



## Legislative Bulletin.....June 24, 2004

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S. 2507—Child Nutrition and WIC Reauthorization Act of 2004

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### S. 2507—Child Nutrition and WIC Reauthorization Act of 2004 (Sen. Cochran)

**Order of Business:** The bill is scheduled for consideration on Thursday, June 24<sup>th</sup>, subject to a unanimous consent agreement.

S. 2507 passed the Senate on June 23, 2004, by unanimous consent.

The House passed H.R. 3873, the Child Nutrition Improvement and Integrity Act, by a vote of 419-5 on March 24, 2004 (<http://clerk.house.gov/evs/2004/roll082.xml>). Provisions in S. 2507 that are different from the House bill are indicated below in bold or strikethrough.

**Summary:** S. 2507 reauthorizes the Child Nutrition Act and the Richard B. Russell School Lunch Act through 2008. The authorization for these programs is set to expire on March 31, 2004 (Congress passed H.R. 3232, a six-month extension of the programs, by voice vote last fall).

#### Amendments to the Richard B. Russell National School Lunch Act:

- **Authorizes “such sums” for nutrition promotion grants to states.**
- Requires schools to serve milk in a variety of fat contents and allows for the reimbursement of a nutritionally equivalent non-dairy beverage (such as soy milk) if the child has a note from a parent or doctor. Prohibits a school from restricting the sale of milk on school grounds.
- Requires the Secretary to issue guidance on ~~increasing whole grains in foods~~ increasing the consumption of foods in school nutrition programs recommended for increased consumption in the most recent Dietary Guidelines for Americans.
- Requires state agencies to enter into an agreement with the agency administering the food stamp program to directly certify children as eligible for free meals if they are in a household receiving food stamps. **Applies to schools districts with enrollment of 25,000 students in the 2006 school year, school districts with enrollment of 10,000 in the 2007 school year, and all schools in the 2008 school year.** A local educational agency may directly certify children as eligible if the child is in a household enrolled in Temporary Assistance for Needy Families (TANF), a migrant

household, or if the child is homeless or a runaway. **Provides states \$9 million in funding.**

- Allows a household to submit one application for all children for free and reduced-price lunches rather than multiple applications.
- Sets eligibility verification requirements for applications. Permits the use of direct verification, using information from public agencies administering the food stamp program, TANF, S-CHIP, or other income-tested program.
- Allows a child to be certified for school lunch programs for one year, effective July 1, 2005.
- Automatically makes homeless, migrant, and runaway children eligible for free breakfast or lunch.
- Permanently removes military housing as a part of income when determining eligibility for free or reduced price lunch.
- Transfers responsibility for the local administration of school lunch and breakfast programs from the local school food authority to the local education agency. The local school food authority and the LEA would share responsibility for compliance and accountability.
- **Requires the Secretary to provide procurement training and technical assistance to states and schools. Authorizes \$1 million for each of fiscal years 2005-2009.**
- Reauthorizes the Summer Food Pilot Projects (and expands them to additional states) and the Summer Food Service Program for Children through fiscal year ~~2008~~ 2009. Allows non-profits to participate in the programs.
- Creates a new one-state demonstration project in Pennsylvania creating automatic Summer Food Service Program eligibility for rural areas if 40 percent of the children enrolled are eligible for free or reduced price lunch (the current threshold is 50 percent).
- **Creates a new rural transportation program providing grants to 5 state agencies and 60 service institutions to increase participation in the Summer Food Service Program.**
- Requires the Secretary to develop procedures for the purchase and distribution of irradiated food products in federal school meals programs. Such procedures must ensure that irradiated foods are only provided at the request of states and local school food authorities and that such foods are properly labeled.
- Changes the time period of Tier I classification for day care homes in the Child and Adult Care Food Program (CACFP) from 3 years to 5 years (Tier I has a higher reimbursement rate than Tier II).
- Allows the Secretary of Agriculture or a state agency to disregard a CACFP overpayment if the amount is less than what it would cost to recover the overpayment, unless there is evidence of a crime.
- Creates a new one-state pilot project in California allowing non-profit organizations to provide meals year round without applying to CACFP. ~~Limits the cost of the pilot to \$1 million for fiscal years 2004-2008.~~ Authorizes “such sums” for fiscal years 2005-2009.
- **Establishes a new early childhood nutrition education program for limited-English proficient children, with grants provided to childcare centers for obesity prevention activities. Authorizes \$250,000 for each of fiscal years 2005-2009.**

- Expands the fruit and vegetable pilot program to 25 50 additional elementary or secondary schools **and makes the pilot permanent.** ~~Makes the program discretionary (currently mandatory) and authorizes \$11 million for fiscal year 2004 and “such sums” for fiscal years 2005–2008.~~ **Provides \$9 million in mandatory funding and authorizes “such sums” to expand the program.** The program currently receives \$6 million.
- Allows the Secretary to provide matching grants and technical assistance to schools and nonprofit entities to improve access to local foods in schools through farm-to-cafeteria activities. The federal contribution must be \$100,000 or less and the federal share of costs must not exceed 75 percent. Authorizes “such sums.”
- **Creates a 5-state pilot project that eliminates reduced-price breakfast and lunch (having only free breakfast and lunch).**
- Requires the Secretary to develop and distribute training and technical assistance materials related to the administration of school meal programs. Authorizes \$3 million for FY05 and \$2 million for FY06-08.
- Requires state educational agencies to review each school food authority and local educational agency. The review finds failure to meet performance criteria set by the Secretary, a corrective action plan must be developed and technical assistance provided. Funds can also be recovered after a review if they were expended in error. Also requires states to provide annual training in administrative practices to school food authority administrative personnel. Authorizes \$4 million per year for the reviews and training.

#### Amendments to the Child Nutrition Act of 1966:

- Increases the minimum state administrative grant from \$100,000 to \$200,000.
- Requires the Secretary to provide assistance to state agencies for the purpose or acquiring or upgrading technology in schools to improve program integrity.
- Adds ~~“child development”~~ and “physical activity” to the definition of nutrition education.
- Allows a state to certify breastfeeding women for up to one year.
- Allows private funds to be used to provide up to 10 local sites with fresh, frozen and canned fruits and vegetables, with an evaluation of their inclusion in the Women, Infants, and Children Program (WIC) program.
- Requires WIC vendors to purchase infant formula only from a list maintained by the state of approved manufacturers, distributors, and retailers. **Establishes a “Vendor Cost Containment” program, with states establishing vendor peer groups with allowable reimbursement levels for each group.**
- Eliminates 2 WIC demonstration projects.
- Authorizes “such sums” for WIC through ~~2008~~ 2009.
- Requires LEAs to establish a local school wellness policy that includes goals for nutrition education and physical activity, nutrition guidelines for all foods sold on school campus during the school day, and establishes a plan for implementation of the policy.
- Establishes a Team Nutrition Network to provide grants to states for the development of statewide, comprehensive, and integrated nutrition education and physical fitness

programs. Funds could be used to collect and analyze data on students, develop model curricula, implement pilot programs, or provide training and technical assistance.

- Requires the Secretary to review best practices in the school breakfast program to identify impediments “that hinder the growth of the school breakfast program.”

**Committee Action:** S. 2507 was held at the desk after passage in the Senate, and therefore was not referred to committee.

H.R. 3873 was introduced on March 2, 2004, and referred to the Committee on Education and the Workforce. The Subcommittee on Education Reform marked up the bill on March 4 and reported it to the full committee by voice vote. The full Education and the Workforce Committee favorably approved the bill on March 10, 2004, by a vote of 42-0.

**Cost to Taxpayers:** An official estimate of the bill to be considered on the floor today is not available (a cost estimate of the introduced bill was completed by CBO, but changes to the bill since that estimate have affected the bill’s cost). The FY04 budget resolution provided for \$192 million in mandatory spending for child nutrition programs.

Total funding for child nutrition and WIC programs in fiscal year 2004 appropriations was \$16.029 billion.

**Does the Bill Create New Federal Programs or Rules?:** Yes, as described above.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Senate reports are not required to cite constitutional authority.

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