

HR 3873

Child Nutrition Improvement and Integrity Act

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Agriculture and Food

Introduced: Mar 2, 2004

Current Status: Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and F

Latest Action: Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry. (Mar 25, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/3873>

Sponsor

Name: Rep. Castle, Michael N. [R-DE-At Large]

Party: Republican • **State:** DE • **Chamber:** House

Cosponsors (49 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boehner, John A. [R-OH-8]	R · OH		Mar 2, 2004
Rep. Carter, John R. [R-TX-31]	R · TX		Mar 2, 2004
Rep. Case, Ed [D-HI-2]	D · HI		Mar 2, 2004
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Mar 2, 2004
Rep. Keller, Ric [R-FL-8]	R · FL		Mar 2, 2004
Rep. Kilpatrick, Carolyn C. [D-MI-13]	D · MI		Mar 2, 2004
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Mar 2, 2004
Rep. Pearce, Stevan [R-NM-2]	R · NM		Mar 2, 2004
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Mar 2, 2004
Rep. Porter, Jon C. [R-NV-3]	R · NV		Mar 2, 2004
Rep. Simmons, Rob [R-CT-2]	R · CT		Mar 2, 2004
Rep. Upton, Fred [R-MI-6]	R · MI		Mar 2, 2004
Rep. Watson, Diane E. [D-CA-33]	D · CA		Mar 2, 2004
Rep. Wilson, Joe [R-SC-2]	R · SC		Mar 2, 2004
Rep. Filner, Bob [D-CA-51]	D · CA		Mar 18, 2004
Rep. Greenwood, James C. [R-PA-8]	R · PA		Mar 18, 2004
Rep. Hastings, Doc [R-WA-4]	R · WA		Mar 18, 2004
Rep. Majette, Denise L. [D-GA-4]	D · GA		Mar 18, 2004
Rep. Osborne, Tom [R-NE-3]	R · NE		Mar 18, 2004
Rep. Wexler, Robert [D-FL-19]	D · FL		Mar 18, 2004
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Mar 18, 2004
Del. Bordallo, Madeleine Z. [D-GU-At Large]	D · GU		Mar 23, 2004
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 23, 2004
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Mar 23, 2004
Rep. Biggert, Judy [R-IL-13]	R · IL		Mar 23, 2004
Rep. Crowley, Joseph [D-NY-7]	D · NY		Mar 23, 2004
Rep. Davis, Susan A. [D-CA-53]	D · CA		Mar 23, 2004
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Mar 23, 2004
Rep. Hinojosa, Ruben [D-TX-15]	D · TX		Mar 23, 2004
Rep. Hoeffel, Joseph M. [D-PA-13]	D · PA		Mar 23, 2004
Rep. Holt, Rush [D-NJ-12]	D · NJ		Mar 23, 2004
Rep. Isakson, Johnny [R-GA-6]	R · GA		Mar 23, 2004
Rep. Jefferson, William J. [D-LA-2]	D · LA		Mar 23, 2004
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Mar 23, 2004
Rep. Kind, Ron [D-WI-3]	D · WI		Mar 23, 2004
Rep. Lee, Barbara [D-CA-9]	D · CA		Mar 23, 2004
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Mar 23, 2004
Rep. Marshall, Jim [D-GA-3]	D · GA		Mar 23, 2004
Rep. McCarthy, Carolyn [D-NY-4]	D · NY		Mar 23, 2004
Rep. McGovern, James P. [D-MA-3]	D · MA		Mar 23, 2004
Rep. Millender-McDonald, Juanita [D-CA-37]	D · CA		Mar 23, 2004

Cosponsor	Party / State	Role	Date Joined
Rep. Miller, George [D-CA-7]	D · CA		Mar 23, 2004
Rep. Norwood, Charles W. [R-GA-9]	R · GA		Mar 23, 2004
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Mar 23, 2004
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Mar 23, 2004
Rep. Price, David E. [D-NC-4]	D · NC		Mar 23, 2004
Rep. Tierney, John F. [D-MA-6]	D · MA		Mar 23, 2004
Rep. Turner, Michael R. [R-OH-3]	R · OH		Mar 23, 2004
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Mar 23, 2004

Committee Activity

Committee	Chamber	Activity	Date
Agriculture, Nutrition, and Forestry Committee	Senate	Referred To	Mar 25, 2004
Education and Workforce Committee	House	Reported by	Mar 4, 2004

Subjects & Policy Tags

Policy Area:

Agriculture and Food

Related Bills

Bill	Relationship	Last Action
108 S 2507	Related bill	Jun 30, 2004: Became Public Law No: 108-265.

Child Nutrition Improvement and Integrity Act - Amends the Richard B. Russell National School Lunch Act (NSLA) and the Child Nutrition Act of 1966 (CNA) to reauthorize various programs, including the national school lunch and breakfast, child and adult care food, after-school snack, summer food service, and special supplemental nutrition program for women, infants, and children (WIC). Revises requirements relating to eligibility for and access to such programs.

Title I: Ensuring Access to Child Nutrition Programs - (Sec. 101) Reauthorizes, without any termination date, the exclusion of military housing allowances from consideration as income in determining eligibility for free or reduced price lunches.

(Sec. 102) Includes as automatically eligible for free lunches and breakfasts, provided documentation has been provided to the local educational agency (LEA): (1) children or youth defined as homeless under the McKinney-Vento Homeless Assistance Act; (2) youth served under the Runaway and Homeless Youth Act; and (3) a migratory child as defined under the Elementary and Secondary Education Act of 1965 (ESEA).

(Sec. 103) Includes as eligible for severe need assistance additional payments, under the school breakfast program of CNA, those new schools drawing their attendance from schools receiving such assistance. Entitles schools eligible for such assistance to receive a specified meal reimbursement rate. (Repeals the entitlement of such schools to the lesser of such meal reimbursement rate or their breakfast program operating costs.)

(Sec. 104) Extends through FY 2008 the summer food pilot projects and the summer food service program for children. Allows nonprofit organizations to participate in such programs. Makes eligible for such programs, in addition to States already meeting certain criteria, the three States with the highest percentage of households determined annually by the Secretary to be food insecure with hunger.

(Sec. 105) Revises the child and adult care food program. Extends indefinitely the period during which private day care providers with at least 25 percent of served children eligible for free and reduced price lunch are eligible to participate. Extends, from three years to five years, the period of a tier classification of a family or group day care home.

Authorizes the Secretary of Agriculture (the Secretary) to issue regulations requiring States to develop and use a standard form of agreement between each family or group day care sponsoring organization and the family or group day care homes participating in the program. Extends through FY 2006 the period during which the Secretary is required to reserve funds for providing training and technical assistance to States to improve program management and oversight.

Authorizes the Secretary or a State agency to disregard any overpayment to an institution if the total overpayment does not exceed a collection cost amount consistent with other disregards, except where there is evidence of a violation of criminal law or civil fraud law. Increases from 12 to 18 the maximum age of children eligible to be served program meals while residing at emergency shelters. Directs the Secretary, in conjunction with States and participating institutions, to examine the feasibility of reducing paperwork under the program.

(Sec. 106) Directs the Secretary to enter into an agreement with a research organization to collect and disseminate a review of best practices to assist schools in addressing existing impediments at the State and local level that hinder the growth of the school breakfast program. Requires the review to describe model breakfast programs and offer recommendations for schools to overcome obstacles, such as length of school day, bus schedules, and potential increases in costs.

(Sec. 107) Directs the Secretary to support a demonstration program in rural areas of the State of Pennsylvania under the terms and conditions for summer food service programs for children in service institutions, but with a different threshold for determining areas in which poor economic conditions exist. Requires the State agency to report on the effect of such demonstration on program participation in rural areas.

(Sec. 108) Sets forth a seamless summer administration waiver, which allows service institutions that are public or private nonprofit school food authorities to administer summer or school vacation food service under the provisions of the school lunch and school breakfast programs, except as determined by the Secretary. Requires reimbursements to such institutions in accordance with applicable provisions of such programs, as determined by the Secretary.

(Sec. 109) Provides for a year-round community child nutrition program pilot, limited to certain service institutions that are private nonprofit organizations located in California and that operate specified types of year-round programs. Allows such institutions to be reimbursed for up to three meals and two supplements per child for any day for which services are being offered at such institution. Requires such institutions to be reimbursed for the full cost of food service operations, not including administrative costs.

Title II: Improving Program Quality and Integrity - (Sec. 201) Revises eligibility and certification requirements for free and reduced price lunches. Directs the Secretary to base income eligibility guidelines on nonfarm income poverty guidelines issued by the Secretary of Health and Human Services (HHS).

Requires applications and related descriptive materials for free and reduced price lunches to be distributed at least annually to parents and guardians in clear and understandable format and language. Requires descriptive material to contain: (1) only the income levels for reduced price lunches, and an explanation that lower income levels may mean eligibility for free lunches; and (2) notice that WIC participants in the program are eligible for free or reduced price lunches. Allows applications to be submitted by an adult of the household: (1) as a single application for all children in the household; and (2) electronically if the filing system meets confidentiality standards.

Directs LEAs to verify information in a sample of approved applications, with variations in such samples according to specified formulae based non-response rates. Sets forth verification provisions for: (1) substitutions of applications chosen to be verified, including substitute criteria in emergencies; (2) direct verification, including use of public agency records; and (3) plain, understandable language in communications to parents regarding verification.

Provides for direct certification of children as eligible for free meals, without further application, based on: (1) their being in households receiving assistance under the food stamp program or the Temporary Assistance for Needy Families (TANF) program under title IV part A of the Social Security Act; or (2) their documented status as a migratory children, as defined under ESEA. Sets forth privacy protections. Prohibits requiring LEAs to submit free and reduced price meal policy statements to State agencies after the initial submission unless there is a substantive change in such policy.

(Sec. 202) Requires, with certain exceptions, a child's eligibility for free and reduced price lunches to remain in effect from the date of approval for the current school year until the beginning of school in a subsequent school year, or as otherwise specified by the Secretary.

(Sec. 203) Transfers responsibility for local administration of school lunch and breakfast programs from local school food authorities (LSFAs) to LEAs (including appropriate entities determined by the Secretary in cases of private nonprofit school food authorities).

(Sec. 204) Makes LEAs, as well as LSFAs, responsible for program compliance and accountability.

(Sec. 205) Includes technology and information management systems among authorized uses of funds paid for State administrative expenses for the school lunch, school breakfast, and fluid milk programs. Directs the Secretary to give priority consideration to States that will use reallocated State administrative expense funds for technology and information management improvements.

(Sec. 206) Raises the amount of the minimum State administrative expense grant, and guarantees that such a grant shall not be less than the one received in a previous fiscal year.

(Sec. 207) Permits eligibility for special assistance to be determined district-wide, as an alternative to determining it on an individual school basis.

(Sec. 208) Directs the Secretary to develop and distribute training and technical assistance materials relating to administration of school meals programs. Directs the Secretary of the Treasury to transfer specified amounts to the Secretary at the beginning of each of FY 2005 through 2008. Authorizes the Secretary to use such funds to: (1) provide training and technical assistance related to administrative practices to improve program integrity and administrative accuracy to State educational agencies (SEAs), LSFAs, and LEAs; (2) assist SEAs in reviewing administrative practices of LSFAs of school food authorities; and (3) develop and distribute training and technical assistance materials relating to administration of school meals programs.

Establishes additional administrative and performance review requirements for selected LSFAs and LEAs that have demonstrated high levels of or high risks for administrative errors. Directs SEAs, where such a selected LSFA or LEA fails to meet performance criteria established by the Secretary, to: (1) require such entity to develop and carry out a plan of corrective action; (2) provide technical assistance; and (3) conduct a follow-up review. Authorizes the Secretary require the SEA to recover funds that were expended in error and use them to improve program integrity and administrative accuracy.

Requires States to submit for the Secretary's approval only substantive changes of their plans for use of administrative expense funds. Requires such plans to describe how technology and information management systems will be used for specified purposes.

Requires States to provide annual training and technical assistance in administrative practices, emphasizing requirements established under this Act. Requires the Secretary to assist the State or provide such training and technical assistance or directly. Authorizes the Secretary or the State to contract with a third party conducting such activities. Requires each LSFA or LEA to insure that an individual conducting or overseeing such administrative procedures receives such training at least annually. Authorizes the Secretary to assist States in carrying out State training and administrative reviews of selected LSFAs and LEAs with excessive error rates. Directs the Secretary of the Treasury to transfer a specified amount to the Secretary at the beginning of FY 2005 and each fiscal year thereafter for such purposes.

Title III: Promoting Nutrition Quality and Preventing Childhood Obesity - (Sec. 301) Requires LEAs participating in school meals programs to establish local school wellness policies with: (1) goals for nutrition education, physical activity, and other school-based activities; (2) nutrition guidelines for all foods sold on school campus during the school day in order to promote health and reduce obesity; (3) a plan to ensure policy implementation, including designating persons with operational responsibility; (4) involvement of parents, students, and representatives of the LSFA, school board, school administrators, and public; and (5) guidelines for reimbursable school meals not less restrictive than applicable regulations and guidance issued by the Secretary for the school breakfast and school lunch programs.

(Sec. 302) Revises the system of nutrition education grants to SEAs to provide assistance to State agencies, schools, and nonprofit entities for the Team Nutrition Network (TNN) program and other nutrition education projects that improve student understanding of healthful eating patterns, the quality of school meals, and access to local foods in schools and institutions operating programs under NSLA and CNA.

Establishes TNN to: (1) promote the Nation's schoolchildren's health through nutrition education, physical fitness, and other activities supporting healthy lifestyles for children based on the Dietary Guidelines for Americans; (2) provide assistance to States to develop Statewide, comprehensive, and integrated nutrition education and physical fitness programs; and (3) provide training and technical assistance to States, school and community nutrition programs, and child nutrition food service professionals. Requires State TNN Coordinators to: (1) administer and coordinate a comprehensive integrated statewide nutrition education program; and (2) coordinate efforts with the Food and Nutrition Service and State agencies responsible for children's health programs. Directs the Secretary to enter into an agreement with an independent nonpartisan science-based research organization to evaluate and report on the effectiveness of the TNN initiative and to identify best practices in certain activities.

Directs the Secretary to provide assistance for the following types of three-year pilot projects: (1) to States on a competitive basis for State TNN Coordinators to create model nutrition education and physical fitness programs for school students; and (2) to not more than 100 LEAs, at least one per State, to promote healthy eating habits and increase physical fitness among school students. Authorizes the Secretary to provide: (1) technical assistance to SEAs to improve school meal quality; and (2) technical assistance and competitive matching grants to schools and nonprofit entities to improve access to local foods in schools and institutions.

(Sec. 303) Includes fruits and vegetables among the foods to be emphasized in commodity distribution.

(Sec. 304) Requires schools to serve milk in a variety of fat contents. Permits substitute nutritionally-equivalent nondairy beverages to be reimbursable, if a note is provided from a medical authority or the child's parent or guardian. Prohibits schools or institutions participating in the school lunch program from restricting sale or marketing of fluid milk products by the school or a school-approved person at any time or place on the school premises or at any school-sponsored event.

(Sec. 305) Extends the period during which weighted averages are not required to be used in nutrient analysis of foods under the school lunch program, if the school food authority has an equivalent nutrient analysis system. Authorizes the Secretary to waive the requirement that State agencies use weighted averages in a nutrient analysis in a review of an LSFA not using nutrient standard menu planning, in cases where an alternative analysis would be adequate.

(Sec. 306) Directs the Secretary, within 18 months after enactment of this Act, to promulgate rules, based on Federal nutrition guidelines, to increase the presence of whole grains in foods offered in school nutrition programs under NSLA and CNA.

(Sec. 307) Revises fruit and vegetable pilot program requirements to direct the Secretary to make available fresh and dried fruits and fresh vegetables to 25 schools in each of four additional States and one Indian reservation, with an emphasis on low-income schools.

Title IV: Improving the Women, Infants, and Children Program - (Secs. 401 and 402) Revises WIC program (under CNA) definitions of: (1) nutrition education to include child development and physical activity; and (2) supplemental foods to provide for consideration of the most recent Dietary Guidelines for Americans.

(Sec. 403) Revises certification requirements for WIC program participation to allow: (1) a State to certify breastfeeding

women for up to one year or until they stop breastfeeding, whichever is earlier; (2) a local agency to waive the physical presence requirement for infants under eight weeks of age; (3) acceptance and processing of vendor applications outside of established time-frames under special circumstances; and (4) applicants or participants to reschedule appointments to apply or be recertified.

(Sec. 404) Directs the Secretary to: (1) promulgate a rule updating the prescribed supplemental foods available through the WIC program, within six months of receiving the review of the WIC food package undertaken by the National Academy of Sciences, Institute of Medicine in September 2003; and (2) beginning in 2013, and at least every ten years thereafter, conduct scientific reviews of supplemental foods available in the WIC program and recommend changes to reflect nutrition science, current public health concerns, and cultural eating patterns.

(Sec. 405) Requires State agencies to notify vendors in writing of violations, unless the notification would compromise an investigation. Authorizes State agencies to round up to the next whole can of infant formula to ensure all infants receive the full-authorized nutritional benefit, under contracts awarded under bid solicitations made on or after October 1, 2004.

(Sec. 406) Directs the Secretary to partner with communities, State and local agencies, employers, health care professionals, and the private sector to build a supportive breastfeeding environment for women participating in the program to support the breastfeeding goals of the Healthy People 2010 initiative.

(Sec. 407) Revises WIC program competitive bidding provisions to require infant formula: (1) rebate invoices to provide reasonable estimates or actual counts of numbers of units sold to program participants; and (2) bid solicitations amounts to be adjusted on a cent-by-cent basis according to changes in the lowest national wholesale truckload price.

(Sec. 408) Authorizes demonstration projects, in up to ten local sites, to evaluate inclusion of fresh, frozen, or canned fruits and vegetables, to be made available through private funds, as an addition to supplemental food provided under the WIC program.

(Sec. 409) Sets forth additional requirements relating to consideration of price levels of retail stores for participation in the WIC program. Requires State agencies to: (1) evaluate vendor applicants based on their shelf prices or on the prices they bid for supplemental foods, which may not exceed their shelf prices; and (2) establish price limitations on amounts to be paid vendors for supplemental foods, to ensure that prices are competitive and that limitations do not result in inadequate participant access by geographic area. Allows: (1) exclusion of pharmacy vendors that supply only exempt infant formula or medical foods that are eligible under the program; and (2) vendor peer group competitive price requirements and price limitations to reflect reasonable estimates of varying costs of acquisition of supplemental foods. Prohibits State agencies from authorizing retail food stores to provide incentive items or other free merchandise to program participants if funds from this program were used to purchase such items or merchandise.

(Sec. 410) Revises WIC program provisions for management information systems to require: (1) States to comply with certain standards for electronic benefit systems; and (2) the Secretary to implement a national Universal Product Code Database for use by all State agencies.

(Sec. 411) Requires participating vendors in the WIC program to purchase infant formula from a State-maintained list of approved manufacturers, wholesalers, distributors, and retailers.

(Sec. 412) Prohibits State alliances from exceeding 200,000 infant participants (except alliances with such numbers as of October 2003). Allows any State agency serving under 5,000 participants, or any Indian Tribal Organization, to request to join any State alliance.

(Sec. 413) Increases from one to three percent the maximum portion of nutrition services and administration funds a State may expend during the subsequent fiscal year for allowable expenses incurred during a fiscal year.

(Sec. 416) Extends through FY 2008 the authorization of appropriations for: (1) the WIC program; (2) WIC nutrition services and administrative funds; and (3) WIC farmers' market nutrition program.

Title V: Reauthorization, Miscellaneous Provisions, and Effective Date - (Sec. 501) Revises requirements relating to training and technical assistance under NSLA, CNA, and other federally-assisted feeding programs.

(Sec. 502) Directs the Secretary to develop policy and establish procedures regarding the purchase, distribution, notice of consumption, and provision of information regarding irradiated foods in Federal school meals programs.

(Sec. 503) Expresses the sense of Congress that Federal resources provided under NSLA and CNA dedicated to child nutrition should support the most effective programs within the Federal agency that is most capable of assisting children in nutritional need. Encourages elimination of initiatives that are duplicative of other Federal efforts, particularly those that are duplicative of programs conducted under NSLA and CNA.

(Sec. 504) Extends through FY 2008 the authorization of appropriations for: (1) State administrative expenses (CNA); (2) the commodity distribution program (NSLA and the Commodity Distribution Reform Act and WIC Amendments of 1987); (3) purchases of locally produced foods (NSLA); (4) training, technical assistance, and the food service management institute (NSLA); and (5) compliance and accountability (NSLA).

Actions Timeline

- **Mar 25, 2004:** Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry.
- **Mar 24, 2004:** Mr. Boehner moved to suspend the rules and pass the bill, as amended.
- **Mar 24, 2004:** Considered under suspension of the rules. (consideration: CR H1395-1413)
- **Mar 24, 2004:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3873.
- **Mar 24, 2004:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Mar 24, 2004:** Considered as unfinished business. (consideration: CR H1442)
- **Mar 24, 2004:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 419 - 5 (Roll no. 82).(text: CR H1396-1405)
- **Mar 24, 2004:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 419 - 5 (Roll no. 82). (text: CR H1396-1405)
- **Mar 24, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 23, 2004:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-445.
- **Mar 23, 2004:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-445.
- **Mar 23, 2004:** Placed on the Union Calendar, Calendar No. 258.
- **Mar 10, 2004:** Committee Consideration and Mark-up Session Held.
- **Mar 10, 2004:** Ordered to be Reported (Amended) by the Yeas and Nays: 42 - 0.
- **Mar 4, 2004:** Referred to the Subcommittee on Education Reform.
- **Mar 4, 2004:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 4, 2004:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **Mar 2, 2004:** Introduced in House
- **Mar 2, 2004:** Introduced in House
- **Mar 2, 2004:** Referred to the House Committee on Education and the Workforce.