

## PERSONAL EXPLANATION

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and unable to cast a number of rollcall votes. Had I been present, I would have voted "no" on rollcall No. 293, "yes" on rollcall No. 294, "yes" on rollcall No. 295, "yes" on rollcall No. 296, "yes" on rollcall No. 299, "yes" on rollcall No. 300, "yes" on rollcall No. 301, "no" on rollcall No. 302, "no" on rollcall No. 303, and "yes" on rollcall No. 304.

CHILD NUTRITION AND WIC  
REAUTHORIZATION ACT OF 2004

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2507) to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, although I do not intend to object, I ask the gentleman to offer an explanation of his request.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I rise in support of this measure, which represents months of hard work and commitment to bipartisan cooperation.

In that spirit we have before us a bill that will extend the life of the Federal child nutrition programs while strengthening program integrity, ensuring effective use of Federal resources, and providing continued nutritional services for millions of American children. And I am pleased to have reached a bipartisan, bicameral consensus that finally will allow the President to sign these important reforms into law.

First and foremost, I want to recognize the gentleman from Delaware (Mr. CASTLE), chairman; and the gentlewoman from California (Ms. WOOLSEY), ranking member of the Education Reform Subcommittee, who deserve a great deal of credit for their hard work and cooperation that have brought this bill before us today. I also want to thank the gentleman from California (Mr. GEORGE MILLER), the ranking member of the committee, for his continued commitment to a bipartisan, cooperative process.

The Federal child nutrition programs ensure millions of needy children have access to nutritious meals. While we all know that a healthful diet is nec-

essary for children to achieve full physical development and long-term health and is critical for academic success as well in school, for this reason the investment in these programs is considerable. And so is our obligation to ensure our Federal resources are being used effectively and efficiently. Children and families depend on Federal child nutrition programs, and they depend on us to ensure that these programs are being administered with integrity.

The Child Nutrition and WIC Reauthorization Act extends the National School Lunch and Breakfast programs; Child and Adult Care Food Program; After-School Snack Program; the Summer Food Service Program; and the Special Supplemental Nutrition Program for Women, Infants, and Children, the WIC program. Taken together, the reforms in this bill will help ensure we are making the most of Federal resources to improve the nutritional health of children while being mindful of program quality and integrity.

The bill before us strikes an important balance between our desire to promote healthy nutritional choices and physical activity among children and the need to preserve local control for our schools. The gentleman from Delaware (Mr. CASTLE), the author of the House version of this legislation, has been a leader in our efforts to reduce the epidemic of child obesity by promoting a comprehensive approach that includes nutrition education and physical activity. In particular, the establishment of a local wellness policy, written at the local level to reflect local needs, marks significant progress that will promote nutrition education and increased physical activity in schools while maintaining local control.

To improve integrity in the Federal child nutrition programs and ensure access for eligible children, the legislation makes a number of positive reforms. The bill allows children whose parents who are in the Armed Forces and living in privatized military housing to continue to receive free or reduced-price meals at school if they meet the eligibility requirements. It also helps parents by allowing them to submit a single application for multiple children and ensures enrollment of eligible children through the use of direct certification of school lunch eligibility for those children and families receiving food stamps.

The Child Nutrition and WIC Reauthorization Act also takes steps to reduce paperwork by allowing school lunch certifications to be valid for 1 full year, preventing situations in which schools are forced to repeatedly certify children within a single school year. The bill also includes a provision originally proposed by the gentleman from Florida (Mr. KELLER) to help reduce the stigma amongst children receiving free and reduced-priced lunches by helping schools make technological improvements, such as automated meal

card systems that keep students' financial status confidential to increase the efficiency of program operations.

In recognition of the success and popularity of the Fruit and Vegetable Pilot program, which currently provides fresh and dried fruits and fresh vegetables to children in 25 schools in each of four States and one Indian reservation, I am pleased that the bill before us authorizes the continuation and expansion of this valuable pilot program.

And since this measure originally passed the House, we have worked closely with Members on both sides of the aisle and in both legislative bodies to reach a consensus, which is embodied in the bill that we have before us today. And through that process, we have reached an agreement on additional reforms that will further strengthen and improve child nutrition programs. We have included a demonstration program that will allow us to evaluate the impact of eliminating the reduced-price meal category, an initiative many of us are interested in exploring, and authorize six additional States, including my home State of Ohio, to participate in the Lugar pilot program under the Summer Feeding Program.

Additionally, I am pleased to have reached a commonsense solution to address concerns about the most efficient use of taxpayer resources particularly within the WIC program. The bill includes strong cost-containment measures to ensure that WIC food costs and voucher payments are consistent with competitive retail prices for supplemental foods. And this will ensure efficient use of taxpayer dollars while protecting our ability to serve the greatest number of eligible women, infants, and children.

The Child Nutrition and WIC Reauthorization Act will prevent important nutritional programs from expiring while ensuring that they continue to operate effectively and efficiently. And I am pleased to support this measure and would encourage my colleagues to do so.

There are a number of staff members from our committee who I believe deserve special recognition and thanks. And they include Stephanie Milburn, Krisann Pearce, Cindy Herrle, Julian Baer, Denise Forte, Linda Theif. And I also want to thank Tyson Redpath on my staff and Sarah Rittling on the gentleman from Delaware's (Mr. CASTLE) staff. And Kate Houston, she wrote it. Kate Houston spent hundreds and hundreds and hundreds of hours over this last year shepherding this and working with staff on both sides of the aisle. And I think all of our colleagues realize that we could not do the job that we do as Members without having terrific staff, and on our committee we have got terrific staff on both sides of the aisle. I want to thank all of them.

I include letters for the RECORD.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, DC, June 21, 2004.

Hon. JOHN BOEHNER,  
Chairman, House Committee on Education and  
the Workforce, Rayburn House Office  
Building, Washington, DC.

DEAR CHAIRMAN BOEHNER: As you are aware, the Senate Committee on Agriculture, Nutrition and Forestry reported S. 2507, the Child Nutrition and WIC Reauthorization Act of 2004, on June 7. As reported, S. 2507 contains matters within the jurisdiction of the Committee on Agriculture.

Section 104(b)(2) amends the Food Stamp Act of 1977, and section 301 amends the Commodity Distribution Reform Act and WIC Amendments of 1987. Both the Food Stamp Act and the Commodity Distribution Act are within the jurisdiction of the Committee on Agriculture. In the interest of expediting this matter, however, our committee will not seek referral of S. 2507. I do so with the understanding that by discharging the bill the Committee on Agriculture does not waive any future jurisdictional claim over this or similar measures. In addition, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees, if one should become necessary.

I also ask that you insert a copy of our exchange of letters in the Congressional Record during consideration of S. 2507 on the Floor.

Sincerely,

BOB GOODLATTE,  
Chairman.

COMMITTEE ON EDUCATION AND THE  
WORKFORCE, U.S. HOUSE OF REP-  
RESENTATIVES,

Washington, DC, June 22, 2004.

Hon. BOB GOODLATTE,  
Chairman, Committee on Agriculture, Long-  
worth House Office Building, Washington,  
DC.

DEAR CHAIRMAN GOODLATTE: This letter is to confirm our agreement regarding S. 2507, the Child Nutrition and WIC Reauthorization. I thank you for working with me, specifically regarding the amendments included in the Senate amendment specifically, Section 104(b)(2) *Agreement for Direct Certification and Cooperation* and Title III, *Commodity Distribution Programs*, which are within the jurisdiction of the Committee on Agriculture.

While these provisions are within the jurisdiction of the Committee on Agriculture, I appreciate your willingness to work with me in moving S. 2507 forward without the need for additional consideration in your Committee. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Agriculture on this provision or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter. I will include a copy of your letter and this response in the Congressional Record during consideration of S. 2507 on the House floor.

Sincerely,

JOHN A. BOEHNER,  
Chairman.

COMMITTEE ON EDUCATION AND THE  
WORKFORCE, U.S. HOUSE OF REP-  
RESENTATIVES,  
Washington, DC, June 22, 2004.

Hon. JOE BARTON,  
Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN BARTON: This letter is to confirm our agreement regarding S. 2507, the Child Nutrition and WIC Reauthorization. I thank you for working with me, specifically regarding the amendments included in the Senate bill specifically, Section 105(b) *Conforming Amendments* and Title IV, *Miscellaneous* which are within the jurisdiction of the Committee on Energy and Commerce.

While these provisions are within the jurisdiction of the Committee on Energy and Commerce, I appreciate your willingness to work with me in moving S. 2507 forward without the need for additional consideration in your Committee. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on the Energy and Commerce on this provision or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter. I will include a copy of this letter in the Congressional Record during consideration of S. 2507 on the House floor.

Sincerely,

JOHN A. BOEHNER,  
Chairman.

Mr. GEORGE MILLER of California.  
Mr. Speaker, I thank the gentleman for his explanation.

Continuing under my reservation of objection, I yield to the gentlewoman from California (Ms. WOOLSEY), ranking member of the committee.

Ms. WOOLSEY. Mr. Speaker, I thank the ranking member for yielding to me.

Mr. Speaker, I rise in support of S. 2507, the Child Nutrition and WIC Reauthorization Act of 2004. This reauthorizes the Federal child nutrition programs, one of the most important bills I think that we consider here in the House of Representatives. This has become, through considerable effort on all sides, a bipartisan, bicameral bill. And I thank my colleagues and staff on both sides of the aisle and in both Chambers who have worked so hard and in such good faith.

A lot of positive compromises were made to get to this point. I think that every Member who was involved in the negotiations, and even some who were not, gave up something while gaining in the long run. But we were determined all through the effort that the Federal child nutrition programs would continue to provide nutritious food for low-income infants and children at home, in child care centers, in family day care homes, at school, and when school is out for the day or the year. And that is what this bill before us today does.

While I would have liked to include a full expansion of the Free Breakfast Program for all kids and tighter restrictions on the junk food that is sold in schools, the Child Nutrition and WIC Reauthorization Act does improve the

Federal child nutrition programs in many ways, and I am not going to list all those ways because we have other people that would like to speak. But I want the Members to know that those of us that are here support exactly what is in this bill, and we are glad that we are able to support it. What I hope and what I expect is that one of the most significant benefits to hungry children since the first Federal school lunch, and that is the pilot program that will allow five States to examine the impact of eliminating the reduced/free category in school meals, that this will be a huge success supported around the Nation so we will prove that children who have a nutritious meal, a nutritious breakfast learn better, they have better attendance, they have better scores on their tests, and they behave better in school. So that we will have learned something very significant by the end of this reauthorization. Our children will get nutritious meals. They will get snacks. They will develop better eating habits as a result of the Child Nutrition and WIC Reauthorization, and I urge all my colleagues to support it.

Mr. GEORGE MILLER of California.  
Mr. Speaker, I thank the gentlewoman for her explanation. And also I want to thank her for all of her hard work and her advocacy on behalf of children in this program and families in this program. She has very much made a difference in the outcome of this legislation by her efforts.

Mr. Speaker, continuing under my reservation of objection, I yield to the gentleman from Delaware (Mr. CASTLE) for his remarks.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from California for yielding to me. I also want to thank him for all of his help and cooperation on this legislation; as well as the distinguished gentleman in Ohio (Mr. BOEHNER) for his work; and obviously my ranking member, with whom I worked closely on this; and particularly the staff, Kate Houston, and Sarah on my staff, as well as all the other staff people.

Obviously I rise in support of the legislation as well. The bill before us today does represent several months of hard work, cooperation, and dedication to strengthening nutritional services for vulnerable children. I am pleased to have the bill before us and to have an agreement that spans both sides of the aisle in addition to both sides of the Capitol.

The Child Nutrition and WIC Reauthorization Act of 2004 makes a number of positive reforms focusing on reaching three main goals: ensuring eligible children have access to services, promoting comprehensive solutions to the health and nutrition of children, and strengthening program integrity to ensure Federal resources are being effectively leveraged to serve children who qualify. The bill reauthorizes the National School Lunch and Breakfast programs, Child and Adult Care Food Program, After-School Snack Program,

Summer Food Service Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children. I believe that in this bill we have gone a long way in strengthening these programs on behalf of disadvantaged children and their families.

While the bill includes a variety of important reforms, there are a few I would like to mention specifically. With little money to work with, we were able to increase access to child nutrition programs for eligible children. For example, the bill extends participation for eligible children whose parents are in the Armed Forces and living in privatized military housing so these children may continue receiving free or reduced-priced meals. This provision alone would benefit 250 children in my home State of Delaware and up to 100,000 children nationwide.

The Federal Government invests roughly \$16 billion annually in child nutrition programs. Ensuring the effective use of these resources by enhancing program integrity has been a top priority during the reauthorization process. We have moved to ensure that children who deserve these services are receiving them and not being excluded by those who are not eligible. To this end, we have taken steps to reduce administrative error, improve accuracy, and enhance accountability for program administration.

Finally, I would like to highlight an issue of particular concern to me, the growing problem of childhood obesity. During visits to schools over the past several years, I have noticed a growing number of obese children. We all recognize the fact that obesity has reached epidemic proportions in our Nation. Defeating this crisis will require the work of many, including schools, parents, government, the health community, and industry.

The bill before us today also includes important steps to promote comprehensive solutions to child health and nutrition, including provisions to promote nutritional education and physical activity at the State and local level.

The Child Nutrition and WIC Reauthorization Act of 2004 is a result of cooperative bipartisan and bicameral efforts to strengthen nutritional services provided to needy children and families through the various child nutrition programs. I would like to thank my colleagues for their cooperation in bringing this bill forward, and I urge its passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Delaware for his explanation. I also want to thank him for all of his work and his participation. He is one of those individuals in this institution that makes a bipartisan agreement like this able to be brought up on unanimous consent because of his cooperation and his advocacy on behalf of our children. So I thank the gentleman from Delaware (Mr. CASTLE).

Mr. Speaker, continuing under my reservation of objection, I yield to the

gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from California for yielding to me.

I would like to thank the gentleman from Ohio (Chairman BOEHNER); the gentleman from Delaware (Chairman CASTLE); the gentleman from California (Mr. GEORGE MILLER), our ranking member; and the gentlewoman from California (Ms. WOOLSEY), ranking member of the subcommittee, for their outstanding work that will benefit my constituents and children throughout the country.

□ 1430

I thank the gentleman for his cooperation and comity, and for working with us on this.

I particularly want to thank the committee for incorporating three issues in this bill that I was involved in working on with members on both sides.

The first is a provision that will permit school districts to more easily automatically enroll children in the child nutrition programs if they are eligible for some other assistance program that has similar or the same eligibility requirements. There are a lot of children who do not get enrolled because their moms and dads do not send the forms back or because there is some kinds of bureaucratic problem. This will help many, many children, and it is greatly appreciated.

Secondly, I appreciate the committee's efforts to be sure that children who attend private for-profit pre-kindergarten programs are given full and equal opportunity to participate in this program.

Third, I salute the committee leadership for their very artful and fair compromise on the issue of soy milk, which is important medically and culturally for many children and many families. This will permit parents who wish to make the choice of soy milk to make that choice.

I also want to commend the staff on both sides of the aisle for their outstanding participation and help in this. I am proud to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing my reservation, I thank the gentleman for his remarks.

Mr. Speaker, I yield to my colleague the gentlewoman from California (Ms. LEE), and thank her for her participation in this legislation.

Ms. LEE. Mr. Speaker, first let me thank the chairman of the subcommittee, the gentleman from Delaware (Mr. CASTLE); the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER); my colleague, our ranking member, the gentleman from California (Mr. GEORGE MILLER); and the gentlewoman from California (Ms. WOOLSEY) for making sure that this is a bipartisan bill and for incorporating many of our new policies and ideas into this bill, and ensuring that one provi-

sion is included in the bill that I introduced actually back in September of 2003, the Right to Know School Nutrition Act.

Basically, today over 27 million low-income children throughout the nation have come to rely on the national school lunch program and the national breakfast program for a healthy and nutritious meal. Oftentimes this is the only source of nutrition that these kids will receive all day, so it is incredibly important that we provide healthy, nutritious meals to these students and we make sure we notify their parents about what they are eating.

But, believe it or not, when it comes to the issue of irradiated food, food that is bombarded with gamma rays or electrons, there is no requirement in law that schools must notify their parents or their children about what they are eating, or even that the irradiated food was being served in school. This provision of the bill basically notifies parents and children about irradiated food, while providing a possible alternative, if the schools can so provide for that.

So I am very delighted that both the House and the other body have seen fit to include a large part of my bill in this bill. I think it is very important for the health and safety of our children. It is very important that parents and children know that their food is irradiated and have some alternatives for their health. That is basically what it is about.

I just want to thank the chairman of the full committee, the chairman of the subcommittee, our ranking member and the gentlewoman from California (Ms. WOOLSEY), our ranking subcommittee member, for all of their assistance in this. I fully support the bill, and hope we have a bipartisan vote.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing to reserve the right to object, I thank the gentlewoman for her remarks.

Mr. Speaker, I yield to the gentlewoman from Los Angeles, California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in strong support of the Child Nutrition and WIC Reauthorization Act of 2004.

I am very pleased to commend my colleagues, the gentleman from Ohio (Chairman BOEHNER); the ranking member the gentleman from California (Mr. GEORGE MILLER); and my good friend the gentlewoman from California (Ms. WOOLSEY) on the wonderful work they have done, along with all of the other members of the committee.

I just want to give recognition to the fact that there was some controversy that developed around the WIC-only stores, but a good compromise has been worked out, and the compromise language in the bill is intended to make sure that the program serves the maximum number of eligible women, infants and children.

The language is not intended to eliminate WIC-only stores or to force the WIC-only stores to price their products less than the larger retail stores.

The WIC-only operators have agreed that they will make their prices more competitive, because that was one of the criticisms. I commend the WIC-only stores for providing special services to limited English speaking families and poor families that allows them to receive this valuable service with dignity and respect. The language in the bill also allows the WIC-only stores to use promotional items in the same way that the larger retail stores are allowed to do.

I would like to thank again all of my colleagues for working this out. The compromise language makes good sense, and this helps us to move forward in ways that serve the maximum number of women, infants and children.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing my reservation of objection, I thank the gentlewoman for her comments and participation in the resolution of the issue concerning the WIC-only stores.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the ranking member for yielding.

Mr. Speaker, I want to commend the gentleman from Ohio (Chairman BOEHNER) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), as well as all of those who have actually been involved to make sure that we had a good, solid, bipartisan piece of legislation that affords the greatest opportunity for our school children to get nutritious meals and to make sure that those individuals who are in need of this kind of action on the part of our Congress do in fact receive it.

I think this is one of the greatest examples of bipartisanship, of the opportunity that people have to work cooperatively together. It has been a great process, and I think the results are going to be even greater.

So, again, I commend the chairman of the Committee on Education and the Workforce, our ranking member, and, of course the ranking member of my subcommittee, the gentlewoman from California (Ms. WOOLSEY). It has been a great process.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing my reservation, I thank the gentleman for his comments.

Mr. Speaker, I again want to support this legislation. I want to thank the gentleman from Ohio (Chairman BOEHNER); the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and the gentlewoman from California (Ms. WOOLSEY) for all of their work and cooperation. I know it continues to mystify some people in the House how the gentleman from Ohio (Mr. BOEHNER) and I can continue to work together, and that the gentleman from Delaware (Mr. CASTLE) can come to these bipartisan agreements with the gentlewoman from California (Ms. WOOLSEY) on my side.

We have serious philosophical differences on many issues, but we have been able to put them aside from time to time on behalf of the children of this Nation, and here I think we have made major improvements in this legislation to the benefit of the 27 million children who participate in this program every school day, to the 2 million children who will participate in the summer feeding and the child care programs in this country, and nearly 7.5 million poor women and children who participate in the Women, Infants and Children program, a program that has demonstrated that we get many, many, many times the return on the money we invest in the WIC program in the reduction of health care costs to the mother and the newborn child because we are able to interact with them and give them good advice about their pregnancy, about the birth of their child and about the care of their child in the early moments of life.

It was almost 30 years ago this year in this Congress when I stood here on a similar unanimous consent request to extend and make permanent the Women, Infants and Children program. It has returned billions of dollars in savings to this country, and, more importantly, it has provided for millions of newborn babies to be born healthy, to avoid the problems of low birth weight and their mothers the problems of troubled pregnancies and premature births.

For that, we are very grateful to the people who work so hard in this program to develop its nutritional benefits and its healthcare benefits.

I also want to thank my colleagues for working so hard to try to expand the efforts to eliminate and reduce paperwork and to make sure that we are coordinating these programs with other programs, such as the Medicaid agencies and food stamp offices, to make sure they know of the accessibility to these programs, to remove the barriers to migrant children and homeless and runaway youth and to expand the opportunities to military families.

It is unfortunate that in this country we have so many people in poverty or have such low wages, many of whom work the year-round, that are eligible for this program, but it is also very fortunate for those individuals and good for our country that we have this program to extend these nutritional and health benefits to them.

I wish we would have been able to make a better statement, a greater statement, and a better direction for this country on the problems of childhood obesity. These rates have doubled in children and tripled in adolescents in the last two decades. We cannot ignore the opportunity we have to work with these children on a whole range of solutions to the problems of obesity while we have them in school. One which is very important to be transmitted to them is the benefit of a good and healthy diet. This program should be compatible with those goals. I hope

we have sent a message to the program that we want them to develop a healthier diet, a better diet, but we also want to send the message of exercise, of healthy living outside of school by those young people.

Finally, we have all thanked one another, but this is a rare moment in this session of Congress, in these 2 years, that stand here reporting under unanimous consent a bipartisan piece of legislation of this significance. So I do want to thank again the gentleman from Ohio (Chairman BOEHNER) for all of his cooperation in moving this legislation in a timely fashion, so we would have an opportunity to work with the Senate; to the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) for developing the substance of this legislation, the changes in this legislation, the reforms in this legislation and the expansion of opportunity for these children and for their families.

I certainly want to thank Senator HARKIN, who I came to Congress with, for all of his hard and continuing work on child nutrition and food programs in this Nation and internationally, and Chairman COCHRAN, who I have had an opportunity to work with on so many programs affecting children in literacy and nutrition and other benefits such as that.

Finally, I want to thank the staff members of our committee. On our side of the aisle, Lynda Theil, Denise Forte and Joe Novotny; the people from CRS, Joe Richardson and Donna Porter, who provided us so much technical assistance and expertise; to Tyson Redpath on the staff of the gentleman from Ohio (Mr. BOEHNER), and Sarah Rittling on the staff of the gentleman from Delaware (Mr. CASTLE); and the Republican staff in the House, Kate Houston, Stephanie Milburn, Sally Lovejoy, Krisann Pearce and Julian Baer, for all of their work, for their consistence.

The fact of the matter is, it was the cooperation among the staffs that allowed this bill to be reported on a timely basis as we come toward the end of this session of Congress.

I would also like to thank Derek Miller of Senator HARKIN's staff and Dave Johnson of Senator COCHRAN's staff.

Mr. Speaker, I think the House and the Senate can be very proud of this legislation, and I know that those individuals, the American School Food Service Association, the Food Research and Action Center, the WIC directors, the United Fresh Fruit and Vegetable Association, the Center for Budget and Policy Priorities, and so many others that I will submit for the RECORD, were great advocates of the improvements made in this legislation and the expansion of nutritional and health opportunities for the participants.

Mr. Speaker, I include for the RECORD the list of supporters of this legislation.

American Association of School Administrators.

American Commodity Distribution Association.  
 American Dietetic Association.  
 American Federation of State, County, and Municipal Employees (AFSCME).  
 American School Food Service Association (ASFS).  
 America's Second Harvest.  
 Anti Hunger Action Committee.  
 Association of Farmworker Opportunity Programs.  
 Bread for the World.  
 Catholic Charities USA.  
 Central Coast Hunger Coalition.  
 Chicago Jobs Council.  
 Children's Defense Fund.  
 Children's Foundation.  
 Coalition of Labor Union Women.  
 Coalition of Religious Communities (Utah).  
 Coalition on Human Needs.  
 Colorado Anti-Hunger Network.  
 Colorado Center on Law and Policy.  
 Community Food Security Coalition.  
 Congressional Hunger Center.  
 Connecticut Association for Human Services.  
 Crossroads Urban Center.  
 Denver Urban Ministries.  
 EBT Industry Council of the Electronic Funds Transfer Association.  
 Evangelical Lutheran Church in America.  
 Food and Allied Service Trades Department (FAST), AFL-CIO.  
 Food Research and Action Center (FRAC).  
 FOOD Share, Inc.  
 Greater Upstate Law Project, NY.  
 Green Consulting Services, Miami, FL.  
 Hudson Valley Poverty Law Center, NY.  
 Human Services Coalition of Dade County.  
 Hunger Action Network of New York State.  
 I Am Your Child Foundation.  
 Indiana Coalition on Housing and Homeless Issues, Inc.  
 Institute Justice Team, Sisters of Mercy of the Americas.  
 Jewish Council for Public Affairs.  
 Just Harvest, Pittsburgh, PA.  
 Lutheran Advocacy Ministry—Colorado.  
 Migrant Legal Action Program.  
 Monterey County Farm to School Partnership.  
 National Advocacy Center of the Sisters of the Good Shepherd.  
 National Association for the Education of Young Children (NAEYC).  
 National Association of Protection and Advocacy Systems.  
 National Association of State Boards of Education.  
 National Coalition for the Homeless.  
 National Council of Churches of Christ in the USA.  
 National Council of Jewish Women.  
 National Farmers Union.  
 National Grange.  
 National Head Start Association.  
 National Priorities Project.  
 National PTA.  
 National Student Campaign Against Hunger and Homelessness.  
 National WIC Association (NWA).  
 National Women's Law Center.  
 Northeast Missouri Client Council for Human Needs, Inc.  
 Presbyterian Church (U.S.A.) Washington Office.  
 Public Children Services Association of Ohio.  
 Public Interest Law Office of Rochester, NY.  
 Public Justice Center.  
**RESULTS.**  
 Sargent Shriver National Center on Poverty Law.  
 Second Harvest Food Bank of Santa Cruz and San Benito Counties.

Share Our Strength (SOS).  
 The Advocacy for the Poor, Inc., Winston-Salem, NC.  
 The Partnership Center, Ltd.  
 Union for Reform Judaism.  
 United Food and Commercial Workers International Union (UFCW).  
 United Fresh Fruit & Vegetable Association.  
 WHEAT, Phoenix, AZ.  
 Women of Reform Judaism.  
 World Hunger Year.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support of S. 2507, the Child Nutrition and WIC Reauthorization Act. Federal child nutrition programs were conceived to offer wholesome meals and snacks to children in need, and to support the health of lower-income pregnant women, new mothers, and their young children. Federal child nutrition programs touch the lives of countless children. The National School Lunch Program alone serves an average of 29 million children each school day. Fifty-eight percent of these children receive a nutritious lunch each school day for free or at a reduced price. Nearly eleven million children also take part in school breakfast, after-school snacks, and summer meals. These programs provide an extraordinary opportunity to send a strong, consistent message to children about maintaining a healthy, active lifestyle.

Along with nutritional provisions, this legislation works to streamline the eligibility criteria and paperwork parents and guardians need to participate. For schools, lunch certifications will now be valid for a full year. Additionally, parents will be allowed to submit a single application for multiple children, and to file school lunch applications electronically. And, eligible children whose parents live in privatized military housing will continue to receive free- or reduced-price meals.

This bill also addresses the Women, Infant and Children program commonly known as WIC. This important program helps safeguard the health of nutritionally at-risk pregnant women and new mothers, infants, and children up to age five. It provides vital nutrient-dense foods to supplement diets, along with nutrition education and referrals for health care and other social services. WIC is based on the premise that early intervention programs can prevent future medical and developmental problems in at-risk individuals. The success of WIC is well documented. Participation in WIC has led to better pregnancy outcomes—fewer infant deaths, fewer premature births, and increased birth weights. Through this legislation, WIC is authorized through 2009 and a number of enhancements are made to program access and operations.

Finally, this bill also ensures that supplemental foods available through WIC are consistent with current nutritional science, a key link in fighting youth obesity. Mr. Speaker, The Child Nutrition and WIC Reauthorization Act will help strengthen and improve all these programs which are so valuable to children and their families. I urge my colleagues to support this important legislation and yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I rise today in support of S. 2507, the bipartisan bill to reauthorize the Child Nutrition and WIC Programs. In this hot political climate, I am pleased to see that members crossed the aisle to compromise in the interests of hungry children. There are a number of provisions in this bill

which will improve the program through increased access and innovative programs.

Migrant and seasonal farm working families, the families that put food on our tables, face unique challenges in accessing this program. The average farm worker earns just \$7,500 a year—leaving most of their families well below poverty level. The hardships that the children in these families face are only amplified by their migratory lifestyle. Their parents, who are poor, uneducated, and often with limited literacy in their native language, face many barriers helping their children apply for services every time they move. S. 2507 would make homeless, runaway and migrant children automatically eligible for free lunch and breakfast. It will extend automatic eligibility to children who qualify for migrant educational services under the Elementary and Secondary Education Act.

It will be easier for parents to apply for free or reduced price meals by requiring only one application for the household and making that application valid for the full school year. Additionally, children in Food Stamp and TANF households will be directly certified to participate in the program.

Common sense and scientific knowledge tells us that eating breakfast improves school performance. Yet a number of barriers keep schools from offering this service, ranging from cost, stigma, and transportation. This bill would encourage more schools to serve breakfast by studying the logistical impediments that make it difficult, and finding ways to reduce those impediments.

Children who are hungry during the school day suffer even more during the summer when the appropriate resources are not available. S. 2507 authorizes a new pilot project to examine ways to reduce transportation barriers and increase access to summer feeding programs in rural areas.

Childhood obesity has become a national epidemic. Nearly a quarter of Hispanic children are overweight, and at high risk for Type II Diabetes. This program is in the position to significantly impact this national health crisis. In addition to requiring schools to create a wellness policy, this bill would authorize grants for outreach and education on obesity prevention activities to communities with high Limited English Proficiency populations.

This bill would expand the Fruit and Vegetable Pilot program, allowing it to target high poverty areas. Additionally, it authorizes an evaluation of the impact of fruits and vegetables on childhood obesity through pilot programs in WIC.

I stand today in support of this reauthorization bill because it offers real solutions to families and children who are most in need of our help. S. 2507 is a comprehensive piece of legislation that increases access, simplifies the application process, offers outreach, creates innovative pilot programs for targeted communities, and promotes the health and well being of all children served in the program. I encourage my colleagues to support this important bipartisan reauthorization.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of S. 2507, The Child Nutrition and WIC Reauthorization Act of 2004. I would like to commend the leadership of the Education and the Workforce Committee and the Senate Agriculture Committee for negotiating a bipartisan bill that will improve access to the child nutrition programs.

I am pleased that this compromise bill contains a number of provisions that were supported by the Congressional Hispanic Caucus and national Hispanic organizations. S. 2507 will make a difference for Hispanic children and families.

Measures to allow for the direct certification of migrant students and the direct verification of eligibility will protect our most at risk students from being dropped from the program, not for lack of eligibility but for lack of understanding or fear.

The provisions to ensure that school lunch information—throughout the entire process—is in a language and form that the parents can understand will go a long way to building understanding and trust. These are significant improvements to the program.

Additionally, the bill strengthens nutrition education. Childhood obesity and diabetes are reaching epidemic proportions in the Hispanic community and across the Nation. We must do more to help young people develop healthy lifestyles. This legislation is a step in the right direction.

S. 2507 provides important resources to expand access through innovative programs. The bill expands the Lugar summer food program, establishes a pilot program for rural areas, and allows 5 states to examine the impact of replacing the reduced priced lunches with free lunches—a goal that has strong bipartisan support.

This legislation also takes steps to safeguard the integrity of the WIC program, ensuring that WIC food packages reach the maximum number of women, infants, and children.

I urge my colleagues to vote yes on S. 2507.

Ms. DELAURO. Mr. Speaker, I rise in support of the Child Nutrition and Women, Infants, and Children reauthorization bill. These vital programs—school lunch and breakfast programs, after-school snack programs, WIC—improve the day-to-day-lives of American families. WIC touches the lives of every 5 people in the United States, including over 37 million children and nearly 2 million lower-income and postpartum women. It guarantees young women and their children receive adequate nutrition and health advice—preventing future illnesses and other health problems.

Our experience with the WIC nutrition program shows that it is a sound and wise long-term investment that pays off by improving the health and development of the women and young children who participate in the program. Each dollar invested in WIC saves more than three dollars in other government spending on programs such as Medicaid. WIC helps young mothers and their children start off on the right foot and saves money at the same time.

As a member of the House Appropriations Subcommittee on Agriculture, I work every year with my colleagues to ensure sufficient funding for the WIC program and to enact measures to streamline and improve the integrity of the program. But while I am largely pleased with the bill the other body produced, it unfortunately did not expand the school lunch program to all children who are in need.

There is no more important measure of our nation's values than how we care for and ensure the health and nutrition of our children—none.

We still have a way to go with respect to the full funding of WIC this year. But I am encouraged by this reauthorization, Mr. Speaker, and

will continue to work toward fully funding the program in the coming year.

Mr. HOLT. Mr. Speaker, I rise in support of this Child Nutrition Act. This bill is a step in the right direction of important reforms in federal child nutrition programs. I would like to thank Chairmen BOEHNER, and CASTLE and Ranking Members MILLER and WOOLSEY for their hard work on the bill. I would also like to thank the Chairman for taking my amendment during the committee process eliminating the cost-accounting requirement for severe need breakfast programs.

This paperwork problem was brought to my attention by the Director of the New Jersey Child Nutrition Programs, Kathy Kuser. Many states, such as New Jersey, Wisconsin and Illinois, are making significant efforts to improve their school breakfast participation rate, and reducing the paperwork requirements would help these efforts.

Under current law, schools would qualify for severe-need breakfast assistance if at least 40 percent of the lunches served during the second preceding school year were free or reduced price. They calculate their cost per breakfast by prorating their labor costs, and figuring out their food, supplies and other costs associated with the school breakfast program. They have to save their receipts and calculations and submit them in order to get the severe-need reimbursement. Removing the cost-accounting requirement would be a significant paperwork reduction for the schools without significantly increasing cost for the government.

I also want to commend the committee for including direct certification for children from food stamp households for free school meals. Many schools are not aware of this method to determine eligibility for free meals. Direct certification improves access to free school lunches and improves program integrity, according to a study done by Mathematica.

I am also pleased to see a bill authorizing grants for “farm-to-cafeteria” projects, including nutrition education activities. These activities incorporate the participation of school children in farm and agricultural education projects and procure local foods from small- and medium-sized farms for school meals.

The expansion of eligibility for Child and Adult Care Food Program (CACFP) for children in shelters from age 13 to 18 who live in domestic violence shelters and homeless shelters is a wonderful improvement to the previous child nutrition legislation. My constituents who participate in Mercer Street Friends, Anchor House, Triad House, Family Preservation Center (Homefront) and the Family Preservation House would benefit from this change to CACFP eligibility. These organizations depend on food donations to feed their clients who are nutritionally at risk and should be eligible for this important nutrition support program.

Finally, I am pleased to see that the bill we are considering today has some positive improvements to the bill that first passed in March. The bill now authorizes grants to states for comprehensive nutrition education and physical activity programs.

It also authorizes grants to schools for nutrition and physical activity projects. Today's bill provides training and technical assistance to schools to develop healthy school nutrition environments and local wellness policies.

The bill also expands from 5 to 8 the number of states participating in the successful Fruit and Vegetable Pilot.

Mr. Speaker, once again I want to thank my colleagues and their staffs on the for their hard work. I ask my colleagues to support this bill, which will eliminate barriers to participation for low-income children and families and ensure greater access to these critical nutrition programs.

Mr. KIND. Mr. Speaker, I rise today in strong support of the Child Nutrition and WIC Reauthorization Act. As a member of the Education and the Workforce or Committee, I am pleased with the process in which this bill has been considered; it is a critical bill that will greatly benefit our nation's children as well as family farmers.

Ensuring that our youth receive proper nutrition is a top priority for me in Congress. I have traveled across western Wisconsin, meeting with people both in and out of the schools who are active in administering child nutrition programs, and consistently I hear how important these programs are for our youth. I have also met with parents and children who participate, and I hear how many of these families depend on federal child nutrition programs for a healthy start in life and healthy meals as their children grow. Sadly, too often, a federally subsidized meal is the only complete meal some children eat in a day. This reality underscores the importance of this bill that will improve access to such important programs while also increasing the nutritional value of federal food programs.

Specifically, I am pleased that several provisions were included in the base bill, which I coauthored in previous legislation. H.R. 3250, the Child Nutrition Improvement Act of 2003, which I sponsored with Representatives BENNIE THOMPSON, GIL GUTKNECHT, and TOM PETRI, will combat the increasing problem of child obesity through increased child milk consumption by preventing commercial beverage companies from pressuring schools to remove milk vending machines. Another provision included in the base bill from H.R. 3250 will improve child nutrition by making it easier for schools to offer milk in a variety of flavors and fat contents to better meet students' varying tastes and needs. With 90 percent of teenage girls and 70 percent of teenage boys currently not getting enough calcium, it is imperative to provide increased availability of milk products in schools.

Additionally, S. 2507 includes legislation that I sponsored with Representative UPTON, H.R. 2626, The Farm-to-Cafeteria Projects Act of 2003. This provision focuses on connecting local agriculture to schools in every state through a competitive, one-time matching grant directly to local communities. This allows each locality to design a farm-to-cafeteria project tailored to specific farm and school community needs. Experience has shown that kids' food choices can be improved by connecting farms to the lunchroom.

Mr. Speaker, again, I am proud to support this bill on the Floor today. Our goal in the 21st century should be to ensure that every child receives proper nutrition needed to succeed in school. It is a simple fact: good nutrition is an educational tool that improves children's performance in school.

Mr. SHAYS. Mr. Speaker, I rise in support of the Child Nutrition and WIC Reauthorization Act today.

I support child nutrition programs. The link between child nutrition and academic performance is a strong one, and I believe we need



to do everything we can to make sure these programs are available to the children who need them most.

Under current law, reduced-price school meals are offered only to children with family incomes between 130 percent and 185 percent of the poverty level. Many families in the reduced-price income category find it difficult to pay the fee. As a result, many children who could benefit from the program do not.

I am pleased the Child Nutrition and WIC Reauthorization Act incorporates a pilot program to evaluate the effect of legislation I introduced which provides free meals under the Richard B. Russell National School Lunch Act to all children whose family incomes are less than 185 percent of the poverty line.

Under my legislation, each year the income eligibility threshold for free meals would rise, so that by the beginning of the school year that begins July 1, 2008, all children who are currently eligible for a reduced-price meal would be eligible for a free meal.

For Connecticut's Fourth Congressional District, this means 3,943 more children would be eligible for free meals, an increase of 13 percent.

S. 2507 would authorize a demonstration program in five States or parts of States to evaluate the impact of eliminating the reduced-price meal category.

The bottom line is reducing school hunger will increase academic performance.

Children cannot learn on an empty stomach. We need to ensure all children who can't afford lunches have guaranteed access to free meals. With the bounty of food we have in America, there is no reason for a child to be hungry in school. I urge support of this legislation.

Mr. CARTER. Mr. Speaker. I rise in support of S. 2507, Child Nutrition and WIC Reauthorization Act of 2004, which includes language that I offered to stop infant formula theft.

Stolen infant formula is a major problem throughout the country, including the State of Texas.

In 2003, international crime rings stole as much as \$2.5 million worth of baby formula a month in Texas, and testimony before Congress revealed that some of the proceeds may go to fund terrorism.

After being stolen, the formula was stored and sometimes repackaged with phony expiration dates, then it was sold to small convenience stores in the United States.

This legislation requires State agencies to license and maintain a list of infant formula manufacturers, wholesalers, distributors, and retailers approved to provide infant formula to vendors.

This section closes a loophole that would allow crime rings to steal infant formula and resell this formula to retailers, who often are unaware that the formula was stolen.

This list would include food manufacturers, wholesalers, distributors, and retailers licensed in the State to distribute infant formula and food manufacturers registered with the U.S. Food and Drug Administration that provide infant formula, with vendors required to purchase infant formula from the list.

The stolen formula is often resold to customers using vouchers from the federally funded Women, Infants, and Children program.

I want to thank Education and the Workforce Chairman JOHN BOEHNER and the Subcommittee on Education Reform Chairman MI-

CHAEL CASTLE, along with this staff, Kate Howston and Stephanie Milburn for their important work on this legislation.

Thank you, Mr. Speaker. I urge that my colleagues support this important legislation.

Mr. OSBORNE. Mr. Speaker, I rise in strong support of this legislation, which will do so much to assist children across the county.

I would like to point out a few things specifically that I believe make this an excellent reauthorization. We all know that childhood obesity has grown to epidemic proportions. The Centers for Disease Control and Prevention estimates that over 15 percent of children ages 6 to 11 were overweight in 1999 and 2000, more than triple the average of 4.2 percent from 1962 to 1970.

While this bill does not dictate to a school how to set priorities on nutrition and exercise, it does require schools to set locally determined wellness policies that encourage nutrition and physical activity. Although this language does not go as far as I would personally like to see, I believe it is a strong step in the right direction and I applaud the Chairman of the Education and the Workforce Committee Mr. BOEHNER, and especially Chairman of the Subcommittee on Education Reform, Mr. CASTLE for their efforts in this area.

In addition, the bill authorizes and expands the fresh fruit and vegetable pilot program, which is currently operating in a number of schools around the country with tremendous success. The bill also strengthens partnerships between local schools and local farmers in an effort to see more locally grown produce on school lunch tables.

I think this is a fair bill, a good bill, and our Nation's children will benefit from the commonsense reforms in this legislation. I urge passage of S. 2507.

Mr. EHLERS. Mr. Speaker, I rise today in support of S. 2507. I thank Chairman BOEHNER and Mr. CASTLE for work on this legislation. I particularly thank them for their willingness to retain direct certification of migrant children and policies promoting wellness during negotiations with the Senate.

This legislation works to protect eligible children's access to the child nutrition programs by extending automatic eligibility to children who qualify for migrant educational services under Title 1, part C of the No Child Left Behind Act. It allows for direct certification of migrant children if they are identified by the district's migrant education coordinator. Such a change makes it easier for migrant children to receive school meals as soon as they enter a new school.

In addition, this legislation promotes nutritional education and physical activity. I am very pleased that this legislation promotes such education and physical activity at the state and local levels to prevent childhood obesity. I am hopeful that the local school wellness policies, which will be established by schools participating in the school nutrition programs, will promote health and prevent childhood obesity throughout schools in Michigan and throughout the Nation.

Finally, I support strengthening partnerships between local agriculture and schools. I co-sponsored Representative UPTON and Representative KIND's Farm-To-Cafeteria Projects Act, and I am pleased to see these provisions included. This legislation will promote partnerships between local Michigan farms and the child nutrition programs to ensure that children receive fresh and local produce.

In closing, I urge my colleagues to vote in favor of the Child Nutrition and WIC Reauthorization Act of 2004.

Mr. KELLER. Mr. Speaker, I rise today in strong support of S. 2507, the Child Nutrition and WIC Reauthorization Act of 2004.

I support this legislation not only because it strengthens the current school lunch program, but more specifically, it will reduce the stigma among children receiving free and reduced-priced lunches by helping schools make technological improvements, such as automated "meal card" systems, that keep students' financial status confidential so that children aren't embarrassed or singled out in the lunch line in front of their peers as participants in the free or reduced lunch program.

I am pleased that yesterday the Senate passed this legislation, and followed the House in incorporating my "Pride in the Lunch Line Act" legislation to allow schools access to existing Federal funds to purchase technology that will allow low-income children to go through the lunch line without the stigma or embarrassment of being identified as recipients of the free or reduced lunch program.

I modeled my legislation after a program in one of my local school districts, Lake County, Florida, that uses technology to enable every child to go through the school lunch line without being identified as a free or reduced lunch program recipient. Regardless of family income, every child has the same debit card which either their parents deposit money into or is funded by the program.

This legislation will expand existing Federal funds to allow more schools across the Nation to implement similar technology programs as Lake County did, reduce the stigma for students, and reduce the paperwork for schools.

I encourage my colleagues to vote for the Child Nutrition and WIC Reauthorization Act of 2004. Let's help children eat their lunch with pride.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2507

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition and WIC Reauthorization Act of 2004".

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

Sec. 1. Short title; Table of contents.

## TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

- Sec. 101. Nutrition promotion.
- Sec. 102. Nutrition requirements.
- Sec. 103. Provision of information.
- Sec. 104. Direct certification.
- Sec. 105. Household applications.
- Sec. 106. Duration of eligibility for free or reduced price meals.
- Sec. 107. Runaway, homeless, and migrant youth.
- Sec. 108. Certification by local educational agencies.
- Sec. 109. Exclusion of military housing allowances.
- Sec. 110. Waiver of requirement for weighted averages for nutrient analysis.

- Sec. 111. Food safety.
- Sec. 112. Purchases of locally produced foods.
- Sec. 113. Special assistance.
- Sec. 114. Food and nutrition projects integrated with elementary school curricula.
- Sec. 115. Procurement training.
- Sec. 116. Summer food service program for children.
- Sec. 117. Commodity distribution program.
- Sec. 118. Notice of irradiated food products.
- Sec. 119. Child and adult care food program.
- Sec. 120. Fresh fruit and vegetable program.
- Sec. 121. Summer food service residential camp eligibility.
- Sec. 122. Access to local foods and school gardens.
- Sec. 123. Year-round services for eligible entities.
- Sec. 124. Free lunch and breakfast eligibility.
- Sec. 125. Training, technical assistance, and food service management institute.
- Sec. 126. Administrative error reduction.
- Sec. 127. Compliance and accountability.
- Sec. 128. Information clearinghouse.
- Sec. 129. Program evaluation.

#### TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

- Sec. 201. Severe need assistance.
- Sec. 202. State administrative expenses.
- Sec. 203. Special supplemental nutrition program for women, infants, and children.
- Sec. 204. Local wellness policy.
- Sec. 205. Team nutrition network.
- Sec. 206. Review of best practices in the breakfast program.

#### TITLE III—COMMODITY DISTRIBUTION PROGRAMS

- Sec. 301. Commodity distribution programs.

#### TITLE IV—MISCELLANEOUS

- Sec. 401. Sense of Congress regarding efforts to prevent and reduce childhood obesity.

#### TITLE V—IMPLEMENTATION

- Sec. 501. Guidance and regulations.
- Sec. 502. Effective dates.

### TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

#### SEC. 101. NUTRITION PROMOTION.

The Richard B. Russell National School Lunch Act is amended by inserting after section 4 (42 U.S.C. 1753) the following:

#### “SEC. 5. NUTRITION PROMOTION.

“(a) IN GENERAL.—Subject to the availability of funds made available under subsection (g), the Secretary shall make payments to State agencies for each fiscal year, in accordance with this section, to promote nutrition in food service programs under this Act and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(b) TOTAL AMOUNT FOR EACH FISCAL YEAR.—The total amount of funds available for a fiscal year for payments under this section shall equal not more than the product obtained by multiplying—

- “(1) ½ cent; by
- “(2) the number of lunches reimbursed through food service programs under this Act during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs.

“(c) PAYMENTS TO STATES.—

“(1) ALLOCATION.—Subject to paragraph (2), from the amount of funds available under subsection (g) for a fiscal year, the Secretary shall allocate to each State agency an amount equal to the greater of—

“(A) a uniform base amount established by the Secretary; or

“(B) an amount determined by the Secretary, based on the ratio that—

“(i) the number of lunches reimbursed through food service programs under this Act in schools, institutions, and service institutions in the State that participate in the food service programs; bears to

“(ii) the number of lunches reimbursed through the food service programs in schools, institutions, and service institutions in all States that participate in the food service programs.

“(2) REDUCTIONS.—The Secretary shall reduce allocations to State agencies qualifying for an allocation under paragraph (1)(B), in a manner determined by the Secretary, to the extent necessary to ensure that the total amount of funds allocated under paragraph (1) is not greater than the amount appropriated under subsection (g).

“(d) USE OF PAYMENTS.—

“(1) USE BY STATE AGENCIES.—A State agency may reserve, to support dissemination and use of nutrition messages and material developed by the Secretary, up to—

“(A) 5 percent of the payment received by the State for a fiscal year under subsection (c); or

“(B) in the case of a small State (as determined by the Secretary), a higher percentage (as determined by the Secretary) of the payment.

“(2) DISBURSEMENT TO SCHOOLS AND INSTITUTIONS.—Subject to paragraph (3), the State agency shall disburse any remaining amount of the payment to school food authorities and institutions participating in food service programs described in subsection (a) to disseminate and use nutrition messages and material developed by the Secretary.

“(3) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—In addition to any amounts reserved under paragraph (1), in the case of the summer food service program for children established under section 13, the State agency may—

“(A) retain a portion of the funds made available under subsection (c) (as determined by the Secretary); and

“(B) use the funds, in connection with the program, to disseminate and use nutrition messages and material developed by the Secretary.

“(e) DOCUMENTATION.—A State agency, school food authority, and institution receiving funds under this section shall maintain documentation of nutrition promotion activities conducted under this section.

“(f) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this section that are not obligated or expended, as determined by the Secretary.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.”.

#### SEC. 102. NUTRITION REQUIREMENTS.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by striking paragraph (2) and inserting the following:

“(2) FLUID MILK.—

“(A) IN GENERAL.—Lunches served by schools participating in the school lunch program under this Act—

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

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

“(iii) shall provide a substitute for fluid milk for students whose disability restricts their diet, on receipt of a written statement from a licensed physician that identifies the disability that restricts the student's diet and that specifies the substitute for fluid milk.

“(B) SUBSTITUTES.—

“(i) STANDARDS FOR SUBSTITUTION.—A school may substitute for the fluid milk provided under subparagraph (A), a nondairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards established by the Secretary (which shall, among other requirements to be determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk) for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

“(ii) NOTICE.—The substitutions may be made if the school notifies the State agency that the school is implementing a variation allowed under this subparagraph, and if the substitution is requested by written statement of a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need that restricts the student's diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

“(iii) EXCESS EXPENSES BORNE BY SCHOOL FOOD AUTHORITY.—Expenses incurred in providing substitutions under this subparagraph that are in excess of expenses covered by reimbursements under this Act shall be paid by the school food authority.

“(C) RESTRICTIONS ON SALE OF MILK PROHIBITED.—A school that participates in the school lunch program under this Act shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place—

“(i) on the school premises; or

“(ii) at any school-sponsored event.”.

#### SEC. 103. PROVISION OF INFORMATION.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

“(4) PROVISION OF INFORMATION.—

“(A) GUIDANCE.—Prior to the beginning of the school year beginning July 2004, the Secretary shall issue guidance to States and school food authorities to increase the consumption of foods and food ingredients that are recommended for increased serving consumption in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(B) RULES.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate rules, based on the most recent Dietary Guidelines for Americans, that reflect specific recommendations, expressed in serving recommendations, for increased consumption of foods and food ingredients offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”.

#### SEC. 104. DIRECT CERTIFICATION.

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

(1) by redesignating paragraphs (3) through (7) as paragraphs (9) through (13), respectively; and

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking “(B) Applications” and inserting the following:

“(B) APPLICATIONS AND DESCRIPTIVE MATERIAL.—

“(i) IN GENERAL.—Applications”;

(ii) in the second sentence, by striking “Such forms and descriptive material” and inserting the following:

“(ii) INCOME ELIGIBILITY GUIDELINES.—Forms and descriptive material distributed in accordance with clause (i)”; and



(iii) by adding at the end the following:

“(iii) CONTENTS OF DESCRIPTIVE MATERIAL.—

“(I) IN GENERAL.—Descriptive material distributed in accordance with clause (i) shall contain a notification that—

“(aa) participants in the programs listed in subclause (II) may be eligible for free or reduced price meals; and

“(bb) documentation may be requested for verification of eligibility for free or reduced price meals.

“(II) PROGRAMS.—The programs referred to in subclause (I)(aa) are—

“(aa) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(bb) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

“(cc) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

“(dd) a State program funded under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).”;

(B) by striking “(C)(i)” and inserting “(3)”; and

(C) by striking clause (ii) of subparagraph (C) (as it existed before the amendment made by subparagraph (B)) and all that follows through the end of subparagraph (D) and inserting the following:

“(4) DIRECT CERTIFICATION FOR CHILDREN IN FOOD STAMP HOUSEHOLDS.—

“(A) IN GENERAL.—Subject to subparagraph (D), each State agency shall enter into an agreement with the State agency conducting eligibility determinations for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

“(B) PROCEDURES.—Subject to paragraph (6), the agreement shall establish procedures under which a child who is a member of a household receiving assistance under the food stamp program shall be certified as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

“(C) CERTIFICATION.—Subject to paragraph (6), under the agreement, the local educational agency conducting eligibility determinations for a school lunch program under this Act and a school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall certify a child who is a member of a household receiving assistance under the food stamp program as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

“(D) APPLICABILITY.—This paragraph applies to—

“(i) in the case of the school year beginning July 2006, a school district that had an enrollment of 25,000 students or more in the preceding school year;

“(ii) in the case of the school year beginning July 2007, a school district that had an enrollment of 10,000 students or more in the preceding school year; and

“(iii) in the case of the school year beginning July 2008 and each subsequent school year, each local educational agency.”.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by subsection (a)) is amended by inserting after paragraph (4) the following:

“(5) DISCRETIONARY CERTIFICATION.—

“(A) IN GENERAL.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

“(i) a member of a family that is receiving assistance under the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995;

“(ii) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

“(iii) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

“(iv) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).”.

“(B) CHILDREN OF HOUSEHOLDS RECEIVING FOOD STAMPS.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as a member of a household that is receiving food stamps under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

“(6) USE OR DISCLOSURE OF INFORMATION.—

“(A) IN GENERAL.—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in paragraph (3)(F), (4), or (5), shall be limited to—

“(i) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (including a regulation promulgated under either Act);

“(ii) a person directly connected with the administration or enforcement of—

“(I) a Federal education program;

“(II) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)); or

“(III) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the school lunch program under this Act;

“(iii)(I) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

“(II) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by this paragraph or paragraph (3)(F), (4), or (5);

“(iv) a person directly connected with the administration of the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purposes of—

“(I) identifying children eligible for benefits under, and enrolling children in, those programs, except that this subclause shall apply only to the extent that the State and the local educational agency or school food authority so elect; and

“(II) verifying the eligibility of children for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(v) a third party contractor described in paragraph (3)(G)(iv).

“(B) LIMITATION ON INFORMATION PROVIDED.—Information provided under clause (ii) or (v) of subparagraph (A) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits is made or for whom eligibility information is provided under paragraph (3)(F), (4), or (5), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

“(C) CRIMINAL PENALTY.—A person described in subparagraph (A) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

“(D) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in subparagraph (A)(iv)(I) shall ensure that any local educational agency or school food authority acting in accordance with that option—

“(i) has a written agreement with 1 or more State or local agencies administering health programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under subparagraph (A) to seek to enroll children in those health programs; and

“(ii)(I) notifies each household, the information of which shall be disclosed under subparagraph (A), that the information disclosed will be used only to enroll children in health programs referred to in subparagraph (A)(iv); and

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

“(E) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under subparagraph (A)(iv)(I) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in subparagraph (A)(iv).

“(7) FREE AND REDUCED PRICE POLICY STATEMENT.—

“(A) IN GENERAL.—After the initial submission, a local educational agency shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the local educational agency.

“(B) ROUTINE CHANGE.—A routine change in the policy of a local educational agency (such as an annual adjustment of the income eligibility guidelines for free and reduced price meals) shall not be sufficient cause for requiring the local educational agency to submit a policy statement.

“(8) COMMUNICATIONS.—

“(A) IN GENERAL.—Any communication with a household under this subsection or subsection (d) shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

“(B) ELECTRONIC AVAILABILITY.—In addition to the distribution of applications and descriptive material in paper form as provided for in this paragraph, the applications and material may be made available electronically via the Internet.”.

(2) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

“(u) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—

“(1) IN GENERAL.—Each State agency shall enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(2) CONTENTS.—The agreement shall establish procedures that ensure that—

“(A) any child receiving benefits under this Act shall be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application; and

“(B) each State agency shall cooperate in carrying out paragraphs (3)(F) and (4) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).”.

(C) FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to assist States in carrying out the amendments contained in this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) \$9,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to assist States in carrying out the amendments made by this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) the funds transferred under paragraph (1), without further appropriation.

(d) CONFORMING AMENDMENTS.—

(1) Effective July 1, 2008, paragraph (5) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as added by subsection (b)(1)) is amended—

(A) by striking subparagraph (B);

(B) by striking “CERTIFICATION.—” and all that follows through “IN GENERAL.—” and inserting “CERTIFICATION.—”; and

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting appropriately.

(2) Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) (as amended by subsection (a)(1)) is amended—

(A) in subsection (b)(12)(B), by striking “paragraph (2)(C)” and inserting “this subsection”; and

(B) in the second sentence of subsection (d)(1), by striking “subsection (b)(2)(C)” and inserting “subsection (b)(3)(G)”.

(3) Section 11(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(e)) is amended in the first sentence by striking “section 9(b)(3)” and inserting “section 9(b)(9)”.

#### SEC. 105. HOUSEHOLD APPLICATIONS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 104(a)(2)(B)) is amended by striking paragraph (3) and inserting the following:

“(3) HOUSEHOLD APPLICATIONS.—

“(A) DEFINITION OF HOUSEHOLD APPLICATION.—In this paragraph, the term ‘household application’ means an application for a child of a household to receive free or reduced price school lunches under this Act, or free or reduced price school breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), for which an eligibility determination is made other than under paragraph (4) or (5).

“(B) ELIGIBILITY DETERMINATION.—

“(i) IN GENERAL.—An eligibility determination shall be made on the basis of a complete household application executed by an adult member of the household or in accordance with guidance issued by the Secretary.

“(ii) ELECTRONIC SIGNATURES AND APPLICATIONS.—A household application may be executed using an electronic signature if—

“(I) the application is submitted electronically; and

“(II) the electronic application filing system meets confidentiality standards established by the Secretary.

“(C) CHILDREN IN HOUSEHOLD.—

“(i) IN GENERAL.—The household application shall identify the names of each child in the household for whom meal benefits are requested.

“(ii) SEPARATE APPLICATIONS.—A State educational agency or local educational agency may not request a separate application for each child in the household that attends schools under the same local educational agency.

“(D) VERIFICATION OF SAMPLE.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) ERROR PRONE APPLICATION.—The term ‘error prone application’ means an approved household application that—

“(aa) indicates monthly income that is within \$100, or an annual income that is within \$1,200, of the income eligibility limitation for free or reduced price meals; or

“(bb) in lieu of the criteria established under item (aa), meets criteria established by the Secretary.

“(II) NON-RESPONSE RATE.—The term ‘non-response rate’ means (in accordance with guidelines established by the Secretary) the percentage of approved household applications for which verification information has not been obtained by a local educational agency after attempted verification under subparagraphs (F) and (G).

“(ii) VERIFICATION OF SAMPLE.—Each school year, a local educational agency shall verify eligibility of the children in a sample of household applications approved for the school year by the local educational agency, as determined by the Secretary in accordance with this subsection.

“(iii) SAMPLE SIZE.—Except as otherwise provided in this paragraph, the sample for a local educational agency for a school year shall equal the lesser of—

“(I) 3 percent of all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; or

“(II) 3,000 error prone applications approved by the local educational agency for the school year, as of October 1 of the school year.

“(iv) ALTERNATIVE SAMPLE SIZE.—

“(I) IN GENERAL.—If the conditions described in subclause (IV) are met, the verification sample size for a local educational agency shall be the sample size described in subclause (II) or (III), as determined by the local educational agency.

“(II) 3,000/3 PERCENT OPTION.—The sample size described in this subclause shall be the lesser of 3,000, or 3 percent of, applications selected at random from applications approved by the local educational agency for the school year, as of October 1 of the school year.

“(III) 1,000/1 PERCENT PLUS OPTION.—

“(aa) IN GENERAL.—The sample size described in this subclause shall be the sum of—

“(AA) the lesser of 1,000, or 1 percent of, all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; and

“(BB) the lesser of 500, or ½ of 1 percent of, applications approved by the local educational agency for the school year, as of October 1 of the school year, that provide a case number (in lieu of income information) showing participation in a program described

in item (bb) selected from those approved applications that provide a case number (in lieu of income information) verifying the participation.

“(bb) PROGRAMS.—The programs described in this item are—

“(AA) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

“(BB) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

“(CC) a State program funded under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995.

“(IV) CONDITIONS.—The conditions referred to in subclause (I) shall be met for a local educational agency for a school year if—

“(aa) the nonresponse rate for the local educational agency for the preceding school year is less than 20 percent; or

“(bb) the local educational agency has more than 20,000 children approved by application by the local educational agency as eligible for free or reduced price meals for the school year, as of October 1 of the school year, and—

“(AA) the nonresponse rate for the preceding school year is at least 10 percent below the nonresponse rate for the second preceding school year; or

“(BB) in the case of the school year beginning July 2005, the local educational agency attempts to verify all approved household applications selected for verification through use of public agency records from at least 2 of the programs or sources of information described in subparagraph (F)(i).

“(v) ADDITIONAL SELECTED APPLICATIONS.—A sample for a local educational agency for a school year under clauses (iii) and (iv)(III)(AA) shall include the number of additional randomly selected approved household applications that are required to comply with the sample size requirements in those clauses.

“(E) PRELIMINARY REVIEW.—

“(i) REVIEW FOR ACCURACY.—

“(I) IN GENERAL.—Prior to conducting any other verification activity for approved household applications selected for verification, the local educational agency shall ensure that the initial eligibility determination for each approved household application is reviewed for accuracy by an individual other than the individual making the initial eligibility determination, unless otherwise determined by the Secretary.

“(II) WAIVER.—The requirements of subclause (I) shall be waived for a local educational agency if the local educational agency is using a technology-based solution that demonstrates a high level of accuracy, to the satisfaction of the Secretary, in processing an initial eligibility determination in accordance with the income eligibility guidelines of the school lunch program.

“(ii) CORRECT ELIGIBILITY DETERMINATION.—If the review indicates that the initial eligibility determination is correct, the local educational agency shall verify the approved household application.

“(iii) INCORRECT ELIGIBILITY DETERMINATION.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall (as determined by the Secretary)—

“(I) correct the eligibility status of the household;

“(II) notify the household of the change;

“(III) in any case in which the review indicates that the household is not eligible for free or reduced-price meals, notify the household of the reason for the ineligibility and that the household may reapply with income documentation for free or reduced-price meals; and

“(IV) in any case in which the review indicates that the household is eligible for free or reduced-price meals, verify the approved household application.

“(F) DIRECT VERIFICATION.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to verify eligibility for free or reduced price meals for approved household applications selected for verification, the local educational agency may (in accordance with criteria established by the Secretary) first obtain and use income and program participation information from a public agency administering—

“(I) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

“(II) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b));

“(III) the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

“(IV) the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

“(V) a similar income-tested program or other source of information, as determined by the Secretary.

“(ii) FREE MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for free meals for approved household applications selected for verification shall include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for free meals) that is relied on to administer—

“(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

“(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in—

“(aa) a State in which the income eligibility limit applied under section 1902(1)(2)(C) of that Act (42 U.S.C. 1396a(1)(2)(C)) is not more than 133 percent of the official poverty line described in section 1902(1)(2)(A) of that Act (42 U.S.C. 1396a(1)(2)(A)); or

“(bb) a State that otherwise identifies households that have income that is not more than 133 percent of the official poverty line described in section 1902(1)(2)(A) of that Act (42 U.S.C. 1396a(1)(2)(A)).

“(iii) REDUCED PRICE MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for reduced price meals for approved household applications selected for verification shall include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for reduced price meals) that is relied on to administer—

“(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

“(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in—

“(aa) a State in which the income eligibility limit applied under section 1902(1)(2)(C) of that Act (42 U.S.C. 1396a(1)(2)(C)) is not more than 185 percent of the official poverty line described in section 1902(1)(2)(A) of that Act (42 U.S.C. 1396a(1)(2)(A)); or

“(bb) a State that otherwise identifies households that have income that is not more than 185 percent of the official poverty line described in section 1902(1)(2)(A) of that Act (42 U.S.C. 1396a(1)(2)(A)).

“(iv) EVALUATION.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall complete an evaluation of—

“(I) the effectiveness of direct verification carried out under this subparagraph in decreasing the portion of the verification sample that must be verified under subparagraph (G) while ensuring that adequate verification information is obtained; and

“(II) the feasibility of direct verification by State agencies and local educational agencies.

“(v) EXPANDED USE OF DIRECT VERIFICATION.—If the Secretary determines that direct verification significantly decreases the portion of the verification sample that must be verified under subparagraph (G), while ensuring that adequate verification information is obtained, and can be conducted by most State agencies and local educational agencies, the Secretary may require a State agency or local educational agency to implement direct verification through 1 or more of the programs described in clause (i), as determined by the Secretary, unless the State agency or local educational agency demonstrates (under criteria established by the Secretary) that the State agency or local educational agency lacks the capacity to conduct, or is unable to implement, direct verification.

“(G) HOUSEHOLD VERIFICATION.—

“(i) IN GENERAL.—If an approved household application is not verified through the use of public agency records, a local educational agency shall provide to the household written notice that—

“(I) the approved household application has been selected for verification; and

“(II) the household is required to submit verification information to confirm eligibility for free or reduced price meals.

“(ii) PHONE NUMBER.—The written notice in clause (i) shall include a toll-free phone number that parents and legal guardians in households selected for verification can call for assistance with the verification process.

“(iii) FOLLOWUP ACTIVITIES.—If a household does not respond to a verification request, a local educational agency shall make at least 1 attempt to obtain the necessary verification from the household in accordance with guidelines and regulations promulgated by the Secretary.

“(iv) CONTRACT AUTHORITY FOR SCHOOL FOOD AUTHORITIES.—A local educational agency may contract (under standards established by the Secretary) with a third party to assist the local educational agency in carrying out clause (iii).

“(H) VERIFICATION DEADLINE.—

“(i) GENERAL DEADLINE.—

“(I) IN GENERAL.—Subject to subclause (II), not later than November 15 of each school year, a local educational agency shall complete the verification activities required for the school year (including followup activities).

“(II) EXTENSION.—Under criteria established by the Secretary, a State may extend the deadline established under subclause (I) for a school year for a local educational agency to December 15 of the school year.

“(ii) ELIGIBILITY CHANGES.—Based on the verification activities, the local educational agency shall make appropriate modifications to the eligibility determinations made for household applications in accordance with criteria established by the Secretary.

“(I) LOCAL CONDITIONS.—In the case of a natural disaster, civil disorder, strike, or other local condition (as determined by the

Secretary), the Secretary may substitute alternatives for—

“(i) the sample size and sample selection criteria established under subparagraph (D); and

“(ii) the verification deadline established under subparagraph (H).

“(J) INDIVIDUAL REVIEW.—In accordance with criteria established by the Secretary, the local educational agency may, on individual review—

“(i) decline to verify no more than 5 percent of approved household applications selected under subparagraph (D); and

“(ii) replace the approved household applications with other approved household applications to be verified.

“(K) FEASIBILITY STUDY.—

“(i) IN GENERAL.—The Secretary shall conduct a study of the feasibility of using computer technology (including data mining) to reduce—

“(I) overcertification errors in the school lunch program under this Act;

“(II) waste, fraud, and abuse in connection with this paragraph; and

“(III) errors, waste, fraud, and abuse in other nutrition programs, as determined to be appropriate by the Secretary.

“(ii) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

“(I) the results of the feasibility study conducted under this subsection;

“(II) how a computer system using technology described in clause (i) could be implemented;

“(III) a plan for implementation; and

“(IV) proposed legislation, if necessary, to implement the system.”

(b) CONFORMING AMENDMENTS.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended—

(1) by striking “connected with the” and inserting “connected with—

“(A) the”;

(2) by adding “and” after the semicolon; and

(3) by adding at the end the following:

“(B) at State option, the exchange of information necessary to verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency;”.

(c) EVALUATION FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to conduct the evaluation required by section 9(b)(3)(F)(iv) of the Richard B. Russell National School Lunch Act (as amended by subsection (a)) \$2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Agriculture shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

**SEC. 106. DURATION OF ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS.**

Paragraph (9) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C.1758(b)) (as redesignated by section 104(a)(1)) is amended—

(1) by striking “(9) Any” and inserting the following:

“(9) ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES.—

“(A) FREE LUNCHES.—Any”;  
 (2) by striking “Any” in the second sentence and inserting the following:  
 “(B) REDUCED PRICE LUNCHES.—  
 “(i) IN GENERAL.—Any”;  
 (3) by striking “The” in the last sentence and inserting the following:  
 “(ii) MAXIMUM PRICE.—The”; and  
 (4) by adding at the end the following:

“(C) DURATION.—Except as otherwise specified in paragraph (3)(E), (3)(H)(ii), and section 11(a), eligibility for free or reduced price meals for any school year shall remain in effect—

“(i) beginning on the date of eligibility approval for the current school year; and

“(ii) ending on a date during the subsequent school year determined by the Secretary.”.

#### SEC. 107. RUNAWAY, HOMELESS, AND MIGRANT YOUTH.

(a) CATEGORICAL ELIGIBILITY FOR FREE LUNCHES AND BREAKFASTS.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (as redesignated by section 104(a)(1) of this Act) is amended—

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

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(iv) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

“(v) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

“(vi) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).”.

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (B), by striking “or”;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (C) the following:

“(D) documentation has been provided to the appropriate local educational agency showing that the child meets the criteria specified in clauses (iv) or (v) of subsection (b)(12)(A); or

“(E) documentation has been provided to the appropriate local educational agency showing the status of the child as a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).”.

#### SEC. 108. CERTIFICATION BY LOCAL EDUCATIONAL AGENCIES.

(a) CERTIFICATION BY LOCAL EDUCATIONAL AGENCY.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended—

(1) in the second sentence of subsection (b)(11) (as redesignated by section 104(a)(1)), by striking “Local school authorities” and inserting “Local educational agencies”; and

(2) in subsection (d)(2)—

(A) by striking “local school food authority” each place it appears and inserting “local educational agency”; and

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

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

(1) by redesignating paragraph (8) as paragraph (3) and moving the paragraph to appear after paragraph (2);

(2) by redesignating paragraphs (3) through (7) (as those paragraphs existed before the

amendment made by paragraph (1)) as paragraphs (5) through (9), respectively; and

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

“(4) LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—The term ‘local educational agency’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(B) INCLUSION.—The term ‘local educational agency’ includes, in the case of a private nonprofit school, an appropriate entity determined by the Secretary.”.

(c) SCHOOL BREAKFAST PROGRAM.—Section 4(b)(1)(E) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(E)) is amended by striking “school food authority” each place it appears and inserting “local educational agency”.

#### SEC. 109. EXCLUSION OF MILITARY HOUSING ALLOWANCES.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 104(a)(1)) is amended in paragraph (13) by striking “For each of fiscal years 2002 and 2003 and through June 30, 2004, the” and inserting “The”.

#### SEC. 110. WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.

Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) is amended by striking “September 30, 2003” and inserting “September 30, 2009”.

#### SEC. 111. FOOD SAFETY.

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

(1) in the subsection heading, by striking “INSPECTIONS”;

(2) in paragraph (1)—

(A) by striking “Except as provided in paragraph (2), a” and inserting “A”;

(B) by striking “shall, at least once” and inserting: “shall—

“(A) at least twice”;

(C) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(B) post in a publicly visible location a report on the most recent inspection conducted under subparagraph (A); and

“(C) on request, provide a copy of the report to a member of the public.”; and

(3) by striking paragraph (2) and inserting the following:

“(2) STATE AND LOCAL GOVERNMENT INSPECTIONS.—Nothing in paragraph (1) prevents any State or local government from adopting or enforcing any requirement for more frequent food safety inspections of schools.

“(3) AUDITS AND REPORTS BY STATES.—For each of fiscal years 2006 through 2009, each State shall annually—

“(A) audit food safety inspections of schools conducted under paragraphs (1) and (2); and

“(B) submit to the Secretary a report of the results of the audit.

“(4) AUDIT BY THE SECRETARY.—For each of fiscal years 2006 through 2009, the Secretary shall annually audit State reports of food safety inspections of schools submitted under paragraph (3).

“(5) SCHOOL FOOD SAFETY PROGRAM.—Each school food authority shall implement a school food safety program, in the preparation and service of each meal served to children, that complies with any hazard analysis and critical control point system established by the Secretary.”.

#### SEC. 112. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)(2)(A)) is amended by striking “2007” and inserting “2009”.

#### SEC. 113. SPECIAL ASSISTANCE.

Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by inserting “or school district” after “school” each place it appears in subparagraphs (C) through (E) (other than as part of “school year”, “school years”, “school lunch”, “school breakfast”, and “4-school-year period”).

#### SEC. 114. FOOD AND NUTRITION PROJECTS INTEGRATED WITH ELEMENTARY SCHOOL CURRICULA.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (m).

#### SEC. 115. PROCUREMENT TRAINING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 114) is amended by inserting after subsection (l) the following:

“(m) PROCUREMENT TRAINING.—

“(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (4), the Secretary shall provide technical assistance and training to States, State agencies, schools, and school food authorities in the procurement of goods and services for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)).

“(2) BUY AMERICAN TRAINING.—Activities carried out under paragraph (1) shall include technical assistance and training to ensure compliance with subsection (n).

“(3) PROCURING SAFE FOODS.—Activities carried out under paragraph (1) shall include technical assistance and training on procuring safe foods, including the use of model specifications for procuring safe foods.

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

#### SEC. 116. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) SEAMLESS SUMMER OPTION.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

“(8) SEAMLESS SUMMER OPTION.—Except as otherwise determined by the Secretary, a service institution that is a public or private nonprofit school food authority may provide summer or school vacation food service in accordance with applicable provisions of law governing the school lunch program established under this Act or the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”.

(b) SEAMLESS SUMMER REIMBURSEMENTS.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by adding at the end the following:

“(D) SEAMLESS SUMMER REIMBURSEMENTS.—A service institution described in subsection (a)(8) shall be reimbursed for meals and meal supplements in accordance with the applicable provisions under this Act (other than subparagraphs (A), (B), and (C) of this paragraph and paragraph (4)) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), as determined by the Secretary.”.

(c) SUMMER FOOD SERVICE ELIGIBILITY CRITERIA.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by subsection (a)) is amended by adding at the end the following—

“(9) EXEMPTION.—

“(A) IN GENERAL.—For each of calendar years 2005 and 2006 in rural areas of the State of Pennsylvania (as determined by the Secretary), the threshold for determining ‘areas in which poor economic conditions exist’ under paragraph (1)(C) shall be 40 percent.

“(B) EVALUATION.—

“(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in subparagraph (A) as compared to the eligibility criteria described in paragraph (1)(C).

“(ii) IMPACT.—The evaluation shall assess the impact of the threshold in subparagraph (A) on—

“(I) the number of sponsors offering meals through the summer food service program;

“(II) the number of sites offering meals through the summer food service program;

“(III) the geographic location of the sites;

“(IV) services provided to eligible children; and

“(V) other factors determined by the Secretary.

“(iii) REPORT.—Not later than January 1, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subparagraph.

“(iv) FUNDING.—

“(I) IN GENERAL.—On January 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subparagraph \$400,000, to remain available until expended.

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subparagraph the funds transferred under subclause (I), without further appropriation.”.

(d) SUMMER FOOD SERVICE RURAL TRANSPORTATION.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by subsection (c)) is amended by adding at the end the following:

“(10) SUMMER FOOD SERVICE RURAL TRANSPORTATION.—

“(A) IN GENERAL.—The Secretary shall provide grants, through not more than 5 eligible State agencies selected by the Secretary, to not more than 60 eligible service institutions selected by the Secretary to increase participation at congregate feeding sites in the summer food service program for children authorized by this section through innovative approaches to limited transportation in rural areas.

“(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph—

“(i) a State agency shall submit an application to the Secretary, in such manner as the Secretary shall establish, and meet criteria established by the Secretary; and

“(ii) a service institution shall agree to the terms and conditions of the grant, as established by the Secretary.

“(C) DURATION.—A service institution that receives a grant under this paragraph may use the grant funds during the 3-fiscal year period beginning in fiscal year 2005.

“(D) REPORTS.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

“(i) not later than January 1, 2007, an interim report that describes—

“(I) the use of funds made available under this paragraph; and

“(II) any progress made by using funds from each grant provided under this paragraph; and

“(ii) not later than January 1, 2008, a final report that describes—

“(I) the use of funds made available under this paragraph;

“(II) any progress made by using funds from each grant provided under this paragraph;

“(III) the impact of this paragraph on participation in the summer food service program for children authorized by this section; and

“(IV) any recommendations by the Secretary concerning the activities of the service institutions receiving grants under this paragraph.

“(E) FUNDING.—

“(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph—

“(I) on October 1, 2005, \$2,000,000; and

“(II) on October 1, 2006, and October 1, 2007, \$1,000,000.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

“(iii) AVAILABILITY OF FUNDS.—Funds transferred under clause (i) shall remain available until expended.

“(iv) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.”.

(e) REAUTHORIZATION.—Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking “June 30, 2004” and inserting “September 30, 2009”.

(f) SIMPLIFIED SUMMER FOOD PROGRAMS.—

(1) DEFINITION OF ELIGIBLE STATE.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (1) and inserting the following:

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means—

“(A) a State participating in the program under this subsection as of May 1, 2004; and

“(B) a State in which (based on data available in April 2004)—

“(i) the percentage obtained by dividing—

“(I) the sum of—

“(aa) the average daily number of children attending the summer food service program in the State in July 2003; and

“(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in July 2003; by

“(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in March 2003; is less than

“(ii) 66.67 percent of the percentage obtained by dividing—

“(I) the sum of—

“(aa) the average daily number of children attending the summer food service program in all States in July 2003; and

“(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in July 2003; by

“(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003.”.

(2) DURATION.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking “During the period beginning October 1, 2000, and ending June 30, 2004, the” and inserting “The”.

(3) PRIVATE NONPROFIT ORGANIZATIONS.—Section 18(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(3)) is amended in subparagraphs (A) and (B) by striking “(other than a service institution described in section 13(a)(7))” both places it appears.

(4) REPORT.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (6) and inserting the following:

“(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

“(A) the evaluations completed by the Secretary under paragraph (5); and

“(B) any recommendations of the Secretary concerning the programs.”.

(5) CONFORMING AMENDMENTS.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended—

(A) by striking the subsection heading and inserting the following:

“(f) SIMPLIFIED SUMMER FOOD PROGRAMS.—

“(B) in paragraph (2)—

(i) by striking the paragraph heading and inserting the following:

“(2) PROGRAMS.—”; and

(ii) by striking “pilot project” and inserting “program”;

(C) in subparagraph (A) and (B) of paragraph (3), by striking “pilot project” both places it appears and inserting “program”; and

(D) in paragraph (5)—

(i) in the paragraph heading by striking “PILOT PROJECTS” and inserting “PROGRAMS”; and

(ii) by striking “pilot project” each place it appears and inserting “program”.

**SEC. 117. COMMODITY DISTRIBUTION PROGRAM.**

Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking “, during the period beginning July 1, 1974, and ending June 30, 2004,”.

**SEC. 118. NOTICE OF IRRADIATED FOOD PRODUCTS.**

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

“(h) NOTICE OF IRRADIATED FOOD PRODUCTS.—

“(1) IN GENERAL.—The Secretary shall develop a policy and establish procedures for the purchase and distribution of irradiated food products in school meals programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) MINIMUM REQUIREMENTS.—The policy and procedures shall ensure, at a minimum, that—

“(A) irradiated food products are made available only at the request of States and school food authorities;

“(B) reimbursements to schools for irradiated food products are equal to reimbursements to schools for food products that are not irradiated;

“(C) States and school food authorities are provided factual information on the science and evidence regarding irradiation technology, including—

“(i) notice that irradiation is not a substitute for safe food handling techniques; and

“(ii) any other similar information determined by the Secretary to be necessary to promote food safety in school meals programs;

“(D) States and school food authorities are provided model procedures for providing to school food authorities, parents, and students—

“(i) factual information on the science and evidence regarding irradiation technology; and

“(ii) any other similar information determined by the Secretary to be necessary to promote food safety in school meals;

“(E) irradiated food products distributed to the Federal school meals program under this

Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are labeled with a symbol or other printed notice that—

“(i) indicates that the product was irradiated; and

“(ii) is prominently displayed in a clear and understandable format on the container;

“(F) irradiated food products are not commingled in containers with food products that are not irradiated; and

“(G) schools that offer irradiated food products are encouraged to offer alternatives to irradiated food products as part of the meal plan used by the schools.”.

#### SEC. 119. CHILD AND ADULT CARE FOOD PROGRAM.

(a) DEFINITION OF INSTITUTION.—

(1) IN GENERAL.—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking “during” and all that follows through “2004.”.

(2) CONFORMING AMENDMENT.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

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

(c) AUDITS.—Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking “(i) The” and inserting the following:

“(i) AUDITS.—

“(1) DISREGARDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), in conducting management evaluations, reviews, or audits under this section, the Secretary or a State agency may disregard any overpayment to an institution for a fiscal year if the total overpayment to the institution for the fiscal year does not exceed an amount that is consistent with the disregards allowed in other programs under this Act and recognizes the cost of collecting small claims, as determined by the Secretary.

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

“(2) FUNDING.—The”.

(d) DURATION OF AGREEMENTS.—Section 17(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)) is amended—

(1) by striking “(j) The” and inserting the following:

“(j) AGREEMENTS.—

“(1) IN GENERAL.—The”; and

(2) by adding at the end the following:

“(2) DURATION.—An agreement under paragraph (1) shall remain in effect until terminated by either party to the agreement.”.

(e) RURAL AREA ELIGIBILITY DETERMINATION FOR DAY CARE HOMES.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (as amended by subsection (a)(2)) is amended by inserting after subsection (o) the following:

“(p) RURAL AREA ELIGIBILITY DETERMINATION FOR DAY CARE HOMES.—

“(1) DEFINITION OF SELECTED TIER I FAMILY OR GROUP DAY CARE HOME.—In this subsection, the term ‘selected tier I family or group day care home’ means a family or group day home that meets the definition of tier I family or group day care home under subclause (I) of subsection (f)(3)(A)(ii) except that items (aa) and (bb) of that subclause shall be applied by substituting ‘40 percent’ for ‘50 percent’.

“(2) ELIGIBILITY.—For each of fiscal years 2006 and 2007, in rural areas of the State of

Nebraska (as determined by the Secretary), the Secretary shall provide reimbursement to selected tier I family or group day care homes (as defined in paragraph (1)) under subsection (f)(3) in the same manner as tier I family or group day care homes (as defined in subsection (f)(3)(A)(ii)(I)).

“(3) EVALUATION.—

“(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in paragraph (2) as compared to the eligibility criteria described in subsection (f)(3)(A)(ii)(I).

“(B) IMPACT.—The evaluation shall assess the impact of the change in eligibility requirements on—

“(i) the number of family or group day care homes offering meals under this section;

“(ii) the number of family or group day care homes offering meals under this section that are defined as tier I family or group day care homes as a result of paragraph (1) that otherwise would be defined as tier II family or group day care homes under subsection (f)(3)(A)(iii);

“(iii) the geographic location of the family or group day care homes;

“(iv) services provided to eligible children; and

“(v) other factors determined by the Secretary.

“(C) REPORT.—Not later than March 31, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subsection.

“(D) FUNDING.—

“(i) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph \$400,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.”.

(f) MANAGEMENT SUPPORT.—Section 17(q)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)(3)) is amended by striking “1999 through 2003” and inserting “2005 and 2006”.

(g) AGE LIMITS.—Section 17(t)(5)(A)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)(5)(A)(i)) is amended—

(1) in subclause (I)—

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

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

(2) by striking subclause (II); and

(3) by redesignating subclause (III) as subclause (II).

(h) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a)(6)(B), by inserting “and adult” after “child”; and

(2) in subsection (t)(3), by striking “subsection (a)(1)” and inserting “subsection (a)(5)”.

(i) PAPERWORK REDUCTION.—The Secretary of Agriculture, in conjunction with States and participating institutions, shall examine the feasibility of reducing paperwork resulting from regulations and recordkeeping requirements for State agencies, family child care homes, child care centers, and sponsoring organizations participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(j) EARLY CHILD NUTRITION EDUCATION.—

(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (6), for a period of 4 successive years, the Secretary of Agriculture shall award to 1 or more entities with expertise in designing and implementing health education programs for limited-English-proficient individuals 1 or more grants to enhance obesity prevention activities for child care centers and sponsoring organizations providing services to limited-English-proficient individuals through the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) in each of 4 States selected by the Secretary in accordance with paragraph (2).

(2) STATES.—The Secretary shall provide grants under this subsection in States that have experienced a growth in the limited-English-proficient population of the States of at least 100 percent between the years 1990 and 2000, as measured by the census.

(3) REQUIRED ACTIVITIES.—Activities carried out under paragraph (1) shall include—

(A) developing an interactive and comprehensive tool kit for use by lay health educators and training activities;

(B) conducting training and providing ongoing technical assistance for lay health educators; and

(C) establishing collaborations with child care centers and sponsoring organizations participating in the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) to—

(i) identify limited-English-proficient children and families; and

(ii) enhance the capacity of the child care centers and sponsoring organizations to use appropriate obesity prevention strategies.

(4) EVALUATION.—Each grant recipient shall identify an institution of higher education to conduct an independent evaluation of the effectiveness of the grant.

(5) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions, of the Senate a report that includes—

(A) the evaluation completed by the institution of higher education under paragraph (4);

(B) the effectiveness of lay health educators in reducing childhood obesity; and

(C) any recommendations of the Secretary concerning the grants.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$250,000 for each of fiscal years 2005 through 2009.

#### SEC. 120. FRESH FRUIT AND VEGETABLE PROGRAM.

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

“(g) FRESH FRUIT AND VEGETABLE PROGRAM.—

“(1) IN GENERAL.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practicable, to—

“(A) 25 elementary or secondary schools in each of the 4 States authorized to participate in the program under this subsection on May 1, 2004;

“(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including a State for which funds were allocated under the program described in paragraph (3)(B)(ii)) that are not participating in



the program under this subsection on May 1, 2004; and

“(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservation authorized to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

“(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

“(3) SELECTION OF SCHOOLS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1)(B), the Secretary shall—

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

“(ii) solicit applications from interested schools that include—

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

“(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

“(III) such other information as may be requested by the Secretary;

“(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

“(iv) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

“(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

“(II) other support that contributes to the purposes of the program.

“(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

“(i) to participate in the program on May 1, 2004; or

“(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading ‘DISEASE CONTROL, RESEARCH, AND TRAINING’ under the heading ‘CENTERS FOR DISEASE CONTROL AND PREVENTION’ in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108-199; 118 Stat. 238).

“(4) NOTICE OF AVAILABILITY.—To be eligible to participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

“(5) REPORTS.—

“(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

“(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting

through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report that describes the results of the program under this subsection.

“(6) FUNDING.—

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

“(B) MANDATORY FUNDS.—

“(i) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$9,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this subparagraph, without further appropriation.

“(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated such sums as are necessary to expand the program carried out under this subsection.

“(D) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.”

#### SEC. 121. SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

“(h) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—

“(1) IN GENERAL.—During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 13.

“(2) ELIGIBILITY.—To be eligible for the criteria modified under paragraph (1), a residential camp—

“(A) shall be a service institution (as defined in section 13(a)(1));

“(B) may not charge a fee to any child in residence at the camp; and

“(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section 13(a)(1)).

“(3) PAYMENTS.—

“(A) IN GENERAL.—Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(1).

“(B) REIMBURSABLE MEALS.—A residential camp selected by the Secretary may receive reimbursement for not more than 3 meals, or 2 meals and 1 supplement, during each day of operation.

“(4) EVALUATION.—

“(A) INFORMATION FROM RESIDENTIAL CAMPS.—Not later than December 31, 2005, a residential camp selected under paragraph (1) shall report to the Secretary such information as is required by the Secretary concerning the requirements of this subsection.

“(B) REPORT TO CONGRESS.—Not later than March 31, 2006, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the effect of this subsection on program participation and other factors, as determined by the Secretary.”

#### SEC. 122. ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 121) is amended by adding at the end the following:

“(i) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—

“(1) IN GENERAL.—The Secretary may provide assistance, through competitive matching grants and technical assistance, to schools and nonprofit entities for projects that—

“(A) improve access to local foods in schools and institutions participating in programs under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) through farm-to-cafeteria activities, including school gardens, that may include the acquisition of food and appropriate equipment and the provision of training and education;

“(B) are, at a minimum, designed to—

“(i) procure local foods from small- and medium-sized farms for school meals; and

“(ii) support school garden programs;

“(C) support nutrition education activities or curriculum planning that incorporates the participation of school children in farm-based agricultural education activities, that may include school gardens;

“(D) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, State departments of agriculture, agricultural producers, parents, and other community stakeholders;

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

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

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

“(H) cooperate in an evaluation carried out by the Secretary.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2004 through 2009.”

#### SEC. 123. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 122) is amended by adding at the end the following:

“(j) YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—A service institution that is described in section 13(a)(6) (excluding a public school), or a private nonprofit organization described in section 13(a)(7), and that is located in the State of California may be reimbursed—

“(A) for up to 2 meals during each day of operation served—

“(i) during the months of May through September;

“(ii) in the case of a service institution that operates a food service program for children on school vacation, at anytime under a continuous school calendar; and

“(iii) in the case of a service institution that provides meal service at a nonschool site to children who are not in school for a period during the school year due to a natural disaster, building repair, court order, or

similar case, at anytime during such a period; and

“(B) for a snack served during each day of operation after school hours, weekends, and school holidays during the regular school calendar.

“(2) PAYMENTS.—The service institution shall be reimbursed consistent with section 13(b)(1).

“(3) ADMINISTRATION.—To receive reimbursement under this subsection, a service institution shall comply with section 13, other than subsections (b)(2) and (c)(1) of that section.

“(4) EVALUATION.—Not later than September 30, 2007, the State agency shall submit to the Secretary a report on the effect of this subsection on participation in the summer food service program for children established under section 13.

“(5) FUNDING.—The Secretary shall provide to the State of California such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.”.

#### SEC. 124. FREE LUNCH AND BREAKFAST ELIGIBILITY.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 123) is amended by adding at the end the following:

“(k) FREE LUNCH AND BREAKFAST ELIGIBILITY.—

“(1) IN GENERAL.—Subject to the availability of funds under paragraph (4), the Secretary shall expand the service of free lunches and breakfasts provided at schools participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) in all or part of 5 States selected by the Secretary (of which at least 1 shall be a largely rural State with a significant Native American population).

“(2) INCOME ELIGIBILITY.—The income guidelines for determining eligibility for free lunches or breakfasts under this subsection shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

“(3) EVALUATION.—

“(A) IN GENERAL.—Not later than 3 years after the implementation of this subsection, the Secretary shall conduct an evaluation to assess the impact of the changed income eligibility guidelines by comparing the school food authorities operating under this subsection to school food authorities not operating under this subsection.

“(B) IMPACT ASSESSMENT.—

“(i) CHILDREN.—The evaluation shall assess the impact of this subsection separately on—

“(I) children in households with incomes less than 130 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B); and

“(II) children in households with incomes greater than 130 percent and not greater than 185 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

“(ii) FACTORS.—The evaluation shall assess the impact of this subsection on—

“(I) certification and participation rates in the school lunch and breakfast programs;

“(II) rates of lunch- and breakfast-skipping;

“(III) academic achievement;

“(IV) the allocation of funds authorized in title I of the Elementary and Secondary Edu-

cation Act (20 U.S.C. 6301) to local educational agencies and public schools; and

“(V) other factors determined by the Secretary.

“(C) COST ASSESSMENT.—The evaluation shall assess the increased costs associated with providing additional free, reduced price, or paid meals in the school food authorities operating under this subsection.

“(D) REPORT.—On completion of the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this paragraph.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.”.

#### SEC. 125. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

(a) IN GENERAL.—Section 21(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(a)(1)) is amended by striking “activities and” and all that follows and inserting “activities and provide—

“(A) training and technical assistance to improve the skills of individuals employed in—

“(i) food service programs carried out with assistance under this Act and, to the maximum extent practicable, using individuals who administer exemplary local food service programs in the State;

“(ii) school breakfast programs carried out with assistance under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(iii) as appropriate, other federally assisted feeding programs; and

“(B) assistance, on a competitive basis, to State agencies for the purpose of aiding schools and school food authorities with at least 50 percent of enrolled children certified to receive free or reduced price meals (and, if there are any remaining funds, other schools and school food authorities) in meeting the cost of acquiring or upgrading technology and information management systems for use in food service programs carried out under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), if the school or school food authority submits to the State agency an infrastructure development plan that—

“(i) addresses the cost savings and improvements in program integrity and operations that would result from the use of new or upgraded technology;

“(ii) ensures that there is not any overt identification of any child by special tokens or tickets, announced or published list of names, or by any other means;

“(iii) provides for processing and verifying applications for free and reduced price school meals;

“(iv) integrates menu planning, production, and serving data to monitor compliance with section 9(f)(1); and

“(v) establishes compatibility with statewide reporting systems;

“(C) assistance, on a competitive basis, to State agencies with low proportions of schools or students that—

“(i) participate in the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(ii) demonstrate the greatest need, for the purpose of aiding schools in meeting costs associated with initiating or expanding a school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), including outreach and informational activities; and”.

(b) DUTIES OF FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(c)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(c)(2)(B)) is amended—

(1) by striking clauses (vi) and (vii) and inserting the following:

“(vi) safety, including food handling, hazard analysis and critical control point plan implementation, emergency readiness, responding to a food recall, and food biosecurity training;”; and

(2) by redesignating clauses (viii) through (x) as clauses (vii) through (ix), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—Section 21(e)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)(1)) is amended by striking “2003” and inserting “2009”.

(2) FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)(2)(A)) is amended in the first sentence—

(A) by striking “provide to the Secretary” and all that follows through “1998, and” and inserting “provide to the Secretary”; and

(B) by striking “1999 and” and inserting “2004 and \$4,000,000 for fiscal year 2005”.

#### SEC. 126. ADMINISTRATIVE ERROR REDUCTION.

(a) FEDERAL SUPPORT FOR TRAINING AND TECHNICAL ASSISTANCE.—Section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1) is amended by adding at the end the following:

“(f) ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE MATERIAL.—In collaboration with State educational agencies, local educational agencies, and school food authorities of varying sizes, the Secretary shall develop and distribute training and technical assistance material relating to the administration of school meals programs that are representative of the best management and administrative practices.

“(g) FEDERAL ADMINISTRATIVE SUPPORT.—

“(1) FUNDING.—

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

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

“(ii) on October 1, 2006, October 1, 2007, and October 1, 2008, \$2,000,000.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(C) AVAILABILITY OF FUNDS.—Funds transferred under subparagraph (A) shall remain available until expended.

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

“(A) to provide training and technical assistance and material related to improving program integrity and administrative accuracy in school meals programs; and

“(B) to assist State educational agencies in reviewing the administrative practices of local educational agencies, to the extent determined by the Secretary.”.

(b) SELECTED ADMINISTRATIVE REVIEWS.—

(1) IN GENERAL.—Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

“(3) ADDITIONAL REVIEW REQUIREMENT FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

“(A) DEFINITION OF SELECTED LOCAL EDUCATIONAL AGENCIES.—In this paragraph, the term ‘selected local educational agency’ means a local educational agency that has a demonstrated high level of, or a high risk for, administrative error, as determined by the Secretary.

“(B) ADDITIONAL ADMINISTRATIVE REVIEW.—In addition to any review required by subsection (a) or paragraph (1), each State educational agency shall conduct an administrative review of each selected local educational agency during the review cycle established under subsection (a).

“(C) SCOPE OF REVIEW.—In carrying out a review under subparagraph (B), a State educational agency shall only review the administrative processes of a selected local educational agency, including application, certification, verification, meal counting, and meal claiming procedures.

“(D) RESULTS OF REVIEW.—If the State educational agency determines (on the basis of a review conducted under subparagraph (B)) that a selected local educational agency fails to meet performance criteria established by the Secretary, the State educational agency shall—

“(i) require the selected local educational agency to develop and carry out an approved plan of corrective action;

“(ii) except to the extent technical assistance is provided directly by the Secretary, provide technical assistance to assist the selected local educational agency in carrying out the corrective action plan; and

“(iii) conduct a followup review of the selected local educational agency under standards established by the Secretary.

“(4) RETAINING FUNDS AFTER ADMINISTRATIVE REVIEWS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if the local educational agency fails to meet administrative performance criteria established by the Secretary in both an initial review and a followup review under paragraph (1) or (3) or subsection (a), the Secretary may require the State educational agency to retain funds that would otherwise be paid to the local educational agency for school meals programs under procedures prescribed by the Secretary.

“(B) AMOUNT.—The amount of funds retained under subparagraph (A) shall equal the value of any overpayment made to the local educational agency or school food authority as a result of an erroneous claim during the time period described in subparagraph (C).

“(C) TIME PERIOD.—The period for determining the value of any overpayment under subparagraph (B) shall be the period—

“(i) beginning on the date the erroneous claim was made; and

“(ii) ending on the earlier of the date the erroneous claim is corrected or—

“(I) in the case of the first followup review conducted by the State educational agency of the local educational agency under this section after July 1, 2005, the date that is 60 days after the beginning of the period under clause (i); or

“(II) in the case of any subsequent followup review conducted by the State educational agency of the local educational agency under this section, the date that is 90 days after the beginning of the period under clause (i).

“(5) USE OF RETAINED FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), funds retained under paragraph (4) shall—

“(i) be returned to the Secretary, and may be used—

“(I) to provide training and technical assistance related to administrative practices designed to improve program integrity and administrative accuracy in school meals programs to State educational agencies and, to the extent determined by the Secretary, to local educational agencies and school food authorities;

“(II) to assist State educational agencies in reviewing the administrative practices of

local educational agencies in carrying out school meals programs; and

“(III) to carry out section 21(f); or

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

“(B) STATE SHARE.—A State educational agency may retain not more than 25 percent of an amount recovered under paragraph (4), to carry out school meals program integrity initiatives to assist local educational agencies and school food authorities that have repeatedly failed, as determined by the Secretary, to meet administrative performance criteria.

“(C) REQUIREMENT.—To be eligible to retain funds under subparagraph (B), a State educational agency shall—

“(i) submit to the Secretary a plan describing how the State educational agency will use the funds to improve school meals program integrity, including measures to give priority to local educational agencies from which funds were retained under paragraph (4);

“(ii) consider using individuals who administer exemplary local food service programs in the provision of training and technical assistance; and

“(iii) obtain the approval of the Secretary for the plan.”.

(2) INTERPRETATION.—Nothing in the amendment made by paragraph (1) affects the requirements for fiscal actions as described in the regulations issued pursuant to section 22(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(a)).

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) in subsection (e)—

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

“(e) PLANS FOR USE OF ADMINISTRATIVE EXPENSE FUNDS.—

“(1) IN GENERAL.—Each”; and

(B) by striking “After submitting” and all that follows through “change in the plan.” and inserting the following:

“(2) UPDATES AND INFORMATION MANAGEMENT SYSTEMS.—

“(A) IN GENERAL.—After submitting the initial plan, a State shall be required to submit to the Secretary for approval only a substantive change in the plan.

“(B) PLAN CONTENTS.—Each State plan shall, at a minimum, include a description of how technology and information management systems will be used to improve program integrity by—

“(i) monitoring the nutrient content of meals served;

“(ii) training local educational agencies, school food authorities, and schools in how to use technology and information management systems (including verifying eligibility for free or reduced price meals using program participation or income data gathered by State or local agencies); and

“(iii) using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data.

“(3) TRAINING AND TECHNICAL ASSISTANCE.—Each State shall submit to the Secretary for approval a plan describing the manner in which the State intends to implement subsection (g) and section 22(b)(3) of the Richard B. Russell National School Lunch Act.”;

(2) by redesignating subsection (g) as subsection (j); and

(3) by inserting after subsection (f) the following:

“(g) STATE TRAINING.—

“(1) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local

educational agency and school food authority administrative personnel and other appropriate personnel, with emphasis on the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

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

“(A) provide training and technical assistance to a State; or

“(B) at the option of the Secretary, directly provide training and technical assistance described in paragraph (1).

“(3) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in paragraph (1) receives training at least annually, unless determined otherwise by the Secretary.

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

“(1) FUNDING.—

“(A) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use funds provided under this subsection to assist States in carrying out subsection (g) and administrative reviews of selected local educational agencies carried out under section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c).

“(B) EXCEPTION.—The Secretary may retain a portion of the amount provided to cover costs of activities carried out by the Secretary in lieu of the State.

“(3) ALLOCATION.—The Secretary shall allocate funds provided under this subsection to States based on the number of local educational agencies that have demonstrated a high level of, or a high risk for, administrative error, as determined by the Secretary, taking into account the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

“(4) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.”.

#### SEC. 127. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking “\$3,000,000 for each of the fiscal years 1994 through 2003” and inserting “\$6,000,000 for each of fiscal years 2004 through 2009”.

#### SEC. 128. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence—

(1) by striking “1998, and” and inserting “1998,”; and

(2) by striking “through 2003” and inserting “through 2004, and \$250,000 for each of fiscal years 2005 through 2009”.

#### SEC. 129. PROGRAM EVALUATION.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

#### “SEC. 28. PROGRAM EVALUATION.

“(a) PERFORMANCE ASSESSMENTS.—

“(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (3), the Secretary, acting through the

Administrator of the Food and Nutrition Service, may conduct annual national performance assessments of the meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) COMPONENTS.—In conducting an assessment, the Secretary may assess—

“(A) the cost of producing meals and meal supplements under the programs described in paragraph (1); and

“(B) the nutrient profile of meals, and status of menu planning practices, under the programs.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal year 2004 and each subsequent fiscal year.

“(b) CERTIFICATION IMPROVEMENTS.—

“(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (5), the Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct a study of the feasibility of improving the certification process used for the school lunch program established under this Act.

“(2) PILOT PROJECTS.—In carrying out this subsection, the Secretary may conduct pilot projects to improve the certification process used for the school lunch program.

“(3) COMPONENTS.—In carrying out this subsection, the Secretary shall examine the use of—

“(A) other income reporting systems;

“(B) an integrated benefit eligibility determination process managed by a single agency;

“(C) income or program participation data gathered by State or local agencies; and

“(D) other options determined by the Secretary.

“(4) WAIVERS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may waive such provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as are necessary to carry out this subsection.

“(B) PROVISIONS.—The protections of section 9(b)(6) shall apply to any study or pilot project carried out under this subsection.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as are necessary.”.

## TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

### SEC. 201. SEVERE NEED ASSISTANCE.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by striking subsection (d) and inserting the following:

“(d) SEVERE NEED ASSISTANCE.—

“(1) IN GENERAL.—Each State educational agency shall provide additional assistance to schools in severe need, which shall include only those schools (having a breakfast program or desiring to initiate a breakfast program) in which—

“(A) during the most recent second preceding school year for which lunches were served, 40 percent or more of the lunches served to students at the school were served free or at a reduced price; or

“(B) in the case of a school in which lunches were not served during the most recent second preceding school year, the Secretary otherwise determines that the requirements of subparagraph (A) would have been met.

“(2) ADDITIONAL ASSISTANCE.—A school, on the submission of appropriate documentation about the need circumstances in that school and the eligibility of the school for additional assistance, shall be entitled to receive the meal reimbursement rate specified in subsection (b)(2).”.

### SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) MINIMUM STATE ADMINISTRATIVE EXPENSE GRANTS.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) by striking the section heading and all that follows through “(a)(1) Each” and inserting the following:

#### “SEC. 7. STATE ADMINISTRATIVE EXPENSES.

“(a) AMOUNT AND ALLOCATION OF FUNDS.—

“(1) AMOUNT AVAILABLE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each”—

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after the first sentence the following:

“(B) MINIMUM AMOUNT.—In the case of each of fiscal years 2005 through 2007, the Secretary shall make available to each State for administrative costs not less than the initial allocation made to the State under this subsection for fiscal year 2004.”;

(ii) by striking “The Secretary” and inserting the following:

“(C) ALLOCATION.—The Secretary”; and

(iii) by striking the last sentence; and

(B) in paragraph (2)—

(i) by striking “(2) The” and inserting the following:

“(2) EXPENSE GRANTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the”—

(i) in the second sentence—

(I) by striking “In no case” and inserting the following:

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no case”; and

(II) by striking “this subsection” and inserting “this paragraph”; and

(III) by striking “\$100,000” and inserting “\$200,000 (as adjusted under clause (ii))”; and (iii) by adding at the end the following:

“(ii) ADJUSTMENT.—On October 1, 2008, and each October 1 thereafter, the minimum dollar amount for a fiscal year specified in clause (i) shall be adjusted to reflect the percentage change between—

“(I) the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

“(II) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.”.

(b) TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by inserting after subsection (h) (as added by section 126(c)(3)) the following:

“(i) TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—

“(1) IN GENERAL.—Each State shall submit to the Secretary, for approval by the Secretary, an amendment to the plan required by subsection (e) that describes the manner in which funds provided under this section will be used for technology and information management systems.

“(2) REQUIREMENTS.—The amendment shall, at a minimum, describe the manner in which the State will improve program integrity by—

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

“(B) providing training to local educational agencies, school food authorities, and schools on the use of technology and information management systems for activities including—

“(i) menu planning;

“(ii) collection of point-of-sale data; and

“(iii) the processing of applications for free and reduced price meals; and

“(C) using electronic data to establish benchmarks to compare and monitor pro-

gram integrity, program participation, and financial data across schools and school food authorities.

“(3) TECHNOLOGY INFRASTRUCTURE GRANTS.—

“(A) IN GENERAL.—Subject to the availability of funds made available under paragraph (4) to carry out this paragraph, the Secretary shall, on a competitive basis, provide funds to States to be used to provide grants to local educational agencies, school food authorities, and schools to defray the cost of purchasing or upgrading technology and information management systems for use in programs authorized by this Act (other than section 17) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(B) INFRASTRUCTURE DEVELOPMENT PLAN.—To be eligible to receive a grant under this paragraph, a school or school food authority shall submit to the State a plan to purchase or upgrade technology and information management systems that addresses potential cost savings and methods to improve program integrity, including—

“(i) processing and verification of applications for free and reduced price meals;

“(ii) integration of menu planning, production, and serving data to monitor compliance with section 9(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1)); and

“(iii) compatibility with statewide reporting systems.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2005 through 2009, to remain available until expended.”.

(c) REAUTHORIZATION.—Subsection (j) of section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as redesignated by section 126(c)(2)) is amended by striking “2003” and inserting “2009”.

### SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) DEFINITIONS.—

(1) NUTRITION EDUCATION.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (7) and inserting the following:

“(7) NUTRITION EDUCATION.—The term ‘nutrition education’ means individual and group sessions and the provision of material that are designed to improve health status and achieve positive change in dietary and physical activity habits, and that emphasize the relationship between nutrition, physical activity, and health, all in keeping with the personal and cultural preferences of the individual.”.

(2) SUPPLEMENTAL FOODS.—Section 17(b)(14) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(14)) is amended in the first sentence by inserting after “children” the following: “and foods that promote the health of the population served by the program authorized by this section, as indicated by relevant nutrition science, public health concerns, and cultural eating patterns”.

(3) OTHER TERMS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end the following:

“(22) PRIMARY CONTRACT INFANT FORMULA.—The term ‘primary contract infant formula’ means the specific infant formula for which manufacturers submit a bid to a State agency in response to a rebate solicitation under this section and for which a contract is awarded by the State agency as a result of that bid.

“(23) STATE ALLIANCE.—The term ‘State alliance’ means 2 or more State agencies that

join together for the purpose of procuring infant formula under the program by soliciting competitive bids for infant formula.”.

(b) ELIGIBILITY.—

(1) CERTIFICATION PERIOD.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended—

(A) by striking “(3)(A) Persons” and inserting the following:

“(3) CERTIFICATION.—

“(A) PROCEDURES.—

“(i) IN GENERAL.—Subject to clause (ii), a person”; and

(B) by adding at the end of subparagraph (A) the following:

“(ii) BREASTFEEDING WOMEN.—A State may elect to certify a breastfeeding woman for a period of 1 year postpartum or until a woman discontinues breastfeeding, whichever is earlier.”.

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

(A) in subclause (I)(bb), by striking “from a provider other than the local agency; or” and inserting a semicolon;

(B) in subclause (II), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

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

“(aa) who cannot be present at certification for a reason determined appropriate by the local agency; and

“(bb) for whom all necessary certification information is provided.”.

(c) ADMINISTRATION.—

(1) PROCESSING VENDOR APPLICATIONS; PARTICIPANT ACCESS.—Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

(A) in clause (i) by inserting “at any of the authorized retail stores under the program” after “the program”;;

(B) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively; and

(C) by inserting after clause (i) the following:

“(ii) procedures for accepting and processing vendor applications outside of the established timeframes if the State agency determines there will be inadequate access to the program, including in a case in which a previously authorized vendor sells a store under circumstances that do not permit timely notification to the State agency of the change in ownership”;.

(2) ALLOWABLE USE OF FUNDS.—

(A) IN GENERAL.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)) is amended—

(i) by striking “(11) The Secretary” and inserting the following:

“(11) SUPPLEMENTAL FOODS.—

“(A) IN GENERAL.—The Secretary”;

(ii) in the second sentence, by striking “To the degree” and inserting the following:

“(B) APPROPRIATE CONTENT.—To the degree”; and

(iii) by adding at the end the following:

“(C) ALLOWABLE USE OF FUNDS.—Subject to the availability of funds, the Secretary shall award grants to not more than 10 local sites determined by the Secretary to be geographically and culturally representative of State, local, and Indian agencies, to evaluate the feasibility of including fresh, frozen, or canned fruits and vegetables (to be made available through private funds) as an addition to the supplemental foods prescribed under this section.

“(D) REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.—As frequently as determined by the Secretary to be necessary to reflect the most recent scientific knowledge, the Secretary shall—

“(i) conduct a scientific review of the supplemental foods available under the program; and

“(ii) amend the supplemental foods available, as necessary, to reflect nutrition science, public health concerns, and cultural eating patterns.”.

(B) RULEMAKING.—Not later than 18 months after the date of receiving the review initiated by the National Academy of Sciences, Institute of Medicine in September 2003 of the supplemental foods available for the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary shall promulgate a final rule updating the prescribed supplemental foods available through the program.

(3) USE OF CLAIMS FROM LOCAL AGENCIES.—Section 17(f)(21) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(21)) is amended—

(A) in the paragraph heading, by striking “VENDORS” and inserting “LOCAL AGENCIES, VENDORS,”; and

(B) by striking “vendors” and inserting “local agencies, vendors,”.

(4) INFANT FORMULA BENEFITS.—

(A) IN GENERAL.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

“(25) INFANT FORMULA BENEFITS.—A State agency may round up to the next whole can of infant formula to allow all participants under the program to receive the full-authorized nutritional benefit specified by regulation.”.

(B) APPLICABILITY.—The amendment made by subparagraph (A) applies to infant formula provided under a contract resulting from a bid solicitation issued on or after October 1, 2004.

(5) NOTIFICATION OF VIOLATIONS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) (as amended by paragraph (4)) is amended by adding at the end the following:

“(26) NOTIFICATION OF VIOLATIONS.—If a State agency finds that a vendor has committed a violation that requires a pattern of occurrences in order to impose a penalty or sanction, the State agency shall notify the vendor of the initial violation in writing prior to documentation of another violation, unless the State agency determines that notifying the vendor would compromise an investigation.”.

(d) REAUTHORIZATION OF WIC PROGRAM.—Section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) is amended by striking “(g)(1)” and all that follows through “As authorized” in paragraph (1) and inserting the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2009.

“(B) ADVANCE APPROPRIATIONS; AVAILABILITY.—As authorized”.

(e) NUTRITION SERVICES AND ADMINISTRATION FUNDS; COMPETITIVE BIDDING; RETAILERS.—

(1) IN GENERAL.—Section 17(h)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)) is amended by striking “For each of the fiscal years 1995 through 2003, the” and inserting “The”.

(2) HEALTHY PEOPLE 2010 INITIATIVE.—Section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended—

(A) in subparagraph (D), by striking “; and” and inserting a semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) partner with communities, State and local agencies, employers, health care professionals, and other entities in the private sector to build a supportive breastfeeding environment for women participating in the program under this section to support the breastfeeding goals of the Healthy People 2010 initiative.”.

(3) SIZE OF STATE ALLIANCES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

“(iv) SIZE OF STATE ALLIANCES.—

“(I) IN GENERAL.—Except as provided in subclauses (II) through (IV), no State alliance may exist among States if the total number of infants served by States participating in the alliance as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, would exceed 100,000.

“(II) ADDITION OF INFANT PARTICIPANTS.—In the case of a State alliance that exists on the date of enactment of this clause, the alliance may continue and may expand to serve more than 100,000 infants but, except as provided in subclause (III), may not expand to include any additional State agency.

“(III) ADDITION OF SMALL STATE AGENCIES AND INDIAN STATE AGENCIES.—Any State alliance may expand to include any State agency that served less than 5,000 infant participants as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, or any Indian State agency, if the State agency or Indian State agency requests to join the State alliance.

“(IV) SECRETARIAL WAIVER.—The Secretary may waive the requirements of this clause not earlier than 30 days after submitting to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a written report that describes the cost-containment and competitive benefits of the proposed waiver.”.

(4) PRIMARY CONTRACT INFANT FORMULA.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (3)) is amended—

(i) in clause (ii)(I), by striking “contract brand of” and inserting “primary contract”;

(ii) in clause (iii), by inserting “for a specific infant formula for which manufacturers submit a bid” after “lowest net price”; and

(iii) by adding at the end the following:

“(v) FIRST CHOICE OF ISSUANCE.—The State agency shall use the primary contract infant formula as the first choice of issuance (by formula type), with all other infant formulas issued as an alternative to the primary contract infant formula.”.

(B) APPLICABILITY.—The amendments made by subparagraph (A) apply to a contract resulting from a bid solicitation issued on or after October 1, 2004.

(5) REBATE INVOICES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (4)(A)(iii)) is amended by adding at the end the following:

“(vi) REBATE INVOICES.—Each State agency shall have a system to ensure that infant formula rebate invoices, under competitive bidding, provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section.”.

(6) UNCOUPLING MILK AND SOY BIDS.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (5)) is amended by adding at the end the following:

“(vii) SEPARATE SOLICITATIONS.—In soliciting bids for infant formula under a competitive bidding system, any State agency,

or State alliance, that served under the program a monthly average of more than 100,000 infants during the preceding 12-month period shall solicit bids from infant formula manufacturers under procedures that require that bids for rebates or discounts are solicited for milk-based and soy-based infant formula separately."

(B) **APPLICABILITY.**—The amendment made by this paragraph applies to a bid solicitation issued on or after October 1, 2004.

(7) **CENT-FOR-CENT ADJUSTMENTS.**—

(A) **IN GENERAL.**—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (6)(A)) is amended by adding at the end the following:

"(viii) **CENT-FOR-CENT ADJUSTMENTS.**—A bid solicitation for infant formula under the program shall require the manufacturer to adjust for price changes subsequent to the opening of the bidding process in a manner that requires—

"(I) a cent-for-cent increase in the rebate amounts if there is an increase in the lowest national wholesale price for a full truckload of the particular infant formula; and

"(II) a cent-for-cent decrease in the rebate amounts if there is a decrease in the lowest national wholesale price for a full truckload of the particular infant formula."

(B) **CONFORMING AMENDMENT.**—Section 17(h)(8)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)(ii)) is amended by striking "rise" and inserting "change".

(C) **APPLICABILITY.**—The amendments made by this paragraph apply to a bid solicitation issued on or after October 1, 2004.

(8) **LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.**—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (7)(A)) is amended by adding at the end the following:

"(ix) **LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.**—The State agency shall maintain a list of—

"(I) infant formula wholesalers, distributors, and retailers licensed in the State in accordance with State law (including regulations); and

"(II) infant formula manufacturers registered with the Food and Drug Administration that provide infant formula.

"(x) **PURCHASE REQUIREMENT.**—A vendor authorized to participate in the program under this section shall only purchase infant formula from the list described in clause (ix)."

(9) **FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.**—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (10) and inserting the following:

"(10) **FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.**—

"(A) **IN GENERAL.**—For each of fiscal years 2006 through 2009, the Secretary shall use for the purposes specified in subparagraph (B), \$64,000,000 or the amount of nutrition services and administration funds and supplemental food funds for the prior fiscal year that have not been obligated, whichever is less.

"(B) **PURPOSES.**—Of the amount made available under subparagraph (A) for a fiscal year, not more than—

"(i) \$14,000,000 shall be used for—

"(I) infrastructure for the program under this section;

"(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

"(III) special State projects of regional or national significance to improve the services of the program;

"(ii) \$30,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program; and

"(iii) \$20,000,000 shall be used for special nutrition education such as breast feeding peer counselors and other related activities.

"(C) **PROPORTIONAL DISTRIBUTION.**—In a case in which less than \$64,000,000 is available to carry out this paragraph, the Secretary shall make a proportional distribution of funds allocated under subparagraph (B)."

(10) **VENDOR COST CONTAINMENT.**—

(A) Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (11) and inserting the following:

"(11) **VENDOR COST CONTAINMENT.**—

"(A) **PEER GROUPS.**—

"(i) **IN GENERAL.**—The State agency shall—

"(I) establish a vendor peer group system;

"(II) in accordance with subparagraphs (B) and (C), establish competitive price criteria and allowable reimbursement levels for each vendor peer group; and

"(III) if the State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I)—

"(aa) distinguish between vendors described in subparagraph (D)(ii)(I) and other vendors by establishing—

"(AA) separate peer groups for vendors described in subparagraph (D)(ii)(I); or

"(BB) distinct competitive price criteria and allowable reimbursement levels for vendors described in subparagraph (D)(ii)(I) within a peer group that contains both vendors described in subparagraph (D)(ii)(I) and other vendors; and

"(bb) establish competitive price criteria and allowable reimbursement levels that comply with subparagraphs (B) and (C), respectively, and that do not result in higher food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

Nothing in this paragraph shall be construed to compel a State agency to achieve lower food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

"(ii) **EXEMPTIONS.**—The Secretary may exempt from the requirements of clause (i)—

"(I) a State agency that elects not to authorize any types of vendors described in subparagraph (D)(ii)(I) and that demonstrates to the Secretary that—

"(aa) compliance with clause (i) would be inconsistent with efficient and effective operation of the program administered by the State under this section; or

"(bb) an alternative cost-containment system would be as effective as a vendor peer group system; or

"(II) a State agency—

"(aa) in which the sale of supplemental foods that are obtained with food instruments from vendors described in subparagraph (D)(ii)(I) constituted less than 5 percent of total sales of supplemental foods that were obtained with food instruments in the State in the year preceding a year in which the exemption is effective; and

"(bb) that demonstrates to the Secretary that an alternative cost-containment system would be as effective as the vendor peer group system and would not result in higher food costs if program participants redeem

supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

"(B) **COMPETITIVE PRICING.**—

"(i) **IN GENERAL.**—The State agency shall establish competitive price criteria for each peer group for the selection of vendors for participation in the program that—

"(I) ensure that the retail prices charged by vendor applicants for the program are competitive with the prices charged by other vendors; and

"(II) consider—

"(aa) the shelf prices of the vendor for all buyers; or

"(bb) the prices that the vendor bid for supplemental foods, which shall not exceed the shelf prices of the vendor for all buyers.

"(ii) **PARTICIPANT ACCESS.**—In establishing competitive price criteria, the State agency shall consider participant access by geographic area.

"(iii) **SUBSEQUENT PRICE INCREASES.**—The State agency shall establish procedures to ensure that a retail store selected for participation in the program does not, subsequent to selection, increase prices to levels that would make the store ineligible for selection to participate in the program.

"(C) **ALLOWABLE REIMBURSEMENT LEVELS.**—

"(i) **IN GENERAL.**—The State agency shall establish allowable reimbursement levels for supplemental foods for each vendor peer group that ensure—

"(I) that payments to vendors in the vendor peer group reflect competitive retail prices; and

"(II) that the State agency does not reimburse a vendor for supplemental foods at a level that would make the vendor ineligible for authorization under the criteria established under subparagraph (B).

"(ii) **PRICE FLUCTUATIONS.**—The allowable reimbursement levels may include a factor to reflect fluctuations in wholesale prices.

"(iii) **PARTICIPANT ACCESS.**—In establishing allowable reimbursement levels, the State agency shall consider participant access in a geographic area.

"(D) **EXEMPTIONS.**—The State agency may exempt from competitive price criteria and allowable reimbursement levels established under this paragraph—

"(i) pharmacy vendors that supply only exempt infant formula or medical foods that are eligible under the program; and

"(ii) vendors—

"(I)(aa) for which more than 50 percent of the annual revenue of the vendor from the sale of food items consists of revenue from the sale of supplemental foods that are obtained with food instruments; or

"(bb) who are new applicants likely to meet the criteria of item (aa) under criteria approved by the Secretary; and

"(II) that are nonprofit.

"(E) **COST CONTAINMENT.**—If a State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I), the State agency shall demonstrate to the Secretary, and the Secretary shall certify, that the competitive price criteria and allowable reimbursement levels established under this paragraph for vendors described in subparagraph (D)(ii)(I) do not result in average payments per voucher to vendors described in subparagraph (D)(ii)(I) that are higher than average payments per voucher to comparable vendors other than vendors described in subparagraph (D)(ii)(I).

"(F) **LIMITATION ON PRIVATE RIGHTS OF ACTION.**—Nothing in this paragraph may be construed as creating a private right of action.

"(G) **IMPLEMENTATION.**—A State agency shall comply with this paragraph not later



than 18 months after the date of enactment of this paragraph.”.

(B) CONFORMING AMENDMENT.—Section 17(f)(1)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)(i)) is amended by inserting before the semicolon the following: “, including a description of the State agency’s vendor peer group system, competitive price criteria, and allowable reimbursement levels that demonstrate that the State is in compliance with the cost-containment provisions in subsection (h)(11).”.

(11) IMPOSITION OF COSTS ON RETAIL STORES.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

“(12) IMPOSITION OF COSTS ON RETAIL STORES.—The Secretary may not impose, or allow a State agency to impose, the costs of any equipment, system, or processing required for electronic benefit transfers on any retail store authorized to transact food instruments, as a condition for authorization or participation in the program.”.

(12) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) (as amended by paragraph (11)) is amended by adding at the end the following:

“(13) UNIVERSAL PRODUCT CODES DATABASE.—The Secretary shall—

“(A) establish a national universal product code database for use by all State agencies in carrying out the program; and

“(B) make available from appropriated funds such sums as are required for hosting, hardware and software configuration, and support of the database.”.

(13) INCENTIVE ITEMS.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) (as amended by paragraph (12)) is amended by adding at the end the following:

“(14) INCENTIVE ITEMS.—A State agency shall not authorize or make payments to a vendor described in paragraph (11)(D)(ii)(I) that provides incentive items or other free merchandise, except food or merchandise of nominal value (as determined by the Secretary), to program participants unless the vendor provides to the State agency proof that the vendor obtained the incentive items or merchandise at no cost.”.

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

(g) MIGRANT AND COMMUNITY HEALTH CENTERS INITIATIVE.—Section 17(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(j)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(h) FARMERS’ MARKET NUTRITION PROGRAM.—

(1) ROADSIDE STANDS.—Section 17(m)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(1)) is amended by inserting “and (at the option of a State) roadside stands” after “farmers’ markets”.

(2) MATCHING FUNDS.—Section 17(m)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(3)) is amended by striking “total” both places it appears and inserting “administrative”.

(3) BENEFIT VALUE.—Section 17(m)(5)(C)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(5)(C)(ii)) is amended by striking “\$20” and inserting “\$30”.

(4) REAUTHORIZATION.—Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended by striking clause (i) and inserting the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are

necessary for each of fiscal years 2004 through 2009.”.

(i) DEMONSTRATION PROJECT RELATING TO USE OF WIC PROGRAM FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (r).

(2) CONFORMING AMENDMENT.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (p).

#### SEC. 204. LOCAL WELLNESS POLICY.

(a) IN GENERAL.—Not later than the first day of the school year beginning after June 30, 2006, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum—

(1) includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;

(2) includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;

(3) provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools;

(4) establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(5) involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

(b) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in—

(A) establishing healthy school nutrition environments;

(B) reducing childhood obesity; and

(C) preventing diet-related chronic diseases.

(2) CONTENT.—Technical assistance provided by the Secretary under this subsection shall—

(A) include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;

(B) include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition environments that are consistent with this section;

(C) be provided in such a manner as to be consistent with the specific needs and re-

quirements of local educational agencies; and

(D) be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.

(3) FUNDING.—

(A) IN GENERAL.—On July 1, 2006, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until September 30, 2009.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

#### SEC. 205. TEAM NUTRITION NETWORK.

(a) TEAM NUTRITION NETWORK.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended to read as follows:

##### “SEC. 19. TEAM NUTRITION NETWORK.

“(a) PURPOSES.—The purposes of the team nutrition network are—

“(1) to establish State systems to promote the nutritional health of school children of the United States through nutrition education and the use of team nutrition messages and material developed by the Secretary, and to encourage regular physical activity and other activities that support healthy lifestyles for children, including those based on the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

“(2) to provide assistance to States for the development of comprehensive and integrated nutrition education and active living programs in schools and facilities that participate in child nutrition programs;

“(3) to provide training and technical assistance and disseminate team nutrition messages to States, school and community nutrition programs, and child nutrition food service professionals;

“(4) to coordinate and collaborate with other nutrition education and active living programs that share similar goals and purposes; and

“(5) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing student understanding of healthful eating patterns and the importance of regular physical activity.

“(b) DEFINITION OF TEAM NUTRITION NETWORK.—In this section, the term ‘team nutrition network’ means a statewide multidisciplinary program for children to promote healthy eating and physical activity based on scientifically valid information and sound educational, social, and marketing principles.

“(c) GRANTS.—

“(1) IN GENERAL.—Subject to the availability of funds for use in carrying out this section, in addition to any other funds made available to the Secretary for team nutrition purposes, the Secretary, in consultation with the Secretary of Education, may make grants to State agencies for each fiscal year, in accordance with this section, to establish team nutrition networks to promote nutrition education through—

“(A) the use of team nutrition network messages and other scientifically based information; and

“(B) the promotion of active lifestyles.

“(2) FORM.—A portion of the grants provided under this subsection may be in the form of competitive grants.

“(3) FUNDS FROM NONGOVERNMENTAL SOURCES.—In carrying out this subsection,

the Secretary may accept cash contributions from nongovernmental organizations made expressly to further the purposes of this section, to be managed by the Food and Nutrition Service, for use by the Secretary and the States in carrying out this section.

“(d) ALLOCATION.—Subject to the availability of funds for use in carrying out this section, the total amount of funds made available for a fiscal year for grants under this section shall equal not more than the sum of—

“(1) the product obtained by multiplying  $\frac{1}{2}$  cent by the number of lunches reimbursed through food service programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs; and

“(2) the total value of funds received by the Secretary in support of this section from nongovernmental sources.

“(e) REQUIREMENTS FOR STATE PARTICIPATION.—To be eligible to receive a grant under this section, a State agency shall submit to the Secretary a plan that—

“(1) is subject to approval by the Secretary; and

“(2) is submitted at such time and in such manner, and that contains such information, as the Secretary may require, including—

“(A) a description of the goals and proposed State plan for addressing the health and other consequences of children who are at risk of becoming overweight or obese;

“(B) an analysis of the means by which the State agency will use and disseminate the team nutrition messages and material developed by the Secretary;

“(C) an explanation of the ways in which the State agency will use the funds from the grant to work toward the goals required under subparagraph (A), and to promote healthy eating and physical activity and fitness in schools throughout the State;

“(D) a description of the ways in which the State team nutrition network messages and activities will be coordinated at the State level with other health promotion and education activities;

“(E) a description of the consultative process that the State agency employed in the development of the model nutrition and physical activity programs, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity;

“(F) a description of how the State agency will evaluate the effectiveness of each program developed by the State agency;

“(G) an annual summary of the team nutrition network activities;

“(H) a description of the ways in which the total school environment will support healthy eating and physical activity; and

“(I) a description of how all communications to parents and legal guardians of students who are members of a household receiving or applying for assistance under the program shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

“(f) STATE COORDINATOR.—Each State that receives a grant under this section shall appoint a team nutrition network coordinator who shall—

“(1) administer and coordinate the team nutrition network within and across schools, school food authorities, and other child nutrition program providers in the State; and

“(2) coordinate activities of the Secretary, acting through the Food and Nutrition Service, and State agencies responsible for other children's health, education, and wellness programs to implement a comprehensive, coordinated team nutrition network program.

“(g) AUTHORIZED ACTIVITIES.—A State agency that receives a grant under this section may use funds from the grant—

“(1)(A) to collect, analyze, and disseminate data regarding the extent to which children and youths in the State are overweight, physically inactive, or otherwise suffering from nutrition-related deficiencies or disease conditions; and

“(B) to identify the programs and services available to meet those needs;

“(2) to implement model elementary and secondary education curricula using team nutrition network messages and material developed by the Secretary to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;

“(3) to implement pilot projects in schools to promote physical activity and to enhance the nutritional status of students;

“(4) to improve access to local foods through farm-to-cafeteria activities that may include the acquisition of food and the provision of training and education;

“(5) to implement State guidelines in health (including nutrition education and physical education guidelines) and to emphasize regular physical activity during school hours;

“(6) to establish healthy eating and lifestyle policies in schools;

“(7) to provide training and technical assistance to teachers and school food service professionals consistent with the purposes of this section;

“(8) to collaborate with public and private organizations, including community-based organizations, State medical associations, and public health groups, to develop and implement nutrition and physical education programs targeting lower income children, ethnic minorities, and youth at a greater risk for obesity.

“(h) LOCAL NUTRITION AND PHYSICAL ACTIVITY GRANTS.—

“(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall provide assistance to selected local educational agencies to create healthy school nutrition environments, promote healthy eating habits, and increase physical activity, consistent with the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), among elementary and secondary education students.

“(2) SELECTION OF SCHOOLS.—In selecting local educational agencies for grants under this subsection, the Secretary shall—

“(A) provide for the equitable distribution of grants among—

“(i) urban, suburban, and rural schools; and

“(ii) schools with varying family income levels;

“(B) consider factors that affect need, including local educational agencies with significant minority or low-income student populations; and

“(C) establish a process that allows the Secretary to conduct an evaluation of how funds were used.

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

“(A) a description of the need of the local educational agency for a nutrition and physical activity program, including an assess-

ment of the nutritional environment of the school;

“(B) a description of how the proposed project will improve health and nutrition through education and increased access to physical activity;

“(C) a description of how the proposed project will be aligned with the local wellness policy required under section 204 of the Child Nutrition and WIC Reauthorization Act of 2004;

“(D) a description of how funds under this subsection will be coordinated with other programs under this Act, the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or other Acts, as appropriate, to improve student health and nutrition;

“(E) a statement of the measurable goals of the local educational agency for nutrition and physical education programs and promotion;

“(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

“(G) a description of how communications to parents and guardians of participating students regarding the activities under this subsection shall be in an understandable and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

“(4) DURATION.—Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during a period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

“(5) AUTHORIZED ACTIVITIES.—An eligible applicant that receives assistance under this subsection—

“(A) shall use funds provided to—

“(i) promote healthy eating through the development and implementation of nutrition education programs and curricula based on the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

“(ii) increase opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

“(B) may use funds provided to—

“(i) educate parents and students about the relationship of a poor diet and inactivity to obesity and other health problems;

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

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

“(iv) incorporate nutrition education into physical education, health education, and after school programs, including athletics;

“(v) involve parents, nutrition professionals, food service staff, educators, community leaders, and other interested parties in assessing the food options in the school environment and developing and implementing an action plan to promote a balanced and healthy diet;

“(vi) provide nutrient content or nutrition information on meals served through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during meal times;

“(vii) encourage the increased consumption of a variety of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products, through new initiatives to creatively market healthful foods, such as salad bars and fruit bars;

“(viii) offer healthy food choices outside program meals, including by making low-fat and nutrient dense options available in vending machines, school stores, and other venues; and

“(ix) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school nurses.

“(6) REPORT.—Not later than 18 months after completion of the projects and evaluations under this subsection, the Secretary shall—

“(A) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation under this subsection; and

“(B) make the report available to the public, including through the Internet.

“(i) NUTRITION EDUCATION SUPPORT.—In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.

“(j) LIMITATION.—Material prepared under this section regarding agricultural commodities, food, or beverages, must be factual and without bias.

“(k) TEAM NUTRITION NETWORK INDEPENDENT EVALUATION.—

“(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary shall offer to enter into an agreement with an independent, non-partisan, science-based research organization—

“(A) to conduct a comprehensive independent evaluation of the effectiveness of the team nutrition initiative and the team nutrition network under this section; and

“(B) to identify best practices by schools in—

“(i) improving student understanding of healthful eating patterns;

“(ii) engaging students in regular physical activity and improving physical fitness;

“(iii) reducing diabetes and obesity rates in school children;

“(iv) improving student nutrition behaviors on the school campus, including by increasing healthier meal choices by students, as evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;

“(v) providing training and technical assistance for food service professionals resulting in the availability of healthy meals that appeal to ethnic and cultural taste preferences;

“(vi) linking meals programs to nutrition education activities;

“(vii) successfully involving parents, school administrators, the private sector, public health agencies, nonprofit organizations, and other community partners;

“(viii) ensuring the adequacy of time to eat during school meal periods; and

“(ix) successfully generating revenue through the sale of food items, while providing healthy options to students through vending, student stores, and other venues.

“(2) REPORT.—Not later than 3 years after funds are made available to carry out this subsection, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the independent evaluation.

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

(b) CONFORMING AMENDMENT.—Section 21(c)(2)(E) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(c)(2)(E)) is amended by striking “, including” and all that follows through “1966”.

#### SEC. 206. REVIEW OF BEST PRACTICES IN THE BREAKFAST PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary of Agriculture shall enter into an agreement with a research organization to collect and disseminate a review of best practices to assist school food authorities in addressing existing impediments at the State and local level that hinder the growth of the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(2) RECOMMENDATIONS.—The review shall describe model breakfast programs and offer recommendations for schools to overcome obstacles, including—

(A) the length of the school day;

(B) bus schedules; and

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

(b) DISSEMINATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) make the review required under subsection (a) available to school food authorities via the Internet, including recommendations to improve participation in the school breakfast program; and

(2) transmit to Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the review.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### TITLE III—COMMODITY DISTRIBUTION PROGRAMS

##### SEC. 301. COMMODITY DISTRIBUTION PROGRAMS.

Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended by striking subsection (e).

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. SENSE OF CONGRESS REGARDING EFFORTS TO PREVENT AND REDUCE CHILDHOOD OBESITY.

(a) FINDINGS.—Congress finds that—

(1) childhood obesity in the United States has reached critical proportions;

(2) childhood obesity is associated with numerous health risks and the incidence of chronic disease later in life;

(3) the prevention of obesity among children yields significant benefits in terms of preventing disease and the health care costs associated with such diseases;

(4) further scientific and medical data on the prevalence of childhood obesity is necessary in order to inform efforts to fight childhood obesity; and

(5) the State of Arkansas—

(A) is the first State in the United States to have a comprehensive statewide initiative to combat and prevent childhood obesity by—

(i) annually measuring the body mass index of public school children in the State from kindergarten through 12th grade; and

(ii) providing that information to the parents of each child with associated information about the health implications of the body mass index of the child;

(B) maintains, analyzes, and reports on annual and longitudinal body mass index data

for the public school children in the State; and

(C) develops and implements appropriate interventions at the community and school level to address obesity, the risk of obesity, and the condition of being overweight, including efforts to encourage healthy eating habits and increased physical activity.

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

(1) the State of Arkansas, in partnership with the University of Arkansas for Medical Sciences and the Arkansas Center for Health Improvement, should be commended for its leadership in combating childhood obesity; and

(2) the efforts of the State of Arkansas to implement a statewide initiative to combat and prevent childhood obesity are exemplary and could serve as a model for States across the United States.

#### TITLE V—IMPLEMENTATION

##### SEC. 501. GUIDANCE AND REGULATIONS.

(a) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance to implement the amendments made by sections 102, 103, 104, 105, 106, 107, 111, 116, 119(c), 119(g), 120, 126(b), 126(c), 201, 203(a)(3), 203(b), 203(c)(5), 203(e)(3), 203(e)(4), 203(e)(5), 203(e)(6), 203(e)(7), 203(e)(10), and 203(h)(1).

(b) INTERIM FINAL REGULATIONS.—The Secretary may promulgate interim final regulations to implement the amendments described in subsection (a).

(c) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate final regulations to implement the amendments described in subsection (a).

##### SEC. 502. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATES.—

(1) JULY 1, 2004.—The amendments made by sections 106, 107, 126(c), and 201 take effect on July 1, 2004.

(2) OCTOBER 1, 2004.—The amendments made by sections 119(c), 119(g), 202(a), 203(a), 203(b), 203(c)(1), 203(c)(5), 203(e)(5), 203(e)(8), 203(e)(10), 203(e)(13), 203(f), 203(h)(1), and 203(h)(2) take effect on October 1, 2004.

(3) JANUARY 1, 2005.—The amendments made by sections 116(f)(1) and 116(f)(3) take effect on January 1, 2005.

(4) JULY 1, 2005.—The amendments made by sections 102, 104, 105, 111, and 126(b) take effect on July 1, 2005.

(5) OCTOBER 1, 2005.—The amendments made by sections 116(d) and 203(e)(9) take effect on October 1, 2005.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2507.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.