

118TH CONGRESS
2D SESSION

S. _____

To amend the Richard B. Russell National School Lunch Act to ban foods with contaminants above safe levels in or on final products served in school meals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Richard B. Russell National School Lunch Act to ban foods with contaminants above safe levels in or on final products served in school meals, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe School Meals Act
5 of 2024”.

6 **SEC. 2. REGULATIONS RELATING TO CERTAIN SUBSTANCES**

7 **IN FINAL SCHOOL MEAL PRODUCTS.**

8 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) COMMISSIONER.—The term “Commis-
5 sioner” means the Commissioner of Food and
6 Drugs.

7 (3) FINAL SCHOOL MEAL PRODUCT.—The term
8 “final school meal product” means a food in the
9 form in which the food would be consumed by stu-
10 dents at schools participating in 1 or more school
11 meal programs under—

12 (A) the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1751 et seq.); or

14 (B) the Child Nutrition Act of 1966 (42
15 U.S.C. 1771 et seq.).

16 (4) HEAVY METAL OR TOXIC METALLOID.—The
17 term “heavy metal or toxic metalloid” means—

18 (A) arsenic;

19 (B) cadmium;

20 (C) lead; and

21 (D) mercury.

22 (5) PESTICIDE RESIDUE.—The term “pesticide
23 residue” means the total quantity of
24 organophosphate, glyphosate, paraquat, and such
25 other pesticides as the Commissioner may require,

1 based on evidence of harm received by the Commis-
2 sioner that, after application to an agricultural prod-
3 uct, remains in or on the agricultural product.

4 (6) PFAS.—The term “PFAS” means any
5 member of the class of fluorinated organic chemicals
6 that contains at least 1 fully fluorinated carbon
7 atom.

8 (b) ENVIRONMENTAL PROTECTION AGENCY.—

9 (1) IN GENERAL.—Not later than 5 years after
10 the date of enactment of this Act, the level of pes-
11 ticide residue found in or on final school meal prod-
12 ucts shall be nondetectable when using the most sen-
13 sitive commercially available test.

14 (2) PHASE-IN.—Not later than 1 year after the
15 date of enactment of this Act, the Administrator
16 shall promulgate a final rule that establishes a
17 schedule for decreasing the level of pesticide residue
18 found in or on final school meal products to ensure
19 the level described in paragraph (1) is achieved by
20 the date described in that paragraph.

21 (3) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to the Ad-
23 ministrator such sums as are necessary to carry out
24 this subsection.

25 (c) FOOD AND DRUG ADMINISTRATION.—

1 (1) HEAVY METALS AND TOXIC METALLOIDS.—

2 (A) IN GENERAL.—Not later than 2 years
3 after the date of enactment of this Act, the
4 Commissioner shall promulgate a final rule that
5 establishes, for each heavy metal and toxic
6 metalloid, a maximum permissible level found in
7 or on final school meal products that poses a
8 reasonable certainty of no harm to school-age
9 children from aggregate exposure, including all
10 anticipated dietary exposures.

11 (B) REQUIREMENTS.—

12 (i) FACTORS FOR CONSIDERATION.—

13 The rule under subparagraph (A) shall
14 take into consideration the factors de-
15 scribed in section 409(c)(5) of the Federal
16 Food, Drug, and Cosmetic Act (21 U.S.C.
17 348(c)(5)).

18 (ii) IMPLEMENTATION PERIOD.—The
19 maximum permissible levels established
20 under the rule under subparagraph (A)
21 shall be implemented in phases during the
22 5-year period beginning on the date of pro-
23 mulgation of the rule.

24 (C) ABSENCE OF REGULATION.—If a max-
25 imum permissible level is not established pursu-

ant to subparagraph (A) with respect to a heavy metal or toxic metalloid by the date that is 2 years after the date of enactment of this Act, the maximum permissible level for that heavy metal or toxic metalloid shall be non-detectable when using the most sensitive commercially available test until a maximum permissible level is established by the Commissioner in accordance with this paragraph.

(D) REVIEW.—Not less frequently than once every 5 years, the Commissioner shall—

(i) review relevant data; and

(ii) determine potential adjustments to the maximum permissible levels of heavy metals and toxic metalloids established under this paragraph.

(2) PACKAGING.—The Commissioner shall prohibit the use of PFAS, phthalates, lead, and bisphenols in product packaging of final school meal products.

(3) CERTAIN FOOD CHEMICALS.—

(A) REASSESSMENTS.—Not later than 5 years after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, the Secretary of Health and Human

1 Services, acting through the Commissioner (re-
2 ferred to in this paragraph as the “Secretary”),
3 shall—

4 (i) subject to subparagraphs (C) and
5 (D), reassess the safety of not fewer than
6 10 food additives, substances generally rec-
7 ognized as safe, or classes of those sub-
8 stances found in or on final school meal
9 products; and

10 (ii) promulgate final regulations
11 that—

12 (I) establish conditions of use for
13 each substance determined to be safe
14 (within the meaning of section 409 of
15 the Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 348) and this
17 paragraph); and

18 (II) determine to be unsafe any
19 substance that has been found, when
20 ingested by humans or animals, to in-
21 duce—

22 (aa) reproductive, develop-
23 mental, or endocrine toxicity; or

24 (bb) cancer.

1 (B) FACTORS FOR CONSIDERATION.—In
2 determining, for the purposes of this para-
3 graph, whether a substance is unsafe, the Sec-
4 retary shall take into consideration, among
5 other relevant factors—

6 (i) the cumulative effects of the sub-
7 stance, and any chemically or biologically
8 related substances, as described in section
9 409 of the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 348); and

11 (ii) an adequately protective use of
12 safety factors, as described in that section,
13 to account for the particular sensitivities of
14 vulnerable human populations, including
15 children and adolescents.

16 (C) SUBSTANCES INITIALLY SUBJECT TO
17 REASSESSMENT.—

18 (i) IN GENERAL.—The substances ini-
19 tially reassessed by the Secretary under
20 subparagraph (A) shall be the following:

21 (I) Butylated hydroxyanisole.

22 (II) Butylated hydroxytoluene.

23 (III) Tert-butylhydroquinone.

24 (IV) Sodium benzoate.

25 (V) Propyl gallate.

1 (VI) Titanium dioxide.

2 (VII) FD&C Red 3.

3 (VIII) FD&C Red 40.

4 (IX) FD&C Yellow 5.

5 (X) FD&C Yellow 6.

6 (XI) FD&C Green 3.

7 (XII) FD&C Blue 1.

8 (XIII) FD&C Blue 2.

9 (XIV) Azodicarbonamide.

10 (XV) Potassium bromate.

11 (XVI) Propyl paraben.

12 (ii) STATUS PRIOR TO REASSESS-
13 MENT.—Each substance described in
14 clause (i) shall be considered to be unsafe,
15 and use of the substance as a food additive
16 or food ingredient in a final school meal
17 product purchased after the date of enact-
18 ment of this Act shall be prohibited, until
19 the date on which the Secretary—

20 (I) completes a reassessment of
21 the substance under this paragraph;
22 and

23 (II) establishes that the sub-
24 stance is safe for purposes of section
25 409 of the Federal Food, Drug, and

1 Cosmetic Act (21 U.S.C. 348) and
2 this paragraph.

3 (D) SUBSEQUENT ASSESSMENTS.—

4 (i) IN GENERAL.—After each sub-
5 stance described in subparagraph (C)(i) is
6 reassessed in accordance with this para-
7 graph, the Secretary shall publish in the
8 Federal Register a notice requesting infor-
9 mation and recommendations with respect
10 to additional substances to be reassessed
11 under this paragraph, including—

12 (I) the substance name or class
13 name;

14 (II) uses of the substance; and

15 (III) data relating to the actual
16 and potential hazards and impact on
17 public health of the substance.

18 (ii) PRIORITY.—The Secretary shall
19 prioritize the reassessment under this sub-
20 paragraph of any substances contained in
21 or on final school meal products that have
22 been found—

23 (I) to be associated with—

24 (aa) cancer; or

1 (bb) reproductive or develop-
2 mental toxicity; or
3 (II) to present other potential
4 hazards to public health.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated to the Sec-
7 retary of Health and Human Services and the Com-
8 missioner such sums as are necessary to carry out
9 this subsection.

10 (d) DEPARTMENT OF AGRICULTURE.—

11 (1) ASSESSMENT AND INCREASE.—

12 (A) IN GENERAL.—As soon as practicable
13 after the effective date of the regulations pro-
14 mulgated pursuant to subsections (b) and (c),
15 and not less frequently than once every 5 years
16 thereafter, the Secretary of Agriculture (re-
17 ferred to in this subsection as the “Secretary”)
18 shall—

19 (i) assess the difference between—

20 (I) the cost of carrying out the
21 school meal programs under the Rich-
22 ard B. Russell National School Lunch
23 Act (42 U.S.C. 1751 et seq.) and the
24 Child Nutrition Act of 1966 (42

1 U.S.C. 1771 et seq.) in accordance
2 with those regulations; and

3 (II) the cost of carrying out
4 those school meal programs on the
5 date of enactment of this Act; and

6 (ii) increase the amounts provided to
7 schools participating in those school meal
8 programs as the Secretary determines to
9 be necessary to account for the difference
10 described in clause (i).

11 (B) AUTHORIZATION OF APPROPRIA-
12 TIONS.—There are authorized to be appro-
13 priated to the Secretary such sums as are nec-
14 essary to carry out this paragraph.

15 (2) SOIL AND WATER REMEDIATION METH-
16 ODS.—

17 (A) IN GENERAL.—The Secretary shall—

18 (i) partner with land-grant univer-
19 sities and nonprofit entities with relevant
20 expertise to carry out research relating to
21 soil and water remediation to remove heavy
22 metals and toxic metalloids, PFAS, and
23 other contaminants, including research on
24 making remediation methods cheaper to
25 implement and more effective;

1 (ii) distribute the results of the re-
2 search carried out under clause (i) to
3 farmers, with priority given to any farmer
4 that—

5 (I) submitted to the Secretary an
6 application for certification as a clean
7 supplier under subsection (c)(4) of
8 section 29 of the Richard B. Russell
9 National School Lunch Act (42
10 U.S.C. 1769j) (as added by section
11 3(a)); but

12 (II) did not receive that certifi-
13 cation; and

14 (iii) conduct research relating to—

15 (I) the presence of microplastics
16 and PFAS in soil, water, and food;
17 and

18 (II) methods to remediate agri-
19 cultural soil, water, and food from
20 microplastics and PFAS.

21 (B) AUTHORIZATION OF APPROPRIA-
22 TIONS.—There is authorized to be appropriated
23 to the Secretary \$500,000,000 to carry out this
24 paragraph.

1 **SEC. 3. TESTING AND CERTIFICATION OF FOODS, PRO-**
2 **DUCERS, AND SUPPLIERS USED FOR SCHOOL**
3 **MEAL PROGRAMS.**

4 (a) IN GENERAL.—Section 29 of the Richard B. Rus-
5 sell National School Lunch Act (42 U.S.C. 1769j) is
6 amended by adding at the end the following:

7 “(c) FOOD CONTAMINANT TESTING AND CERTIFI-
8 CATION.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) CERTIFIED ORGANIC FARM.—The
11 term ‘certified organic farm’ has the meaning
12 given the term in section 2103 of the Organic
13 Foods Production Act of 1990 (7 U.S.C. 6502).

14 “(B) HEAVY METAL OR TOXIC
15 METALLOID.—The term ‘heavy metal or toxic
16 metalloid’ means—

17 “(i) arsenic;

18 “(ii) cadmium;

19 “(iii) lead; and

20 “(iv) mercury.

21 “(C) PERMISSIBLE LEVEL.—The term
22 ‘permissible level’ means—

23 “(i) with respect to a heavy metal or
24 toxic metalloid, the maximum permissible
25 level for the heavy metal or toxic metalloid

1 under subsection (c)(1) of section 2 of the
2 Safe School Meals Act of 2024; and

3 “(ii) with respect to a pesticide res-
4 idue, the applicable permissible level for
5 the pesticide residue described in the
6 schedule under subsection (b)(2) of that
7 section.

8 “(D) PESTICIDE RESIDUE.—The term
9 ‘pesticide residue’ means the total quantity of
10 organophosphate, glyphosate, paraquat, and
11 such other pesticides as the Commissioner of
12 Food and Drugs may require, based on evi-
13 dence of harm received by the Commissioner of
14 Food and Drugs that, after application to an
15 agricultural product, remains in or on the agri-
16 cultural product.

17 “(E) PFAS.—The term ‘PFAS’ means
18 any member of the class of fluorinated organic
19 chemicals that contains at least 1 fully
20 fluorinated carbon atom.

21 “(F) SCHOOL MEAL PROGRAM.—The term
22 ‘school meal program’ means any school meal
23 program under—

24 “(i) this Act; or

1 “(ii) the Child Nutrition Act of 1966
2 (42 U.S.C. 1771 et seq.).

3 “(2) SAMPLING AND TESTING OF FOODS USED
4 IN SCHOOL MEAL PROGRAMS.—

5 “(A) IN GENERAL.—Not later than 2 years
6 after the date of enactment of this subsection,
7 and not less frequently than annually there-
8 after, the Secretary shall conduct representative
9 sampling and testing of foods prepared to be
10 purchased for, and consumed in, each school
11 meal program—

12 “(i) to determine the levels of pes-
13 ticide residue and heavy metals and toxic
14 metalloids in or on those foods; and

15 “(ii) to ensure PFAS, phthalates,
16 lead, and bisphenols are not used in any
17 packaging of those foods.

18 “(B) REQUIREMENTS.—The samples col-
19 lected by the Secretary pursuant to this para-
20 graph shall be collected from foods that are in
21 their final state prior to consumption.

22 “(C) REPORT.—The Secretary shall make
23 publicly available a report that describes the re-
24 sults of the sampling and testing conducted
25 under this paragraph.

1 “(3) CLEAN SUPPLIER REQUIREMENT.—Not-
2 withstanding any other provision of law, effective be-
3 ginning on the date that is 5 years after the date
4 of enactment of this subsection, for purposes of the
5 school meal programs—

6 “(A) subject to paragraph (4)(F)(ii), no
7 agricultural producer or processed food supplier
8 may supply food to a school meal program un-
9 less the producer or supplier—

10 “(i) is certified as a clean supplier in
11 accordance with paragraph (4) by—

12 “(I) the Secretary; or

13 “(II) a third party approved by
14 the Secretary; or

15 “(ii) self-certifies that the producer or
16 supplier—

17 “(I) conducts testing and meets
18 the other applicable requirements
19 under paragraph (4) for certification
20 as a clean supplier; and

21 “(II) submits to the Secretary
22 those test results; and

23 “(B) each school participating in a school
24 meal program shall procure food for the school
25 meal program only from an agricultural pro-

1 ducer or processed food supplier described in
2 subparagraph (A).

3 “(4) TESTING AND CERTIFICATION OF PRO-
4 DUCERS AND SUPPLIERS.—

5 “(A) IN GENERAL.—Not later than 2 years
6 after the date of enactment of this subsection,
7 the Secretary shall, for purposes of this sub-
8 section—

9 “(i) offer testing to agricultural pro-
10 ducers and processed food suppliers who
11 seek to be certified as clean suppliers;

12 “(ii) provide for the certification of
13 those producers and suppliers as clean sup-
14 pliers in accordance with this paragraph;
15 and

16 “(iii) approve third parties to certify
17 those producers and suppliers as clean sup-
18 pliers in accordance with this paragraph.

19 “(B) OFFICE OF TECHNICAL ASSIST-
20 ANCE.—The Secretary shall establish within the
21 Department of Agriculture an office, to be
22 known as the ‘Office of Technical Assistance’,
23 which shall provide information and a point of
24 contact (including availability via telephone) for
25 agricultural producers and processed food sup-

1 pliers to receive assistance with the testing and
2 certification processes under this paragraph.

3 “(C) APPLICATION.—An agricultural pro-
4 ducer or processed food supplier seeking certifi-
5 cation as a clean supplier under this paragraph
6 shall submit to the Secretary or an approved
7 third-party certifier an application at such time,
8 in such manner, and containing such informa-
9 tion as the Secretary may require.

10 “(D) CERTIFICATION AS CLEAN SUP-
11 PLIER.—

12 “(i) IN GENERAL.—An agricultural
13 producer or processed food supplier shall
14 be certified as a clean supplier for pur-
15 poses of this subsection if annual testing,
16 using validated, representative sampling
17 and testing models, demonstrates that—

18 “(I) the heavy metals and toxic
19 metalloids and pesticide residues in or
20 on the food products sold by the agri-
21 cultural producer or processed food
22 supplier are within the permissible
23 levels; and

24 “(II) the packaging of the food
25 products sold by the agricultural pro-

1 ducer or processed food supplier does
2 not use any PFAS, phthalates, lead,
3 or bisphenols.

4 “(ii) REQUIREMENTS AND PROCE-
5 DURES.—Subject to subparagraph (F), the
6 Secretary may establish such requirements
7 and procedures as the Secretary deter-
8 mines to be appropriate for—

9 “(I) testing the food products of
10 agricultural producers and processed
11 food suppliers under clause (i); and

12 “(II) certifying agricultural pro-
13 ducers and processed food suppliers as
14 clean suppliers for purposes of this
15 subsection.

16 “(E) COST.—A small agricultural producer
17 or small processed food supplier, as determined
18 by the Secretary, shall not be responsible for
19 any costs relating to certification under this
20 paragraph.

21 “(F) CERTIFICATION AND TREATMENT OF
22 CERTIFIED ORGANIC FARMS.—

23 “(i) CERTIFICATION.—A certified or-
24 ganic farm—

1 “(I) shall not be required to sub-
2 mit to testing under this paragraph
3 with respect to pesticide residue; and

4 “(II) may be certified as a clean
5 supplier for purposes of this sub-
6 section on—

7 “(aa) demonstration that—

8 “(AA) the quantity of
9 heavy metals and toxic
10 metalloids in or on the food
11 products sold by the cer-
12 tified organic farm is within
13 permissible levels; and

14 “(BB) the packaging of
15 the food products sold by
16 the certified organic farm
17 does not use any PFAS,
18 phthalates, lead, or
19 bisphenols; and

20 “(bb) submission of an ap-
21 plication under subparagraph
22 (C).

23 “(ii) SERVICE PENDING CERTIFI-
24 CATION.—

21

1 “(I) DEFINITION OF PENDING
2 SCHOOL YEAR.—In this clause, the
3 term ‘pending school year’, with re-
4 spect to a certified organic farm,
5 means a school year during which the
6 certified organic farm—

7 “(aa) failed to achieve cer-
8 tification as a clean supplier
9 under clause (i)(II); but

10 “(bb) has submitted, or in-
11 tends to submit, to the Secretary
12 an application under subpara-
13 graph (C) for certification as a
14 clean supplier under clause (i)(II)
15 for the following school year.

16 “(II) TREATMENT.—For pur-
17 poses of paragraph (3), a certified or-
18 ganic farm may supply food to a
19 school meal program for not more
20 than 1 pending school year, if the cer-
21 tified organic farm supplied food to a
22 school meal program during the pre-
23 ceding school year.

24 “(III) LIMITATION.—A certified
25 organic farm the application described

1 in subclause (I)(bb) of which is dis-
2 approved may not supply food to a
3 school meal program during the pe-
4 riod—

5 “(aa) beginning on the first
6 day of the first school year begin-
7 ning after the date of dis-
8 approval; and

9 “(bb) ending on the date on
10 which an application of the cer-
11 tified organic farm under sub-
12 paragraph (C) is approved.

13 “(5) GRANT PROGRAM.—

14 “(A) ESTABLISHMENT.—The Secretary
15 shall establish a program under which the Sec-
16 retary shall provide grants to agricultural pro-
17 ducers, processed food suppliers, and schools—

18 “(i) in the case of agricultural pro-
19 ducers, to assist with reducing heavy met-
20 als and toxic metalloids and pesticide resi-
21 dues in food;

22 “(ii) in the case of processed food
23 suppliers, to assist with eliminating PFAS,
24 phthalates, lead, or bisphenols from food
25 packaging or other heavy metal or toxic

1 metalloid contamination from the proc-
2 essing process;

3 “(iii) in the case of schools, to pur-
4 chase—

5 “(I) reusable or compostable food
6 serving utensils (including trays) that
7 do not contain or release unsafe sub-
8 stances during the full lifecycle; and

9 “(II) dishwashing equipment to
10 support the use of such reusable food
11 serving utensils; and

12 “(iv) to carry out any other activity
13 described in subparagraph (D), as applica-
14 ble.

15 “(B) APPLICATION.—To be eligible to re-
16 ceive a grant under this paragraph, an agricul-
17 tural producer or processed food supplier shall
18 submit to the Secretary an application at such
19 time, in such manner, and containing such in-
20 formation as the Secretary may require.

21 “(C) AUTOMATIC ELIGIBILITY.—On sub-
22 mission of an application under subparagraph
23 (B), an agricultural producer shall be automati-
24 cally eligible to receive a grant under this para-
25 graph if—

1 “(i)(I) the agricultural producer is a
2 certified organic farm; or

3 “(II) the food products of the agricul-
4 tural producer are within permissible levels
5 for pesticide residues; but

6 “(ii) the food products of the agricul-
7 tural producer are not within permissible
8 levels for heavy metals or toxic metalloids.

9 “(D) USE OF GRANTS.—

10 “(i) AGRICULTURAL PRODUCERS.—An
11 agricultural producer may use a grant pro-
12 vided under this paragraph for—

13 “(I) soil remediation;

14 “(II) elevation of beds;

15 “(III) water quality or soil test-
16 ing;

17 “(IV) a project—

18 “(aa) to reduce or eliminate
19 pesticide drift or other contami-
20 nation sources from neighboring
21 land; or

22 “(bb) to filter or eliminate
23 contaminants from a water
24 source; and

1 “(V) any other project that the
2 Secretary determines will sustainably
3 reduce or remove the risk of heavy
4 metals and toxic metalloids or PFAS,
5 phthalate, lead, or bisphenol contami-
6 nation in the food products of the ag-
7 ricultural producer.

8 “(ii) MANUFACTURERS.—A processed
9 food supplier may use a grant provided
10 under this paragraph to change their man-
11 ufacturing and processing equipment—

12 “(I) to switch to PFAS-, phthal-
13 ate-, lead-, and bisphenol-free pack-
14 aging; or

15 “(II) to otherwise eliminate
16 heavy metal or toxic metalloid con-
17 tamination from the processing of the
18 processed food supplier.

19 “(iii) SCHOOLS.—A school may use a
20 grant provided under this paragraph to
21 purchase—

22 “(I) reusable or compostable food
23 serving utensils (including trays) that
24 do not release unsafe substances dur-
25 ing the full lifecycle for use in lieu of

1 utensils or trays that are not reusable
2 or compostable, or that release unsafe
3 substances; and

4 “(II) dishwashing equipment to
5 support the use of such reusable food
6 serving utensils.

7 “(E) FUNDING.—Of the funds of the Com-
8 modity Credit Corporation, the Secretary shall
9 use such sums as are necessary to carry out the
10 grant program under this paragraph.

11 “(6) ENFORCEMENT AND COMPLIANCE.—

12 “(A) IDENTIFICATION.—If, pursuant to
13 testing under paragraph (2), the Secretary de-
14 termines that a food used in a school meal pro-
15 gram contains a quantity of heavy metal or
16 toxic metalloid, or pesticide residue, that is not
17 within the permissible levels, or is packaged in
18 packaging that uses PFAS, phthalates, lead, or
19 bisphenols, the Secretary shall identify the agri-
20 cultural producer or processed food supplier
21 from which the contamination originated.

22 “(B) PENALTY.—

23 “(i) CERTIFIED CLEAN SUPPLIERS.—

24 If an agricultural producer or processed
25 food supplier identified under subpara-

graph (A) is certified as a clean supplier
for purposes of this subsection—

“(I) the producer or supplier
shall be subject to a fine in such
amount as the Secretary may estab-
lish; and

“(II) for the 3 school-year period
beginning on the date of identifica-
tion—

“(aa) the certification of the
producer or supplier under para-
graph (4) shall be revoked; and

“(bb) the producer or sup-
plier shall be prohibited from
supplying any food for use in a
school meal program.

“(ii) THIRD-PARTY CERTIFIERS.—If
an agricultural producer or processed food
supplier identified under subparagraph (A)
was certified as a clean supplier for pur-
poses of this subsection by a third party
approved by the Secretary under para-
graph (4)(A)(iii)—

1 “(I) the producer or supplier
2 shall be subject to the fine and other
3 penalties described in clause (i); and

4 “(II) as the Secretary determines
5 to be appropriate—

6 “(aa) the certifying third
7 party shall be subject to a fine in
8 such amount as the Secretary
9 may establish; and

10 “(bb) the approval of the
11 third party to certify clean sup-
12 pliers for purposes of this sub-
13 section may be revoked.

14 “(iii) SELF-CERTIFIED PRODUCERS
15 AND SUPPLIERS.—If an agricultural pro-
16 ducer or processed food supplier identified
17 under subparagraph (A) is self-certified as
18 described in paragraph (3)(A)(ii), the pro-
19 ducer or supplier shall be—

20 “(I) subject to a fine in such
21 amount as the Secretary may estab-
22 lish; and

23 “(II) prohibited from supplying
24 any food for use in a school meal pro-
25 gram during the 3 school-year period

1 beginning on the date of identifica-
2 tion.

3 “(7) COORDINATION REQUIRED.—In conducting
4 any testing or certification activity under this sub-
5 section, the Secretary shall ensure coordination, to
6 the maximum extent practicable, with similar activi-
7 ties carried out by the Secretary of Health and
8 Human Services under—

9 “(A) the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 301 et seq.); or

11 “(B) the FDA Food Safety Modernization
12 Act (Public Law 111–353; 124 Stat. 3885) (in-
13 cluding the amendments made by that Act).

14 “(8) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Sec-
16 retary such sums as are necessary to carry out this
17 subsection, other than paragraph (5).”.

18 (b) NATIONAL ORGANIC CERTIFICATION COST-
19 SHARE PROGRAM.—Section 10606 of the Farm Security
20 and Rural Investment Act of 2002 (7 U.S.C. 6523) is
21 amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by striking “not
24 more than 75” and inserting “up to 100”; and

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) MAXIMUM AMOUNT.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the maximum amount of a payment
6 made to a producer or handler under this sec-
7 tion shall be \$3,000.

8 “(B) ADJUSTMENT.—Not later than Octo-
9 ber 1, 2029, and every 5 years thereafter, the
10 Secretary shall adjust the maximum amount de-
11 scribed in subparagraph (A) to reflect changes
12 in the Consumer Price Index for All Urban
13 Consumers published by the Bureau of Labor
14 Statistics of the Department of Labor for the
15 preceding 5 fiscal-year period.”;

16 (2) in subsection (c)—

17 (A) by striking “program during” and in-
18 serting “program under this section during”;
19 and

20 (B) by striking “fiscal year,” and inserting
21 “fiscal years,”; and

22 (3) by striking subsection (d) and inserting the
23 following:

24 “(d) MANDATORY FUNDING.—Of the funds of the
25 Commodity Credit Corporation, the Secretary shall use

- 1 such sums as are necessary to carry out this section, to
- 2 remain available until expended.”.