based nutrition rec-
 11 ommendations.

12 “(8) Forming partnerships with day care facili-
 13 ties to establish programs that promote improved
 14 nutritional status and physical activity.

15 “(9) Providing training and supervision of com-
 16 munity health workers by health professionals to—

17 “(A) educate families regarding the rela-
 18 tionship between nutrition, eating habits, phys-
 19 ical activity, and obesity;

20 “(B) educate families about effective strat-
 21 egies to improve nutrition, establish healthy
 22 eating patterns, and establish appropriate levels
 23 of physical activity;

1 “(C) educate and guide parents regarding
2 the ability to model and communicate positive
3 health behaviors; and

4 “(D) educate and refer individuals to ap-
5 propriate health care agencies and community-
6 based programs and organizations in order to
7 increase access to quality health care services,
8 including preventive health services.

9 “(10) Other activities as deemed appropriate by
10 the Secretary.

11 “(d) EVALUATION.—A city, county, tribe, or State
12 that receives a grant under this section shall submit to
13 the Secretary an evaluation, in collaboration with an aca-
14 demic health center or other qualified community-based
15 entity, that describes activities carried out with funds re-
16 ceived under this section, the long-term effectiveness of
17 such activities in increasing physical activity, improving
18 nutrition, and preventing individuals from becoming over-
19 weight or obese, and such other information as the Sec-
20 retary may require.

21 “(e) MATCHING FUNDS.—In awarding grants under
22 subsection (a), the Secretary may give priority to appli-
23 cants who provide matching funds.

24 “(f) TECHNICAL ASSISTANCE.—The Secretary may
25 set aside an amount not to exceed 15 percent of the total

1 amount appropriated for a fiscal year under subsection (g)
 2 to permit the Director of the Centers for Disease Control
 3 and Prevention to—

4 “(1) provide grantees with technical support in
 5 the development, implementation, and evaluation of
 6 programs under this section; and

7 “(2) disseminate culturally and linguistically
 8 appropriate and competent information about strate-
 9 gies and interventions in preventing and treating
 10 obesity through the promotion of good nutrition and
 11 physical activity.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 13 is authorized to be appropriated to carry out this section
 14 \$40,000,000 for fiscal year 2004, and such sums as may
 15 be necessary for each of fiscal years 2005 through 2008.”.

16 **Subtitle C—School Health Program**

17 **SEC. 331. ESTABLISHMENT OF A COORDINATED SCHOOL** 18 **HEALTH PROGRAM.**

19 Part Q of title III of the Public Health Service Act
 20 (42 U.S.C. 280h et seq.) is amended by striking section
 21 399W and inserting the following:

22 **“SEC. 399W. GRANTS.**

23 “(a) STATE EDUCATIONAL GRANTS.—The Secretary,
 24 acting through the Director of the Centers for Disease
 25 Control and Prevention and in consultation with the Ad-

1 ministrator of the Health Resources and Services Admin-
2 istration, the Secretary of Education, the Secretary of Ag-
3 riculture, and the Secretary of the Interior, shall, as part
4 of the Centers for Disease Control and Prevention’s co-
5 ordinated school health program currently operated pursu-
6 ant to the Director’s general authority, award competitive
7 grants to State, tribal, and local educational agencies
8 (where applicable) to—

9 “(1) develop and disseminate school-based cur-
10 ricula or programs that focus on a healthy lifestyle
11 that includes promotion of balanced dietary patterns
12 and physical activity to prevent becoming overweight
13 or obese and related, serious, and chronic medical
14 conditions that are associated with being overweight
15 or obese (as such terms are defined in section 303
16 of the Improved Nutrition and Physical Activity
17 Act);

18 “(2) provide education and training to edu-
19 cation professionals, including health education,
20 physical education, and food service professionals;

21 “(3) develop and implement policies that create
22 a healthy school environment in relation to nutrition
23 and physical activity; and

24 “(4) evaluate activities conducted under para-
25 graphs (1) through (3).

1 “(b) LOCAL EDUCATIONAL GRANTS.—

2 “(1) IN GENERAL.—The Secretary, acting
3 through the Director of the Centers for Disease
4 Control and Prevention and in consultation with the
5 Secretary of Education, the Secretary of Agriculture,
6 and the Secretary of the Interior, shall award com-
7 petitive grants to local educational agencies to plan,
8 implement, and evaluate culturally and linguistically
9 appropriate and competent programs to promote a
10 healthy lifestyle, including programs that, in collabo-
11 ration with statewide coordinated school health pro-
12 grams, when applicable, increase physical activity
13 and improve the nutritional status of the students at
14 elementary and secondary schools.

15 “(2) AWARD OF GRANTS.—A local educational
16 agency desiring a grant under this subsection shall
17 submit an application to the Secretary at such time,
18 in such manner, and containing such information as
19 the Secretary may require, including a plan describ-
20 ing how funds received under this section will be
21 used and an evaluation of the program.

22 “(3) USE OF FUNDS.—A local educational
23 agency that receives a grant under this subsection
24 shall use the funds made available through the grant
25 to carry out 4 or more of the following activities:

1 “(A) Planning and implementing a healthy
2 lifestyle curriculum or program with an empha-
3 sis on nutrition and physical activity for each
4 grade level.

5 “(B) Planning and implementing a phys-
6 ical education and activity curriculum or pro-
7 gram for each grade level and purchasing ap-
8 propriate equipment, with no more than 15 per-
9 cent of a grant award used for purchasing such
10 equipment.

11 “(C) Planning and implementing healthy
12 lifestyle classes or programs for parents and
13 guardians, with an emphasis on nutrition and
14 physical activity.

15 “(D) Planning and implementing after-
16 hours physical activity programs.

17 “(E) Creating opportunities for students to
18 choose foods to improve nutritional status.

19 “(F) Training teachers and staff, including
20 food service workers, on how to teach good nu-
21 trition and physical activity practices.

22 “(G) Other activities as deemed appro-
23 priate by the Secretary.

24 “(4) EVALUATION.—An agency that receives a
25 grant under this subsection shall submit to the Sec-

1 retary an evaluation, in collaboration with an aca-
2 demic department or other qualified community-
3 based entity, describing the activities carried out
4 under the grant, the effectiveness of the activities in
5 increasing physical activity, improving nutrition, and
6 preventing individuals from becoming overweight
7 and obese, and such other information as the Sec-
8 retary may require.

9 “(c) COMMUNITY EDUCATIONAL GRANTS.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through the Centers for Disease Control and Preven-
12 tion, shall award competitive grants to universities,
13 colleges, or community-based nonprofit organizations
14 to develop, implement, and evaluate programs to
15 promote healthy eating and physical activity in
16 youth and to conduct effectiveness reports to iden-
17 tify programs that have demonstrated effectiveness
18 in improving nutritional status and physical activity
19 in youth.

20 “(2) AWARD OF GRANTS.—A university, college,
21 or qualified community-based nonprofit entity desir-
22 ing a grant under this subsection shall submit an
23 application to the Secretary at such time, in such
24 manner, and containing such information as the Sec-
25 retary may require.

1 “(3) INFORMATION AVAILABILITY.—Informa-
2 tion about programs funded with grants authorized
3 under this subsection shall be made available to
4 State, tribal, and local educational agencies and may
5 be used in planning and implementing programs de-
6 scribed in subsections (a) and (b).

7 “(d) TECHNICAL ASSISTANCE.—The Secretary may
8 set aside an amount not to exceed 15 percent of the total
9 amount appropriated for a fiscal year under subsection (e)
10 to permit the Director of the Centers for Disease Control
11 and Prevention to—

12 “(1) provide grantees with technical support in
13 the development, implementation, and evaluation of
14 programs under this section; and

15 “(2) disseminate culturally and linguistically
16 appropriate and competent information about strate-
17 gies and interventions in preventing and treating
18 obesity through the promotion of good nutrition and
19 physical activity.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$40,000,000 for fiscal year 2004, and such sums as may
23 be necessary for each of fiscal years 2005 through 2008.”.

1 **SEC. 332. NATIONAL CENTER FOR HEALTH STATISTICS.**

2 Section 306 of the Public Health Service Act (42
3 U.S.C. 242k) is amended by striking subsection (n) and
4 inserting the following:

5 “(n)(1) The Secretary, acting through the Center,
6 may provide for the—

7 “(A) collection of data for determining the fit-
8 ness levels of children and youth; and

9 “(B) analysis of data collected as part of the
10 National Health and Nutrition Examination Survey
11 and other data sources.

12 “(2) In carrying out paragraph (1), the Secretary,
13 acting through the Center, may make grants to states,
14 public and nonprofit entities.

15 “(3) The Secretary, acting through the Center, may
16 provide technical assistance, standards, and methodologies
17 to grantees supported by this subsection in order to maxi-
18 mize the data quality and comparability with other stud-
19 ies.”.

20 **Subtitle D—Institute of Medicine**
21 **Study**

22 **SEC. 341. STUDY OF THE FOOD SUPPLEMENT AND NUTRI-**
23 **TION PROGRAMS OF THE DEPARTMENT OF**
24 **AGRICULTURE.**

25 (a) IN GENERAL.—The Secretary of Agriculture shall
26 request that the Institute of Medicine conduct, or contract

1 with another entity to conduct, a study on the food and
2 nutrition assistance programs run by the Department of
3 Agriculture.

4 (b) CONTENT.—Such study shall—

5 (1) investigate whether the nutrition programs
6 and nutrition recommendations are based on the lat-
7 est scientific evidence;

8 (2) investigate whether the food assistance pro-
9 grams contribute to either preventing or enhancing
10 obesity and being overweight in children, adoles-
11 cents, and adults;

12 (3) investigate whether the food assistance pro-
13 grams can be improved or altered to contribute to
14 the prevention of obesity and becoming overweight;
15 and

16 (4) identify obstacles that prevent or hinder the
17 programs from achieving their objectives.

18 (c) REPORT.—Not later than 24 months after the
19 date of enactment of this Act, the Secretary of Agriculture
20 shall submit to the appropriate committees of Congress
21 a report containing the results of the Institute of Medicine
22 study authorized under this section.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$750,000 for fiscal years 2004 and 2005.

1 **Subtitle E—Agency for Healthcare**
2 **Research and Quality Studies**

3 **SEC. 351. EVIDENCE REPORT ON WEIGHT REDUCTION PRO-**
4 **GRAMS.**

5 (a) IN GENERAL.—The Secretary, acting through the
6 Director of the Agency for Healthcare Research and Qual-
7 ity, shall conduct or support an evidence report on the ef-
8 fectiveness of weight reduction programs.

9 (b) CONTENT.—The study described in subsection (a)
10 shall evaluate the available scientific evidence regarding
11 the safety and effectiveness of the programs, including
12 programs that use dietary supplements, behavior modifica-
13 tion, and other weight loss methods, and how successful
14 the programs are in helping individuals achieve short-term
15 weight loss and sustain long-term weight maintenance.

16 (c) REPORT.—The Secretary shall, not later than 18
17 months after the date of enactment of this Act, prepare
18 and submit to the relevant committees of Congress a re-
19 port that describes the results of the evidence report de-
20 scribed in this section. Such report shall be made available
21 on the web site of the Agency for Healthcare Research
22 and Quality.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section,
25 \$500,000 for fiscal year 2004.

1 **SEC. 352. HEALTH DISPARITIES REPORT.**

2 Not later than 18 months after the date of enactment
 3 of this Act, and annually thereafter, the Director of the
 4 Agency for Healthcare Research and Quality shall review
 5 all research that results from the activities outlined in this
 6 Act and determine if particular information may be impor-
 7 tant to the report on health disparities required by section
 8 903(c)(3) of the Public Health Service Act (42 U.S.C.
 9 299a–1(c)(3)).

10 **Subtitle F—Preventive Health and**
 11 **Health Services Block Grant**

12 **SEC. 361. USE OF ALLOTMENTS.**

13 Section 1904(a)(1) of title XIX of the Public Health
 14 Service Act (42 U.S.C. 300w–3(a)(1)) is amended by add-
 15 ing at the end the following:

16 “(H) Activities and community education pro-
 17 grams designed to address and prevent overweight,
 18 obesity, and eating disorders through effective pro-
 19 grams to promote healthy eating, and exercise habits
 20 and behaviors.”.

21 **Subtitle G—Medicare Nutrition**
 22 **Therapy Demonstration Project**

23 **SEC. 371. DEMONSTRATION PROJECT TO REDUCE OBESITY**
 24 **AND OTHER CHRONIC DISEASE RISKS.**

25 (a) DEMONSTRATION.—The Secretary, in consulta-
 26 tion with the Administrator of the Centers for Medicare

1 & Medicaid Services, shall conduct a demonstration
2 project to develop a comprehensive and systematic model
3 for improving the health of older Americans.

4 (b) CONTENT.—The demonstration project described
5 in subsection (a) shall—

6 (1) identify, through self-assessment, behavioral
7 risk factors, such as obesity and overweight, poor
8 nutrition, physical inactivity, alcohol use, tobacco
9 use, and mental health problems among those target
10 individuals;

11 (2) identify, through self-assessment, needed
12 medicare clinical preventive and screening benefits
13 among those target individuals;

14 (3) identify, through self-assessment, functional
15 and self-management information the Secretary de-
16 termines to be appropriate;

17 (4) provide ongoing support to reduce risk fac-
18 tors and promote the appropriate use of preventive
19 and screening benefits; and

20 (5) improve health outcomes, satisfaction, qual-
21 ity of life, and appropriate use of medicare-covered
22 services among those target individuals.

23 (c) DEFINITIONS.—

24 In this section:

1 (1) TARGET INDIVIDUALS.—The term “target
2 individuals” means individuals who are medicare
3 beneficiaries under title XVIII of the Social Security
4 Act (42 U.S.C. 1395 et seq.) who shall include dif-
5 ferent segments of the population including racial
6 and ethnic minority groups and persons of lower so-
7 cioeconomic status. The demonstration is completely
8 voluntary on the part of target individuals.

9 (2) SELF-ASSESSMENT.—The term “self-assess-
10 ment” means a form delivered by the Secretary to
11 each target individual that—

12 (A) includes questions regarding—

13 (i) behavioral risk factors;

14 (ii) needed preventive and screening
15 services; and

16 (iii) target individuals’ preferences for
17 receiving followup information; and

18 (B) is then assessed using such computer
19 generated assessment programs and provides
20 ongoing support to the individual as the Sec-
21 retary determines appropriate.

22 (3) ONGOING SUPPORT.—The term “ongoing
23 support” means—

1 (A) to provide target individuals with in-
 2 formation, feedback, health coaching, and rec-
 3 ommendations regarding—

4 (i) the results of the self-assessment;

5 (ii) behavior modification based on the
 6 self-assessment; and

7 (iii) any need for clinical preventive
 8 and screening services or treatment includ-
 9 ing medical nutrition therapy;

10 (B) to provide target individuals with re-
 11 ferrals to community resources and programs
 12 (such as senior centers) available to assist the
 13 target individual in reducing health risks;

14 (C) information on available volunteer op-
 15 portunities to promote active engagement in the
 16 community; and

17 (D) to provide the information described in
 18 subparagraph (A) to a health care provider, if
 19 designated by the target individual to receive
 20 such information.

21 (d) PROGRAM DESIGN.—

22 (1) INITIAL DESIGN.—Not later than 1 year
 23 after the date of enactment of this Act, the Sec-
 24 retary shall design the demonstration project. The
 25 demonstration should draw upon promising, innova-

1 tive models and incentives to reduce behavioral risk
2 factors. The Administrator of the Centers for Medi-
3 care & Medicaid Services shall consult with the Di-
4 rector of the Centers for Disease Control and Pre-
5 vention, the Director of the Office of Minority
6 Health, and the heads other agencies in the Depart-
7 ment of Health and Human Services, and profes-
8 sional organizations, as the Secretary determines to
9 be appropriate on the design, conduct, and evalua-
10 tion of the demonstration.

11 (2) NUMBER AND PROJECT AREAS.—Not later
12 than 2 years after the date of enactment of this Act,
13 the Secretary shall implement 1 demonstration
14 project designed to determine whether similar pro-
15 grams should be implemented for the general medi-
16 care population.

17 (e) REPORT TO CONGRESS.—Not later than 3 years
18 after the date the Secretary implements the demonstration
19 project under this section, the Secretary shall submit to
20 Congress a report that describes the project, evaluates the
21 effectiveness and cost effectiveness of the project, evalu-
22 ates the beneficiary satisfaction under the project, and in-
23 cludes any other information the Secretary determines to
24 be appropriate.

1 (f) WAIVER AUTHORITY.—The Secretary shall waive
 2 compliance with the requirements of title XVIII of the So-
 3 cial Security Act (42 U.S.C. 1395 et seq.) to such extent
 4 and for such period as the Secretary determines is nec-
 5 essary to conduct the demonstration project under this
 6 section.

7 (g) FUNDING.—The Secretary shall provide for the
 8 transfer from the Federal Hospital Insurance Trust Fund
 9 and the Federal Supplementary Insurance Trust Fund
 10 under title XVIII of the Social Security Act (42 U.S.C.
 11 1395 et seq.) an amount not to exceed \$25,000,000 for
 12 the costs of designing, implementing, and evaluating the
 13 demonstration project under this section.

14 **Subtitle H—Overweight and Obe-**
 15 **sity Treatment and Prevention**
 16 **Demonstration Projects**

17 **SEC. 381. GRANTS TO LOCAL HEALTHCARE DELIVERY SYS-**
 18 **TEMS.**

19 Title III of the Public Health Service Act (42 U.S.C.
 20 241 et seq.) as amended in section 321, is further amend-
 21 ed by adding at the end the following:

22 **“SEC. 399BB. GRANTS TO LOCAL HEALTHCARE DELIVERY**
 23 **SYSTEMS.**

24 “(a) IN GENERAL.—The Secretary shall award
 25 grants to eligible entities to implement demonstration

1 overweight and obesity (as such terms are defined in sec-
2 tion 303 of the Improved Nutrition and Physical Activity
3 Act) treatment and prevention programs using evidence-
4 based recommendations.

5 “(b) ELIGIBLE ENTITY.—In this section, the term
6 ‘eligible entity’ means a federally qualified health center
7 (as defined in section 1861(aa)(4) of the Social Security
8 Act (42 U.S.C. 1395x(aa)(4)), rural health clinic, health
9 department, Indian Health Service hospital or clinic, In-
10 dian tribal health facility, urban Indian facility, or other
11 health care service provider, as determined appropriate by
12 the Secretary.

13 “(c) AWARD OF GRANTS.—An eligible entity desiring
14 a grant under this section shall submit an application to
15 the Secretary at such time, in such manner, and con-
16 taining such information as the Secretary may require, in-
17 cluding a plan for the use of funds awarded under the
18 grant and an evaluation of the program.

19 “(d) USE OF FUNDS.—An eligible entity that receives
20 a grant under this section shall use the funds made avail-
21 able through the grant to carry out 3 or more of the fol-
22 lowing activities in a culturally and linguistically appro-
23 priate and competent manner:

1 “(1) Providing nutrition and physical activity
2 services by a health professional to treat or prevent
3 overweight and obesity.

4 “(2) Providing patient education and counseling
5 to increase physical activity and improve nutrition.

6 “(3) Providing community education on nutri-
7 tion and physical activity by a health professional to
8 provide better understanding of the relationship be-
9 tween diet, physical activity, and obesity.

10 “(4) Training health professionals on how to
11 identify and treat obese and overweight individuals
12 which may include nutrition and physical activity
13 counseling.

14 “(5) Providing education and referring individ-
15 uals to appropriate health care agencies and commu-
16 nity-based programs and organizations in order to
17 increase access to quality health care services, in-
18 cluding preventive health services.

19 “(6) Training and supervising community
20 health workers by qualified health professionals to—

21 “(A) educate families regarding the rela-
22 tionship between nutrition, eating habits, phys-
23 ical activity, and obesity;

24 “(B) educate families about effective strat-
25 egies to improve nutrition, establish healthy

1 eating patterns and establish appropriate levels
2 of physical activity; and

3 “(C) educate and guide parents regarding
4 the ability to model and communicate positive
5 health behaviors.

6 “(7) Other activities that are deemed appro-
7 priate by the Secretary.

8 “(e) EVALUATION.—An eligible entity that receives a
9 grant under this section shall, in collaboration with an
10 academic health center or other qualified community-
11 based entity, submit to the Secretary a report describing
12 the activities carried out under the grant, the effectiveness
13 of the activities in increasing physical activity, improving
14 nutrition, and preventing overweight and obesity, and such
15 other information as the Secretary may require.

16 “(f) TECHNICAL ASSISTANCE.—The Secretary may
17 set aside an amount not to exceed 15 percent of the total
18 amount appropriated for a fiscal year under subsection (g)
19 to—

20 “(1) provide grantees with technical support in
21 the development, implementation, and evaluation of
22 programs under this section; and

23 “(2) disseminate culturally and linguistically
24 appropriate and competent information about strate-
25 gies and interventions in preventing and treating

1 obesity through the promotion of good nutrition and
 2 physical activity.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 4 is authorized to be appropriated to carry out this section,
 5 \$40,000,000 for fiscal year 2004, and such sums as may
 6 be necessary for each of fiscal years 2005 through 2008.”.

7 **Subtitle I—Research on Obesity**

8 **SEC. 391. REPORT ON OBESITY RESEARCH.**

9 (a) IN GENERAL.—Not later than 1 year after the
 10 date of enactment of this Act, the Secretary shall submit
 11 to the Committee on Health, Education, Labor, and Pen-
 12 sions of the Senate and the Committee on Energy and
 13 Commerce of the House of Representatives a report on
 14 research on causes and health implications of obesity and
 15 being overweight.

16 (b) CONTENT.—The report described in subsection
 17 (a) shall contain—

18 (1) descriptions on the status of relevant, cur-
 19 rent, ongoing research being conducted in the de-
 20 partment including—

21 (A) the types and numbers of studies com-
 22 pleted or being conducted by the National Insti-
 23 tutes of Health on—

24 (i) mechanisms responsible for obesity
 25 (including nutrition, physical activity, ge-

netic causes such as syndrome X), the prevention of and the treatment for obesity and related, serious, and chronic medical conditions (including diabetes and cardiovascular disease); and

(ii) psychosocial aspects of obesity;

(B) the types and number of studies completed or being conducted by the Centers for Disease Control and Prevention on individual and community interventions to prevent individuals from becoming overweight or obese;

(C) the types of studies completed or being conducted by the Agency for Healthcare Research and Quality on the treatment and prevention of overweight and obesity;

(D) the types of studies being conducted by the Health Resources and Services Administration on the prevention of overweight and obesity; and

(E) what these studies have shown about the causes of, prevention of, and treatment of overweight and obesity; and

(2) recommendations on further research that is needed, including research among diverse populations, the department's plan for conducting such

1 research, and how current knowledge can be dissemi-
 2 nated.

3 **Subtitle J—Youth Media Campaign**

4 **SEC. 395. GRANTS AND CONTRACTS FOR A NATIONAL CAM- 5 PAIGN TO CHANGE CHILDREN'S HEALTH BE- 6 HAVIORS.**

7 Section 399Y of the Public Health Service Act (42
 8 U.S.C. 280h–2) is amended by striking subsection (b) and
 9 inserting the following:

10 “(b) GRANTS.—

11 “(1) IN GENERAL.—As part of the campaign
 12 described in subsection (a), the Secretary, acting
 13 through the Director of the Centers for Disease
 14 Control and Prevention, shall award grants or con-
 15 tracts to eligible entities to design and implement
 16 culturally and linguistically appropriate and com-
 17 petent campaigns to change children’s health behav-
 18 iors.

19 “(2) ELIGIBLE ENTITY.—In this subsection, the
 20 term ‘eligible entity’ means a marketing, public rela-
 21 tions, advertising, or other appropriate entity.

22 “(3) CONTENT.—An eligible entity that receives
 23 a grant under this subsection shall use funds re-
 24 ceived through such grant or contract to utilize mar-
 25 keting and communication strategies to—

1 “(A) communicate messages to help young
2 people develop habits that will foster good
3 health over a lifetime;

4 “(B) provide young people with motivation
5 to engage in sports and other physical activi-
6 ties;

7 “(C) influence youth to develop good
8 health habits such as regular physical activity
9 and good nutrition;

10 “(D) educate parents of young people on
11 the importance of physical activity and improv-
12 ing nutrition, how to maintain healthy behav-
13 iors for the entire family, and how to encourage
14 children to develop good nutrition and physical
15 activity habits; and

16 “(E) discourage stigmatization and dis-
17 crimination based on body size or shape.

18 “(4) REPORT.—The Secretary shall evaluate
19 the effectiveness of the campaign described in para-
20 graph (1) in changing children’s behaviors and re-
21 port such results to the Committee on Health, Edu-
22 cation, Labor, and Pensions of the Senate and the
23 Committee on Energy and Commerce of the House
24 of Representatives.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out this section,
 3 \$125,000,000 for fiscal year 2004, and such sums as nec-
 4 essary for each of fiscal years 2005 through 2008.”.

5 **Subtitle K—Sense of the Senate**

6 **SEC. 399. SENSE OF THE SENATE CONCERNING NUTRITION.**

7 (a) FINDINGS.—Congress makes the following find-
 8 ings:

9 (1) Key child nutrition programs are up for re-
 10 authorization in the 108th Congress, including the
 11 School Breakfast Program, School Lunch Program,
 12 Special Milk Program, Child and Adult Care Food
 13 Program, Summer Food Service Program, and the
 14 Women’s, Infant’s, and Children’s (WIC) Program.

15 (2) The United States Department of Agri-
 16 culture reports, based on national United States
 17 Census Bureau data, that in 2000 10.5 percent of
 18 all United States households, representing
 19 20,000,000 adults and 13,000,000 children, were
 20 “food insecure”. Of the 11,000,000 households that
 21 were food insecure, 3,300,000 suffered from food in-
 22 security that was so severe that USDA’s very con-
 23 servative measure classified them as “hungry”.
 24 2,700,000 children lived in these hungry households.

1 (3) Households with children experience food
2 insecurity at more than double the rate for house-
3 holds without children.

4 (4) Mental and physical changes accompany in-
5 adequate food intake which can have harmful effects
6 on learning, development, productivity, physical and
7 psychological health, and family life. These effects
8 are particularly harmful to children, and can have a
9 lasting impact.

10 (5) The Surgeon General has established as an
11 important health objective, to increase the food secu-
12 rity from 88 percent of all United States households
13 (in 1995) to 94 percent by the year 2010.

14 (6) A national survey of emergency feeding pro-
15 grams conducted by America's Second Harvest in
16 2001 found their food bank network of emergency
17 food providers served 23,000,000 people in a year,
18 9 percent more than were served in 1997, and more
19 than 9,000,000 of those served were children.

20 (7) United States Conference of Mayors data
21 indicates that between November 2000 to November
22 2001, only one-third of the major cities surveyed re-
23 ported that they were able to provide an adequate
24 quantity of food to meet the need. Eighty-five per-
25 cent of the cities reported that emergency food as-

1 sistance facilities have had to decrease the quantity
2 of food provided or the number of times families or
3 individuals may receive food. Across the cities sur-
4 veyed, 54 percent of those requesting emergency as-
5 sistance were either children or their parents. The
6 average increase in the number of families with chil-
7 dren requesting emergency food was 19 percent.

8 (8) Adequate nutrition in the earliest years of
9 life is essential for healthy child development and for
10 school readiness.

11 (9) Congress recently enacted, and the Presi-
12 dent signed into law, the No Child Left Behind Act
13 to increase student academic achievement. Numer-
14 ous studies indicate that hunger can have a detri-
15 mental effect on a child's ability to learn and thrive
16 in school.

17 (10) Food insecurity and overweight frequently
18 co-exist in the population.

19 (11) Federal child nutrition programs can be an
20 efficient and effective means to reduce hunger, re-
21 duce overweight prevalence, and promote healthy
22 eating habits among children in the United States.

23 (b) SENSE OF THE SENATE.—It is the Sense of the
24 Senate, that as Congress works to reauthorize the child
25 nutrition laws of the United States, it should—

1 (1) carefully evaluate elements of those pro-
 2 grams to strengthen efficiency and effectiveness, in-
 3 cluding streamlining program administration, reduc-
 4 ing paperwork burdens, and simplifying access for
 5 parents;

6 (2) improve the healthfulness of meals served,
 7 as well as that of other foods and beverages made
 8 available in schools;

9 (3) strengthen the educational component of
 10 the programs to encourage healthy eating habits and
 11 promote physical activity;

12 (4) review eligibility guidelines, and reimburse-
 13 ment rates; and

14 (5) provide significant additional funding to
 15 carry out these and other vital priorities to make
 16 sure pregnant women, and children from infancy
 17 through school have access to nutritious food to opti-
 18 mize health and prevent overweight.

19 **TITLE IV—SUPPORTING SERV-**
 20 **ICES TO LOW-INCOME FAMI-**
 21 **LIES THROUGH THE SOCIAL**
 22 **SERVICES BLOCK GRANT**

23 **SEC. 401. INCREASE IN FUNDING.**

24 Section 2003(c) of the Social Security Act (42 U.S.C.
 25 1379b(c)) is amended—

1 (1) in paragraph (10), by striking “and”;

2 (2) in paragraph (11), by striking “and each
3 fiscal year thereafter.” and inserting a semicolon;
4 and

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

6 “(12) \$2,800,000,000 for each of the fiscal
7 years 2004 through 2008; and

8 “(13) \$1,700,000,000 for the fiscal year 2009
9 and each fiscal year thereafter.”.

10 **TITLE V—EXPANDING THE FAM-** 11 **ILY AND MEDICAL LEAVE ACT**

12 **SEC. 501. SHORT TITLE.**

13 This title may be cited as the “Family and Medical
14 Leave Expansion Act”.

15 **SEC. 502. FINDINGS.**

16 Congress makes the following findings:

17 (1) Since the enactment of the Family and
18 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.),
19 more than 35,000,000 Americans have taken leave
20 for family or medical reasons.

21 (2) Of those taking leave under the Family and
22 Medical Leave Act of 1993, 52 percent took the
23 leave for their own serious health conditions, and 26
24 percent took the leave to care for a new child or for
25 maternity disability reasons.

1 (3) While the leave provided by the Family and
2 Medical Leave Act of 1993 has proven to be a crit-
3 ical resource for millions of Americans, too many
4 people are left behind because the Act provides only
5 unpaid leave.

6 (4) According to a 2000 Department of Labor
7 survey—

8 (A) 3,500,000 Americans needed family
9 and medical leave but could not afford to take
10 time off without pay;

11 (B) nearly four-fifths (78 percent) of those
12 surveyed who needed the leave but did not take
13 it said they could not afford unpaid leave;

14 (C) nine percent of those taking family and
15 medical leave and receiving less than full pay
16 during their longest period of the leave had to
17 go on public assistance to cover their lost
18 wages; and

19 (D) seventy-three percent of those taking
20 family and medical leave had incomes above
21 \$30,000.

22 (5) In 1970, only 27 percent of mothers with
23 infants under age 1 were in the labor force.

24 (6) In 1999, nearly 60 percent of mothers with
25 infants under age 1 were working.

1 (7) Worldwide, 128 countries of the 172 re-
 2 sponding to an International Social Security Asso-
 3 ciation survey in 1999 provided at least some paid
 4 and job protected maternity leave, and, on average,
 5 provided 16 weeks of basic paid maternity leave. In
 6 some countries, paid maternity leave is mandatory
 7 and in others it is voluntary.

8 (8) A European Union directive mandating 14
 9 weeks of paid maternity leave was adopted as a
 10 health and safety measure in 1992.

11 (9) Among the 29 Organization for Economic
 12 Cooperation and Development (OECD) countries,
 13 the most advanced industrialized countries, the aver-
 14 age period of childbirth-related leave (including ma-
 15 ternity, paternity, and parental leaves) is 44 weeks
 16 (10 months) with additional time provided in some
 17 countries for leave to care for a sick child. In those
 18 countries, the average duration of paid childbirth-re-
 19 lated leave is 36 weeks.

20 (10) In more than half of the OECD countries
 21 (16 countries), the cash benefit provided while on
 22 the paid childbirth-related leave replaces between 70
 23 and 100 percent of prior wages.

1 (11) Among the OECD countries, adoptive
 2 mothers and adoptive parents are increasingly eligi-
 3 ble for the paid childbirth-related leave.

4 **Subtitle A—Family Income To** 5 **Respond to Significant Transitions**

6 **SEC. 511. SHORT TITLE.**

7 This subtitle may be cited as the “Family Income to
 8 Respond to Significant Transitions Insurance Act”.

9 **SEC. 512. PURPOSES.**

10 The purposes of this subtitle are—

11 (1) to establish a demonstration program that
 12 supports the efforts of States and political subdivi-
 13 sions to provide partial or full wage replacement,
 14 often referred to as FIRST insurance, to new par-
 15 ents so that the new parents are able to spend time
 16 with a new infant or newly adopted child, and to
 17 other employees; and

18 (2) to learn about the most effective mecha-
 19 nisms for providing the wage replacement assistance.

20 **SEC. 513. DEFINITIONS.**

21 In this subtitle:

22 (1) EMPLOYER; SON OR DAUGHTER; STATE.—

23 The terms “employer”, “son or daughter”, and
 24 “State” have the meanings given the terms in sec-

1 tion 101 of the Family and Medical Leave Act of
2 1993 (29 U.S.C. 2611).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Labor, acting after consultation
5 with the Secretary of Health and Human Services.

6 **SEC. 514. DEMONSTRATION PROJECTS.**

7 (a) GRANTS.—

8 (1) IN GENERAL.—The Secretary shall make
9 grants to eligible entities to pay for the Federal
10 share of the cost of carrying out projects that assist
11 families by providing, through various mechanisms,
12 wage replacement for eligible individuals who are re-
13 sponding to—

14 (A) caregiving needs resulting from the
15 birth or adoption of a son or daughter; or

16 (B) other family caregiving needs.

17 (2) PERIODS.—The Secretary shall make the
18 grants for periods of 5 years.

19 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
20 grant under this section, an entity shall be a State or polit-
21 ical subdivision of a State.

22 (c) USE OF FUNDS.—

23 (1) IN GENERAL.—An entity that receives a
24 grant under this section may use the funds made
25 available through the grant to provide partial or full

1 wage replacement as described in subsection (a) to
2 eligible individuals—

3 (A) directly;

4 (B) through an insurance program, such
5 as a State temporary disability insurance pro-
6 gram or the State unemployment compensation
7 benefit program;

8 (C) through a private disability or other
9 insurance plan, or another mechanism provided
10 by a private employer; or

11 (D) through another mechanism.

12 (2) PERIOD.—In carrying out a project under
13 this section, the entity shall provide partial or full
14 wage replacement to eligible individuals for not less
15 than 6 weeks during a period of leave, or an absence
16 from employment, described in subsection (d)(2),
17 during any 12-month period. Wage replacement
18 available to an individual under this paragraph shall
19 be in addition to any compensation from annual or
20 sick leave that the individual may elect to use during
21 a period of leave, or an absence from employment,
22 described in subsection (d)(2), during any 12-month
23 period.

24 (3) ADMINISTRATIVE COSTS.—No entity may
25 use more than 10 percent of the total funds made

1 available through the grant during the 5-year period
 2 of the grant to pay for the administrative costs re-
 3 lating to a project described in subsection (a).

4 (d) ELIGIBLE INDIVIDUALS.—To be eligible to re-
 5 ceive wage replacement under subsection (a), an individual
 6 shall—

7 (1) meet such eligibility criteria as the eligible
 8 entity providing the wage replacement may specify
 9 in an application described in subsection (e); and

10 (2) be—

11 (A) an individual who is taking leave,
 12 under the Family and Medical Leave Act of
 13 1993 (29 U.S.C. 2601 et seq.), other Federal,
 14 State, or local law, or a private plan, for a rea-
 15 son described in subparagraph (A) or (B) of
 16 section 102(a)(1) of the Family and Medical
 17 Leave Act of 1993 (29 U.S.C. 2612(a)(1));

18 (B) at the option of the eligible entity, an
 19 individual who—

20 (i) is taking leave, under that Act,
 21 other Federal, State, or local law, or a pri-
 22 vate plan, for a reason described in sub-
 23 paragraph (C), (D), (E), or (F) of section
 24 102(a)(1) of the Family and Medical

1 Leave Act of 1993 (29 U.S.C. 2612(a)(1));

2 or

3 (ii) leaves employment, and has an ab-
4 sence from employment, because the indi-
5 vidual has elected to care for a son or
6 daughter under age 1; or

7 (C) at the option of the eligible entity, an
8 individual who has an absence from employ-
9 ment and has other characteristics specified by
10 the eligible entity in an application described in
11 subsection (e).

12 (e) APPLICATION.—To be eligible to receive a grant
13 under this section, an entity shall submit an application
14 to the Secretary, at such time, in such manner, and con-
15 taining such information as the Secretary may require, in-
16 cluding, at a minimum—

17 (1) a plan for the project to be carried out with
18 the grant;

19 (2) information demonstrating that the appli-
20 cant consulted representatives of employers and em-
21 ployees, including labor organizations, in developing
22 the plan;

23 (3) estimates of the costs and benefits of the
24 project;

1 (4)(A) information on the number and type of
2 families to be covered by the project, and the extent
3 of such coverage in the area served under the grant;
4 and

5 (B) information on any criteria or characteris-
6 tics that the entity will use to determine whether an
7 individual is eligible for wage replacement under
8 subsection (a), as described in paragraphs (1) and
9 (2)(C) of subsection (d);

10 (5) if the project will expand on State and pri-
11 vate systems of wage replacement for eligible indi-
12 viduals, information on the manner in which the
13 project will expand on the systems;

14 (6) information demonstrating the manner in
15 which the wage replacement assistance provided
16 through the project will assist families in which an
17 individual takes leave or is absent from employment
18 as described in subsection (d)(2); and

19 (7) an assurance that the applicant will partici-
20 pate in efforts to evaluate the effectiveness of the
21 project.

22 (f) SELECTION CRITERIA.—In selecting entities to re-
23 ceive grants for projects under this section, the Secretary
24 shall—

25 (1) take into consideration—

1 (A) the scope of the proposed projects;

2 (B) the cost-effectiveness, feasibility, and
3 financial soundness of the proposed projects;

4 (C) the extent to which the proposed
5 projects would expand access to wage replace-
6 ment in response to family caregiving needs,
7 particularly for low-wage employees, in the area
8 served by the grant; and

9 (D) the benefits that would be offered to
10 families and children through the proposed
11 projects; and

12 (2) to the extent feasible, select entities pro-
13 posing projects that utilize diverse mechanisms, in-
14 cluding expansion of State unemployment compensa-
15 tion benefit programs, and establishment or expan-
16 sion of State temporary disability insurance pro-
17 grams, to provide the wage replacement.

18 (g) FEDERAL SHARE.—

19 (1) IN GENERAL.—The Federal share of the
20 cost described in subsection (a) shall be—

21 (A) 50 percent for the first year of the
22 grant period;

23 (B) 40 percent for the second year of that
24 period;

1 (C) 30 percent for the third year of that
 2 period; and

3 (D) 20 percent for each subsequent year.

4 (2) NON-FEDERAL SHARE.—The non-Federal
 5 share of the cost may be in cash or in kind, fairly
 6 evaluated, including plant, equipment, and services
 7 and may be provided from State, local, or private
 8 sources, or Federal sources other than this subtitle.

9 (h) SUPPLEMENT NOT SUPPLANT.—Funds appro-
 10 priated pursuant to the authority of this subtitle shall be
 11 used to supplement and not supplant other Federal, State,
 12 and local public funds and private funds expended to pro-
 13 vide wage replacement.

14 (i) EFFECT ON EXISTING RIGHTS.—Nothing in this
 15 subtitle shall be construed to supersede, preempt, or other-
 16 wise infringe on the provisions of any collective bargaining
 17 agreement or any employment benefit program or plan
 18 that provides greater rights to employees than the rights
 19 established under this subtitle.

20 **SEC. 515. NOTIFICATION.**

21 An eligible entity that provides partial or full wage
 22 replacement to an eligible individual under this subtitle
 23 shall notify (in a form and manner prescribed by the Sec-
 24 retary)—

1 (1) the employer of the individual of the
2 amount of the wage replacement provided; and

3 (2) the individual and the employer of the indi-
4 vidual that the employer shall count an appropriate
5 period of leave, calculated under section 102(g) of
6 the Family and Medical Leave Act of 1993 (29
7 U.S.C. 2612(g)), as added by section 518, against
8 the total amount of leave (if any) to which the em-
9 ployee is entitled under section 102(a)(1) of that Act
10 (29 U.S.C. 2612(a)(1)).

11 **SEC. 516. EVALUATIONS AND REPORTS.**

12 (a) AVAILABLE FUNDS.—The Secretary shall use not
13 more than 2 percent of the funds made available under
14 section 517 to carry out this section.

15 (b) EVALUATIONS.—The Secretary shall, directly or
16 by contract, evaluate the effectiveness of projects carried
17 out with grants made under section 514, including con-
18 ducting—

19 (1) research relating to the projects, including
20 research comparing—

21 (A) the scope of the projects, including the
22 type of insurance or other wage replacement
23 mechanism used, the method of financing used,
24 the eligibility requirements, the level of the
25 wage replacement benefit provided (such as the

percentage of salary replaced), and the length of the benefit provided, for the projects;

(B) the utilization of the projects, including the characteristics of individuals who benefit from the projects, particularly low-wage workers, and factors that determine the ability of eligible individuals to obtain wage replacement through the projects; and

(C) the costs of and savings achieved by the projects, including the cost-effectiveness of the projects and their benefits for children and families;

(2) analysis of the overall need for wage replacement; and

(3) analysis of the impact of the projects on the overall availability of wage replacement.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 3 years after the beginning of the grant period for the first grant made under section 514, the Secretary shall prepare and submit to Congress a report that contains information resulting from the evaluations conducted under subsection (b).

(2) SUBSEQUENT REPORTS.—Not later than 4 years after the beginning of that grant period, and

1 annually thereafter, the Secretary shall prepare and
 2 submit to Congress a report that contains—

3 (A) information resulting from the evalua-
 4 tions conducted under subsection (b); and

5 (B) usage data for the demonstration
 6 projects, for the most recent year for which the
 7 data are available.

8 **SEC. 517. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to carry out
 10 this subtitle \$400,000,000 for fiscal year 2004 and such
 11 sums as may be necessary for each subsequent fiscal year.

12 **SEC. 518. TECHNICAL AND CONFORMING AMENDMENTS.**

13 (a) IN GENERAL.—Section 102 of the Family and
 14 Medical Leave Act of 1993 (29 U.S.C. 2612) is amended
 15 by adding at the end the following:

16 “(g) RELATIONSHIP TO FIRST INSURANCE.—

17 “(1) FULL WAGE REPLACEMENT.—If an eligible
 18 entity provides full wage replacement to an employee
 19 for a period under subtitle A of the Family and
 20 Medical Leave Expansion Act, the employee’s em-
 21 ployer shall count an amount of leave, equal to that
 22 period, against the total amount of leave (if any) to
 23 which the employee is entitled under subsection
 24 (a)(1).

1 “(2) PARTIAL WAGE REPLACEMENT.—If an eli-
 2 gible entity provides partial wage replacement to an
 3 employee for a period under subtitle A of the Family
 4 and Medical Leave Expansion Act, the employee’s
 5 employer shall—

6 “(A) total the amount of partial wage re-
 7 placement provided for that period;

8 “(B) convert the total into a corresponding
 9 amount of full wage replacement provided for a
 10 proportionately reduced period; and

11 “(C) count an amount of leave, equal to
 12 the period described in subparagraph (B),
 13 against the total amount of leave (if any) to
 14 which the employee is entitled under subsection
 15 (a)(1).”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 17 Section 102(d)(2) of the Family and Medical Leave Act
 18 of 1993 (29 U.S.C. 2612(d)(2)) is amended by striking
 19 “for leave” each place it appears and inserting “for any
 20 unpaid leave”.

21 **Subtitle B—Family Friendly** 22 **Workplaces**

23 **SEC. 521. SHORT TITLE.**

24 This subtitle may be cited as the “Family and Med-
 25 ical Leave Fairness Act of 2003”.

1 **SEC. 522. COVERAGE OF EMPLOYEES.**

2 Paragraphs (2)(B)(ii) and (4)(A)(i) of section 101 of
 3 the Family and Medical Leave Act of 1993 (29 U.S.C.
 4 2611(2)(B)(ii) and (4)(A)(i)) are amended by striking
 5 “50” each place it appears and inserting “25”.

6 **Subtitle C—Employment**
 7 **Protection for Battered Women**

8 **SEC. 531. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
 9 **MESTIC VIOLENCE FOR NON-FEDERAL EM-**
 10 **PLOYEES.**

11 (a) DEFINITIONS.—Section 101 of the Family and
 12 Medical Leave Act of 1993 (29 U.S.C. 2611) is amended
 13 by adding at the end the following:

14 “(14) ADDRESSING DOMESTIC VIOLENCE AND
 15 ITS EFFECTS.—The term ‘addressing domestic vio-
 16 lence and its effects’ means—

17 “(A) being unable to attend or perform
 18 work due to an incident of domestic violence;

19 “(B) seeking medical attention for or re-
 20 covering from injuries caused by domestic vio-
 21 lence;

22 “(C) seeking legal assistance or remedies,
 23 including communicating with the police or an
 24 attorney, or participating in any legal pro-
 25 ceeding, related to domestic violence;

1 “(D) obtaining services from a domestic vi-
 2 olence shelter or program or rape crisis center
 3 as a result of domestic violence;

4 “(E) obtaining psychological counseling re-
 5 lated to experiences of domestic violence;

6 “(F) participating in safety planning and
 7 other actions to increase safety from future do-
 8 mestic violence, including temporary or perma-
 9 nent relocation; and

10 “(G) participating in any other activity ne-
 11 cessitated by domestic violence that must be un-
 12 dertaken during the hours of employment in-
 13 volved.

14 “(15) DOMESTIC VIOLENCE.—The term ‘domes-
 15 tic violence’ means domestic violence, and dating vio-
 16 lence, as such terms are defined in section 2105 of
 17 the Omnibus Crime Control and Safe Streets Act of
 18 1968 (42 U.S.C. 3796hh-4).”.

19 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-
 20 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
 21 amended—

22 (1) in subsection (a)(1), by adding at the end
 23 the following:

24 “(E) In order to care for the son, daugh-
 25 ter, or parent of the employee, if such son,

1 daughter, or parent is addressing domestic vio-
 2 lence and its effects.

3 “(F) Because the employee is addressing
 4 domestic violence and its effects, which make
 5 the employee unable to perform the functions of
 6 the position of such employee.”;

7 (2) in subsection (b), by adding at the end the
 8 following:

9 “(3) DOMESTIC VIOLENCE.—Leave under sub-
 10 paragraph (E) or (F) of subsection (a)(1) may be
 11 taken by an eligible employee intermittently or on a
 12 reduced leave schedule. The taking of leave intermit-
 13 tently or on a reduced leave schedule pursuant to
 14 this paragraph shall not result in a reduction in the
 15 total amount of leave to which the employee is enti-
 16 tled under subsection (a) beyond the amount of leave
 17 actually taken.”; and

18 (3) in subsection (d)(2)(B), by striking “(C) or
 19 (D)” and inserting “(C), (D), (E), or (F)”.

20 (c) CERTIFICATION.—Section 103 of the Family and
 21 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-
 22 ed—

23 (1) in the title of the section, by inserting be-
 24 fore the period the following: “; **CONFIDEN-**
 25 **TIALITY**”; and

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

2 “(f) DOMESTIC VIOLENCE.—In determining if an em-
3 ployee meets the requirements of subparagraph (E) or (F)
4 of section 102(a)(1), the employer of an employee may re-
5 quire the employee to provide—

6 “(1) a written statement describing the domes-
7 tic violence and its effects;

8 “(2) documentation of the domestic violence in-
9 volved, such as a police or court record, or docu-
10 mentation from a shelter worker, an employee of a
11 domestic violence program, an attorney, a member
12 of the clergy, or a medical or other professional,
13 from whom the employee has sought assistance in
14 addressing domestic violence and its effects; or

15 “(3) other corroborating evidence, such as a
16 statement from any other individual with knowledge
17 of the circumstances that provide the basis for the
18 claim of domestic violence, or physical evidence of
19 domestic violence, such as a photograph, torn or
20 bloody clothing, or any other damaged property.

21 “(g) CONFIDENTIALITY.—All evidence provided to
22 the employer under subsection (f) of domestic violence ex-
23 perience by an employee or the son, daughter, or parent
24 of an employee, including a statement of an employee, any
25 other documentation or corroborating evidence, and the

1 fact that an employee has requested leave for the purpose
 2 of addressing, or caring for a son, daughter, or parent who
 3 is addressing, domestic violence and its effects, shall be
 4 retained in the strictest confidence by the employer, except
 5 to the extent that disclosure is requested, or consented to,
 6 by the employee for the purpose of—

7 “(1) protecting the safety of the employee or a
 8 family member or co-worker of the employee; or

9 “(2) assisting in documenting domestic violence
 10 for a court or agency.”.

11 (d) TABLE OF CONTENTS.—The table of contents in
 12 section 1(b) of the Family and Medical Leave Act of 1993
 13 (29 U.S.C. prec. 2601) is amended by striking the item
 14 relating to section 103 and inserting the following:

“Sec. 103. Certification; confidentiality.”.

15 **SEC. 532. ENTITLEMENT TO LEAVE FOR ADDRESSING DO-**
 16 **MESTIC VIOLENCE FOR FEDERAL EMPLOY-**
 17 **EES.**

18 (a) DEFINITIONS.—Section 6381 of title 5, United
 19 States Code, is amended—

20 (1) at the end of paragraph (5), by striking
 21 “and”;

22 (2) in paragraph (6), by striking the period and
 23 inserting a semicolon; and

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

1 “(7) the term ‘addressing domestic violence and
2 its effects’ has the meaning given the term in section
3 101 of the Family and Medical Leave Act of 1993
4 (29 U.S.C. 2611); and

5 “(8) the term ‘domestic violence’ means domes-
6 tic violence, and dating violence, as such terms are
7 defined in section 2105 of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (42 U.S.C.
9 3796hh-4).”.

10 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
11 United States Code, is amended—

12 (1) in subsection (a)(1), by adding at the end
13 the following:

14 “(E) In order to care for the son, daughter, or
15 parent of the employee, if such son, daughter, or
16 parent is addressing domestic violence and its ef-
17 fects.

18 “(F) Because the employee is addressing do-
19 mestic violence and its effects, which make the em-
20 ployee unable to perform the functions of the posi-
21 tion of such employee.”;

22 (2) in subsection (b), by adding at the end the
23 following:

24 “(3) DOMESTIC VIOLENCE.—Leave under sub-
25 paragraph (E) or (F) of subsection (a)(1) may be

1 taken by an employee intermittently or on a reduced
 2 leave schedule. The taking of leave intermittently or
 3 on a reduced leave schedule pursuant to this para-
 4 graph shall not result in a reduction in the total
 5 amount of leave to which the employee is entitled
 6 under subsection (a) beyond the amount of leave ac-
 7 tually taken.”; and

8 (3) in subsection (d), by striking “(C), or (D)”
 9 and inserting “(C), (D), (E), or (F)”.

10 (c) CERTIFICATION.—Section 6383 of title 5, United
 11 States Code, is amended—

12 (1) in the title of the section, by adding at the
 13 end the following: “; **confidentiality**”; and

14 (2) by adding at the end the following:

15 “(f) In determining if an employee meets the require-
 16 ments of subparagraph (E) or (F) of section 6382(a)(1),
 17 the employing agency of an employee may require the em-
 18 ployee to provide—

19 “(1) a written statement describing the domes-
 20 tic violence and its effects;

21 “(2) documentation of the domestic violence in-
 22 volved, such as a police or court record, or docu-
 23 mentation from a shelter worker, an employee of a
 24 domestic violence program, an attorney, a member
 25 of the clergy, or a medical or other professional,

1 from whom the employee has sought assistance in
2 addressing domestic violence and its effects; or

3 “(3) other corroborating evidence, such as a
4 statement from any other individual with knowledge
5 of the circumstances that provide the basis for the
6 claim of domestic violence, or physical evidence of
7 domestic violence, such as a photograph, torn or
8 bloody clothing, or other damaged property.

9 “(g) All evidence provided to the employing agency
10 under subsection (f) of domestic violence experienced by
11 an employee or the son, daughter, or parent of an em-
12 ployee, including a statement of an employee, any other
13 documentation or corroborating evidence, and the fact
14 that an employee has requested leave for the purpose of
15 addressing, or caring for a son, daughter, or parent who
16 is addressing, domestic violence and its effects, shall be
17 retained in the strictest confidence by the employing agen-
18 cy, except to the extent that disclosure is requested, or
19 consented to, by the employee for the purpose of—

20 “(1) protecting the safety of the employee or a
21 family member or co-worker of the employee; or

22 “(2) assisting in documenting domestic violence
23 for a court or agency.”.

24 (d) TABLE OF SECTIONS.—The table of sections for
25 chapter 63 of title 5, United States Code, is amended by

1 striking the item relating to section 6383 and inserting
 2 the following:

“6383. Certification; confidentiality.”.

3 **SEC. 533. EXISTING LEAVE USABLE FOR DOMESTIC VIO-**
 4 **LENCE.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADDRESSING DOMESTIC VIOLENCE AND ITS
 7 EFFECTS.—The term “addressing domestic violence
 8 and its effects” has the meaning given the term in
 9 section 101 of the Family and Medical Leave Act of
 10 1993 (29 U.S.C. 2611), as amended in section
 11 531(a).

12 (2) EMPLOYEE.—The term “employee” means
 13 any person employed by an employer. In the case of
 14 an individual employed by a public agency, such
 15 term means an individual employed as described in
 16 section 3(e) of the Fair Labor Standards Act of
 17 1938 (29 U.S.C. 203(e)).

18 (3) EMPLOYER.—The term “employer”—

19 (A) means any person engaged in com-
 20 merce or in any industry or activity affecting
 21 commerce who employs individuals, if such per-
 22 son is also subject to the Family and Medical
 23 Leave Act of 1993 (29 U.S.C. 2601 et seq.) or
 24 to any provision of a State or local law, collec-
 25 tive bargaining agreement, or employment bene-

fits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) EMPLOYMENT BENEFITS.—The term “employment benefits” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PARENT; SON OR DAUGHTER.—The terms “parent” and “son or daughter” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) PUBLIC AGENCY.—The term “public agency” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

1 (b) USE OF EXISTING LEAVE.—An employee who is
2 entitled to take paid or unpaid leave (including family,
3 medical, sick, annual, personal, or similar leave) from em-
4 ployment, pursuant to State or local law, a collective bar-
5 gaining agreement, or an employment benefits program or
6 plan, shall be permitted to use such leave for the purpose
7 of addressing domestic violence and its effects, or for the
8 purpose of caring for a son or daughter or parent of the
9 employee, if such son or daughter or parent is addressing
10 domestic violence and its effects.

11 (c) CERTIFICATION.—In determining whether an em-
12 ployee qualifies to use leave as described in subsection (b),
13 an employer may require a written statement, documenta-
14 tion of domestic violence, or corroborating evidence con-
15 sistent with section 103(f) of the Family and Medical
16 Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by
17 section 531(c).

18 (d) CONFIDENTIALITY.—All evidence provided to the
19 employer under subsection (c) of domestic violence experi-
20 enced by an employee or the son or daughter or parent
21 of the employee, including a statement of an employee,
22 any other documentation or corroborating evidence, and
23 the fact that an employee has requested leave for the pur-
24 pose of addressing, or caring for a son or daughter or par-
25 ent who is addressing, domestic violence and its effects,

1 shall be retained in the strictest confidence by the em-
 2 ployer, except to the extent that disclosure is requested,
 3 or consented to, by the employee for the purpose of—

4 (1) protecting the safety of the employee or a
 5 family member or co-worker of the employee; or

6 (2) assisting in documenting domestic violence
 7 for a court or agency.

8 (e) PROHIBITED ACTS.—

9 (1) INTERFERENCE WITH RIGHTS.—

10 (A) EXERCISE OF RIGHTS.—It shall be un-
 11 lawful for any employer to interfere with, re-
 12 strain, or deny the exercise of or the attempt to
 13 exercise, any right provided under this section.

14 (B) DISCRIMINATION.—It shall be unlaw-
 15 ful for any employer to discharge or in any
 16 other manner discriminate against an individual
 17 for opposing any practice made unlawful by this
 18 section.

19 (2) INTERFERENCE WITH PROCEEDINGS OR IN-
 20 QUIRIES.—It shall be unlawful for any person to dis-
 21 charge or in any other manner discriminate against
 22 any individual because such individual—

23 (A) has filed any charge, or had instituted
 24 or caused to be instituted any proceeding,
 25 under or related to this section;

1 (B) has given, or is about to give, any in-
2 formation in connection with any inquiry or
3 proceeding relating to any right provided under
4 this section; or

5 (C) has testified, or is about to testify, in
6 any inquiry or proceeding relating to any right
7 provided under this section.

8 (f) ENFORCEMENT.—

9 (1) PUBLIC ENFORCEMENT.—The Secretary of
10 Labor shall have the powers set forth in subsections
11 (b), (c), (d), and (e) of section 107 of the Family
12 and Medical Leave Act of 1993 (29 U.S.C. 2617)
13 for the purpose of public agency enforcement of any
14 alleged violation of subsection (e) against any em-
15 ployer.

16 (2) PRIVATE ENFORCEMENT.—The remedies
17 and procedures set forth in section 107(a) of the
18 Family and Medical Leave Act of 1993 (29 U.S.C.
19 2617(a)) shall be the remedies and procedures pur-
20 suant to which an employee may initiate a legal ac-
21 tion against an employer for alleged violations of
22 subsection (e).

23 (3) REFERENCES.—For purposes of paragraph
24 (1) and (2), references in section 107 of the Family
25 and Medical Leave Act of 1993 (29 U.S.C. 2617) to

1 section 105 of such Act (29 U.S.C. 2615) shall be
 2 considered to be references to subsection (e).

3 (4) EMPLOYER LIABILITY UNDER OTHER
 4 LAWS.—Nothing in this section shall be construed to
 5 limit the liability of an employer to an employee for
 6 harm suffered relating to the employee’s experience
 7 of domestic violence pursuant to any other Federal
 8 or State law, including a law providing for a legal
 9 remedy.

10 **Subtitle D—Federal Employees** 11 **Paid Parental Leave**

12 **SEC. 541. SHORT TITLE.**

13 This subtitle may be cited as the “Federal Employees
 14 Paid Parental Leave Act of 2003”.

15 **SEC. 542. DEMONSTRATION PROJECT.**

16 Subchapter V of chapter 63 of title 5, United States
 17 Code, is amended—

18 (1) by redesignating section 6387 as section
 19 6388; and

20 (2) by inserting after section 6386 the fol-
 21 lowing:

22 **“§ 6387. Paid leave demonstration project**

23 “(a) The Office of Personnel Management may,
 24 through an agreement or contract with 1 or more employ-
 25 ing agencies described in subsection (b), conduct under

1 section 4703 a demonstration project that assists families
 2 by providing paid leave for eligible individuals who are re-
 3 sponding to—

4 “(1) caregiving needs resulting from the birth
 5 or adoption of a son or daughter; or

6 “(2) other family caregiving needs.

7 “(b) In carrying out a project under this section, an
 8 employing agency of 1 or more employees shall provide
 9 partial or full paid leave to eligible individuals for not less
 10 than 6 weeks during a period of leave, or an absence from
 11 employment, described in subsection (c)(2), during any
 12 12-month period. Paid leave available to an individual
 13 under this subsection shall be in addition to any annual
 14 or sick leave that the individual may elect to use during
 15 a period of leave, or an absence from employment, de-
 16 scribed in subsection (c)(2), during any 12-month period.

17 “(c) To be eligible to receive paid leave under sub-
 18 section (a), an individual shall—

19 “(1) be an employee who meets such eligibility
 20 criteria as the Office of Personnel Management may
 21 specify in a plan described in section 4703(b); and

22 “(2) be—

23 “(A) an individual who is taking leave,
 24 under this subchapter, or other Federal law, for

1 a reason described in subparagraph (A) or (B)
2 of section 6382(a)(1);

3 “(B) at the option of the Office of Per-
4 sonnel Management, an individual who—

5 “(i) is taking leave, under this sub-
6 chapter, or other Federal law, for a reason
7 described in subparagraph (C), (D), (E),
8 or (F) of section 6382(a)(1); or

9 “(ii) leaves employment, and has an
10 absence from employment, because the in-
11 dividual has elected to care for a son or
12 daughter under age 1; or

13 “(C) at the option of the Office of Per-
14 sonnel Management, an individual who has an
15 absence from employment and has other char-
16 acteristics specified by the Office of Personnel
17 Management in a plan described in section
18 4703(b).

19 “(d) An employing agency that provides partial or
20 full paid leave to an eligible individual under this section
21 shall notify (in a form and manner prescribed by the Of-
22 fice of Personnel Management) the individual that the em-
23 ploying agency shall count an appropriate period of leave,
24 calculated under section 6382(f), against the total amount

1 of leave (if any) to which the employee is entitled under
2 section 6382(a)(1).

3 “(e)(1) A demonstration project conducted under this
4 section shall not be counted toward the 10-project limit
5 established in section 4703(d)(2).

6 “(2) The Office of Personnel Management may pro-
7 vide a waiver for the demonstration project in accordance
8 with section 4703, except that section 4703(c)(1) shall not
9 apply to such a waiver.

10 “(f)(1) There are authorized to be appropriated to
11 carry out this section \$400,000,000 for fiscal year 2004
12 and such sums as may be necessary for each subsequent
13 fiscal year.

14 “(2) Funds appropriated under paragraph (1) may
15 be allocated as described in section 4704.”.

16 **SEC. 543. TECHNICAL AND CONFORMING AMENDMENTS.**

17 (a) IN GENERAL.—Section 6382 of title 5, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(f)(1) If an employing agency provides an amount
21 of full paid leave to an employee for a period under section
22 6387, the employing agency shall count an amount of
23 leave, equal to that period, against the total amount of
24 leave (if any) to which the employee is entitled under sub-
25 section (a)(1).

1 “(2) If an employing agency provides an amount of
2 partial paid leave to an employee for a period under sec-
3 tion 6387, the employing agency shall—

4 “(A) total the amount of partial paid leave
5 provided for that period;

6 “(B) convert the total into a corresponding
7 amount of full paid leave provided for a propor-
8 tionately reduced period; and

9 “(C) count an amount of leave, equal to
10 the period described in subparagraph (B),
11 against the total amount of leave (if any) to
12 which the employee is entitled under subsection
13 (a)(1).”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
15 Section 6382 of title 5, United States Code, is amended—

16 (1) in subsection (c), by striking “(d),” and in-
17 serting “(d) or section 6387,”; and

18 (2) in subsection (d), by inserting “any unpaid”
19 after “substitute for”.

20 (c) TABLE OF SECTIONS.—The table of sections for
21 chapter 63 of title 5, United States Code, is amended by
22 striking the item relating to section 6387 and inserting
23 the following:

“6387. Paid leave demonstration project.
“6388. Regulations.”.

1 **SEC. 544. EFFECTIVE DATE.**

2 The amendments made by this subtitle shall not be
3 effective with respect to any birth or placement occurring
4 before the end of the 6-month period beginning on the
5 date of enactment of this Act.

6 **Subtitle E—Time for Schools**

7 **SEC. 551. SHORT TITLE.**

8 This subtitle may be cited as the “Time for Schools
9 Act of 2003”.

10 **SEC. 552. GENERAL REQUIREMENTS FOR LEAVE.**

11 (a) ENTITLEMENT TO LEAVE.—Section 102(a) of the
12 Family and Medical Leave Act of 1993 (29 U.S.C.
13 2612(a)) is amended by adding at the end the following:

14 “(3) ENTITLEMENT TO SCHOOL INVOLVEMENT
15 LEAVE.—

16 “(A) IN GENERAL.—Subject to section
17 103(h), an eligible employee shall be entitled to
18 a total of 24 hours of leave during any 12-
19 month period to participate in an academic ac-
20 tivity of a school of a son or daughter of the
21 employee, such as a parent-teacher conference
22 or an interview for a school, or to participate in
23 literacy training under a family literacy pro-
24 gram.

25 “(B) DEFINITIONS.—In this paragraph:

1 “(i) FAMILY LITERACY PROGRAM.—

2 The term ‘family literacy program’ means
 3 a program of services that are of sufficient
 4 intensity in terms of hours, and of suffi-
 5 cient duration, to make sustainable
 6 changes in a family and that integrate all
 7 of the following activities:

8 “(I) Interactive literacy activities
 9 between parents and their sons and
 10 daughters.

11 “(II) Training for parents on
 12 how to be the primary teacher for
 13 their sons and daughters and full
 14 partners in the education of their sons
 15 and daughters.

16 “(III) Parent literacy training.

17 “(IV) An age-appropriate edu-
 18 cation program for sons and daugh-
 19 ters.

20 “(ii) LITERACY.—The term ‘literacy’,
 21 used with respect to an individual, means
 22 the ability of the individual to speak, read,
 23 and write English, and compute and solve
 24 problems, at levels of proficiency nec-
 25 essary—

1 “(I) to function on the job, in the
2 family of the individual, and in soci-
3 ety;

4 “(II) to achieve the goals of the
5 individual; and

6 “(III) to develop the knowledge
7 potential of the individual.

8 “(iii) SCHOOL.—The term ‘school’
9 means an elementary school or secondary
10 school (as such terms are defined in sec-
11 tion 9101 of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C.
13 7801)), a Head Start program assisted
14 under the Head Start Act (42 U.S.C. 9831
15 et seq.), and a child care facility operated
16 by a provider who meets the applicable
17 State or local government licensing, certifi-
18 cation, approval, or registration require-
19 ments, if any.

20 “(4) LIMITATION.—No employee may take
21 more than a total of 12 workweeks of leave under
22 paragraphs (1) and (3) during any 12-month pe-
23 riod.”.

24 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
25 U.S.C. 2612(b)(1)) is amended by inserting after the sec-

1 ond sentence the following: “Leave under subsection
 2 (a)(3) may be taken intermittently or on a reduced leave
 3 schedule.”.

4 (c) SUBSTITUTION OF PAID LEAVE.—Section
 5 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is
 6 amended by inserting before the period the following: “,
 7 or for leave provided under subsection (a)(3) for any part
 8 of the 24-hour period of such leave under such sub-
 9 section”.

10 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
 11 2612(e)) is amended by adding at the end the following:

12 “(3) NOTICE FOR SCHOOL INVOLVEMENT
 13 LEAVE.—In any case in which the necessity for leave
 14 under subsection (a)(3) is foreseeable, the employee
 15 shall provide the employer with not less than 7 days’
 16 notice, before the date the leave is to begin, of the
 17 employee’s intention to take leave under such sub-
 18 section. If the necessity for the leave is not foresee-
 19 able, the employee shall provide such notice as is
 20 practicable.”.

21 (e) CERTIFICATION.—Section 103 of such Act (29
 22 U.S.C. 2613), as amended by section 531(c), is further
 23 amended by adding at the end the following:

24 “(h) CERTIFICATION FOR SCHOOL INVOLVEMENT
 25 LEAVE.—An employer may require that a request for

1 leave under section 102(a)(3) be supported by a certifi-
 2 cation issued at such time and in such manner as the Sec-
 3 retary may by regulation prescribe.”.

4 **SEC. 553. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERV-**
 5 **ICE EMPLOYEES.**

6 (a) ENTITLEMENT TO LEAVE.—Section 6382(a) of
 7 title 5, United States Code, is amended by adding at the
 8 end the following:

9 “(3)(A) Subject to section 6383(h), an employee shall
 10 be entitled to a total of 24 hours of leave during any 12-
 11 month period to participate in an academic activity of a
 12 school of a son or daughter of the employee, such as a
 13 parent-teacher conference or an interview for a school, or
 14 to participate in literacy training under a family literacy
 15 program.

16 “(B) In this paragraph:

17 “(i) The term ‘family literacy program’ means
 18 a program of services that are of sufficient intensity
 19 in terms of hours, and of sufficient duration, to
 20 make sustainable changes in a family and that inte-
 21 grate all of the following activities:

22 “(I) Interactive literacy activities between
 23 parents and their sons and daughters.

24 “(II) Training for parents on how to be
 25 the primary teacher for their sons and daugh-

1 ters and full partners in the education of their
2 sons and daughters.

3 “(III) Parent literacy training.

4 “(IV) An age-appropriate education pro-
5 gram for sons and daughters.

6 “(ii) The term ‘literacy’, used with respect to
7 an individual, means the ability of the individual to
8 speak, read, and write English, and compute and
9 solve problems, at levels of proficiency necessary—

10 “(I) to function on the job, in the family
11 of the individual, and in society;

12 “(II) to achieve the goals of the individual;
13 and

14 “(III) to develop the knowledge potential
15 of the individual.

16 “(iii) The term ‘school’ means an elementary
17 school or secondary school (as such terms are de-
18 fined in section 9101 of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 7801)), a
20 Head Start program assisted under the Head Start
21 Act (42 U.S.C. 9831 et seq.), and a child care facil-
22 ity operated by a provider who meets the applicable
23 State or local government licensing, certification, ap-
24 proval, or registration requirements, if any.

1 “(4) No employee may take more than a total of 12
2 workweeks of leave under paragraphs (1) and (3) during
3 any 12-month period.”.

4 (b) SCHEDULE.—Section 6382(b)(1) of such title is
5 amended by inserting after the second sentence the fol-
6 lowing: “Leave under subsection (a)(3) may be taken
7 intermittently or on a reduced leave schedule.”.

8 (c) SUBSTITUTION OF PAID LEAVE.—Section
9 6382(d) of such title is amended by inserting before “,
10 except” the following: “, or for leave provided under sub-
11 section (a)(3) any of the employee’s accrued or accumu-
12 lated annual leave under subchapter I for any part of the
13 24-hour period of such leave under such subsection”.

14 (d) NOTICE.—Section 6382(e) of such title is amend-
15 ed by adding at the end the following:

16 “(3) In any case in which the necessity for leave
17 under subsection (a)(3) is foreseeable, the employee shall
18 provide the employing agency with not less than 7 days’
19 notice, before the date the leave is to begin, of the employ-
20 ee’s intention to take leave under such subsection. If the
21 necessity for the leave is not foreseeable, the employee
22 shall provide such notice as is practicable.”.

23 (e) CERTIFICATION.—Section 6383 of such title, as
24 amended by section 532(c), is further amended by adding
25 at the end the following:

1 “(h) An employing agency may require that a request
2 for leave under section 6382(a)(3) be supported by a cer-
3 tification issued at such time and in such manner as the
4 Office of Personnel Management may by regulation pre-
5 scribe.”.

6 **SEC. 554. EFFECTIVE DATE.**

7 This subtitle takes effect 120 days after the date of
8 enactment of this Act.

