

January 12, 2004

**SUBJECT:** Extension of Certain Child Nutrition Programs Provisions through  
March 31, 2004

**TO:** Regional Directors  
Child Nutrition Programs  
All Regions

State Agencies  
Child Nutrition Programs  
All States

On November 22, 2003, Public Law 108-134 was enacted. This law continues appropriations for the Child Nutrition Programs and extends several provisions that were to expire on November 21, 2003. The resolution extends the following provisions of the Richard B. Russell National School Lunch Act (NSLA) until March 31, 2004:

- **Section 9(b)(7)** – For purposes of determining eligibility for the child nutrition programs, continues to allow the housing allowance received by military families in privatized housing, i.e. housing under the Military Housing Privatization Initiative, to be excluded from consideration as income;
- **Section 14 (a)** – Allows the Secretary to use additional section 32 and Commodity Credit Corporation funds if the amount of section 32 and section 6 funds originally appropriated to purchase commodities for the lunch program is insufficient;
- **Section 17(a)(2)(B)(i)** – Private organizations (for profit centers) providing nonresidential child care or day care outside school hours may continue to be eligible to participate in the Child and Adult Care Food Program if at least 25 percent of the children served by the organization meet the income eligibility criteria for free and reduced price meals; and
- **Section 18(f)(2)** – Continues the summer pilot projects (Lugar pilots) to increase the number of children in the Summer Food Service Program in the 14 States currently participating in the pilot.

P.L. 108-134 also extends **Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987** which allows the Secretary to use section 32 funds to reimburse states for costs of removal of commodities if commodities pose health or safety risk.

Continuation of these provisions beyond March 31, 2004, is dependent on additional Congressional action.

We will notify you of any further extensions.

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Director  
Child Nutrition Division